

7.34.4.26 CANNABIS CONSUMPTION AREAS:

A. General provisions: The smoking, vaporizing, and ingestion of medical cannabis products by qualified patients is permitted within cannabis consumption areas, designated by the department, that are located on the premises of licensed non-profit producers. Cannabis consumption areas may only be operated by licensed non-profit producers, at medical cannabis dispensary locations designated by the department. Alcohol is prohibited in cannabis consumption areas. A licensed non-profit producer that operates a cannabis consumption area shall comply with all applicable state and local laws, including but not limited to zoning, occupancy, licensing, and building codes. Additionally, a licensed non-profit producer that operates a designated cannabis consumption area shall:

- (1) Restrict access to the cannabis consumption area to qualified patients and their primary caregivers and authorized personnel of the non-profit producer;
- (2) Ensure that consumption of cannabis in the cannabis consumption area is not visible from any public place or from outside the cannabis consumption area; and
- (3) Require that qualified patients who consume cannabis in a cannabis consumption area either leave the non-profit producer's premises with a designated driver or utilize other lawful means of transportation from the non-profit producer's premises.

B. Application; operations plan: A licensed non-profit producer shall apply for and obtain prior approval from the department before operating a cannabis consumption area. The licensed non-profit producer shall include an operations plan with its application that includes the following:

- (1) Operating hours of the cannabis consumption area;
- (2) Plan for limiting access to qualified patients and primary caregivers access and verification process;
- (3) Security plan addressing overall security measures, including but not limited to plans for video surveillance, fire safety, public disturbances, refusal of service, and emergency evacuation;
- (4) Plan for ensuring that only qualified patients, primary caregivers, and authorized staff can access cannabis consumption areas;
- (5) Plan for educating patients and primary caregivers about the dangers of driving under the influence of cannabis;
- (6) Plan concerning disposal of wasted cannabis and cannabis-related paraphernalia;
- (7) Plan concerning measures to limit potential allergic reactions by qualified patients and primary caregivers who visit the cannabis consumption area;
- (8) Plan to ensure that qualified patients who are minors are accompanied by their primary caregiver at all times while on the premises of a cannabis consumption area;
- (9) Attestation that access to cannabis consumption areas will be limited to qualified patients and their primary caregivers and authorized personnel of the non-profit producer;
- (10) Attestation that consumption of cannabis in the cannabis consumption area will not be visible from any public place or from outside the cannabis consumption area;
- (11) Attestation that the non-profit producer will require that qualified patients who consume cannabis in a cannabis consumption area either leave the non-profit producer's premises with a designated driver (who shall be identified to the non-profit producer by the qualified patient or primary caregiver) or utilize other lawful means of transportation from the non-profit producer's premises; and
- (12) Such additional information or materials as the department may require.

C. Amended license: The licensed non-profit producer shall apply for amended licensure, and shall obtain approval from the department, at least 30 days prior to implementing any change of location of a cannabis consumption area or any substantial change to any portion of the non-profit producer's cannabis consumption area operations plan.

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7.34.4.27 RECIPROCITY: An individual who holds proof of authorization to participate in the medical cannabis program of another state of the United States, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo may lawfully purchase and possess cannabis, provided that the quantity of cannabis does not exceed the reciprocal limit identified in this section.

A. Reciprocal participation:

- (1) **General requirements:** A reciprocal participant:

(a) may participate in the medical cannabis program in accordance with department rules;

(b) shall not be required to comply with the registry identification card application and renewal requirements established pursuant to this section and department rules;

(c) shall at all times possess proof of authorization to participate in the medical cannabis program of another state, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo and shall present proof of that authorization when purchasing cannabis from a licensee; and

(d) shall register with a licensed non-profit producer for the purpose of tracking sales to the reciprocal participant in an electronic system specified by the department.

(2) **Minors:** In the event that a reciprocal participant is a minor, a licensed non-profit producer shall not sell or transfer cannabis to the minor, but may sell or transfer cannabis to a parent or legal guardian of the minor who holds proof of authorization to purchase cannabis on the minor's behalf that was issued by another state of the United States, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo.

B. Reciprocal limit: A reciprocal participant may collectively possess within any three-month period a quantity of usable cannabis no greater than 230 total units. For purposes of department rules, this quantity is deemed the reciprocal limit. (For ease of reference: 230 units is equivalent to 230 grams, or approximately eight ounces, of dried usable cannabis plant material.)

C. Registration; verification; tracking: A licensed non-profit producer shall require the submittal of a reciprocal participant's contact information for registration purposes, to include the individual's full name, date of birth, mailing address, and the enrollment number specified in the individual's medical cannabis program enrollment card (if applicable); and shall record that information in an electronic tracking system specified by the department. The licensed non-profit producer shall confirm the accuracy of a reciprocal participant's contact information prior to the first transaction of the reciprocal participant's 60-day reciprocity period. A licensed non-profit producer that registers a reciprocal participant or that sells or transfers cannabis or a cannabis product to a reciprocal participant shall first verify the reciprocal participant's identity by viewing the individual's proof of authorization from the other state, territory or tribe, and also viewing the reciprocal participant's government-issued photo identification card. A licensed non-profit producer that sells or otherwise transfers cannabis or a cannabis product to a reciprocal participant shall track the sale or transfer using an electronic system specified for that purpose by the department.

D. Refusal of service: A non-profit producer that reasonably suspects that either a person's proof of authorization or identification card is falsified may refuse to dispense cannabis to that individual.

E. Informational materials: At the time of a sale or transfer of cannabis to a reciprocal participant, a non-profit producer shall provide informational materials to the reciprocal participant that include, at a minimum, a notice of the time and quantity limits for reciprocity under this section, and a notice concerning state and federal prohibitions against the transport of cannabis across state and international boundaries.

[7.34.4.27 NMAC – N, xx/xx/xxxx]

7.34.4.28 ENFORCEMENT OF PARENTAL RESPONSIBILITY ACT:

A. The medical cannabis program's approval of an employee of a non-profit producer or an approved entity to work for such producer or approved entity may be suspended, and a request for an individual to be approved to work for such a producer or approved entity may be denied, for failure of the approved employee or prospective employee to comply with a judgment and order for child support issued by a district or tribal court or a subpoena or warrant relating to paternity or child support proceedings, as provided in the Parental Responsibility Act, Section 40-5A-1 et seq., NMSA 1978.

B. Procedures for enforcement of the Parental Responsibility Act:

(1) **List of obligors:** The New Mexico human services department (HSD) will issue to the medical cannabis program a certified list of obligors (meaning persons who have been ordered to pay child support pursuant to a judgment and order for support issued by a district or tribal court) not in compliance with their judgment and order of support or a subpoena or warrant relating to paternity or child support proceedings.

(2) **Notice of noncompliance:** Upon determination by the medical cannabis program that the name and social security number of an approved employee or prospective employee of a non-profit producer or an approved entity appear on the certified list of obligors, the medical cannabis program shall notify the approved employee or prospective employee in writing. The medical cannabis program may send a copy of the notice of noncompliance to the non-profit producers or approved entities affiliated with the approved employee or prospective