



This summary provides an overview of the changes made to the hemp emergency rule and were approved and incorporated into the final hemp rule. The hemp emergency rule was utilized as the starting point of the proposed final rule; thus, this summary of changes highlights substantial changes proposed from the emergency rule. The purpose of this summary is to outline the changes of content, rather than to identify every editorial change. This is not an absolute comparison that identifies every change from the hemp emergency rule. Please review the hemp final rule for the full requirements beginning January 28, 2020.

1. New definition (20.10.2.7.F – page 1).

Emergency Rule	Final Rule
Did not exist.	<b>“Blend”</b> means to combine into an integrated whole.

2. New definition and permit type (20.10.2.7.Y – page 2).

Emergency Rule	Final Rule
Did not exist.	<b>“Hemp processing facility”</b> means an operation, other than a hemp manufacturing facility, where hemp is processed or dried into a hemp finished product or into a hemp product that does not require further processing before being offered as a hemp finished product.

3. New permit application fee for permit renewals and a new fee for a Hemp Processing Facility (20.10.2.8.D – page 5).

Emergency Rule	Final Rule
Did not exist.	<p><b>D. Fees, Penalty Fees, and Expiration Dates:</b></p> <p>(1) Initial and renewal application fees are non-refundable and shall be:</p> <p>(a) \$1000.00 for a hemp extraction facility;</p> <p>(b) \$1000.00 for a hemp manufacturing facility;</p> <p>(c) \$1000.00 for a hemp warehouse; and</p> <p>(d) \$500.00 for a hemp processing facility.</p>

4. Clarification that permit application fees are due when an application is submitted. Established a one-year permit duration and proposed to extend permits issued under the emergency rule to one year (20.10.2.8.D(2)-(4) – page 5).

Emergency Rule	Final Rule
Permits expired January 31, 2020 and permit renewals were not possible.	<p>(2) Application fees specified in Paragraph (1) of Subsection D of this section shall be paid upon submission of an initial or renewal application. Except as specified in Paragraph (5) of Subsection D of this section, application fees shall include all applicable costs associated with administration of a hemp facility permit.</p> <p>(3) Permits issued pursuant to Subsection E of this section shall expire on the last day of the anniversary month of the date of original issue.</p> <p>(4) The expiration of permits issued prior to January 28, 2020 shall be extended to the last day of the anniversary month of the date of original issue.</p>

5. Requirement to pay re-inspection penalty fees prior to renewal of a permit (20.10.2.8.D(5) – page 5).

Emergency Rule	Final Rule
Did not exist.	(5) When a re-inspection is scheduled by the regulatory authority a penalty fee of \$250.00 shall be assessed and paid by the permit holder prior to the re-inspection being conducted as specified in Subsection B of Section 20.10.2.16 NMAC or prior to the approval of a renewal application.

6. Established renewal application process (20.10.2.8.E(7) – page 6).

Emergency Rule	Final Rule
Did not exist.	(7) The regulatory authority may renew a permit for a hemp facility upon submission of a renewal application provided by the regulatory authority and the required fee(s) as specified in Paragraph 1 of Subsection D of this section.

7. Established responsibilities of the person-in-charge (20.10.2.9.E – page 7).

Emergency Rule	Final Rule
Did not exist.	E. The person in charge shall have the education, training, or experience necessary to supervise the production of clean and safe hemp product and ensure the hemp facility remains in compliance with this part and the act at all times.

8. Revamped requirements for transporting small amounts of hemp product to approved labs or research facilities (20.10.2.10.D&E – page 7).

Emergency Rule	Final Rule
Exempted having a harvest certificate and manifest, but required labeling of product.	<ul style="list-style-type: none"> <li>Requires a hemp harvest certificate (to meet the requirement of the Hemp Manufacturing Act) when transporting hemp to approved laboratories or research facilities.</li> <li>Requires a modified transportation manifest (to meet the requirement of the Hemp Manufacturing Act) when transporting hemp extract, hemp-derived material, or hemp finished product to approved laboratories or research facilities.</li> </ul>

9. Requires additional finished product testing for dried usable hemp (20.10.2.14.B(4)).

Emergency Rule	Final Rule
Required water content test.	Requires the following tests: Water content; Total aerobic microbial count; Total combined yeast and mold count; Bile-tolerant gram-negative bacteria; Salmonella spp. and E. coli; and Total coliforms count.

10. Establishes preparation requirements for testing of processed or dried hemp (20.10.2.14.C).

Emergency Rule	Final Rule
Did not exist.	<p>C. Hemp processed or dried as a hemp finished product or hemp product that does not require further processing before being offered as a hemp finished product shall:</p> <ul style="list-style-type: none"> <li>(1) meet the requirements of this section for hemp finished product; and</li> <li>(2) be prepared for testing, as required in Subsection B of this section, as follows: <ul style="list-style-type: none"> <li>(a) Blending of the entire batch/lot prior to testing; or</li> <li>(b) Tested in accordance with a testing plan approved by the regulatory authority.</li> </ul> </li> </ul>

11. Establishes testing limits for dried usable hemp (20.10.2.14.D(3)).

Emergency Rule	Final Rule
Required water content of less than 15%.	<p>(3) If dried usable hemp finished product:</p> <ul style="list-style-type: none"> <li>(a) Water content shall be less than fifteen percent by weight;</li> <li>(b) Total aerobic microbial count shall be less than 100,000 colony forming units per gram (cfu/g) or colony forming units per milliliter (cfu/mL);</li> <li>(c) Total combined yeast and mold count shall be less than 10,000 cfu/g or cfu/mL;</li> <li>(d) Bile-tolerant gram-negative bacteria shall be less than 1,000 cfu/g or cfu/mL;</li> <li>(e) Salmonella spp. and E. coli shall be absent in 10 grams cfu/g or cfu/mL; and;</li> <li>(f) Total coliforms count shall be less than 1,000 cfu/g or cfu/mL.</li> </ul>

12. When a hearing is requested by a permit holder and the permit holder does not appear for the hearing, NMED's decision will be upheld.

Emergency Rule	Final Rule
Did not exist.	<p>R. Failure by the permit holder to appear at the hearing shall result in the secretary upholding the regulatory authority's initial decision which led to the permit holder's hearing request.</p>