

New Mexico Department of Agriculture Hemp Production Regulatory Plan

NEW MEXICO DEPARTMENT OF AGRICULTURE
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NEW MEXICO HEMP PRODUCTION REGULATORY PLAN

I. INTENT:

States that seek to have primary authority over the regulation and production of hemp in their home jurisdiction must complete a state plan for review and approval by the United States Department of Agriculture (USDA) (7 C.F.R. 990.2). This document serves as New Mexico's proposed hemp plan for USDA approval.

Following USDA's approval of a state hemp plan, it is the intent of NMDA to inform currently licensed growers of changes with full implementation of the new plan for growers licensed post January 1, 2022.

II. AUTHORITIES:

Primary state statute (Appendix A) and rule (Appendix B) legalizing and regulating hemp were initially promulgated in New Mexico during the 2018 calendar year. The first production licenses were issued January 2019. Due to the fluidity in national hemp laws, many of New Mexico's specific hemp requirements remain in NMDA policy rather than rule. Principal authorities and requirements for hemp regulations follow:

Statute: Article 76-24-2 through 76-24-10 "Hemp Manufacturing Act"

- Legalizes hemp production for research, agricultural, ecological, sales, marketing, or other purposes allowed by federal regulation;
- Defines hemp as less than 0.3 percent total THC (delta 9 + THCa) measured post-decarboxylation;
- Provides NMDA authorities to adopt rules related to hemp including licensing, training, inspection, record keeping, fees, and compliance processes;
- Requires institutions of higher education, persons, or businesses to obtain grower's license;
- Requires a Harvest Certificate issued by NMDA prior to hemp harvest;
- Requires THC analysis, in support of a Harvest Certificate, performed by laboratories licensed by NMDA.

Rule: Section 21.20.2.1 NMAC through 21.20.2.15 NMAC "Hemp Cultivation Rule"

- Defines types of hemp production licenses (Annual and Continuous) to be issued by New Mexico Department of Agriculture (NMDA);
- Establishes time period for validity of issued licenses;
 - Annual – 240 days after date of issuance
 - Continuous – Expires January 31 of each year
- Defines general licensee requirements including:
 - Duty to submit necessary documents
 - Requirement to obtain harvest inspection sampling

- Limits possession of harvested hemp without certification documentation
- Establishes fees associated with licensing and inspections;
- Establishes authority for inspection, sampling, and testing;
- Defines destruction requirement for noncompliant varieties;
- Defines production of hemp without a license as a violation, establishing related penalties;
- Establishes state minimum requirements for records retention;
- Provides NMDA staff authorization to inspect premises for compliance to the rule without prior notification.

III. APPLICANT INFORMATION:

Although NMDA's hemp production application provides for the identification of a business, NMDA does not issue licenses to business entities. NMDA issues licenses only to a single responsible individual for the purposes of enforcement. The responsible individual is the license holder and is considered to be the key participant. Individuals planning on growing hemp in New Mexico are required to complete and submit a valid application for either outdoor hemp production (Annual License, Appendix C) or indoor hemp production (Continuous License, Appendix D). Primary information required by the applicant follows:

- Legal name of license holder (person responsible for production)
- E-mail address
- Telephone number
- Mailing address
- Physical addresses
- Legal description and geospatial location for hemp production areas
- Property owner information (property owner affidavit required if property not owned by licensee)
- Area under production (square footage for Continuous Licenses or acreage for Annual Licenses)
- Description of operation (flower, grain, etc.)
- Hemp cultivar identification
- Map or sketch of growing area (Annual Licenses)
- Results of a current New Mexico background check (NMDA conducts national background check)
- Business name (if applicable)

Background check results for New Mexico are submitted by the applicant with their application. National background check is conducted by NMDA. Applicants guilty of a drug-related felony within the past ten years are not eligible for a license. Exemption will be considered for individuals previously authorized under the 2014 Agricultural Improvement Act Pilot Program. Additionally, each applicant is reviewed for compliance with New Mexico's Child Support Enforcement Division's Child Support Orders. Applicants not compliant with Child Support Orders are prohibited a license. Revocation of issued licenses are also required by state law if licensee becomes noncompliant with Child Support Orders.

Incomplete applications are not considered valid and are returned to the applicant.

IV. DATA STORAGE AND REPORTING REQUIREMENTS:

Archival of licensing, inspection reports, laboratory analysis, etc., are in accordance to state law requiring a minimum of five to ten years accessibility, depending on content, prior to destruction.

Although New Mexico's hemp applications are currently paper-based, all data is transferred from the application to a database (Excel) for interdepartmental use, ease in data summation, and transfer to USDA-provided reporting systems. As addressed in Section III (Applicant Information), NMDA's applications require sufficient information from the applicant to populate USDA's reporting system.

Data reported to USDA will be in accordance to their requirements using the most current USDA-developed reporting system standards:

- 1) "State and Tribal Hemp Producer Report" will be updated and submitted on the first day of each month or the next department business day if the first falls on a weekend or holiday. As identified in Section III Applicant Information, required information on the applications is sufficient to support the reporting requirements. Specific points addressed in each State and Tribal Hemp Producer Report follows:
 - For each new hemp producer licensed by NMDA, the report shall include full name of the individual, license identifier, business address, telephone number, and e-mail address. Note that New Mexico licenses individuals and does not currently allow for the licensing of an entity.
 - For each hemp producer included in a previous report and whose reported information has changed, the report shall include the previously reported information as well as the new information.
 - The status of each hemp producer's license and period covered by the report will be included.
 - It will be indicated in the current report if there was no change in the aforementioned information, compared to previous reports for the reporting period.
- 2) "State and Tribal Hemp Disposal or Remediation Report" will be updated and submitted on the first day of each month or the next department business day if the first falls on a weekend or holiday. Information collected and reported for disposal or remediation of noncompliant crops include:
 - Producer name
 - Physical address
 - License number
 - Lot or cultivar identification information
 - License type
 - Geospatial location (latitude and longitude)
 - Acreage or indoor square footage of disposed cultivars

- Disposal or remediation completion date
 - Disposal agent name and organization
- 3) “State and Tribal Hemp Annual Report” will be compiled for hemp plantings within the calendar year and submitted to USDA prior to December 15 of each year. Information collected and reported to include:
- Total planted or licensed acreage or indoor square footage
 - Total acreage or indoor square footage disposed
 - Total harvested acreage or indoor square footage

NMDA is prepared to comply with additional USDA reporting requirements not addressed in this section.

With respect to Farm Service Agency (FSA) reporting requirements by the producer, New Mexico hemp applications require grower acknowledgment regarding their reporting responsibilities to FSA. Acknowledgement for reporting to FSA will list reporting responsibilities including:

- Street address
- Geospatial location for each growing area
- Acreage or indoor square footage dedicated to production of hemp
- License number or authorization identifier
- Total acreage or indoor square footage of hemp planted, harvested, and disposed of

V. SAMPLING:

New Mexico requires each hemp cultivar planted and expected to be harvested at each licensed location to be tested for THC compliance prior to harvest (Hemp Manufacturing Act, 76-24-5). The goal of this sampling protocol is to ensure at a confidence level of 95 percent that no more than one percent of the plants in each lot would exceed the acceptable hemp THC level and ensure that a representative sample is collected that represents a homogeneous composition of the lot. NMDA will conduct annual inspections of licensed producers to verify hemp is not produced in violation of state and federal regulations. The inspection process, in support of the issuance of a Harvest Certificate, will be initiated following NMDA’s receipt of a Harvest Notification Document (Appendix H).

1. Harvest Notification:

Licensed growers are required to submit a Harvest Notification document (Appendix H) no less than 30 days prior to an estimated harvest date for each cultivar. State law precludes hemp producers from harvesting prior to testing and issuance of a Harvest Certificate. Relevant data required on the Harvest Notification document includes:

- Name of License Holder
- E-mail
- License Number
- Estimated Harvest Date

- Hemp Cultivar
- Acres or number of plants for each cultivar
- Market (i.e., seed, bud-flower, fiber)
- Pesticides used

2. Field Inspection:

Field inspections and plant samples will be collected by NMDA staff within a 30-day period prior to the grower’s estimated harvest date. Sampling must be completed within 30 days of harvest or a new sample for compliance must be taken. NMDA staff will work alongside the licensee, or their designee, on field inspections and sample collections. NMDA staff shall be provided with complete and unrestricted access during business hours to all hemp and other cannabis plants (whether growing or harvested), to areas where hemp is grown and stored, and to all land, buildings, and other structures used for the cultivation, handling, and storage of all hemp and other cannabis plants, and all locations listed in the producer license. Individual samples used to determine THC compliance are comprised of the bud/flower removed from multiple plants grown in a contiguous area and identified as a single cultivar (lot). Hemp plant material from a given lot may not be commingled with other hemp plant material by the license holder. The following data and sampling procedures will be followed by NMDA staff during the inspection and sampling process:

- Ensure location, acreage or indoor square footage, or number of plants match information provided by the license holder.
- Abnormalities related to production (i.e., uncharacteristic plants within a single cultivar) will be noted.
- Ensure estimated harvest date for each cultivar concurs with the morphological characteristics of the crop (i.e., bud and trichome development).
- Individual, noncontiguous fields will be sampled separately. Each variety will be considered a separate lot and will be sampled separately.
- The number of individual cuttings for each cultivar will vary based on the population size. Inspectors will use the following guidelines to determine how many plants to sample for each cultivar. For majority of inspections, the following guidelines will be utilized to determine the minimum number of plants from which to remove samples. Additional considerations for assessing the number of plants from which to remove samples is addressed in text.
 - **Lots <50 plants:** 20 percent of plants will be sampled. See table below for example:

Number of plants	Number of cuttings
0-10	2
11-20	4
21-30	6
31-40	8
41-50	10

- **Lots >50 plants to <10 acres:** For lots over 50 plants and up to 10 acres, inspectors shall take sample cuttings from 10 plants per cultivar.
- **Lots >10 acres:** NMDA will conduct performance-based sampling built on following qualifications:

- 1) lot is >10 acres.
- 2) producer has only produced compliant crops during the previous two certification years.

If aforementioned criteria are met, the sampling procedure for >50 plants and <10 acres will be applied to each lot. For new growers or growers who have produced noncompliant hemp varieties within the previous two certification years, one plant per acre up to thirty plants may be sampled with a minimum of ten cuttings collected.

