



# New Mexico Environment Department

**Hemp Rule**

**Johnathan Gerhardt, Bureau Chief**

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# Who We Are

## Cannabis and Hemp Bureau

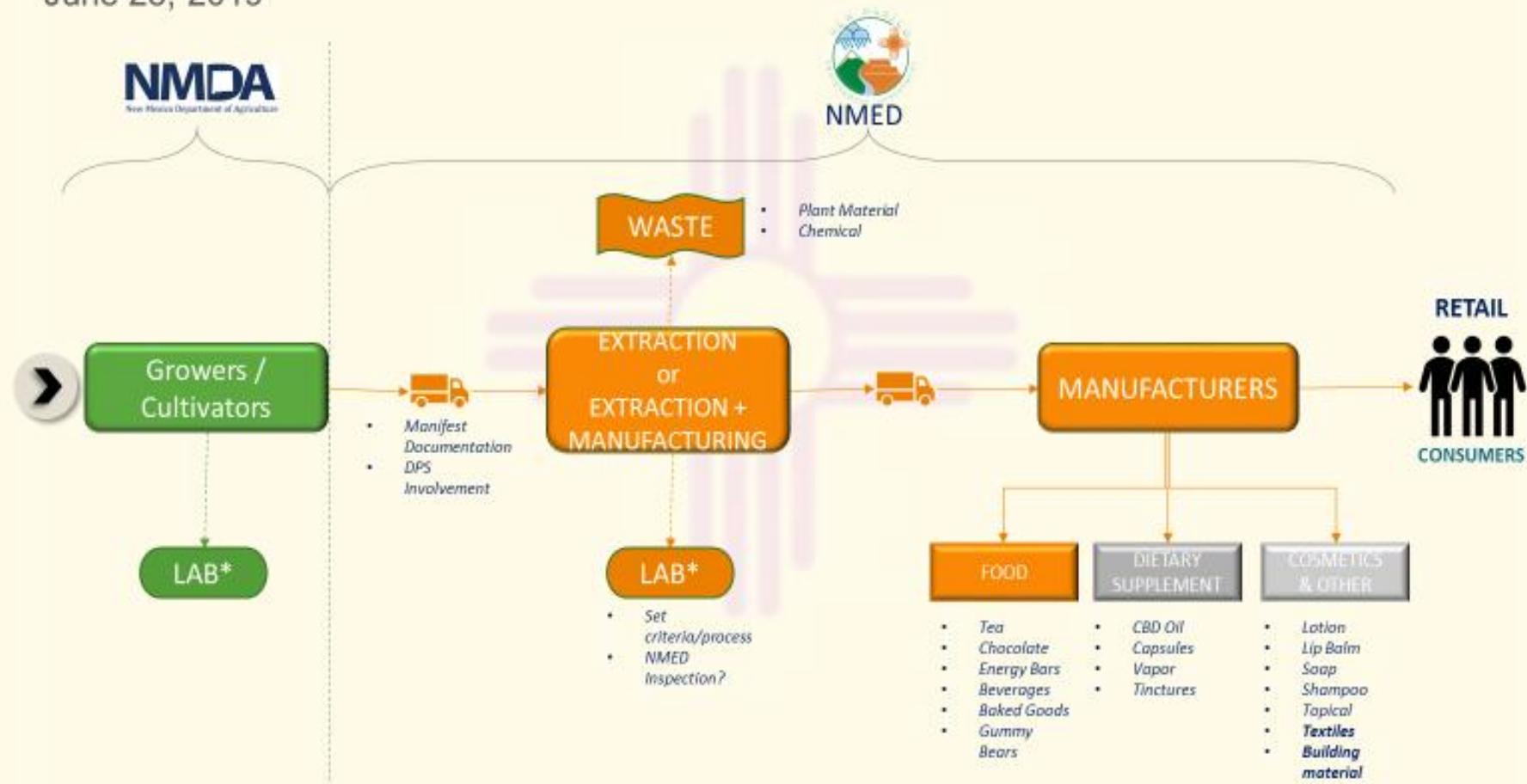
- Permit & inspect cannabis edible manufacturers in NMED jurisdiction
  - ▣ CABQ, BERNCO
  - ▣ Regulation and Licensing Department, Cannabis Control Division
  
- Permit & inspect hemp extraction, manufacturing, processing, and warehousing facilities in NM
  - ▣ NM Department of Agriculture



# Hemp Program Overview

## Hemp Manufacturing Process Overview

June 25, 2019





# Hemp Rule Overview

- New definitions
- Updated hemp-derived material & hemp extract receiving requirements
- Added requirements related to synthesized cannabinoids
- New hemp finished product requirements
- Updated labeling requirements
- Updated hemp laboratory section
- New/Updated Facility types and fees.



