
**PUBLIC HEALTH ORDER
OF THE CABINET SECRETARY OF
THE NEW MEXICO DEPARTMENT OF HEALTH
OCTOBER 3, 2019
Warning Labels for Cannabis-Derived Vaping Products
Containing Tetrahydrocannabinol (THC)**

WHEREAS, as of October 3, 2019, the Centers for Disease Control and Prevention (“CDC”) has reported 805 cases of lung injury associated with using electronic cigarettes (e-cigarettes), or vaping, across 46 states and 1 U.S. territory. 12 deaths have been reported to the CDC as a result of this outbreak¹;

WHEREAS, on September 27, 2019, the CDC reported that among the 86 patients from Illinois and Wisconsin who developed lung injury associated with electronic cigarette use in the last three months, the use of tetrahydrocannabinol (“THC”)-containing e-cigarette products was reported by 87% of patients. The CDC noted further that “the predominant use of prefilled THC-containing cartridges among patients with lung injury associated with e-cigarette use suggests that they play an important role.”²;

WHEREAS, as of October 3, 2019, the New Mexico Department of Health (“NMDOH”), reports that 14 individuals in New Mexico have developed severe lung disease requiring hospitalization after vaping, with certain individuals requiring intensive care and endotracheal intubation. Ten of the 11 patients interviewed by NMDOH have reported using THC-containing e-cigarette products.

WHEREAS, the specific cause of the disease has not yet been determined, and interventions targeting e-cigarette and vaping products are necessary to protect public health;

WHEREAS, in response to the outbreak of vaping-associated lung disease, the New Mexico Department of Health issued an advisory health warning concerning the dangers of vaping;

WHEREAS, the vaping of cannabis-derived products, including products containing THC, is popular among enrolled qualified patients of the New Mexico Medical Cannabis Program; and

WHEREAS, the New Mexico Department of Health administers the New Mexico Medical Cannabis Program and licenses producers of medical cannabis and manufacturers of medical cannabis-derived products, including cannabis-derived vaping products.

NOW, THEREFORE, I, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, in accordance with the authority vested in me by the laws of New Mexico,

¹ https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

² E-cigarette Product Use, or Vaping, Among Persons with Associated Lung Injury — Illinois and Wisconsin, April–September 2019 (https://www.cdc.gov/mmwr/volumes/68/wr/mm6839e2.htm?s_cid=mm6839e2_w)

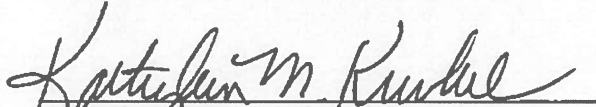
do hereby declare that the distribution and usage of cannabis-derived vaping products containing THC in New Mexico constitutes a condition of public health importance as defined in the New Mexico Public Health Act (“PHA”), § 24-1-2 (A), NMSA 1978, which presents a public health threat that is identifiable on an individual or community level, that can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico.

I DIRECT the Department of Health, Medical Cannabis Program to implement the full range of the powers and authority as set forth in the New Mexico Public Health Act, § 24-1-1, *et seq.*, NMSA (1978) and all regulations promulgated by the Secretary of Health pursuant thereto, and pursuant to the Lynn and Erin Compassionate Use Act, § 26-2B-1, *et seq.*, NMSA (1978) and all regulations promulgated pursuant thereto, to control conditions of public health importance by requiring that medical cannabis producers affix a label to all cannabis-derived vaping products containing THC that includes the statement in bolded text: **“WARNING: Vaping cannabis-derived products containing tetrahydrocannabinol (THC) has been associated with cases of severe lung injury, leading to difficulty breathing, hospitalization, and even death.”** A licensee who fails to comply with this Order may be subject to disciplinary action pursuant to Department rule 7.34.4.24 NMAC, and any person who violates this Order may further be subject to criminal penalties pursuant to the Public Health Act at § 24-1-21.

THIS ORDER supersedes any other previous orders, proclamations, or directives to the extent they are in conflict. This Public Order shall take effect immediately and remain in effect until such time as it automatically expires 120 days from the date of issuance, or until such time as the NMDOH Cabinet Secretary rescinds it.

ATTEST:

THIS 3RD DAY OF OCTOBER, 2019


KATHYLEEN M. KUNKEL,
CABINET SECRETARY OF THE
STATE OF NEW MEXICO,
DEPARTMENT OF HEALTH