- Although the guidelines above represent the minimum number of plants to remove samples from a single cultivar planted in a contiguous field, circumstances may require additional plants to be sampled. In the event that a single hemp cultivar exhibits an unusual amount of genetic diversity between plants (i.e., leaf shape, plant height, plant color) that cannot be accounted for by environmental conditions (i.e., soil type, irrigation), additional samples will need to be taken. NMDA authorizes the number of additional plants to be sampled up to the discretion of the inspector.
- In certain situations, guidelines contained in USDA’s “Sampling Guidelines for Hemp Facilities” may be used to determine plant number (Appendix J).

3. Sampling Procedures:

In most field situations, a grid sampling method will be used to determine the location, within the field, where samples will be collected. Sampling agents will be trained in the official NMDA sampling procedures and/or complete USDA Sampling Agent certification training.

Guidelines for sampling:

- The inspector shall take cuttings of the appropriate number of plants at random intervals. Other sampling methodology may be used to obtain representative samples based on environmental conditions including irrigation, soil type, and topography. The inspector shall select plants that are representative of the field/greenhouse based on morphological characteristics.
 - From each plant, remove five to eight inches of bud/flower from the top half of the plant. If the apical cola is less than five inches, remove bud/flower from lateral cola growing on the top 1/3 of the plant to obtain a minimum of five inches of bud/flower removed from each plant.
 - Bud/flower samples representing a single lot are minced and pooled. Remove a 50-gram aliquot and place in a paper bag marked with a unique identification number.
 - Complete the tracking data sheet, including signatures and unique identification number, before photographing.
 - Place the marked sample paper bag and completed sampling tracking sheet in a tamper proof evidence bag.
 - It is the responsibility of the licensee to transport samples to laboratories for testing.

4. Performance-based Sampling:

- In the event a crop will be harvested prior to the presence of maturing bud/flower structures (fiber), mature leaves from the apical stem of the plant will be collected for analysis.
- In the event a crop will be harvested for grain or fiber and no floral material is harvested, the crop may not be subject to the sampling and testing requirements described above. NMDA will verify only grain or fiber are harvested and all other portions of the plant will be disposed of following approved destruction methods.
- In the event a crop will be harvested for hemp greens or microgreens, the crop may not be subject to the sampling and testing requirements described above. Due to extremely low levels of cannabinoids in the immature plants, sampling and testing of every lot is unnecessary. Licensee shall ensure seeds used for hemp green or microgreen production are from cannabis varieties meeting the definition of hemp.

VI. LABORATORY:

NMDA will recognize THC testing results performed and submitted by laboratories meeting one or more of the following four requirements:

1. Current ISO-17025 certification that is inclusive of methodology used by the laboratory for the quantification of total THC (delta 9 THC + THCa) obtained from unprocessed cannabis/hemp. This requirement is applicable for both in-state and out-of-state laboratories.
2. Participation in an NMDA-recognized proficiency testing program that includes testing of unprocessed cannabis/hemp for total THC (delta 9 THC + THCa). This requirement is applicable for both in-state and out-of-state laboratories.
3. Recognized by another New Mexico state agency as meeting analytical requirements specific for testing hemp/cannabis for total THC (delta 9 THC + THCa) obtained from unprocessed cannabis/hemp. This requirement is applicable for laboratories operating in-state.
4. Approved/certified by DEA for the testing of hemp and/or cannabis for total THC (delta 9 THC + THCa). Applicable for laboratories operating in-state and out-of-state.

THC compliance decisions by NMDA are based on total THC (delta-9-tetrahydrocannabinol plus THCa). Quantification of THC derived from GC (gas chromatography) are post-decarboxylated requiring no additional conversions to obtain total delta-9 THC. Quantifications derived from LC (liquid chromatography) allow for the use of .877 for the conversion of THCa to delta-9 THC prior to summation. Laboratories quantifying total THC, extracted from raw hemp for regulatory purposes, are required to submit results to NMDA. Results include instrumentation used, sample identification number, quantification results including their Measurement of Uncertainty, sample bag integrity, relevant dates, and any notes related to the test or plant sample.

Laboratories shall report the delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the Measurement of Uncertainty to NMDA and directly to USDA using most current reporting system standards. The acceptable hemp THC level for the purpose of compliance with the requirements of state, tribal, or USDA hemp plans is when the application of the Measurement of Uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level, on a dry weight basis, results in a distribution or range that includes 0.3 percent or less.

Because of the possibility that laboratories may handle plant material that exceeds federal and state limits for hemp (0.3 percent total THC), they are required to dispose of material in accordance to one of the following:

- Use a DEA-registered reverse distributor or law enforcement to dispose of noncompliant plant material, or
- Using a method approved by NMDA to ensure the disposal of such plant material is rendered not recoverable and below .3 percent total THC.

VII. NONCOMPLIANT FIELDS/PLANTS:

In the event a sample is determined to be noncompliant (greater than 0.3 percent total THC plus consideration of a laboratory's Measurement of Uncertainty), the producer is provided the opportunity to request a second field sample to be collected by NMDA staff and analyzed. If the result of a subsequent test is found to be noncompliant or the licensee decides not to retest, a Crop Destruction notice will be issued for the fields/plants represented by a noncompliant sample. The Crop Destruction notice will contain the cultivar and location to be destroyed; a reasonable date the destruction will be completed; approved destruction method(s); requirements related to presence of NMDA staff or law enforcement officer during the destruction process; and licensee requirements related to submission of a signed destruction report for submission outlining the process. Approved destruction methods may include those detailed by USDA-AMS in their most current guidance documents for remediation and disposal. NMDA will collaborate with law enforcement and other local governance on plans-of-action for destruction of noncompliant fields/plants to ensure destruction methods meet local and state laws (i.e., burning).

Producers may also choose to remediate a noncompliant variety or lot of hemp. Options for remediation include:

- Separating and destroying noncompliant flowers while retaining stalks, leaves, and seeds or
- Shredding bud/flower with vegetative portions of the plant to create homogenous "biomass." Biomass shall be resampled and retested to ensure the biomass material tests within compliant THC concentration level before it may enter the stream of commerce. If the biomass tests above the compliant THC concentration level, it is noncompliant hemp and must be destroyed.
- Under both remediation scenarios, the resulting material must be retested for THC compliance before entering the stream of commerce.

Procedures to notify USDA of noncompliant plants and disposal of those plants will be followed, including monthly reporting. NMDA shall utilize the most current USDA reporting system standards to notify USDA of noncompliant crops/fields.

Growers who do not comply with a destruction order will be reported to local law enforcement. The grower's inactions will be noted by NMDA and considered when determining future license eligibility.

VIII. HARVEST CERTIFICATE:

Growers are required to obtain a Harvest Certificate prior to harvest (Appendix I). The Harvest Certificate identifies the grower, approximate acreage or indoor square footage represented by the sample, and grower license number. The Harvest Certificate allows for intrastate movement of raw hemp through

Customs and Border Protection's inland ports; provides documentation to law enforcement that a hemp load was grown in accordance to state and federal requirements; and provides extractor's and manufacturer's documentation that a raw hemp load was legally grown and harvested.

IX. ENFORCEMENT/PENALTIES:

Due to the dynamics of hemp regulations at the national level, specifics of enforcement are primarily addressed in policy.

NMDA shall issue a corrective action plan to any person the director determines has negligently violated the Hemp Manufacturing Act and/or any portion of 21.20.2 NMAC titled "Hemp Cultivation Rule."

Included in the corrective action plan:

- A reasonable date by which the person shall correct the violation.
- A requirement that the person must report to the director regarding the person's compliance with the directives of this chapter, rules, and policies adopted under it and the corrective action plan for two calendar years immediately following the date of the violation. NMDA will conduct inspections to confirm terms of the corrective action plan have been implemented.

If NMDA determines that a person negligently violated the "Hemp Manufacturing Act," "Hemp Cultivation Rule," or any subsequent hemp production laws or regulations or policies three or more times in any five-year period, NMDA shall revoke the person's hemp cultivation license, if any, and shall refuse to issue a hemp cultivation license to that person for a period of five years beginning on the date of the most recent committed violation.

Production of cannabis in excess of the acceptable hemp THC level as defined in 7 CFR part 990.6(b)(3) shall be considered a negligent violation.

It is a violation of state and federal law to produce hemp without a valid hemp production license. Individuals, businesses, agencies, institutions, or other entities responsible for locations producing hemp without a valid license will be given five business days, after receipt of NMDA notification, to submit a valid application or destroy the crop/plant. In accordance with state or federal law, NMDA may suspend or deny a license. Entities continuing to produce hemp without a valid hemp production license that do not apply for a license within the given five business days will be referred to appropriate law enforcement agency.

Failure to provide a legal description of the land will result in an incomplete application and be returned for correction prior to license approval.

Procedures for producer violations made with a culpable mental state greater than negligence:

NMDA shall report a person who is determined to have committed any violation of the "Hemp Manufacturing Act" or Hemp Cultivation Rule" with a culpable mental state greater than negligence to the state attorney general; the United States attorney general; and appropriate local, county, or state law enforcement.

Procedures for addressing felonies:

New Mexico prohibits the issuance of a hemp cultivation license to any person convicted of a controlled substance-related felony in the previous ten years. Background check results for New Mexico are submitted by the applicant with their application. A national background check is conducted by NMDA. Applicants convicted of a drug-related felony within the past ten years are prohibited a license. Exemption will be considered for individuals previously authorized under the 2014 Agricultural Improvement Act Pilot Program who did not meet the controlled substance-related felony requirements at time of authorization. Exemption will require proof of participation under the 2014 Pilot Program and participation will be verified with the state in which the individual participated.

NMDA only allows for licensing of a single individual or responsible party. If during the time of licensure, the licensee has pled guilty to or been convicted of a controlled substance-related felony, NMDA shall revoke or suspend the license. Upon notice of conviction of disqualifying incident, a new application must be submitted to NMDA by the individual assuming responsibility of the hemp crop within five days or the crop must be destroyed.

Any person who materially falsifies any information in their application shall be deemed ineligible to participate in the program.

NMDA shall deny, suspend, or revoke a hemp cultivation license if the licensed cultivator, applicant, or key participant has provided false or misleading information on the hemp cultivation application or renewal application.

X. RESOURCES:

The hemp licensing and inspection program was integrated in the state's existing Entomology and Nursery Industries' regulatory program in 2019. To manage the hemp program, one new program specialist's position was added with other office-related duties divided among three existing staff positions. Field inspections are incorporated with other current duties assigned primarily to five field-based inspectors. An additional five field-based inspectors are used periodically to address surge requirements during the harvest period. A fee scale was developed to obtain financial resources necessary to accommodate the additional position, partial support of field and office staff, and infrastructure requirements. Based on the issuance of 408 hemp cultivation licenses and over 7,000 acres planted in 2019, NMDA successfully completed background checks at the state and national level; issued relevant documents; conducted preharvest inspections and sampling related to determining compliance with total THC; provided oversight of two independent laboratories; and provided destruction requirements for noncompliant cultivars.