# Definitions (20.10.2.7)

## Broad Spectrum

“means hemp extract, hemp intermediate product, or hemp finished product that contains multiple cannabinoids, but where the THC has been removed, and the extract or finished product contains no more than five thousandths of one percent (0.005%) total THC.”

## Non-detectable THC



# Definitions (20.10.2.7)

## Cosmetic

“means an article intended to be rubbed, poured, sprinkled, sprayed on, or otherwise applied to the human body.”

## Replaced “Topical”



# Definitions (20.10.2.7)

## Full Spectrum

“means hemp extract or hemp finished product containing all phytochemicals, trace cannabinoids, terpenes, essential oils, and other compounds found naturally in hemp, processed without the intentional removal or addition of any compound or cannabinoid.”

## Contains up to 0.30% Total THC



# Definitions (20.10.2.7)

## Hemp Finished Product

“means a product intended for retail sale to consumers for human consumption, cosmetics, or inhalation that contains hemp or hemp extract.

Hemp finished product does not include products manufactured for research and development purposes or products provided to another hemp facility or hemp retailer as samples that will not be used in the formulation of another hemp finished product or provided to consumers.”



# Definitions (20.10.2.7)

## Hemp Intermediate Product

“means a product containing multiple ingredients, including hemp or hemp extract, that will be incorporated into a hemp finished product.”



# Definitions (20.10.2.7)

## Hemp Retail Manufacturer

“means an operation that produces or repackages hemp finished products and provides them directly to consumers.”



# Definitions (20.10.2.7)

## Hemp Tincture

“means a liquid hemp finished product packaged in a container of four fluid ounces or less that contains a non-potable solution of at least 25 percent non-denatured alcohol, glycerin, plant-based oil, or concentrated syrup; hemp extract; and may contain additional ingredients that do not contain added sweeteners and is intended for human consumption.”



# Definitions (20.10.2.7)

## Manufacturing Employee

“means an individual working with unpackaged hemp, hemp extract, hemp intermediate product, or other ingredients used to produce hemp finished products, processing equipment or utensils, or surfaces that contact unpackaged hemp, hemp extract, hemp intermediate product, or other ingredients used to produce hemp finished products.”



# Definitions (20.10.2.7)

## □ Semi-synthetic Cannabinoid

“means a substance that is created by a chemical reaction that converts one cannabinoid extracted from a Cannabis sativa L. directly into a different cannabinoid. Semi-synthetic cannabinoid does not include cannabinoids produced via decarboxylation of naturally occurring acidic forms of cannabinoids, such as Tetrahydrocannabinolic acid into the corresponding neutral cannabinoid, such as THC, through the use of heat or light, without the use of chemical reagents or catalysts, and that results in no other chemical change.”

## □ Example: Delta-8 THC

- CBD isolate > Delta-8 THC



# Definitions (20.10.2.7.YY)

## Synthetic Cannabinoid

“means a cannabinoid-like compound that was produced by using chemical synthesis, chemical modification, or chemical conversion. Synthetic cannabinoid does not include:

- (1) A compound produced through the decarboxylation of naturally occurring cannabinoids from their acidic forms; or,
- (2) A semi-synthetic cannabinoid.”



# General Provisions (20.10.2.8.A)

- Food service establishments in CABQ or BERNCO who also operate as a hemp facility must be permitted by NMED-CHB.
  
- Clarified that hemp manufacturing or extraction facilities or hemp retail manufacturers do not require an additional hemp warehouse permit for the same location.



# General Provisions (20.10.2.8.D)

- Operational Plans
  - Reorganized to provide clarity and match applications.
  - When updating hemp product manufacturing process:
    - Provide original w/ changes clearly denoted



# General Provisions (20.10.2.8.D)

- Removed “Hemp Processor” permit type.
- Added “Hemp Retail Manufacturer” type
  - \$500 annual permit fee
- Added \$200 late fee for permits not renewed on time.
- Reinspection fee increased from \$250 to \$500
- Added variance application fee \$300
- Added ability for NMED to charge administrative compliance costs.



# General Provisions (20.10.2.8.E)

- Clarified NMED must be allowed to take photos to document observations.
- Outstanding fees will prohibit permit renewal.



# Management and Personnel (20.10.2.9)

- Management and employee training plan
- Written procedures for clean-up.
  - Must be specific to requirements of the rule (see G).
- Food Handler Card required for all manufacturing employees (see definition)
  - Before employment, or 30 days after
  - Kept on person or copy on file
  - Provide training to manufacturing employees
  - Approved program – valid 3 years
  - ***60 days to comply (add to SOPs)***



# Transportation (20.10.2.10)

- Simplified shipping manifest requirements (see C)
  - Required for shipping hemp, hemp extract, or hemp intermediate product.
  - COA required for hemp extract or hemp intermediate product.



