

**NOTICE OF THE NEW MEXICO ENVIRONMENT DEPARTMENT'S AMENDMENT OF
20.10.2 NMAC ON AN EMERGENCY BASIS**

The New Mexico Legislature enacted the Hemp Manufacturing Act, NMSA 1978, Sections 76- 24-1 to -10 (2020), that delegated rulemaking authority to the New Mexico Environment Department ("Department") over the extraction, processing, transportation, and testing of post- harvest hemp and hemp-derived products. The Hemp Manufacturing Act became effective July 1, 2019. Therefore, the Secretary of the Department has invoked the emergency rulemaking procedures to amend 20.10.2 NMAC in accordance with NMSA 1978, § 14-4-5.6. This emergency rule will take effect August 1, 2025, and remain in place until a permanent rule takes effect under the normal rulemaking process. If no permanent rule is adopted within 180 days from the effective date of the emergency rule, the emergency rule shall expire.

CONCISE EXPLANATORY STATEMENT

This rulemaking is undertaken in response to current and emerging concerns with the production and use of synthesized cannabinoids in hemp finished products. On December 20, 2018, the United States enacted the Agricultural Improvement Act of 2018, Pub. L. 115-334 (2018) ("Farm Bill"), that legalized hemp and delegated regulatory authority over hemp to Indian Tribes and states. Hemp manufacturers use a loophole in the Farm Bill to synthesize legal hemp, turning it into other intoxicating cannabinoids,

Manufacturers use toxic and harmful chemicals to create synthesized cannabinoids. The use of these chemicals poses a significant risk to the safety of both workers in the industry and inspectors and raises serious consumer health concerns. Synthesized cannabinoids often contain isomers, chemicals, and impurities that are unknown and unidentified and non-naturally occurring in the cannabis or hemp plant, which are potentially dangerous to health.

The long or short-term health effects from consuming synthesized cannabinoids, including the unknown byproducts and isomers created through current manufacturing methods, is mostly unknown. Reliable information related to long and short-term health effects of consuming or inhaling synthesized cannabinoids, including if they cause liver damage or cancer after repeated use, if they negatively interact with other medications, or if they cause birth defects or miscarriage if consumed while pregnant, is not currently available.

All 50 states have had reports of adverse health effects as a result of consuming synthesized cannabinoids, which include one or more of the following: intoxication, agitation, hypertension and hypotension, cough, abnormal heart rate, paranoia, anxiety, memory loss, confusion, breathing difficulties, seizures, and death. Between Jan 1, 2021 and February 28, 2022 the national poison control centers received 2,362 exposure cases of Delta-8 THC alone. 41% (968) involved pediatric patients under 18 years old, 82% of unintentional exposures affected pediatric patients, 70% of all exposures required health care evaluation and 8% resulted in hospitalization. Of the cases requiring health care evaluation, 45% were pediatric patients.

In addition, regulatory and safety groups, including the U.S. Food and Drug Administration, the U.S. Centers for Disease Control and Prevention and the United States Pharmacopeia, have issued statements of concern or warnings concerning the consumption of Synthetics.

The purpose of the Emergency Rule is to reduce safety and health risks to industry workers, inspectors, and consumers of hemp products. This emergency rule does not affect naturally derived hemp and hemp products currently manufactured and sold by manufacturers permitted and inspected by the Department's Cannabis and Hemp Bureau.

STATEMENT OF NON-DISCRIMINATION

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