XI. TRIBAL COLLABORATION:

Within New Mexico boundaries, there are 23 Native American pueblos, tribes, or nations. New Mexico laws allow for NMDA to enter into cooperative agreements or joint powers of agreements with federally recognized Indian nations, tribes, and pueblos located wholly or partially within New Mexico.

Indian nations, tribes, and pueblos may seek assistance from NMDA in developing their hemp production plans for submission to USDA. Indian nations, tribes, and pueblos may request NMDA to assist in the inspection process for hemp production on tribal lands as addressed in a Hemp Regulatory Production Plan submitted by a nation, tribe, or pueblo and approved by USDA.

XII. LICENSE IDENTIFICATION SCHEME:

NMDA will implement the USDA-required licensing identification scheme (Requirements for State and Tribal Hemp Plans and Licensing Numbering Scheme) for new licenses issued after January 1, 2022.

XIII. AMENDMENTS:

NMDA will submit to USDA for approval relevant amendments to this document prior to implementation.

XIV. DEPARTMENT CONTACTS:

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XV. CERTIFICATION OF RESOURCES AND PERSONNEL:

NMDA hereby certifies that it has the resources and personnel to carry out the requirements, practices, and procedures as outlined in 7 CFR 990.

STATE OF NEW MEXICO,

New Mexico Department of Agriculture



Jeff M. Witte
Director/Secretary of Agriculture
New Mexico Department of Agriculture

Date: _____

XVI. APPENDICES

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Appendix A
Hemp Manufacturing Act

ARTICLE 24
Hemp Manufacturing

76-24-1. Repealed.

History: [Laws 2017, ch. 139, § 1](#); repealed by [Laws 2019, ch. 116, § 12](#).

ANNOTATIONS

Repeals. — [Laws 2019, ch. 116, § 12](#) repealed [76-24-1](#) NMSA 1978, as enacted by [Laws 2017, ch. 139, § 1](#), relating to industrial hemp research and development program, effective July 1, 2019. For provisions of former section, *see* the 2018 NMSA 1978 on *NMOneSource.com*.

76-24-2. Hemp; New Mexico department of agriculture; New Mexico hemp research and development fund.

A. The intent of this section is to bring New Mexico into compliance with federal law.

B. Notwithstanding any other provision of law to the contrary, the board, through the New Mexico department of agriculture, shall issue licenses pursuant to rules enacted under Subsection C of this section to grow hemp for research and development, agricultural, agronomic, ecological, processing, sales and marketing purposes.

C. The board, on behalf of the director of the New Mexico department of agriculture, shall adopt rules to establish and carry out the provisions of this section, including requirements for licensure, training of law enforcement personnel, inspection, recordkeeping, fees not to exceed program costs and compliance processes. An institution of higher education, person or business that plans to grow hemp seed or hemp fiber shall obtain a grower's license by submitting an application to the New Mexico department of agriculture pursuant to promulgated rules.

D. A person who holds a license issued pursuant to this section may grow hemp for research and development, agricultural, agronomic, ecological, processing, sales and marketing or any other purpose allowed by federal regulation or law.

E. The board shall establish a "New Mexico hemp research and development fund". The fund consists of fees collected by the New Mexico department of agriculture pursuant to the Hemp Manufacturing Act [Chapter [76](#), Article [24](#) NMSA 1978], donations, grants and income earned from investment of the fund and money otherwise accruing to the fund. Money in the fund shall not revert to any other fund at the end of a fiscal year. The board shall administer the fund, and money in the fund is subject to appropriation by the legislature to the board for the department to administer the provisions of the Hemp Manufacturing Act. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the director of the New Mexico department of agriculture or the director's authorized representative.

History: [Laws 2017, ch. 140, § 1](#); [2019, ch. 116, § 11](#).

ANNOTATIONS

Compiler's notes. — Senate Bill 6, enacted by the Fifty-Third Legislature, First Session, 2017, was vetoed by the governor on March 11, 2017. Pursuant to the First Judicial District Court's decision in *State ex rel. New Mexico Legislative Council v. Honorable Susana Martinez, Governor of the State of New Mexico et al.*, D-101-CV-2017-01550, and affirmed by S.Ct. Order No. S-1-SC-36731, on April 25, 2018, which held that [Article IV, Section 22 of the New Mexico Constitution](#) requires that objections must accompany a returned bill, Senate Bill 6 was chaptered into law by the Secretary of State.

The 2019 amendment, effective July 1, 2019, provided additional duties for the board of regents of New Mexico state university regarding hemp research and development; in the section heading, deleted "Industrial", and "research", and added "New Mexico hemp research and development fund"; deleted former Subsection A and redesignated former Subsections B through F as Subsections A through E, respectively; in Subsection B, after "to the contrary", added "the board, through", after "section to grow", deleted "industrial"; in Subsection C, after "The", added "board, on behalf of the", and deleted "industrial" preceding each occurrence of "hemp"; in Subsection D, after "may grow", deleted "industrial"; and in Subsection E, deleted "New Mexico state university" and added "The board", after "New Mexico department of agriculture", deleted "for administration of the industrial hemp research and development program" and added "pursuant to the Hemp Manufacturing Act", after the next occurrence of "The", deleted "New Mexico department of agriculture" and added "board", after "by the legislature to the", deleted "New Mexico" and added "board for the", and after "department to", deleted "conduct related programs" and added "administer the provisions of the Hemp Manufacturing Act".

76-24-3. Short title.

Chapter [76](#), Article [24](#) NMSA 1978 may be cited as the "Hemp Manufacturing Act".

History: [Laws 2019, ch. 116, § 1](#).

ANNOTATIONS

Effective dates. — [Laws 2019, ch. 116, § 13](#) made Laws 2019, ch. 116 effective July 1, 2019.

76-24-4. Definitions.

As used in the Hemp Manufacturing Act:

- A. "board" means the board of regents of New Mexico state university;
- B. "breeder" means a person who conducts research to develop new hemp varieties;
- C. "Cannabis sativa L." means the plant *Cannabis sativa L.* and any part of the plant, whether growing or not;
- D. "hemp" means the plant *Cannabis sativa L.* and any part of that plant, including seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a THC concentration of not more than three-tenths percent on a dry weight basis;
- E. "hemp-derived material" means any material containing THC in any concentration derived from *Cannabis sativa L.* through any activity authorized pursuant to the Hemp Manufacturing Act;

F. "hemp extract" means oil derived from hemp, including cannabidiol, cannabidiolic acid and other identified and nonidentified compounds;

G. "hemp finished product" means a hemp product that is intended for retail sale and containing hemp or hemp extracts that includes food, food additives and herbs for human use, including consumption, that has a THC content of not more than three-tenths percent;

H. "hemp manufacturer" means a person that extracts, processes or engages in other manufacturing activities regarding hemp, including manufacturing intermediate hemp-derived products and hemp finished products;

I. "hemp producer" means a person that cultivates and harvests hemp and includes a person that cultivates hemp plants for transfer to other hemp producers;

J. "intermediate hemp-derived product" means oil and extracts, including cannabidiol, cannabidiolic acid and other identified and non-identified compounds derived from hemp;

K. "manifest" means a form used for identifying the quantity, composition, origin, routing and destination of hemp-derived materials during transportation; and

L. "THC" means delta-9-tetrahydrocannabinol as measured using a post-decarboxylation method and based on percentage dry weight.

History: [Laws 2019, ch. 116, § 2.](#)

ANNOTATIONS

Effective dates. — [Laws 2019, ch. 116, § 13](#) made Laws 2019, ch. 116 effective July 1, 2019.

76-24-5. Harvest certificate or other authority; requirement; issuance.

A. A person licensed by the New Mexico department of agriculture may harvest hemp for distribution or sale only after obtaining from the department a harvest certificate for that hemp. The department shall issue a harvest certificate for hemp that meets the THC concentration required pursuant to the Hemp Manufacturing Act as demonstrated by an analysis performed by a person licensed pursuant to the Hemp Manufacturing Act.

B. A licensed hemp manufacturer may only buy or otherwise accept hemp that is accompanied by a harvest certificate issued for that hemp pursuant to this section, a document issued by a person licensed pursuant to Subsection C of Section 8 [[76-24-10](#) NMSA 1978] of the Hemp Manufacturing Act or other document recognized by the New Mexico department of agriculture demonstrating compliance with the provisions of the Hemp Manufacturing Act.

History: [Laws 2019, ch. 116, § 3.](#)

ANNOTATIONS

Effective dates. — [Laws 2019, ch. 116, § 13](#) made Laws 2019, ch. 116 effective July 1, 2019.

76-24-6. Unprocessed hemp testing laboratories; requirements.

A. The New Mexico department of agriculture shall issue licenses pursuant to rules issued under Subsection C of this section for the analysis of unprocessed Cannabis sativa L. samples for use in determining eligibility for a harvest certificate.

B. A person shall not analyze unprocessed Cannabis sativa L. samples for use in determining eligibility for a harvest certificate unless the person is licensed by the New Mexico department of agriculture to engage in that activity.

C. The board, on behalf of the New Mexico department of agriculture, shall adopt rules that include:

- (1) procedures for the issuance, denial, renewal, suspension or revocation of a license issued by the New Mexico department of agriculture for the analysis of unprocessed Cannabis sativa L. samples, including license terms and procedures for appeal of a denial, suspension or revocation that include notice and opportunity for a hearing;
- (2) qualifications for licensure that include the demonstrated ability to analyze THC concentrations in Cannabis sativa L.;
- (3) proficiency standards and requirements for storage, recordkeeping and inspections;
- (4) requirements that unprocessed Cannabis sativa L. samples containing THC levels of more than three-tenths percent be disposed of according to specified methods; and
- (5) licensing fees not to exceed the lesser of one thousand dollars (\$1,000) or the cost of administration of a license issued pursuant to this section.

D. A license issued pursuant to this section does not relieve a licensee of the responsibility to obtain other licenses or permits required by law.

History: [Laws 2019, ch. 116, § 4.](#)

ANNOTATIONS

Effective dates. — [Laws 2019, ch. 116, § 13](#) made Laws 2019, ch. 116 effective July 1, 2019.

76-24-7. Hemp breeder; requirements; exemptions.

A. The New Mexico department of agriculture shall issue licenses pursuant to rules issued under Subsection C of this section to breed Cannabis sativa L. to produce new hemp varieties.

