This is an amendment to 7.35.2 NMAC, Sections 7, 10, and 22, effective xx/xx, 2026.

7.35.2.7 DEFINITIONS:

A. Definitions beginning with "A":

(1) "Actual control" means the ability to:

(a) control the policies, management, or personnel of a permittee;

(b) control strategic priorities, capital allocations, acquisitions, and divestments of a permittee; or

(c) control a majority of voting rights of a permittee.

(2) "Administrative review committee" means an intra-department committee that reviews qualified patient application denials in accordance with department rules. The administrative review committee shall consist of the chief medical officer of the department (or that person's designee); a deputy secretary of the department (or that person's designee), and the chief nursing officer of the department (or that person's designee).

[~~(2)~~] (3) "Administration session" means the session in which medical psilocybin is [~~administered~~] consumed by a qualified patient.

[~~(3)~~] (4) "Adulterate" means to use or incorporate a substance that contaminates a psilocybin product and that creates a risk to public health.

(5) "Adverse health event" means a negative or detrimental medical, physical, behavioral, or psychological reaction associated with medical psilocybin services, whether expected or unexpected, that occurs during or after an administration session and that may or may not require medical or therapeutic intervention.

[~~(4)~~] (6) "Analytes" means a substance whose chemical constituents are being identified and measured.

[**~~(5)~~] (7) "Appellant"** means a person who requests a hearing to contest an immediate or proposed disciplinary action.

[**~~(6)~~] (8) "Approved location"** means a location approved by the department for psilocybin administration sessions.

B. Definitions beginning with "B": "Board" means the medical psilocybin advisory board.

C. Definitions beginning with "C":

(1) "Capsule" means a small soluble pill, tablet or container that contains homogenized psilocybin material.

(2) "Certificant" means a certifying clinician, practitioner, facilitator, healing center or other approved location, or educational program that is certified by the department to provide medical psilocybin services to qualified patients.

[**~~(2)~~] (3) "Certificate of analysis" or "COA"** means a document issued by a permitted psilocybin testing laboratory that reports the results of all analyses required by the department or additional testing requested by a producer or manufacturer.

[**~~(3)~~] (4) "Certification"** means an approval issued by the department to a clinician, [~~or~~] a practitioner, a facilitator, a healing center or other approved location, or an educational program to [~~provide medical psilocybin services to qualified patients~~] participate in the medical psilocybin program.

(5) "Certifying clinician" means a clinician who holds a state of New Mexico controlled substances number, who is certified by the department to diagnose or confirm a previous diagnosis of a qualifying condition and to evaluate the medical appropriateness of a patient enrolling in the New Mexico psilocybin program.

[~~(4)~~] (6) "Clinician" means an approved health care provider licensed in New Mexico who holds a certification from the department to provide medical services to qualified patients.

[~~(5)~~] (7) "Compliance notification" means a notification of noncompliance with a regulatory requirement that is issued to a psilocybin producer or psilocybin testing laboratory.

[~~(6)~~] (8) "Compound" means to prepare psilocybin to tailor dosage, and includes grinding and powdering psilocybin mushrooms, as well as the creation of psilocybin capsules.

[~~(7)~~] (9) "Convert" means converting psilocybin mushrooms into a homogenized lot.

[~~(8)~~] (10) "Cultivation" means the growing, harvesting, drying, and handling of psilocybin-producing mushrooms.

[~~(9)~~] (11) "Cultivation batch" or **"batch"** means a quantity of unharvested spores, fruiting body, or mycelium that is grown together under the same conditions, that may contain fungi that originates from diverse spores or mycelial tissue.

D. Definitions beginning with "D": "Department" means the department of health.

E. Definitions beginning with "E":

(1) "Educational program" means a person who is certified by the department to provide educational services for certifying clinicians, practitioners, and facilitators in accordance with this rule.

(2) "Electronic system" means a department-approved online system that is used to record and report data, submit applications, and communicate with the department.

(3) "Enrollment" means enrollment as a qualified patient for participation in the New Mexico medical psilocybin program.

(4) "Expiration date" means a date determined by a producer after which an associated psilocybin product will not retain optimal quality.

F. Definitions beginning with "F":

(1) "Facilitator" or **"guide"** means an individual who has completed training and education approved by the department to be able to work with patients and practitioners during medical psilocybin services and who has been certified by the department.

[~~(1)~~] (2) "Facility" means any building, space, or grounds licensed for the cultivation, harvesting, drying, storage, or preparation of psilocybin-producing fungi or psilocybin products.

