



This summary provides an overview of the proposed 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.

**Note: page and line numbers provided match the “track changes” version of the proposed rule online.

1. New definition (page 1, line 42).

Emergency Rule	Proposed Final Rule
Did not exist.	“ Blend ” means to combine into an integrated whole.

2. New definition and permit type (page 2, line 30).

Emergency Rule	Proposed Final Rule
Did not exist.	“ Hemp processing facility ” 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 (page 5, line 41).

Emergency Rule	Proposed Final Rule
Did not exist.	<p>D. Fees, Penalty Fees, and Expiration Dates:</p> <p>(1) <u>Initial and renewal application fees</u> 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; and</p> <p>(c) \$1000.00 for a hemp warehouse; and _____</p> <p>(d) <u>\$500.00 for a hemp processing facility.</u></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 (page 5, line 47).

Emergency Rule	Proposed Final Rule
Permits expired January 31, 2020 and permit renewals were not possible.	<p>(2) <u>Application fees</u> specified in Subparagraphs (a), (b), and (c), and (d) of Paragraph (1) of Subsection D of this section <u>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, application, plan review, and permit fee.</u></p> <p>(3) Permits issued pursuant to Subsection E of 20-10-2-8 NMAC <u>this section</u> shall expire on <u>the last day of the anniversary month of the date of original issue</u> January 31, 2020.</p> <p>(4) <u>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.</u></p>

5. Requirement to pay re-inspection penalty fees prior to renewal of a permit (page 6, line 1).

Emergency Rule	Proposed Final Rule
Did not exist.	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 <u>prior to the approval of a renewal application.</u>

6. Established renewal application process (page 7, line 5).

Emergency Rule	Proposed 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 (page 7, line 25).

Emergency Rule	Proposed 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 (page 8, line 1).

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

9. Requires additional finished product testing for dried usable hemp (page 10, line 47).

Emergency Rule	Proposed 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 (page 10, line 54).

Emergency Rule	Proposed 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"> (1) meet the requirements of this section for hemp finished product; and (2) be prepared for testing, as required in Subsection B of this section, as follows: <ul style="list-style-type: none"> (a) Blending of the entire batch/lot prior to testing; or (b) Tested in accordance with a testing plan approved by the regulatory authority.

11. Establishes testing limits for dried usable hemp (page 11, line 13).

Emergency Rule	Proposed Final Rule
Required water content of less than 15%.	<p>(3) If dried usable hemp finished product:</p> <ul style="list-style-type: none"> (a) Water content shall be less than fifteen percent by weight; (b) Total aerobic microbial count shall be >100000 cfu/g or cfu/mL; (c) Total combined yeast and mold count shall be >10000 cfu/g or cfu/mL; (d) Bile-tolerant gram-negative bacteria >1000 cfu/g or cfu/mL; (e) Salmonella spp. And E. coli shall be absent in 10 grams cfu/g or cfu/mL; and (f) Total coliforms count shall be >1000 cfu/g or cfu/mL.

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	Proposed 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>