B. A person shall not breed Cannabis sativa L. to produce new hemp varieties unless the person is licensed by the New Mexico department of agriculture or licensed pursuant to Subsection C of Section 8 [76-24-10 NMSA 1978] of the Hemp Manufacturing Act to engage in that activity.

C. The board, on behalf of the New Mexico department of agriculture, shall adopt rules that include:

- (1) procedures for the issuance, denial, renewal, suspension and revocation of a license issued by the New Mexico department of agriculture to breed Cannabis sativa L. to produce new hemp varieties, including license terms and procedures for appeal of a denial, suspension or revocation that include notice and opportunity for a hearing;

(2) qualifications for licensure that include the demonstrated ability to breed *Cannabis sativa* L. to produce new hemp varieties under secure conditions;

(3) proficiency standards and requirements for storage, recordkeeping and inspections;

(4) requirements that *Cannabis sativa* L. containing THC levels of more than three-tenths percent be disposed of according to specified methods; and

(5) fees not to exceed the lesser of one thousand dollars (\$1,000) or the cost of administration of a license issued pursuant to this section.

D. A license issued pursuant to this section does not relieve the licensee of the responsibility to obtain other licenses or permits as required by law.

History: [Laws 2019, ch. 116, § 5.](#)

ANNOTATIONS

Effective dates. — [Laws 2019, ch. 116, § 13](#) made Laws 2019, ch. 116 effective July 1, 2019.

76-24-8. Hemp manufacturers; permits; rules; requirements.

A. The department of environment shall issue permits pursuant to rules issued under Subsection C of this section to extract, process or engage in other manufacturing activities regarding hemp, including manufacturing intermediate hemp-derived products and hemp finished products.

B. A person shall not extract, process or engage in other manufacturing activities regarding hemp, including manufacturing intermediate hemp-derived products and hemp finished products without a permit issued by the department of environment or a license issued pursuant to Subsection C of Section 8 [76-24-10 NMSA 1978] of the Hemp Manufacturing Act.

C. The department of environment shall adopt rules that include:

(1) procedures for the issuance, denial, renewal, suspension and revocation of a permit issued by the department of environment to manufacture hemp products, including permit terms and procedures for appeal of a denial, suspension or revocation that include notice and opportunity for a hearing;

(2) qualifications for permitting that include health, sanitation, safety and security;

(3) proficiency standards and requirements for storage, recordkeeping and inspections;

(4) requiring, and providing a process for, the use or disposal of hemp-derived material containing THC levels of more than three-tenths percent; and

(5) fees not to exceed the lesser of one thousand dollars (\$1,000) or the cost of administration of a permit issued pursuant to this section.

D. A hemp manufacturer that produces intermediate hemp-derived products or hemp finished products intended for human consumption by eating or drinking are subject to the provisions of the Food Service

Sanitation Act [Chapter [25](#), Article [1](#) NMSA 1978] and the New Mexico Food Act [[25-2-1](#) to [25-2-20](#) NMSA 1978].

E. Hemp finished products produced by a hemp manufacturer holding a permit issued pursuant to this section shall not be deemed adulterated as that term is used in the Food Service Sanitation Act and the New Mexico Food Act.

F. Fees collected pursuant to this section shall be deposited in the food service sanitation fund.

G. A permit issued pursuant to this section does not relieve the holder of the permit of the responsibility to obtain other licenses or permits as required by law.

History: [Laws 2019, ch. 116, § 6](#).

ANNOTATIONS

Effective dates. — [Laws 2019, ch. 116, § 13](#) made Laws 2019, ch. 116 effective July 1, 2019.

76-24-9. Transporting hemp and hemp-derived materials; manifest; rules; requirements.

A. A person shall not transport hemp unless during such transportation the person has in the person's immediate possession a harvest certificate for that hemp provided by the licensed grower.

B. A person shall not transport hemp-derived materials unless during such transportation the person has in the person's immediate possession a manifest issued by a person licensed pursuant to the Hemp Manufacturing Act or other applicable law.

C. The department of environment shall establish a manifest system and any other reasonable means necessary to ensure that hemp-derived materials originating from a person permitted pursuant to Section 6 [[76-24-8](#) NMSA 1978] of the Hemp Manufacturing Act are identifiable during transport and that the materials are transported only between persons licensed, permitted or otherwise authorized to possess hemp-derived materials pursuant to the Hemp Manufacturing Act or other applicable law.

D. A person that transports hemp-derived materials or food additive hemp finished products intended for human consumption by eating or drinking shall be subject to the provisions of the Food Service Sanitation Act [Chapter [25](#), Article [1](#) NMSA 1978] and the New Mexico Food Act [[25-2-1](#) to [25-2-20](#) NMSA 1978].

E. Transporting hemp or hemp-derived material without a harvest certificate shall constitute a petty misdemeanor, punishable by a fine of up to five hundred dollars (\$500).

F. Product in excess of eight ounces that has the appearance of hemp and is in the possession of a person suspected of violating the provisions of Subsection E of this section may be seized by a law enforcement agency until such time as the agency is able to identify the product, in cooperation with the department of environment or the New Mexico department of agriculture, but for no longer than five days.

G. As used in this section, "harvest certificate" means a certificate, license, permit or other document pursuant to rules adopted under the Hemp Manufacturing Act for use during transportation of hemp or hemp-derived material, whether in the possession of a person or electronically verified by a law enforcement agency.

History: [Laws 2019, ch. 116, § 7.](#)

ANNOTATIONS

Effective dates. — [Laws 2019, ch. 116, § 13](#) made Laws 2019, ch. 116 effective July 1, 2019.

76-24-10. Indian nations, tribes and pueblos; no state regulation; cooperative or joint powers agreements; recognition of tribally issued licenses.

A. The state acknowledges that federally recognized Indian nations, tribes and pueblos located wholly or partially within New Mexico may, pursuant to Section 10113 of the federal Agriculture Improvement Act of 2018, and as a matter of their inherent tribal sovereignty, develop their own plans for the regulation of the production of hemp on their own tribal lands, and that those plans shall be developed in compliance with the federal Agriculture Improvement Act of 2018.

B. The New Mexico department of agriculture and the department of environment may enter into cooperative agreements or joint powers agreements with federally recognized Indian nations, tribes and pueblos located wholly or partially within New Mexico that seek the state's assistance in developing hemp production plans that are acceptable to the director of the New Mexico department of agriculture and the department of environment, or in the regulation of hemp production on tribal lands, or in the testing of hemp plants for THC, or the transportation of hemp or hemp-derived material; provided that no such agreement shall purport to give the state any jurisdiction over any such activities or material on tribal lands.

C. A cooperative agreement or joint powers agreement may include provisions recognizing a tribally issued license that authorizes manufacturing on tribal lands, including the extraction, processing or engaging in other manufacturing activities regarding hemp, including manufacturing intermediate hemp-derived products and hemp finished products under Section 6 [\[76-24-8 NMSA 1978\]](#) of the Hemp Manufacturing Act.

History: [Laws 2019, ch. 116, § 8.](#)

ANNOTATIONS

Effective dates. — [Laws 2019, ch. 116, § 13](#) made Laws 2019, ch. 116 effective July 1, 2019.

Appendix B
Hemp Cultivation Rule

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 20 HEMP CULTIVATION RULE
PART 2 HEMP CULTIVATION RULE

21.20.2.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture, MSC 3189, Box 30005, Las Cruces, New Mexico 88003, Telephone No. (575) 646-3007.
[21.20.2.1 NMAC - N, 12/11/2018]

21.20.2.2 SCOPE: All individuals, businesses, agencies, institutions, or other entities engaged in the production of hemp in New Mexico.
[21.20.2.2 NMAC - N, 12/11/2018]

21.20.2.3 STATUTORY AUTHORITY: Granted to the Board of Regents of New Mexico State University under the Industrial Hemp Research and Development Program Act, Chapter 76, Article 24, Section 2, NMSA 1978 Compilation.
[21.20.2.3 NMAC - N, 12/11/2018]

21.20.2.4 EFFECTIVE DATE: December 11, 2018, unless a later date is cited at the end of the section.
[21.20.2.4 NMAC - N, 12/11/2018]

21.20.2.5 DURATION: Permanent.
[21.20.2.5 NMAC - N, 12/11/2018]

21.20.2.6 OBJECTIVE: Establishes rules regulating the licensing of growers producing hemp in New Mexico and the establishment of testing processes to ensure uniformity to the definition of hemp.
[21.20.2.6 NMAC - N, 12/11/2018]

21.20.2.7 DEFINITIONS:

- A. “Annual Production License”** means license issued for the production of a single crop that is destroyed within 240 days of planting.
- B. “Applicant”** means individuals, businesses, agencies, institutions, or other entities that have submitted an application to the department.
- C. “Application”** means documents submitted to the department by an applicant as part of the process for obtaining a hemp production license for a single location.
- D. “Business Day”** means normal business hours and days as defined by New Mexico State University policy.
- E. “Cannabis”** means a plant of the genus cannabis.
- F. “Continuous Production License”** means license issued for the production of hemp as part of a plant nursery, greenhouse or similar operation in which viable hemp plant(s) are produced or present throughout the year in a location.
- G. “Crop”** means planting of one or more hemp varieties within a two week (2 week) contiguous period within a location. Cannabis varieties, not planted within a two week period within a location, shall be subject to a separate license and license fee.
- H. “Department”** means the New Mexico Department of Agriculture.
- I. “Destroy(ed)”** meaning method approved by the department to ensure non-viability of a cannabis plant. Methods may include shredding, disking, burning, or other methods as prescribed by the director.
- J. “Director”** means the director/secretary of New Mexico Department of Agriculture or designee.

K. “Hemp” means the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent (.3 %) on a dry weight basis.

L. “License” means document issued to an applicant by the department authorizing a licensee to produce hemp at a location.

M. “Licensee” means individuals, businesses, agencies, institutions, or other entities that possess a valid hemp production license.

N. “Location” means one contiguous growing area of any size, or multiple non-contiguous growing areas, totaling no more than 10 acres, within a 2.5 mile radius. Non-contiguous growing areas must be owned or leased by a single licensee.

O. “THC” means delta-9 tetrahydrocannabinol.

P. “Variety” means cannabis cultivar or strain with known or unknown THC levels.

[21.20.2.7 NMAC - N, 12/11/2018]

21.20.2.8 APPLICATION/LICENSE:

A. Annual Production License:

Applicants cultivating hemp for annual production shall apply for an annual hemp production license no less than 25 business days prior to planting of each crop at each location. The effective date of an application received by the department shall be the date postmarked on a properly completed application received by mail. The effective date of application for documents submitted in person shall be the actual calendar date the applicant presents a properly completed application. Incomplete or improperly completed applications will be identified as invalid by the department and returned to the applicant for completion or correction. A separate application and application fee are required prior to planting of each new crop at each location. An annual hemp production license is valid for 240 days after date of issuance, or until crop destruction, whichever occurs first, for specified cannabis varieties grown annually at the specified location identified in the application.

