



November 13, 2023

Re: Comments on Proposed Revisions to 16.8.2 NMAC

Thank you for the work you and the employees of the Cannabis Control Division do to support New Mexico cannabis industry with safe consumer access to cannabis.

Regarding the latest proposed changes to the existing regulations, there are several concerns for burdensome and ineffective regulation.

First, the language in the proposed changes creates a burdensome and unreasonable deadline for providing additional information. The language states an applicant will have 48 hours to rectify any deficiencies. 48 hours is insufficient time to adequately rectify, and five business days would be a better suggestion. The short timeframe is overly burdensome because the outcome of this timeframe is a closed application and forfeited application fees.

Second regarding, 16.8.2.44.(A)(5) “A list of all natural persons who hold any financial or voting interest, including but not limited to natural persons associated with any business having a financial or voting interest in the cannabis testing laboratory...” is overly burdensome and ineffective. The current regulations state [16.8.2.43.(D) NMAC] “Other activities prohibited: No person with a direct or indirect interest in any cannabis establishment other than a cannabis research laboratory may hold an interest in a cannabis testing laboratory.” The proposed new regulation tightens the language to specify natural persons but leaves financial interest ill defined and the burden of documentation solely on testing labs.

Third, regarding 16.8.2.44.(A)(H) “applicant’s employee information including but not limited to names, identification photographs, employment history and demographic information” is burdensome, intrusive and ill defined. It could make the information required for application or renewal more detailed than information collected to verify an applicant’s identity.

Best regards,

Elizabeth Skerry  
BK Labs, Inc. , CEO  
[Elizabeth@bklabsnm.com](mailto:Elizabeth@bklabsnm.com)  
O: 505-404-8137