

Via U.S. Postal Mail

March 27, 2019

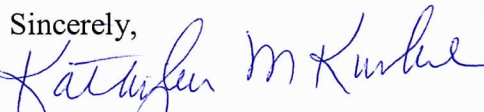
Kylie Safa
Project Manager
Ultra Health
255 Camino Don Tomas
Bernalillo, NM 87004

Dear Ms. Safa:

The New Mexico Department of Health (Department) is in receipt of your petition dated March 25, 2019, which seeks to initiate the rulemaking process with respect to changes that you proposed to the Department's rule 7.34.3.9 NMAC. By this letter, the Department denies the petition. In accordance with 1.24.25.10(C) NMAC, this letter shall serve as the Department's concise written statement explaining the reason for the denial.

As you know, the Department of Health is currently in the process of surveying patients and producers to gather more information relevant to supply and demand of medical cannabis within the NM Medical Cannabis Program. The Department recently adopted an emergency rule amendment to 7.34.4.8 NMAC, increasing the plant limit to 2,500 from the previous figure of 450. We anticipate using the feedback obtained from patients and producers to arrive at a final rule with respect to the plant limit identified in 7.34.4.8 NMAC. We also anticipate possibly using that feedback to address other subject areas in the rule, including the 3-month "adequate supply" usage and possession limit that is specified at 7.34.3.9 NMAC.

However, at this time, the patient and producer surveys have not been completed. We believe that it would be premature to pursue amendments to the affected Medical Cannabis Program rules without having yet received this important stakeholder input. As always, the Department appreciates your interest with respect to the Program, and we ask that you submit comment in the course of the upcoming rule hearing, for consideration by the hearing officer and incorporation into the hearing officer's report. At this time, we anticipate that the rule hearing will likely be held in late June of this year.

Sincerely,

Kathy Kunkel
Cabinet Secretary

OFFICE OF THE SECRETARY

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