B. Continuous Production License:

Applicants cultivating hemp for continuous production and propagation purposes shall apply for a continuous production license no less 25 business days prior to planting or prior to other propagative activities. Applicants producing hemp in continuous production shall apply for a renewal of their continuous production license prior to February 1 of each year as defined by department policy. A separate application and application fee are required for each licensed location. Incomplete or improperly completed renewal applications will be identified as invalid by the department and returned to the applicant for completion or correction. The effective date of a renewal application received by the department shall be the date postmarked on a properly completed application received by mail. The effective date of application for renewal application, submitted in person, shall be the actual calendar date the applicant presents a properly completed application. A continuous production license expires January 31 of each year.

[21.20.2.8 NMAC - N, 12/11/2018]

21.20.2.9 LICENSEE REQUIREMENTS: Licensee shall:

A. submit all required documents by due dates specified by the department;

B. not reassign or transfer to another business, location, individual, or other entity a license;

C. destroy cannabis varieties covered under this rule and found not to be in compliance with requirements set forth in this rule or department policy;

D. not sell, transport, process, or utilize a cannabis variety in any manner without a valid document issued by the department demonstrating compliance with requirements set forth in regulations or department policies;

E. remit payment to the department for fees associated with enforcement of this rule within 20 calendar days of receipt of notice; and

F. follow all state and federal requirements relevant to hemp production.

[21.20.2.9 NMAC - N, 12/11/2018]

21.20.2.10 FEES:

A. Fees associated with the application for a license shall include but not exceed the following stated amounts for each license:

- (1) Annual production license: \$800 per location.
- (2) Continuous production license: \$900 per location.
- (3) Additional \$100 late fee for continuous production license renewal application received after February 1.
- (4) Annual inspection fees for continuous and annual licenses per location:
 - (a) Outdoor production: \$6.00 per acre; minimum \$6.00.
 - (b) Indoor production: \$0.75 per 1,000 square feet; minimum \$5.00.
 - (c) Additional varietal fee: \$25 per variety in excess of one variety.

B. Annual inspection fees include only the cost of routine inspections and sampling visits as defined by department policy. Licensee shall be financially responsible for additional staff time and or fees directed at noncompliance issues, or additional sampling requirements, or other expenditures as required by the department and related to compliance requirements found in this rule and department policy. Reimbursable staff time or fees may be associated with mileage, per diem, and staff hours, as allowed by department rule or policy.

[21.20.2.10 NMAC - N, 12/11/2018]

21.20.2.11 INSPECTION/SAMPLING/TESTING:

A. All locations are subject to inspections by department staff or its authorized agents, without prior notification, to verify application information and compliance with rule requirements.

B. Unless directed otherwise by the department, all cannabis variety samples collected in support of obtaining a THC determination, shall be collected by the licensee at the direction and supervision of department staff. Licensee shall be responsible for delivery of cannabis variety samples to a department-approved laboratory, within five calendar days of sampling, to determine THC content using quantification methods approved by the department. It is the responsibility of each licensee to ensure the department receives THC quantification results for each sample prior to harvest, processing, or utilization of a cannabis variety in any manner. Licensee shall be financially responsible for costs associated with delivery and testing of samples. Sampling methodology shall be defined in department in policy.

[21.20.2.11 NMAC - N, 12/11/2018]

21.20.2.12 NONCOMPLIANT VARIETIES: A sample test result containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent (.3 percent) on a dry weight basis (post decarboxylation) shall constitute evidence that at least one cannabis variety, plant or part of a plant in a location does not meet the THC requirements for hemp. Cannabis varieties, within a location, exhibiting THC levels greater than three-tenths of one percent (0.3 percent) shall be destroyed by a date determined by the department. The licensee is responsible for all costs related to crop destruction. Licensee may be provided the opportunity to resample and retest, pursuant to department policy.

[21.20.2.12 NMAC - N, 12/11/2018]

21.20.2.13 VIOLATIONS/PENALTIES: It is a violation of state and federal law to produce hemp without a valid hemp production license. Individuals, businesses, agencies, institutions, or other entities responsible for locations producing hemp, without a valid license will be provided five business days, after receipt of notification by the department, to submit a valid application or destroy the crop/plant. In accordance with state or federal law, the department may suspend or deny a license.

[21.20.2.13 NMAC - N, 12/11/2018]

21.20.2.14 EXEMPTIONS: The director shall have authority to review and grant exceptions to rule requirements and rule violations.

[21.20.2.14 NMAC - N, 12/11/2018]

21.20.2..15 RECORD RETENTION: The department shall retain applicant records including legal descriptions of hemp production locations for a period of no less than three years and in compliance with state records retention schedules.

[21.20.2.15 NMAC - N, 12/11/2018]

HISTORY OF 21.20.2 NMAC: [RESERVED]

Appendix C
Annual Hemp Commercial Production License

Updated August 9, 2020

Dear Annual Hemp Commercial Production License Applicant:

This application is directed at those entities planting an annual hemp crop.

Under a single annual hemp license, there is no acreage limit for a single contiguous growing area. For the purposes of this license, contiguous growing areas are defined as touching along a boundary or at a point. Boundaries such as private roads and irrigation ditches do not divide a contiguous growing area. Growing areas divided by public roads and property owned by entities other than applicant would be considered non-contiguous. Applicants may register multiple growing areas (non-contiguous fields) on a single license under the following restrictions: all growing areas are within a 2.5 mile radius, all growing areas shall be planted within a three week period, and total number of acres under a single application is less than 10.

If you are planning on maintaining viable hemp plants throughout the year (e.g. mother plants, breeding purposes, seed production) other licenses that may be required include the following:

- Continuous Hemp Commercial Production License: Year-round greenhouse production.
- Nursery Plant License: Required by state law for any business selling live plants, including hemp clones.

License applications, including nursery, can be found at www.nmda.nmsu.edu. Questions regarding hemp applications, nursery applications, and licenses can be addressed at 575-646-3207. After your application has been approved, New Mexico Department of Agriculture will mail your Annual Commercial Production Hemp License to the physical address provided. Understand that the license is proof that you have registered with the state as a hemp producer with the intent of producing hemp.

IMPLEMENTATION OF USDA HEMP RULES

On October 31, 2019, USDA published their two-year interim rule that will apply to the regulation of hemp production throughout the nation. Changes to 2021 growing season requirements will be implemented for 2021 hemp production. **New Mexico's policy has been replaced by new policies developed under the requirements of USDA.** We will keep you posted on changes in New Mexico hemp rules and policies as new rules and policies are implemented.

BACKGROUND CHECK

A criminal background check is required to process your application. Although you may have submitted one for the 2020 growing season, an updated background check is necessary for 2021. Hemp commercial production licenses cannot be issued to individuals with felony convictions related to controlled substances within the last ten years. New Mexico Department of Agriculture will conduct the national background check with **applicants required to obtain state background records from the Department of Public Safety. The state background report/stamp from the Department of Public Safety must be included with your Annual Hemp Commercial Research Production application.** For your convenience, the Department of Public Safety's Records Request form is located at the end of this application. Reports or a no-records stamp can be obtained from the Department of Public Safety either in person (Santa Fe) or through the mail with your notarized signature. A \$15.00 charge is required by the Department of Public Safety. Applicants are required to comply with New Mexico's Child Support Enforcement Act. Failure to meet child support obligations will result in the denial or revocation of a hemp commercial research production license.

Annual Hemp Commercial Production License is intended for growers that will be planting only for annual production of hemp. The Annual Hemp Commercial Production License is not intended for growers maintaining viable hemp plants throughout the year as part of a greenhouse or plant nursery operation. Forms can be filled electronically before printing or printed and filled by hand before mailing. Ensure fees are submitted with a complete application. Applications that contain errors or are illegible will be returned for corrections. **License expires 240 after date of issuance, please ensure you will be harvesting within the 240 day period.** Federal law precludes the state from issuing a hemp commercial production license to an applicant that has been convicted of a felony related to controlled substances within the last ten years. Applicants are required to fill out the Annual Hemp Commercial Production License application, calculate fees, sign the acknowledgment form, and return a completed application (including state background information, check or money order) to:

Physical Address:

New Mexico Department of Agriculture
Entomology and Nursery Industries
3190 S. Espina
Las Cruces, NM 88003

Mailing Address:

New Mexico Department of Agriculture
Entomology and Nursery Industries
MSC 3BA
New Mexico State University
P.O. Box 30005
Las Cruces, NM 88003

Applicant Information:

_____	_____	_____
Legal Last Name	Legal First Name	Middle
_____	_____	_____
Email address	Cell Tele #	
_____	_____	_____
Additional Contact Person (i.e.Farm Manager)	Cell Tele #	
_____	_____	_____
Email address	Business name to include on license (if applicable)	

Business Mailing Address

Business Physical Address:

<u>For Office Use only:</u>	
Previous license holder? _____	OR new applicant? _____
Background check _____	Background check approved _
Name on check: _____	Check #: _____ \$ _____

Growing Area 1:

There is no acreage limit for a single contiguous growing area. Multiple growing areas (non-contiguous) can be included in one license under the following conditions: each growing area is within a 2.5 mile radius of a central point, the total acreage for all locations does not exceed 10 acres under one license, and all acres shall be planted within a three week period. Growing areas covered under one license must be owned or leased by a single licensee. Growing areas outside a 2.5 mile radius or in excess of 10 non-contiguous acres are required to be registered under a separate license.

- Growing area location: Latitude (Decimal Degrees i.e., 32.86312): _____
 Longitude (Decimal Degrees i.e., -106.294074): _____
 County: _____ Nearest Town/City: _____

(Open Google Maps in your internet browser, navigate to growing location and click the mouse. White box will appear at bottom of screen with decimal degree coordinates in gray text.)

- Are you the owner of the property? Yes No
If the answer is no, you are required to complete the Hemp Cultivation Landowner Affidavit document and include it with this application. This document is available on the NMDA website.

