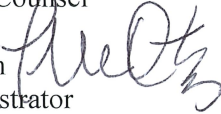


NOTIFICATION OF MINOR, NON-SUBSTANTIVE CORRECTION

August 21, 2019

To: Kathyleen Kunkel, Secretary, Department of Health
c/o Chris D. Woodward, Assistant General Counsel

From: Matthew Ortiz, Administrative Law Division
by designation for the State Records Administrator



Re: **7.34.4 NMAC, Licensing Requirements for Producers, Couriers, Manufacturers and Laboratories, filed on August 15, 2019 and published and effective on August 27, 2019**

Pursuant to the authority granted under State Rules Act, Subsection D of Section 14-4-3 NMSA, please note that the following minor, non-substantive corrections to spelling, grammar and format have been made to all electronic copies of the above rule:

The errant word, “section”, has been removed from Paragraphs 1, 3 and 4 of Subsection B of 7.34.4.8 NMAC as superfluous. The words “subdivision” “subparagraph” and “paragraph” have been changed to “Subsection” “Paragraph” and “Subsection”, respectively. The paragraphs now read, as follows:

(1) Effective June 1, 2021, a non-profit producer may request an increase of up to 500 plants that exceeds the total plants allowed in Paragraph (2) of Subsection A of 7.34.4.8 NMAC at the time of renewal of its licensure period. In order to be considered for approval by the department, the non-profit producer shall demonstrate a need for the plant count increase to meet demand for their qualified patients. The non-profit producer shall provide the following information to the department to demonstrate the need for a plant count increase:

(3) Effective June 1, 2021, a non-profit producer may request an emergency increase once per year outside of their license renewal period, of up to 500 plants that exceeds the total plants allowed in Paragraph (2) of Subsection A of 7.34.4.8 NMAC, at any time. The non-profit producer shall demonstrate a need for the plant count increase to meet demand for their qualified patients, and shall submit to the department the information identified in Paragraph (1) of Subsection B of 7.34.4.8 NMAC. The department shall only approve the request if the non-profit producer can demonstrate by clear and convincing evidence that it is not able to meet qualified patient demand for usable cannabis or cannabis-derived products with its current plant count or by obtaining usable cannabis or cannabis products from another licensed producer. The non-profit producer shall provide objective data about the current supply in the medical cannabis market to demonstrate these factors. The department shall also consider the same factors in Subsection B when approving or denying this request.

(4) Any increase in plant count approved under this section shall be voided in the event of a transfer of the majority of ownership for a licensed producer, at which time the plant limit for the license shall revert to the limit allowed in Paragraph (2) of Subsection A above.

A copy of this *Notification* will be filed with the official version of the above rule.

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Hon. Hector Balderas
Attorney General

Hon. Brian S. Colón
Chairman/State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

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