[~~(2)~~] (3) "Flush" means the fruiting body of psilocybin mushrooms harvested at the same time from a growing medium.

[~~(3)~~] (4) "Fruiting bodies" means the spore producing organs of the fungi.

[~~(4)~~] (5) "Fungi" is any member of the group of eukaryotic organisms that includes microorganisms such as yeasts and molds, as well as the more familiar mushrooms.

G. Definitions beginning with "G":

(1) "Genuine ownership" means an ownership interest in [~~an applicant or~~] a permittee or permit applicant that is evidenced by record ownership in which the owner, regardless of the amount of capital or assets that the owner contributes to [~~the applicant or~~] permittee or permit applicant, enjoys the customary incidents of ownership and shares in the profits and losses of the permittee proportionate to the percentage of the owner's interest in the permit.

(2) "Growth medium" or **"substrate"** means the underlying base layer, surface, or nutrient rich substance where fungal growth occurs.

[~~(3) "Guide"~~ ~~an individual who has completed training and education approved by the department to be able to assist practitioners during the administration sessions and who has been registered with the department.~~]

H. Definitions beginning with "H":

(1) "Harvest" means to remove, collect, or gather, fruiting bodies of mushrooms containing psilocybin.

(2) "Harvest lot" means the fruiting bodies of mushrooms cultivated and harvested at the permitted location.

(3) "Healing center" means a person who has been issued a certification by the department to administer a site at which medical psilocybin administration sessions are conducted, to possess medical psilocybin for that purpose, and to sell or otherwise distribute psilocybin to qualified patients for that purpose.

[~~(3)~~] (4) "Homogenization date" means the date a harvest lot is homogenized.

[~~(4)~~] (5) "Homogenized" means dried fruiting bodies that have been mixed by powdering or other techniques which uniformly distribute psilocybin throughout the product.

[~~(5)~~] (6) "Homogenized lot" means a quantity of psilocybin mushrooms identified by a producer that is cultivated and dried under the same conditions, and harvested within a specified time period at the same location within permitted premises.

I. Definitions beginning with "I":

(1) "Information notification" means a notification providing information regarding relevant updates and alerts that is issued to a psilocybin producer or psilocybin testing laboratory.

(2) "Inoculate" means the process of introducing psilocybin spores or mycelium into growth medium.

(3) "Input" means material utilized in growing medium for growing psilocybin mushrooms, including but not limited to soil, grain, woodchips, water, nutrients, and other materials.

(4) "Integration session" means a therapeutic encounter occurring between a certified practitioner and a patient after the administration of medical psilocybin, in which the practitioner provides ongoing care to the patient.

J. Definitions beginning with "J": [RESERVED]

K. Definitions beginning with "K": [RESERVED]

L. Definitions beginning with "L": [RESERVED]

M. Definitions beginning with "M":

(1) "Manufacture" or **"process"** means to harvest, dry, compound, convert, or package into pills, capsules, or sachets of homogenized powder, and label mushrooms and products containing psilocybin.

(2) "Medical psilocybin service" means any medical or therapeutic service related the medical use of psilocybin pursuant to the Medical Psilocybin Act.

[~~(2)~~] (3) "Medical services" means services provided to a patient in an approved setting before, during and after the ingestion of psilocybin and includes a preparation session, an administration session and an integration session.

[~~(3)~~] (4) "Mycelium" means the fungal threads or hyphae of psilocybin containing mushrooms.

[~~(4)~~] (5) "Mushroom" is the fleshy, spore-bearing fruiting body of a fungus.

N. Definitions beginning with "N": [~~[RESERVED]~~] "New Mexico module" means requirements for educational study that are created by the department or its designee, that are required by applicable department rule to be completed prior to applying to be a certifying clinician, practitioner, or facilitator.

O. Definitions beginning with "O": [~~[RESERVED]~~] "Other approved location" means a site at which medical psilocybin administration sessions are to be conducted, that is not a healing center location, that is certified on a temporary basis by the department for this purpose, and whose certification is applied for by a practitioner, facilitator, or healing center.

P. Definitions beginning with "P": [RESERVED]

(1) "Package" means to enclose, wrap, or seal psilocybin products.

(2) "Permit" means the authorization issued by the department to a person to operate as a psilocybin producer or psilocybin testing laboratory under this part.

(3) "Permit-applicant" means a person who has applied for a permit to operate as a psilocybin producer or psilocybin testing laboratory.

(4) "Permittee" means a psilocybin producer or psilocybin testing laboratory that holds a permit issued by the department.

(5) "Person" means a natural person, corporation, partnership, limited liability company, association, and any other business or organization that is capable of entering into contracts, owning property, and suing or being sued.