- Township/Range/Section data:
 Go to www.earthpoint.us/TownshipsSearchByLatLon.aspx and enter GPS coordinates from line 1 above to get your Township, Section, and Range. If results for this growing area are a part of a land grant and survey data does not exist, please enter N/A below and fill in name of land grant: _____

Township (T) _____ (Ex: T17S)	Range (R) _____ (Ex: R6E)	Section (S) _____ (Ex: S2)
----------------------------------	------------------------------	-------------------------------

- Total number of acres (Single decimal accuracy, e.g. 4.1) designated for hemp production at this growing area _____ acres. Estimated planting date: _____ Estimated harvest date: _____

- Description of operation, check all that apply:

<input type="checkbox"/> Bio fuels <input type="checkbox"/> CBD extraction <input type="checkbox"/> Clonal production <input type="checkbox"/> Cosmetic/beauty products <input type="checkbox"/> Dietary supplement <input type="checkbox"/> Genetic development <input type="checkbox"/> Fiber <input type="checkbox"/> Food/drink additives <input type="checkbox"/> Grain <input type="checkbox"/> Hempcrete <input type="checkbox"/> Seed production <input type="checkbox"/> Smokable flower/pre-rolls <input type="checkbox"/> Other: _____

- Provide hemp varieties to be maintained at this growing area. Amendments to your variety list can be made by submitting changes, in writing, to New Mexico Department of Agriculture. Additional varietal fee may apply.

	Variety Name/Identifier	Estimated number of acres		Variety Name/Identifier	Estimated number of acres
1			6		
2			7		
3			8		
4			9		
5			10		

Additional growing area forms are available on the NMDA website. Fill out additional growing area forms as needed and include them with this application. If number of varieties exceed 10 for this growing area (#1), include additional varieties on a separate sheet of paper (include growing area number, i.e., 1, 2, 3...).

Growing Area Map/Sketch:

In the space provided below, provide a sketch of the field **including dimensions** (in feet) and **areas planted to specific hemp varieties** for growing area #1. Alternatively, you may attach a printed map or satellite imagery with dimensions and hemp varieties listed in this application.



Fees: *(auto-fill not available to calculate fees, enter manually)*

1. Base registration/Inspection fee \$650.00
2. Total acres for all growing areas= _____ (acres) X \$6.00 / acre = \$ _____ (minimum \$6.00)
3. Total number of hemp varieties= _____ X \$10.00 = \$ _____ (minimum \$10.00)
4. **Total fee enclosed with application (sum of dollar amounts in 1, 2, and 3 above).....\$ _____**

Ensure fee payment, in the form of check or money order, is included with your application. Fees based on: \$650.00 registration fee + \$6.00 / acre of hemp production + \$10.00 per variety. Once payment is processed, refunds are not available or transferable to another license.

Acknowledgments:

1. **Terms of this application and license are subject to United States Department of Agriculture (USDA) requirements per USDA Agricultural Market Service (AMS) Domestic Hemp Production Program interim final rule published on October 31, 2019. Interim final rule full text can be found at: <https://www.federalregister.gov/documents/2019/10/31/2019-23749/establishment-of-a-domestic-hemp-production-program>**
2. Licensee understands hemp produced under the terms of this license is part of the USDA Hemp Production Program and data on hemp production will be requested of the license holder.
3. Understand that possession of viable hemp plants without a valid Annual or Continuous Hemp Commercial Production License is a violation of state law. Annual or Continuous Commercial Hemp Production License cannot be transferred to another individual, business, or entity.
4. Licensee has reviewed all local laws and ordinances for any provisions prohibiting production of hemp at the growing location specified in this application. E.g., water sources, agricultural limitations, zoning.
5. Understand that possession of an NMDA Annual Hemp Commercial Production License does **NOT** imply or constitute ownership of a given hemp crop.
6. Understand hemp, covered under this license, cannot be harvested without New Mexico Department of Agriculture issued documents authorizing harvest of specific varieties listed.
7. Agree to complete harvest of compliant hemp varieties within specific dates provided by New Mexico Department of Agriculture. Understand hemp varieties, not harvested by the required harvest date; may be subject to additional sampling to determine THC values; or may be subject to destruction or disposed of in a manner approved by the New Mexico Department of Agriculture.
8. Agree to complete post-harvest crop destruction within specific dates provided by New Mexico Department of Agriculture.
9. Accept financial responsibility for expenses associated with destruction or disposition of non-compliant cannabis varieties (i.e., in excess of .3% THC) and for post-harvest crop destruction or disposition.
10. Understand licensees involved in the production of clones or seed for the purpose of marketing shall maintain records including variety, quantity, buyer, and destination for each transaction for a period of three years.

Acknowledgments continued:

11. Allow New Mexico Department of Agriculture staff access to all hemp growing areas and relevant documents as determined by the department.
12. Understand licensee is required to remove plant/tissue samples, under the oversight of New Mexico Department of Agriculture staff, and licensee is responsible for the delivery of samples to a New Mexico Department of Agriculture approved laboratory for the purpose of determining THC levels (post decarboxylation) prior to harvest.
13. Understand licensee shall be responsible for additional charges associated with addressing noncompliant issues incurred by New Mexico Department of Agriculture.
14. Understand specific data contained within this application may be subject to release under the Inspection of Public Records Act and may be shared with other state or federal agencies, including law enforcement. Applicants will be screened for compliance to New Mexico's Child Support Enforcement requirements and federal background check requirements.
15. Understand copies of any information related to the production of hemp at this location may be provided to the landowner upon request.
16. Licensee has reviewed and understands regulations contained within the Hemp Cultivation Rule and violations of regulations or policies may result in crop destruction, license suspension, or license revocation.
17. Understand reporting responsibilities of hemp production acreage with respect to USDA Farm Service Agency as required by the USDA Hemp Production Program interim final rule. Reporting responsibilities include, but are not limited to: hemp crop acreage; total acreage of hemp planted, harvested and disposed; license of authorization number; street address; geospatial location; and acreage or square footage dedicated to hemp.

Signature below acknowledges the following: applicant has provided accurate and complete information; has reviewed and agrees to statements contained under the Acknowledgments section; provides New Mexico Department of Agriculture authorization to conduct or obtain information related to background checks regarding possible criminal convictions that may preclude the issuance of an Annual Hemp Commercial Production License.

• **APPLICATION CHECK LIST**

- GPS Coordinates are in decimal degree format. Make sure coordinates line up with exact growing area location.
- Growing area sketch/map completed on provided page or attached to application.
- Completed landowner affidavit form attached (if needed).
- Completed New Mexico Department of Public Safety background check attached.
- Check or money order for correct fee total attached. Double check your fee calculations, payment for too little OR too much will not be processed.
- Note: If also applying for nursery license, please submit a separate check or money order with nursery application with appropriate fees.

Signature:

Date:

- Do not utilize electronic signature; print, sign, date, and mail
- Incomplete applications, including incorrect fee, will be returned
- Ensure appropriate fee is enclosed with your application

Background Check

Applicant is responsible for completing this form and for obtaining a New Mexico Background report in person or through a designated agent. This official New Mexico background report must be included with your Annual Hemp Commercial Research Production license application. If you have questions regarding this form or process, please contact New Mexico Department of Public Safety at (505) 827-9297.

DEPARTMENT OF PUBLIC SAFETY / P.O. BOX 1628 / SANTA FE, NM 87504-1628 ATTN: RECORDS \$15.00 PER RECORD CHECK

AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____
NAME (MUST BE PRINTED-LEGIBLY) (SSN#) (DOB)

PURSUANT TO NMSA 1978, SECTION 29-10-6(A) (Repl. Pamp. 1990), OF THE NEW MEXICO ARREST RECORD INFORMATION ACT, HEREBY APPOINT:

NAME (MUST BE PRINTED)
(IF NO AGENT, PRINT "SELF")

ADDRESS: _____

AS AN AUTHORIZED AGENT FOR ME FOR THE PURPOSE OF INSPECTING (AND /OR OBTAINING COPIES OF) ANY NEW MEXICO ARREST FINGERPRINT CARD SUPPORTED ARREST RECORD INFORMATION MAINTAINED BY THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING INFORMATION CONCERNING FELONY OR MISDEMEANOR ARRESTS AND INFORMATION OBTAINED FROM RELEVANT FINGERPRINT DATABASES.

TO THE CUSTODIAN OF THE RECORDS IN QUESTION, I HEREBY DIRECT YOU TO RELEASE SUCH INFORMATION TO THE AUTHORIZED AGENT AS DESCRIBED ABOVE.

I HEREBY RELEASE THE CUSTODIAN OR CUSTODIANS OF SUCH RECORDS AND THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING ANY OF THEIR AGENTS, EMPLOYEES, OR REPRESENTATIVES IN ANY CAPACITY, FROM ANY AND ALL CLAIMS OF LIABILITY OR DAMAGE OF WHATEVER KIND OR NATURE, WHICH AT ANY TIME COULD RESULT TO ME, MY HEIRS, ASSIGNS, ASSOCIATES, PERSONAL REPRESENTATIVE OR REPRESENTATIVES OF ANY NATURE BECAUSE OF COMPLIANCE BY SAID CUSTODIAN OR CUSTODIANS WITH THIS "AUTHORIZATION FOR RELEASE OF INFORMATION" AND MY REQUEST CONTAINED HEREIN FOR THIS RELEASE OR BECAUSE OF ANY USE OF THESE RECORDS. THIS RELEASE IS BINDING, NOW AND IN THE FUTURE AND IS VALID FOR A PERIOD OF UP TO 120 DAYS FROM THE DATE SIGNED, ON MY HEIRS, ASSIGNS, ASSOCIATES, PERSONAL REPRESENTATIVE OR REPRESENTATIVES OF ANY NATURE.

APPLICANT SIGNATURE: _____

DATE: _____

(*ATTN: NOTARY-ENSURE DOCUMENT IS SIGNED BY BOTH APPLICANT AND PARENT (GUARDIAN) IN YOUR PRESENCE AND NAME, DOB, SOC INFO IS VERIFIED WITH A VALID ID)

SUBSCRIBED AND SWORN TO BEFOREME THIS _____ DAY OF _____ 20____.

_____. (SIGNATURE OF NOTARYPUBLIC)

MY COMMISSION EXPIRES: _____.

For Department of Public Safety Use Only

Appendix D
Continuous Hemp Commercial Production License

Updated August 9, 2020

Dear Continuous Hemp Commercial Production Applicant:

This application is directed at those entities that will maintain viable hemp plants throughout the year.

Under a single continuous hemp license, there is no acreage limit for a single contiguous growing area. For the purposes of this license, contiguous growing areas are defined as touching along a boundary or at a point. Boundaries such as private roads and irrigation ditches do not divide a contiguous growing area. Growing areas divided by public roads and property owned by entities other than applicant would be considered non-contiguous. Applicants may register multiple growing areas (non- contiguous) on a single license under the following restrictions: all growing areas are within a 2.5 mile radius, and total number of acres under a single application is less than 10 (435,600 square feet).

