NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed adoption of a new rule, 7.35.2 NMAC, concerning the New Mexico Medical Psilocybin Program ("Program"). The hearing will be held on Friday, April 24, 2026 at 9:00 a.m. in the Harold Runnels Building auditorium, located at 1190 St. Francis Drive, Santa Fe, New Mexico. The hearing will also be broadcast via a live web-based video conference, and via telephone. Members of the public who wish to submit public comment regarding the proposed rule will be able to do so in person at the hearing, via video conference, or via telephone during the course of the hearing, and by submitting written comment.

The rule 7.35.2 NMAC proposes to adopt standards for psilocybin producers and psilocybin testing laboratories in the NM Medical Psilocybin Program. The rule includes, but is not limited to, the following:

- Section 7, "Definitions": defines various terms used in the rule;
- Section 8, "Permit Application Requirements": sets requirements for applications for producer and laboratory permits;
- Section 9, "General Permittee Requirements": sets requirements applicable to all producers and laboratories in the Program, including restrictions on transfer of permits and control and a prohibition on nominee, straw, and proxy ownership;
- Section 10, "General Producer Requirements": sets general requirements particular to producers in the Program;
- Section 11, "Allowed Psilocybin Products": prohibits adulteration of psilocybin products and requires homogenization of psilocybin products;
- Section 12, "Pesticides and Other Adulterants Prohibited": prohibits application of pesticides to fungi or growing medium;
- Section 13, "Producer Policies and Procedures": requires producers to create and maintain various policies and procedures concerning the production process and product waste;
- Section 14, "Packaging and Labeling; Product Information Document": sets standards for labeling of medical psilocybin products and creation of an associated product information document;
- Section 15, "General Tracking Requirements": requires tracking of batches and lots, and wasting of psilocybin material, using the Department's identified traceability system;
- Section 16, "Implementation and Administration of Traceability System": requires designation of users of the Department-identified traceability system, training of users, and continuing education;
- Section 17, "General Traceability System Use": requires maintaining an accurate user list, and cancellation of user accounts for users who are no longer employed by the producer;
- Section 18, "Compliance Notifications": requires that producers and laboratories monitor compliance notifications and informational notifications in the traceability system;
- Section 19, "Required Testing of Psilocybin Products": sets standards for laboratory testing of psilocybin products for microbiological contaminants, water content, potency, heavy metals, and pesticides.
- Section 20, "Additional Testing Services Offered by Psilocybin Testing Laboratories": authorizes additional psilocybin testing for purposes of quality improvement, research and development, and labeling;
- Section 21, "Wastage of Psilocybin and Psilocybin Products; Permitted Methods": requires that any psilocybin product to which a pesticide has been applied be converted to waste;
- Section 22, "Quality Assurance Testing; Complaint Procedure": authorizes QA testing by the Department of Health, and describes how complaints can be submitted;
- Section 23, "Producer Requirements for Sanitation and Product Handling": incorporates various provisions of the 2022 FDA Model Food Code;
- Section 24, "Requirements for the Transportation of Psilocybin": sets requirements for transport of psilocybin products;
- Section 25, "Monitoring and Corrective Actions": authorizes the Department to perform on-site assessments of a permittee or permit applicant, interview persons affiliated with permittees; and
- Section 26, "Disciplinary Actions and Appeals Process": establishes procedures for disciplinary actions against permit holders and applicants for a permit, including grounds for disciplinary actions, and the process for requested administrative hearings.

The purpose of the proposed rule 7.35.2 NMAC is to implement the Medical Psilocybin Act, sections 26-2D-1 through -11, NMSA 1978.

The legal authority authorizing the adoption of this rule by the Department is the Department of Health Act, subsection E of section 9-7-6 NMSA 1978, which authorizes the secretary of the department of health to "...make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions,"; and the Medical Psilocybin Act, at section 26-2D-7, NMSA 1978, which requires the Department to promulgate requirements, restrictions, and limitations for the Program, as well as necessary training, safety protocols, best practices, and requirements for data collection.

A free copy of the full text of the proposed rule can be obtained online from the New Mexico Department of Health's website at http://nmhealth.org/about/asd/cmo/rules/ or by contacting the Department using the contact information below.

The public hearing will be conducted to receive public comment on the proposed rule. Any interested member of the public may attend the hearing and may submit data, views, or arguments on the proposed rule either orally or in writing during the hearing.

The hearing will be held on April 24, 2026 at the Harold Runnels Building auditorium, located at 1190 St. Francis Drive, Santa Fe, New Mexico.

To access the hearing via the Internet: please go to https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting and then enter the following meeting i.d. code and passcode where indicated on the screen: meeting i.d. code 228 537 544 934 10 and passcode tL3eH7yM and then click the "Join a meeting" button.
To access the hearing by telephone: please call 1-505-312-4308 and enter phone conference i.d. 467 689 840#

All comments will be recorded.

Written public comment regarding the proposed rule can be submitted either by e-mail to Jacob Clark at jacob.clark@doh.nm.gov, or by U.S. postal mail to the following address:

Jacob Clark
NMDOH OGC
P.O. Box 26110
1190 St. Francis Dr., Suite N-4095
Santa Fe, NM 87502-6110

Written comments must be received by the close of the public rule hearing on April 24, 2026. All written comments will be published on the agency website at https://www.nmhealth.org/about/asd/cmo/rules/ within 3 days of receipt, and will be available at the New Mexico Department of Health for public inspection.

If you are an individual with a disability and need special assistance or accommodation to attend or participate in the hearing, please contact Jacob Clark by telephone at (505) 827-2997. The Department requests at least ten (10) days' advance notice to provide special accommodation.