(6) "Potency" means the level of psilocybin and analytes in a sample of a batch, lot, or product which is measured and expressed in metric units.

(7) "Practicum" means the supervised training of a student who is seeking certification as a practitioner or facilitator and requires participation in preparatory, administration, and integration sessions.

[~~(7)~~] (8) "Practitioner" means [~~an individual who is a licensed healthcare professional~~] a clinician who is certified by the department to provide medical psilocybin integrative therapy, supervise [~~guides~~] facilitators, and who has completed department required trainings.

(8) "Preparation session" means a therapeutic encounter between a certified practitioner and a patient that occurs prior to an administration session.

(9) "Producer" means a person who has a permit from the department to grow and harvest or prepare psilocybin from psilocybin-producing mushrooms, including to compound, convert, process or manufacture psilocybin products directly or indirectly from psilocybin mushrooms and to package or repackage or label or relabel the products.

[~~(8)~~] (10) "Product lot" means the same type of product that has been created from a homogenized lot.

[~~(9)~~] (11) "Program" means the medical use of psilocybin program.

[~~(10)~~] (12) "Psilocybin" means the naturally occurring psychedelic compound 4-phosphoryloxy-N, N-dimethyltryptamine, also known as 4-PO-DMT, and its pharmacologically active metabolite psilocin, 4-hydroxy-N, N-dimethyltryptamine, found in certain mushrooms, but does not include synthetic or synthetic analogs of psilocybin.

[~~(11)~~] (13) "Psilocybin material" means psilocybin mushrooms, mycelium, and derived material that naturally contain psilocybin.

[~~(12)~~] (14) "Psilocybin mushroom" means a fungus that naturally contains psilocybin.

[~~(13)~~] (15) "Psilocybin producer" or **"producer"** means a person who has a permit from the department to grow and harvest or prepare psilocybin from psilocybin-producing mushrooms, including to compound, convert, process or manufacture psilocybin products directly or indirectly from psilocybin mushrooms and to package or repackage or label or relabel the products.

[~~(14)~~] (16) **"Psilocybin product"** means psilocybin material that is intended for sale or distribution to a qualified patient.

[~~(15)~~] (17) **"Psilocybin testing laboratory"** or **"laboratory"** means a facility permitted by the department to test psilocybin products for potency and contaminants in accordance with this rule.

[~~(16)~~] (18) **"Psilocybin waste"** means:

(a) Partially consumed products;

(b) Byproducts of cultivation, harvesting, processing, or other production of products;

(c) Products disposed or to be disposed by a producer or laboratory; and

(d) Products designated for disposal by the department due to contamination, expiration, or which do not follow the requirements for production and administration.

Q. Definitions beginning with "Q":

(1) **"Qualified patient"** or **"patient"** means a patient whose certifying clinician has judged the patient to be a medically appropriate candidate for the use of medical psilocybin based on being diagnosed with a qualifying condition.

(2) **"Qualifying condition"** includes:

(a) major treatment-resistant depression;

(b) posttraumatic stress disorder;

(c) substance use disorders;

(d) end-of-life care; and

(e) other conditions approved by the department;

R. Definitions beginning with "R":

(1) **"Recall"** means to remove a medical psilocybin product from the medical psilocybin market by contacting persons to whom the product was sold or otherwise distributed and having the product returned to the producer for destruction.

(2) **"Registrant of another approved location"** means a practitioner, facilitator, or healing center who applies for and receives certification for an "other approved location".

S. Definitions beginning with "S":

(1) [~~**"Satchet"**~~] **"Sachet"** means a small, sealed package or pouch of homogenized psilocybin mushrooms.

(2) **"Secretary"** means the secretary of health.

(3) **"Sex offender"** means a person who is convicted of a sex offense pursuant to state, federal, tribal, military, or other law of New Mexico, another state, commonwealth, or territory, or pursuant to the laws of a jurisdiction outside the United States.

(4) **"Sex offense"** means any offense that is deemed a sex offense for purposes of the New Mexico Sex Offender Registration and Notification Act, NMSA 1978, Section 29-11A-3.

T. Definitions beginning with "T":

(1) **"Testing sample**" means the unit of psilocybin mushrooms or products being tested.

(2) **"Traceability system"** means the department-approved system that is used to track psilocybin mushrooms and products from inoculation to end use.

U. Definitions beginning with "U": "Unique identification number" means the most recent unique number assigned by the traceability system for a psilocybin product that may include cultivation batches, harvest lots, homogenized lots, product lots, and testing samples.

