

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 8 COMMERCIAL AND MEDICAL CANNABIS
PART 11 FEES

16.8.11.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department, Cannabis Control Division.
[16.8.11.1 NMAC - N x/xx/2021]

16.8.11.2 SCOPE: This rule applies to all applicants and licensees applying for licensure and renewal of licensure under all license types as set forth in the Cannabis Regulation Act and the Lynn and Erin Compassionate Use Act.
[16.8.11.2 NMAC - N x/xx/2021]

16.8.11.3 STATUTORY AUTHORITY: The requirements set forth herein are promulgated by the cannabis control division pursuant to the authority granted under the Cannabis Regulation Act and the licensing provisions of the Lynn and Erin Compassionate Use Act.
[16.8.11.3 NMAC - N x/xx/2021]

16.8.11.4 DURATION: Permanent.
[16.8.11.4 NMAC - N x/xx/2021]

16.8.11.5 EFFECTIVE DATE: August xx, 2021, unless a different date is cited at the end of a section.
[16.8.11.5 NMAC - N x/xx/2021]

16.8.11.6 OBJECTIVE: The objective of Part 11 is to establish a uniform schedule of fees applicable to licenses issued under the Cannabis Regulation Act.
[16.8.11.6 NMAC - N x/xx/2021]

16.8.11.7 DEFINITIONS: Unless otherwise defined below, terms used in Title 16, Chapter 8, Part 1, have the same meanings as set forth in 16.8.1 NMAC, the Cannabis Regulation Act, and the Lynn and Erin Compassionate Use Act.
[16.8.11.7 NMAC - N x/xx/2021]

16.8.11.8 GENERAL PROVISIONS FOR FEES: [RESERVED]
[16.8.11.8 NMAC - N x/xx/2021]

16.8.11.9 ANNUAL LICENSING FEES: Every application for the issuance or renewal of the following licenses shall be accompanied by an annual licensing fee in the following specified amounts:

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| A. Cannabis courier license: | \$250 annually |
| Each additional licensed premises of the licensee: | \$100 annually |
| B. Cannabis testing laboratory license: | \$2,500 annually |
| Each additional licensed premises of the licensee: | \$1,000 annually |
| C. Cannabis manufacturer license: | \$2,500 annually |
| Each additional licensed premises of the licensee: | \$1,000 annually |
| D. Cannabis producer license: | \$2,500 annually |
| Each additional licensed premises of the licensee: | \$1,000 annually |
| E. Cannabis retailer license: | \$2,500 annually |
| Each additional licensed premises of the licensee: | \$1,000 annually |
| F. Cannabis research laboratory license: | \$2,500 annually |
| Each additional licensed premises of the licensee: | \$1,000 annually |
| G. Vertically integrated cannabis establishment license: | \$7,500 annually |
| Each additional licensed premises of the licensee: | \$1,000 annually |
| H. Cannabis producer microbusiness license: License fees for cannabis producer microbusinesses shall be determined by the number of plants growing under each license. | |
| (1) Licensees growing 100 plants or less: | \$500 annually |
| (2) Licensees growing 101 to 200 plants: | \$1,000 annually |
| I. Integrated cannabis microbusiness license: License fees for integrated cannabis microbusinesses shall be determined by the number of activities conducted under each license. Activities considered are defined by the | |

Cannabis Regulation Act and entail:

- (1) production of cannabis at a single licensed premises, provided that the person shall not possess more than two hundred total mature cannabis plants at any one time;
 - (2) manufacture of cannabis products at a single licensed premises;
 - (3) sale and transportation of only cannabis products produced or manufactured by that person;
 - (4) operation of only one retail establishment; or
 - (5) couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.
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| (a) Two activities: | \$1,000 annually |
| (b) Three activities: | \$1,500 annually |
| (c) Four activities: | \$2,000 annually |
| (d) Five activities | \$2,500 annually |
- J. Cannabis consumption area:** \$2,500 annually

[16.8.11.9 NMAC - N x/xx/2021]

16.8.11.10 ANNUAL LICENSING FEE PRORATION: Licensees submitting an amended application to add or change a license type shall only be required to pay the difference between the fee for the original license type and the fee for the amended license type, provided that the division will not issue any refunds. The division shall prorate the fee to align with the expiration date of the licensee’s original license.