Other licenses, issued by New Mexico Department of Agriculture, that may be required include the following:

- Annual Hemp Commercial Production License: field production for annual hemp crops;
- Nursery Plant License: Required by state law for any business selling live plants, including hemp clones.

License applications, including nursery, can be found at www.nmda.nmsu.edu. Questions regarding hemp applications, nursery applications, and licenses can be addressed at 575-646-3207. After your application has been approved, New Mexico Department of Agriculture will mail your Continuous Hemp Commercial Production License to the physical address provided. Understand that the license is proof that you have registered with the state as a hemp producer with the intent of producing hemp.

IMPLEMENTATION OF USDA HEMP RULES

On October 31, 2019, USDA published their two-year interim rule that will apply to the regulation of hemp production throughout the nation. Changes to 2021 growing season requirements will be implemented for 2021 hemp production. New Mexico's policy has been replaced by new policies developed under the requirements of USDA. We will keep you posted on changes in New Mexico hemp rules and policies as new rules and policies are implemented.

BACKGROUND CHECK

A criminal background check is required to process your application. Although you may have submitted one for the 2020 growing season, an updated background check is necessary for 2021. Hemp commercial production licenses cannot be issued to individuals with felony convictions related to controlled substances within the last ten years. New Mexico Department of Agriculture will conduct the national background check with **applicants required to obtain state background records themselves from the Department of Public Safety. The state background report/stamp from the Department of Public Safety must be included with your Continuous Hemp Commercial Research Production application.** For your convenience, the Department of Public Safety's Records Request form is located at the end of this application. Reports or a no-records stamp can be obtained from the Department of Public Safety either in person (Santa Fe) or through the mail with your notarized signature. A \$15.00 charge is required by the Department of Public Safety. Applicants are also required to comply with New Mexico's Child Support Enforcement Act. Failure to meet child support obligations will result in the denial or revocation of a hemp commercial research production license.

Continuous Hemp Research Production License is intended for growers maintaining viable hemp plants throughout the year as part of a greenhouse or plant nursery operation (clonal production). The Continuous Hemp Commercial Production License is not intended for production of an annual crop. Forms can be filled in electronically before printing or printed and filled manually before mailing. Ensure fees are submitted with a complete application. Applications that contain errors or are illegible will be returned for corrections. **License expires January 31, 2021.** Federal law precludes the state from issuing a hemp commercial production license to an applicant that has been convicted of a felony related to controlled substances. Applicants are required to fill out the Continuous Hemp Commercial Production License application, calculate fees, sign the acknowledgment form, and return a completed application (including state background information, check or money order) to:

Physical Address:

 New Mexico Department of Agriculture
 Entomology and Nursery Industries
 3190 S. Espina
 Las Cruces, NM 88003

Mailing Address:

 New Mexico Department of Agriculture
 Entomology and Nursery Industries
 MSC 3BA
 New Mexico State University
 P.O. Box 30005
 Las Cruces, NM 88003

Applicant Information:

Legal Last Name	Legal First Name	Middle
Email address	Cell Tele #	
Additional Contact Person (i.e. Farm Manager)	Cell Tele #	
Email address	Business name to include on license (if applicable)	

Business Mailing Address:

Business Physical Address:

For Office Use only:

Previous license holder? _____ OR new applicant? _____

Background check _____ Background check approved _

Name on check: _____ Check #: _____ \$ _____

Growing Area 1:

There is no area limit for a single contiguous growing area. Multiple growing areas (not contiguous) can be included in one license under the following conditions: each growing area is within a 2.5 mile radius of a central point, and the total growing areas do not exceed 10 acres (435,600 square feet) under one license. Each growing area, covered under one license, must be owned or leased by a single licensee. Growing areas outside a 2.5 mile radius or in excess of 10 non-contiguous acres are required to be registered under a separate license (Multiple contiguous greenhouse bays are considered a single growing area).

- Growing area location: Latitude (Decimal Degrees i.e., 32.86312): _____
 Longitude (Decimal Degrees i.e., -106.294074): _____
 County: _____ Nearest Town/City: _____

(Open Google Maps in your internet browser, navigate to growing location and click the mouse. White box will appear at bottom of screen with decimal degree coordinates in gray text.)

- Are you the owner of the property? Yes No
If the answer is no, you are required to complete the Hemp Cultivation Landowner Affidavit document and include it with this application. This document is available on the NMDA website.

- Township/Range/Section data:
 Go to www.earthpoint.us/TownshipsSearchByLatLon.aspx and enter GPS coordinates from line 1 above to get your Township, Section, and Range. If results for this growing area are a part of a land grant and survey data does not exist, please enter N/A below and fill in name of land grant: _____

Township (T) _____ (Ex: T17S)	Range (R) _____ (Ex: R6E)	Section (S) _____ (Ex: S2)
----------------------------------	------------------------------	-------------------------------

- Total number of square feet designated for hemp production at this growing area: _____ sq. ft.
- Description of operation, check all that apply:

<input type="checkbox"/> Bio fuels <input type="checkbox"/> CBD extraction <input type="checkbox"/> Clonal production <input type="checkbox"/> Cosmetic/beauty products <input type="checkbox"/> Dietary supplement <input type="checkbox"/> Genetic development <input type="checkbox"/> Fiber <input type="checkbox"/> Food/drink additives <input type="checkbox"/> Grain <input type="checkbox"/> Hempcrete <input type="checkbox"/> Seed production <input type="checkbox"/> Smokable flower/pre-rolls <input type="checkbox"/> Other: _____

- Provide hemp varieties to be maintained at this growing area. Amendments to your variety list can be made by submitting changes, in writing, to New Mexico Department of Agriculture. Additional varietal fee may apply.

	<u>Variety Name/Identifier</u>	<u>Estimated Number of plants</u>		<u>Variety Name/Identifier</u>	<u>Estimated Number of plants</u>
1			6		
2			7		
3			8		
4			9		
5			10		

Additional growing area forms are available on the NMDA website. Fill out additional growing area forms as needed and include them with this application. If number of varieties exceed 10 for this growing area (#1), include additional varieties on a separate sheet of paper (include growing area number, i.e., 1, 2, 3...).

New Mexico State Hemp Plan
New Mexico Department of Agriculture



Fees: *(auto-fill not available to calculate fees, enter manually)*

- 1. Base registration/Inspection fee \$ 750.00
- 2. Total square feet for all growing areas = _____ X .001 = _____ X 0.75 = \$ _____ (minimum \$5.00)
- 3. Total number of hemp varieties = _____ X \$10.00 = \$ _____ (minimum \$10.00)
- 4. **Total fee enclosed with application (sum of dollar amounts in 1, 2, and 3 above) \$ _____**

*Ensure fee payment, in the form of check or money order, is included with your application.
Fees based on: \$750.00 registration fee + \$.75 / 1,000 square feet of hemp production + \$10.00 per variety.*

Acknowledgments:

- 1. **Terms of this application and license are subject to United States Department of Agriculture (USDA) requirements per USDA Agricultural Market Service (AMS) Domestic Hemp Production Program interim final rule published on October 31, 2019. Interim final rule full text can be found at: <https://www.federalregister.gov/documents/2019/10/31/2019-23749/establishment-of-a-domestic-hemp-production-program>**
- 2. Licensee understands hemp produced under the terms of this license is part of the USDA Hemp Production Program and data on hemp production will be requested of the license holder.
- 3. Understand that possession of viable hemp plants without a valid Annual or Continuous Hemp Commercial Production License is a violation of state law. Annual or Continuous Hemp Commercial Production License cannot be transferred to another individual, business, or entity.
- 4. Licensee has reviewed all local laws and ordinances for any provisions prohibiting production of hemp at the growing location specified in this application. E.g., water sources, agricultural limitations, zoning.
- 5. Understand that possession of an NMDA Continuous Hemp Commercial Production License does **NOT** imply or constitute ownership of a given hemp crop.
- 6. Understand hemp, covered under this license, cannot be harvested without New Mexico Department of Agriculture issued documents authorizing harvest of specific varieties listed.
- 7. Agree to complete harvest of compliant hemp varieties within specific dates provided by New Mexico Department of Agriculture. Understand hemp varieties, not harvested by the required harvest date, may be subject to additional sampling to determine THC values, or may be subject to destruction or disposed of in a manner approved by the New Mexico Department of Agriculture.
- 8. Agree to complete post-harvest crop destruction within specific dates provided by New Mexico Department of Agriculture.
- 9. Accept financial responsibility for expenses associated with destruction or disposition of noncompliant cannabis varieties (i.e., in excess of .3% THC) and for post-harvest crop destruction or disposition.
- 10. Understand licensees involved in the production of clones or seed for the purpose of marketing shall maintain records including variety, quantity, buyer, and destination for each transaction for a period of three years.

Acknowledgments continued:

11. Allow New Mexico Department of Agriculture staff access to all hemp growing areas and relevant documents as determined by the department.
12. Understand licensee is required to remove plant/tissue samples, under the oversight of New Mexico Department of Agriculture staff, and licensee is responsible for the delivery of samples to a New Mexico Department of Agriculture approved laboratory for the purpose of determining THC levels (post decarboxylation) prior to harvest.
13. Understand licensee shall be responsible for additional charges associated with addressing noncompliant issues incurred by New Mexico Department of Agriculture.
14. Understand specific data contained within this application may be subject to release under the Inspection of Public Records Act and may be shared with other state or federal agencies, including law enforcement. Applicants will be screened for compliance to New Mexico's Child Support Enforcement requirements, and federal background check requirements.
15. Understand copies of any information related to the production of hemp at this location may be provided to the landowner upon request.
16. Licensee has reviewed and understands regulations contained within the Hemp Cultivation Rule and violations of regulations or policies may result in crop destruction, license suspension, or license revocation.
17. Understand reporting responsibilities of hemp production acreage with respect to USDA Farm Service Agency as required by the USDA Hemp Production Program interim final rule. Reporting responsibilities include, but are not limited to: hemp crop acreage; total acreage of hemp planted, harvested and disposed; license of authorization number; street address; geospatial location; and acreage or square footage dedicated to hemp.

Signature below acknowledges the following: applicant has provided accurate and complete information; has reviewed and agrees to statements contained under the Acknowledgments section; provides New Mexico Department of Agriculture authorization to conduct or obtain information related to background checks regarding possible criminal convictions that may preclude the issuance of a Continuous Hemp Commercial Production License.