V. Definitions beginning with "V": [RESERVED]

W. Definitions beginning with "W": [RESERVED]

X. Definitions beginning with "X": [RESERVED]

Y. Definitions beginning with "Y": [RESERVED]

Z. Definitions beginning with "Z": [RESERVED]

[7.35.2.7 NMAC - N, 6/23/2026; A, xx/xx/2026]

7.35.2.10 GENERAL PRODUCER REQUIREMENTS:

A. A producer shall:

(1) Only cultivate, manufacture, and possess psilocybin and psilocybin products on the producer's permitted premises, and shall not transport psilocybin outside the state of New Mexico.

(2) Use equipment, counters and surfaces for post-harvest processing that are food-grade and do not react adversely with any solvent being used.

(3) Construct and maintain floors, walls, ceilings, counters and surface areas in a manner that reduces the potential development of microbials, molds, and unintended fungi.

(4) Maintain the licensed premises in a manner that is free from conditions that may result in contamination of psilocybin products and that is suitable for safe and sanitary operations.

(5) Store all psilocybin products in a secured, locked area, including psilocybin products that require refrigeration.

(6) Associate every cultivation batch, harvest lot, homogenized lot, and product lot with a unique identification number and enter this information into the traceability system.

(7) Only sell psilocybin or psilocybin products to other producers, healing centers, and [~~to~~] practitioners; and only otherwise distribute psilocybin or psilocybin products to medical psilocybin testing laboratories, or to department employees for testing in accordance with this rule.

(8) Immediately discontinue operations and notify the department in the event of an imminent health hazard that could result in contamination of psilocybin products.

[7.35.2.10 NMAC - N, 6/23/2026; A, xx/xx/2026]

7.35.2.24 REQUIREMENTS FOR THE TRANSPORTATION OF PSILOCYBIN:

A. General requirements: Producers shall develop and maintain a plan for safe transportation of psilocybin which shall include the following requirements:

(1) transportation of psilocybin shall only be conducted by persons holding a permit or designated employees, or contractors of a permittee [~~or~~] , certified practitioner, or certified healing center;

(2) prior to transporting psilocybin a permittee must complete a chain of custody form, only the psilocybin listed on the chain of custody form may be transported;

(3) psilocybin shall only be transported inside of a motor vehicle in reasonable operating condition and shall not be visible or identifiable from outside of the vehicle;

(4) psilocybin shall be locked in a box, container, or cage that is secured within the inside of the vehicle, including when such a box, container, or cage is located inside of the trunk;

(5) vehicles shall be locked and secured while left unattended;

(6) vehicles shall have a vehicle alarm system;

(7) psilocybin shall not be tampered with, or opened, during transport;

(8) a person who transports psilocybin or psilocybin products may transport to multiple approved locations during one trip;

(9) a person who transports psilocybin or psilocybin products shall not deviate from the travel requirements described in this section, except for necessary rest, fuel, or vehicle repair stops;

(10) vehicles transporting psilocybin are subject to inspection by the department at any permitted premises or during transport at any time;

(11) storage and transportation of psilocybin shall be under conditions that will maintain and protect it against physical, chemical, and microbial contamination as well as against deterioration of the psilocybin and the container;

(12) the vehicle must be properly registered with the New Mexico motor vehicle division; and

(13) the driver of the vehicle must be prepared to show proper identification, including an employee badge, driver's license, vehicle registration and proof of insurance, and the appropriate chain of custody form to law enforcement and the department when requested.

B. Chain of custody form: Prior to transporting psilocybin, a permittee shall generate and submit a chain of custody form through the traceability system for the following activities:

(1) testing and sampling of psilocybin;

(2) sale of psilocybin; and

(3) destruction, wastage, or disposal of psilocybin.

C. Verification of chain of custody form: The [~~permittee~~] person receiving the psilocybin shipment [~~will~~] shall verify the psilocybin is accurately reflected in the chain of custody.

D. Rejection of shipment: [~~Permittees~~] Persons shall not take into possession or transport:

(1) Any psilocybin that is not on the chain of custody form; or

(2) Any psilocybin that is less than or greater than the amount reflected on the chain of custody.

E. Responsibility for discrepancy: A permittee who transports a psilocybin product shall be responsible for any discrepancy between the chain of custody form and the psilocybin product in their possession during transport.

F. Void or change prohibited: A permittee shall not void or alter a chain of custody document after departing from the originating licensed premises.

G. Documentation of all transport: A chain of custody document shall accompany every transport of psilocybin or a psilocybin product.

[7.35.2.24 NMAC - N, 6/23/2026; A, xx/xx/2026]