[16.8.11.10 NMAC - N x/xx/2021]

16.8.11.11 ANNUAL PER PLANT FEE:

A. Commercial cannabis plants: Except for cannabis producer microbusinesses and integrated cannabis microbusinesses, a licensee cultivating commercial cannabis plants shall be assessed an additional annual fee per mature cannabis plant at the time of licensing, incremental increase as set forth in 16.8.8.10 NMAC, and licensure renewal as set forth in 16.8.2.17 NMAC. Plant fees shall be assessed based on the plant limit license designation as set forth in subparagraph A in 16.8.8.9 NMAC, as follows:

- (1) Level 1: \$10.00 per mature cannabis plant;
- (2) Level 2: \$10.00 per mature cannabis plant;
- (3) Level 3: \$10.00 per mature cannabis plant; and
- (4) Level 4 and above: \$10.00 per mature cannabis plant.

B. Medical cannabis plants: Except for cannabis producer microbusinesses and integrated cannabis microbusinesses, a licensee cultivating solely medical cannabis plants shall be assessed an additional annual fee per mature cannabis plant at the time of licensing, incremental increase as set forth in 16.8.8.10 NMAC, and licensure renewal as set forth in 16.8.2.17 NMAC. Plant fees shall be assessed based on the plant limit license designation as set forth in subparagraph A in 16.8.8.9 NMAC, as follows:

- (1) Level 1: \$5.00 per mature cannabis plant;
- (2) Level 2: \$5.00 per mature cannabis plant;
- (3) Level 3: \$5.00 per mature cannabis plant; and
- (4) Level 4 and above: \$5.00 per mature cannabis plant.

[16.8.11.11 NMAC - N x/xx/2021]

16.8.11.12 FEE LIMITATIONS: Application, license, premises and plant fees, or license renewal, premises renewal and annual plant fees shall not exceed \$125,000 for a vertically integrated cannabis establishment license for both medical cannabis activity and commercial cannabis activity. License fees or renewal fees for a license that authorizes only medical cannabis activity shall be one-half the fee applicable to a license authorizing both medical cannabis activity and commercial cannabis activity.

[16.8.11.12 NMAC - N x/xx/2021]

16.8.11.13 PROHIBITED ACTIVITY AND IMPACTS ON FEES: Cannabis producer microbusiness or integrated cannabis microbusinesses entering into a business arrangement with another licensee with the purpose or having the effect of evading the limitations of the licensee’s license shall not be eligible for the lower fee prescribed in subsections H and I of 16.8.11.9 NMAC. Upon entering into such an arrangement, the licensees shall immediately pay the per-plant fee as set forth in 16.8.11.11 NMAC and the applicable fee for a producer license or vertically integrated cannabis establishment license as set forth in 16.8.11.9 NMAC.

[16.8.11.13 NMAC - N x/xx/2021]

16.8.11.14 FEE PAYMENT TYPES ACCEPTED: The division shall accept payment for annual licensing
16.8.2 NMAC

fees and annual per plant fees from sources including credit cards, debit cards, electronic checks, electronic bank transfers, automated clearing house payments, or cashier's checks. Other forms of payment, including cash, shall not be accepted.

[16.8.11.14 NMAC - N x/xx/2021]

16.8.11.15 RENEWAL FEE COLLECTION TIMING: The division shall collect all renewal fees, including annual per plant fees, at the time of renewal of a license.

[16.8.11.15 NMAC - N x/xx/2021]

16.8.11.16 SEVERABILITY: If any part or application of this rule is held to be invalid, the remainder or its application to other situations or persons shall not be affected. Any section of this rule legally severed shall not interfere with the remaining protections and duties provided by this rule.

[16.8.11.16 NMAC - N x/xx/2021]