• **APPLICATION CHECK LIST**

- GPS Coordinates are in decimal degree format. Make sure coordinates line up with exact growing area location.
- Completed landowner affidavit form attached (if needed).
- Completed New Mexico Department of Public Safety background check attached.
- Check or money order for correct fee total attached. Double check your fee calculations, payment for too little OR too much will not be processed.
- Note: If also applying for nursery license, please submit a separate check or money order with nursery application with appropriate fees.

Signature:

Date:

- Do not utilize electronic signature; print, sign, date, and mail
- Incomplete applications, including incorrect fee, will be returned
- Ensure appropriate fee is enclosed with your application

Background Check

Applicant is responsible for completing this form and for obtaining a New Mexico Background report in person or through a designated agent. This official New Mexico background report must be included with your Annual Hemp Commercial Research Production license application. If you have questions regarding this form or process, please contact New Mexico Department of Public Safety at (505) 827-9297.

DEPARTMENT OF PUBLIC SAFETY / P.O. BOX 1628 / SANTA FE, NM 87504-1628 ATTN: RECORDS \$15.00 PER RECORD CHECK

AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____
NAME (MUST BE PRINTED-LEGIBLY) (SSN#) (DOB)

PURSUANT TO NMSA 1978, SECTION 29-10-6(A) (Repl. Pamp. 1990), OF THE NEW MEXICO ARREST RECORD INFORMATION ACT, HEREBY APPOINT:

NAME (MUST BE PRINTED)
(IF NO AGENT, PRINT "SELF")

ADDRESS: _____

AS AN AUTHORIZED AGENT FOR ME FOR THE PURPOSE OF INSPECTING (AND /OR OBTAINING COPIES OF) ANY NEW MEXICO ARREST FINGERPRINT CARD SUPPORTED ARREST RECORD INFORMATION MAINTAINED BY THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING INFORMATION CONCERNING FELONY OR MISDEMEANOR ARRESTS AND INFORMATION OBTAINED FROM RELEVANT FINGERPRINT DATABASES.

TO THE CUSTODIAN OF THE RECORDS IN QUESTION, I HEREBY DIRECT YOU TO RELEASE SUCH INFORMATION TO THE AUTHORIZED AGENT AS DESCRIBED ABOVE.

I HEREBY RELEASE THE CUSTODIAN OR CUSTODIANS OF SUCH RECORDS AND THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING ANY OF THEIR AGENTS, EMPLOYEES, OR REPRESENTATIVES IN ANY CAPACITY, FROM ANY AND ALL CLAIMS OF LIABILITY OR DAMAGE OF WHATEVER KIND OR NATURE, WHICH AT ANY TIME COULD RESULT TO ME, MY HEIRS, ASSIGNS, ASSOCIATES, PERSONAL REPRESENTATIVE OR REPRESENTATIVES OF ANY NATURE BECAUSE OF COMPLIANCE BY SAID CUSTODIAN OR CUSTODIANS WITH THIS "AUTHORIZATION FOR RELEASE OF INFORMATION" AND MY REQUEST CONTAINED HEREIN FOR THIS RELEASE OR BECAUSE OF ANY USE OF THESE RECORDS. THIS RELEASE IS BINDING, NOW AND IN THE FUTURE AND IS VALID FOR A PERIOD OF UP TO 120 DAYS FROM THE DATE SIGNED, ON MY HEIRS, ASSIGNS, ASSOCIATES, PERSONAL REPRESENTATIVE OR REPRESENTATIVES OF ANY NATURE.

APPLICANT SIGNATURE: _____

DATE: _____

(*ATTN: NOTARY-ENSURE DOCUMENT IS SIGNED BY BOTH APPLICANT AND PARENT (GUARDIAN) IN YOUR PRESENCE AND NAME, DOB, SOC INFO IS VERIFIED WITH A VALID ID)

SUBSCRIBED AND SWORN TO BEFOREME THIS _____ DAY OF _____ 20____.

_____. (SIGNATURE OF NOTARYPUBLIC)

MY COMMISSION EXPIRES: _____.

For Department of Public Safety Use Only

Appendix E **Harvest Notification Document**

This Harvest Notification Document informs New Mexico Department of Agriculture of your intent to initiate harvest of a specific hemp field/variety licensed under a unique license number. **New Mexico Department of Agriculture requires notification of harvest no less than 28 days in advance of an estimated harvest date** for the purpose of working with the licensee, or their designee, on the collection of compliance samples. This Harvest Notification Document can be printed, completed, scanned and emailed to hemp@nmda.nmsu.edu; or hand delivered to the New Mexico Department of Agriculture's office in Las Cruces; or delivered to the Las Cruces office via UPS, Fed-Ex, or mail. Due to the time sensitivity involved in hemp harvesting dates and inspector scheduling, New Mexico Department of Agriculture recommends using next-day services for the delivery of Harvest Notification Documents when using a third-party delivery service.

Compliance samples will be removed from plants of each variety identified on this Harvest Notification Document. A harvest certificate will be issued to the grower for fields/varieties determined to be compliant with federal and state requirements. Growers with non-compliant fields/varieties will be offered the opportunity to; crop destruct as ordered and witnessed by New Mexico Department of Agriculture; or petition New Mexico Department of Agriculture's Secretary of Agriculture for an alternative sampling or disposition method. Licensee is restricted to two petition requests per non-compliant variety at each licensed location.

It is the responsibility of the license to transport hemp samples to an approved New Mexico Department of Agriculture laboratory for testing of THC content. Note that the samples are composed of wet plant material and subject to mold. If samples are not stored properly and not shipped in a way to prevent mold development, the samples may be deemed unusable and not tested. To reduce the risk of mold development, ensure samples are refrigerated immediately. Consider shipping compliance samples to the laboratory in a container appropriate for cold shipment. Currently New Mexico Department of Agriculture has approved the following laboratories for this purpose: Rio Grande Analytics (575- 652-7661) in Las Cruces; Scepter Laboratories (505-216-9484) in Santa Fe. Advanced notification to labs may be required to establish an account. Following notification of compliant variety by an approved laboratory, New Mexico Department of Agriculture will issue a Harvest Certificate. Fields that cannot be harvested within 20 days of the estimated harvest date provided below shall require submission of a subsequent Harvest Notification Document(s) to initiate staggered sampling dates to ensure THC compliance with federal and state laws.

Harvest sampling requests in excess of initial harvest sampling inspection per licensed location may incur additional charges to cover inspector time and mileage. Also note the request for pesticide use on a hemp crop/plant. Because of the human handling required of plant material for laboratory analysis; the magnification of pesticides residues in hemp that occurs during processing for oil; and that a portion of New Mexico's crop is destined for inhalation products, the identification of pesticides is important. Information regarding state approved pesticides can be found on New Mexico Department of Agriculture's hemp web page. Hemp purchasers/processors may have additional restrictions regarding pesticide use, concentrations, and/or crop residues.

Disclaimer: The issuance of a Harvest Certificate does not imply that the crop/plants at harvest, or the crop/ plants after harvest, or that every plant in a field or greenhouse meet state and federal laws governing THC requirements. Issuance of a Harvest Certificate demonstrates that at the time of sampling, the plants sampled as representative of a variety grown at a specific location were found to be in compliance based on state approved sampling methodology. A harvest certificate does not represent a Certificate of Analysis and does not certify that clones or seed produced from mother plants will maintain compliance with state and federal laws governing THC requirements.

Submit this form at least 28 days prior to estimated harvest date. It can be printed, completed, scanned and emailed to hemp@nmda.nmsu.edu; or hand delivered to the New Mexico Department of Agriculture's Las Cruces office; or delivered to the Las Cruces office via UPS, Fed-Ex, or mail. See note regarding shipping in accompanying document.

Name of License Holder: _____

Email: _____

License Number Associated With this Harvest: _____

Current Date: _____

Estimated harvest date associated with This Harvest Notification: _____

County Where the Field/Greenhouse is Located: _____

Contact Person to Schedule a Sample Collection: _____

Telephone Number of Contact Person: _____ Email: _____

License #: _____ License Holder _____ Inspector: _____ Date Assigned: _____ <i>Office use only.</i>

<u>HEMP VARIETY/IDENTIFICATION</u>	<u>ACRES/PLANT NUMBER</u>	<u>CROP MARKET (CBD, bud-flower, seed, other)</u>	<u>HARVEST TECHNIQUE (hand, machine top-biomass, machine whole biomass, other)</u>

<u>HEMP VARIETY/IDENTIFICATION</u>	<u>Pesticide Name /Application Date</u>	<u>Pesticide Name /Application Date</u>	<u>Pesticide Name /Application Date</u>	<u>Pesticide Name /Application Date</u>

Disclaimer: The issuance of a Harvest Certificate does not imply that the crop/plants at harvest, or the crop/plants after harvest, or that every plant in a field or greenhouse meet state and federal laws governing THC requirements. Issuance of a Harvest Certificate demonstrates that at the time of sampling, the plants sampled as representative of a variety grown at a specific location were found to be in compliance based on state approved sampling methodology. A harvest certificate does not represent a Certificate of Analysis and does not certify that clones or seed produced from mother plants will maintain compliance with state and federal laws governing THC requirements.

Appendix F
Hemp Harvest Certificate



2021 HARVEST CERTIFICATE
NEW MEXICO DEPARTMENT OF AGRICULTURE
Agricultural and Environmental Services Division (575-646-3207)

License #: _____
Sample #: _____
Lab ID: _____

This document certifies that at time of sampling, plants sampled as a representation of crop listed below met state and federal definitions of hemp, determined via THC content testing by a state approved lab.

Disclaimer: Harvest Certificate for a specific harvested raw hemp crop does not imply that the crop/plants at harvest, or the crop/plants after harvest, or that every plant in a field or greenhouse meet state and federal laws governing THC requirements. A Harvest Certificate demonstrates that at the time of sampling, the crop/plants sampled were found to be in compliance and therefore representative of the variety to be harvested at the location specified in the Harvest Notification Application.

Name of License Holder: _____ Phone #: _____	
License Number Associated With this Harvest: _____	
Date Sample Collected: _____	
Estimated harvest date provided via Harvest Notification Document: _____	
County Where the Field is Located: _____	
HEMP VARIETY	ESTIMATED PLANT NUMBER OR ACRES TO BE HARVESTED UNDER THIS HARVEST CERTIFICATE
DATE ISSUED: _____	HARVEST BY DATE: _____

Authorizing Official Signature: _____
Date: _____

OFFICIAL
SEAL

(Original harvest certificate printed on watermarked paper with New Mexico Department of Agriculture embossed seal.)