

From: [Bia Campbell](#)
To: [PublicComment, CCD , RLD](#)
Subject: Public Comment - CCD's Draft Producer Rules
Date: Thursday, July 29, 2021 12:18:40 PM
Attachments: [Maggie'sFarm NewMexico CCD Rules2 Memo 7.29.21 FINAL.pdf](#)

To whom it may concern,

In response to the notice of rulemaking we are hereby submitting the attached document containing a public comment on the second version of the CCD's Draft Producer Rules.

We thank you for all your hard work and we appreciate your time and consideration as you review our proposal.

We are available for questions and comments should the need arise.

VSS on behalf of Maggie's Farm

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To: New Mexico Cannabis Control Division (CCD)
From: VS Strategies *on behalf of* Maggie's Farm
Date: July 29, 2021
Memo Subject: Cannabis Control Division's Draft Producer Rules

Members of the New Mexico Cannabis Control Division,

Maggie's Farm, a Colorado cannabis company, respectfully submits these public comments on the second version of the CCD Draft Producer Rules issued in July of this year.

1. Request to remove germination, seedling, and vegetative stage definitions

Section 16.8.8.8 currently reads as follows:

16.8.8.8 GENERAL PROVISIONS FOR PLANT COUNT: A. Cannabis plant growth cycle: For purposes of this rule, the cannabis plant growth cycle is based on the following 4 stages:

- (1) germination stage includes a seed sprouting to form a seedling and lasts 3-10 days;*
- (2) seedling stage includes a shoot emerging from the soil surface, eventually forming the first leaves and lasts 2-3 weeks;*
- (3) vegetative stage is the period of growth between germination and the beginning of flowering, including cloned cannabis plants, and lasts 3-16 weeks; and*
- (4) flowering stage begins when a cannabis plant starts blooming, including pre-flowers with **pistils** that are visible, and lasts 6-8 weeks.*

B. Mature cannabis plant: For purposes of this rule, a mature cannabis plant shall be a cannabis plant in the flowering stage. [16.8.8.8 NMAC - N x/xx/2021]

Note: Please note that there is a typo on the word "pistils" on the current version of the draft rules.

Throughout the rules the terms germination, seedling and vegetative stages defined above are only used in the following contexts:

*16.8.1.7 DEFINITIONS: C. (2) "Cannabis Waste" means all parts of the plant genus Cannabis which may or may not contain a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of **germination** which has been designated as no longer usable cannabis.*

*16.8.8.9 CANNABIS PLANT LIMIT TIER LEVELS: E. Immature Plants: For purposes of calculating the maximum number of authorized mature cannabis plants, the **germination**, **seedling**, and **vegetative** stages are classified as immature cannabis plants and are excluded from a licensee's approved cannabis plant level.*

The New Mexico regulations do not treat plants in germination, seedling, and vegetative stages differently. The only point of differentiation occurs when a plant enters the flowering stage. Therefore, the state does not need to define and separate out the germination, seedling, and vegetative stages. The regulations would be completely operable by only including a definition for the flowering stage.

This will streamline the rules for both regulators and licensees by simplifying the code. If the rules do not differentiate between germination, seedling, and vegetative, then the RLD does not need to finalize these complex definitions or enforce against deviations from these standards. Similarly, licensees could cultivate plants according to their biological cycle without needing to conform to these definitions. By only defining the flowering stage, the RLD can still enforce the plant count, plant fee, and waste regulations and avoid the concerns created by the other unrefereed definitions.

2. Request to redefine flowering stage

In addition to removing the unnecessary definitions, we respectfully request that the cannabis control division consider redefining “flowering stage”. Flower pistils and pre-flowers can show up in different stages of the plant cycle and should not signify plant maturity. The fluidity of the plant’s biology requires a more specific definition, as an immature plant with pistils and pre flowers would be in the flowering stage per current regulation. Some examples of how other states define the term that would avoid this issue and could be used by New Mexico are as follows:

- California
 - “Flowering” means that a cannabis plant has formed a mass of pistils measuring greater than one half inch wide at its widest point.
- Colorado
 - “Flowering” means the reproductive state of the cannabis plant in which there are physical signs of flower budding out of the nodes in the stem.
- Massachusetts
 - “Flowering” means the gametophytic or reproductive state of Cannabis or Marijuana in which the plant produces flowers, trichomes, and Cannabinoids characteristic of Marijuana.
- Oregon
 - “Flowering” means a marijuana plant that has formed a mass of pistils measuring greater than two centimeters wide at its widest point.

Below are some images that illustrate the issue, with pistils and pre-flowers on plants that have not reached maturity:





3. Request to define mature plants as female plants

Finally, we humbly ask that the definition of mature plant on Section 16.8.8.8 (B) include the word “female”. Male plants do not yield usable, commercially viable cannabis and should not be included in the total plant count. The rules would read as follows:

*16.8.8.8 GENERAL PROVISIONS FOR PLANT COUNT B. Mature cannabis plant: For purposes of this rule, a mature cannabis plant shall be a **female** cannabis plant in the flowering stage.*

We thank you for your time and consideration and are available should you have any questions.