# Hemp Facility Requirements (20.10.2.11)

- Clarified documentation is required when receiving hemp from source outside NM.
- Must demonstrate hemp extract or hemp intermediate product is hemp-derived.
  - At/before time of receiving
  - Examples: Chain of custody doc, letter of guarantee.
- Clarified receiving requirements are intended for non-hemp ingredients as well (see F(4)).



# Hemp Facility Requirements (20.10.2.11)

- Clarified record keeping requirements pertain to non-hemp ingredients and packaging materials (see G(2)).
- Made semi-synthetic and synthetic cannabinoid restrictions from emergency rule permanent.



# Hemp Finished Product Reqs (20.10.2.12)

- Total THC concentration of 0.30% (unchanged)
- Unless a tincture, broad spectrum, a vape, or a cosmetic:
  - No more than 2.0 mg / serving Total THC
  - No more than 20 mg / package
- Hemp Tinctures – no more than 100 mg per package
- Broad Spectrum – no more than 6.0 mg per package
- Cosmetics and vapes do not have package content requirements



# Hemp Finished Product Reqs (20.10.2.12)

- Serving size for hemp finished products must comply with Table 2 of 21 CFR 101.12 (website)
- Pesticide testing:
  - Demonstrate hemp used to manufacture hemp finished product:
    - was grown using approved pesticides
    - Have no unapproved pesticide residues
  - Tested in accordance w/ Section 14 (more details)
- ***60 days to comply***



# Labeling and Packaging (20.10.2.13)

- Labels must be in English
  - Can contain other languages
  - Must contain both English and other language
  
- New statements
  - Product contains hemp
  - Unless broad spectrum, product contains THC
  - CBD content per serving & package
  - Total THC content per serving & package
  - “FDA statement” or approved



# Labeling and Packaging (20.10.2.13)

- New statements (con't)
  - Pregnant, or may become pregnant, or are breastfeeding consult physician
  - Unless broad spectrum:
    - Potential for product to cause positive drug test
    - Potential for product to create impairment
  - Keep out of reach of children
- Cannot include claims (see E(1))
- Be designed to appeal to children (see E(2))



# Labeling and Packaging (20.10.2.13)

- QR code may be used
  - ▣ If used for “safety” statements, must state “Important Safety Information” above or directly adjacent to QR code (see H)
  - ▣ No intervening material b/t statement and QR code (see H)
- Packaging – food-grade or GRAS
- Multiple serving packages that require dosing by consumer must contain accurate dosing device



# Labeling and Packaging (20.10.2.13)

## ***60 days to comply***

- Product contains hemp
- Unless broad spectrum, product contains THC
- CBD content per serving (package already required)
- Total THC content per serving & package
- Updated FDA statement or approved equivalent
- “Pregnancy” statement (see D(2))



# Labeling and Packaging (20.10.2.13)

- ***60 days to comply (con't)***
  - "Keep out of reach of children" statement
  - Unless broad spectrum:
    - Potential to cause + drug test
    - Potential to create impairment
  - Label/packaging not designed to appeal to children
  - Multiple self servings – accurate dosing device



# Hemp Finished Product Testing (20.10.2.14-15)

- Total THC <0.30% (existing)
- Total THC 2.0 mg or less
- Hemp Tincture 100 mg or less
- Contents on label
- Pesticide residues:
  - Registered – USEPA limits
  - Non-registered – not present



# Hemp Finished Product Testing (20.10.2.14-15)

- Failed test
  - ▣ Confirming test of original sample
  - ▣ If confirming test occurs, w/in 24 hours after confirming test results:
    - Approved analytical lab and permit holder must independently report results to CHB.
  - ▣ Pesticide testing – ***60 days to comply***
- All testing required in rule must be done by CHB approved lab (website)
- Must use pesticide panel designated by CHB



# Water Supply and Sewage (20.10.2.16)

- Sewage disposed according to law
- Onsite liquid waste systems meet requirements of 20.7.3 NMAC



# Remaining Sections (20.10.2.17-24)

- Minor updates
- Correction of Sections cited with changes to numbering



# Effective Date

- January 28, 2026
- “*60 days to comply*” items – March 28th



# Next Steps

- New rule and resources placed on CHB website
- New/updated documents:
  - SOPs (demonstrating hemp-derived, “synthetics”, 98% purity, food handler card, pesticide testing)
  - Operational Plans (5mg – 2mg formulation)
  - **LABELS**
- CHB begins enforcing rule on January 28<sup>th</sup> / March 28<sup>th</sup>

# Questions

## Contact Information

NMED Cannabis and Hemp Bureau  
[cannabis.hemp.bureau@env.nm.gov](mailto:cannabis.hemp.bureau@env.nm.gov) or

(505) 222-9502

<https://www.env.nm.gov/cannabis-hemp/>