
Via Electronic Mail

October 16, 2020

Craig T. Erickson, Esq.
Utton & Kery, P.A.
500 Tijeras Ave., NW
Albuquerque, NM 87102

Re: Rulemaking Hearing on Amendment to 7.34.4.28 NMAC, Medical Use of Cannabis-Reciprocity.

Dear Mr. Erickson:

Pursuant to NMSA 1978, § 9-7-6(E), I hereby appoint you to serve as the hearing officer to preside at the Department of Health's public hearing on December 4, 2020. This rulemaking hearing is scheduled for 9:00 a.m. and will be conducted via Cisco Webex online and via telephone, per the attached Notice of Public Hearing.

The hearing will be conducted to receive public comment regarding the proposed permanent amendments contained in Emergency Rule 7.34.4.28 NMAC – Medical Use of Cannabis-Reciprocity. An exhibit binder will be provided to you prior to the date of the hearing.

Thank you for accepting this appointment.

Sincerely,



Billy J. Jimenez, Acting Cabinet Secretary

October 16, 2020

Date

Attachment as stated

cc: Chris Woodward, Acting General Counsel

OFFICE OF THE SECRETARY

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NOTICE OF PUBLIC HEARING

The New Mexico Department of Health (“Department”) will hold a public hearing on proposed amendments to 7.34.4 NMAC. The hearing will be held on December 4, 2020 at 9:00 a.m. via an Internet-based video conference (Cisco Webex), and via telephone, due to the ongoing public health emergency concerning the threatening contagious disease COVID-19; in accordance with Governor Michelle Lujan Grisham’s Executive Order 2020-004 and subsequent Executive Orders which declared a Public Health Emergency; and in accordance with the Public Health Orders issued by the Cabinet Secretary of the New Mexico Department of Health which limit mass gatherings. Members of the public who wish to submit public comment regarding the proposed rule changes will be able to do so via video conference and via telephone during the course of the hearing, and by submitting written comment before the conclusion of the hearing.

The proposed rule revisions include but are not limited to the following:

1. Amendments to 7.34.4.28 NMAC (“Reciprocity”). These include amendments adopted on October 8, 2020 via an emergency rule, including revisions to residency requirements for reciprocal participation in the Medical Cannabis Program; new requirements concerning what does and does not constitute “proof of authorization” for purposes of reciprocal participation in the Medical Cannabis Program; and revisions to registration, verification, and tracking requirements.
2. Amendments to other portions of 7.34.4.28 NMAC and associated provisions, including but not limited to revisions to the reciprocal limit on the quantity of medical cannabis that a reciprocal participant can possess, and new material limiting the period of time in which a reciprocal participant can participate in the Medical Cannabis Program.

The legal authority for the proposed rule amendments is at Subsection E of Section 9-7-6 NMSA 1978, and Subsections A, I, and J of Section 26-2B-7 NMSA 1978.

Free copies of the full text of the proposed rule amendments can be obtained online from the New Mexico Department of Health’s website at <http://nmhealth.org/about/asd/cmo/rules/> or from Andrea Sundberg using the contact information below.

The public hearing will be conducted to receive public comment on the proposed rule amendments described above. Any interested member of the public may attend the hearing and submit data, views, or arguments either orally or in writing on the proposed rule amendments during the hearing. To access the hearing by telephone: please call 1-844-992-4726, and enter the access code below. Your telephone comments will be recorded. To access the hearing via the Internet: please go to <http://www.webex.com>; click the “Join” button; click the “Join a Meeting” button; enter the following meeting number and password where indicated on the screen: Meeting Number (Access Code): 146 712 3699 #, Meeting Password: 2yuJVuqKg; and then click the “OK” button.

Written public comment regarding the proposed rule amendments can be submitted by either mailing the comment to the following address:

Andrea Sundberg
NM Department of Health
Medical Cannabis Program
P.O. Box 26110
Santa Fe, NM 87502-6110

Or e-mailing the comment to the e-mail address MCP.comment@state.nm.us

Written comments must be received by the close of the public rule hearing on December 4, 2020. All written comments will be published on the agency website at <http://nmhealth.org/about/asd/cmo/rules/> within 3 days of receipt, and will be available at the New Mexico Department of Health Medical Cannabis Program for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Andrea Sundberg by telephone at (505) 827-2318. The Department requests at least ten (10) days advance notice to provide requested special accommodations.