



MICHELLE LUJÁN GRISHAM
GOVERNOR

New Mexico Land Grant Council

Physical: 1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106

Mailing: MSC02 1680 ♦ 1 University of New Mexico ♦ Albuquerque, NM 87131

Email: nmlandgrantcouncil@unm.edu ♦ **Website:** www.lgc.unm.edu

JUAN SÁNCHEZ
CHAIRMAN

REBECCA CORREA-SKARTWED
VICE-CHAIRWOMAN

August 6, 2021

Robert Sachs
Deputy Director of Policy
Cannabis Control Division
New Mexico Regulation and Licensing Department

Mr. Sachs:

The New Mexico Land Grant Council submits this letter as public comment on the New Mexico Regulation & Licensing Department (RLD) Cannabis Control Division's (CCD) Revised Cannabis Producer Regulations. We are a state agency that provides a program of support for land grant-*merced* communities throughout the state and serves as a liaison between state, federal and local agencies and land grants, most of which are organized as political subdivisions of the state. During the 2021 New Mexico Legislative Session, the New Mexico Land Grant Council joined grassroots organizations, including the New Mexico Acequia Association and the New Mexico Land Grant-Merced Consejo, in voicing our concerns about the impact of the legalization of recreational cannabis on land grant-*merced* and acequia communities. While we did not have the same opportunity to express our apprehension during the brief special session, when the Cannabis Regulation Act was ultimately passed, we have remained engaged with our partners in monitoring the implementation of the act, particularly provisions that protect the land and water that is so precious to land grants, acequias and other traditional communities.

On June 24, 2021, we offered a letter to the Cannabis Control Division, asking that rulemaking be deferred until the Cannabis Regulatory Advisory Committee has been seated and the rules, procedures and technical resource guide have been drafted for consideration in rulemaking proceedings. To date, we have had no direct response from the Cannabis Control Division. While rulemaking has proceeded, we maintain our stance that the Cannabis Control Division would best serve the greater public interest by deferring the adoption of final rules until the Cannabis Regulation Advisory Committee has been created and given ample time to review the proposed rules and appropriately properly and advise the Regulation and Licensing Department and Cannabis Control Division on all proposed rules and regulations.

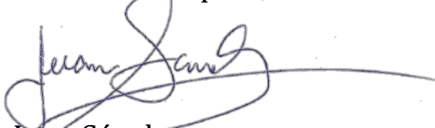
The New Mexico Land Grant Council maintains that the proposed Revised Cannabis Producer Regulations fail to protect our traditional land grant-*merced* communities as the Cannabis Regulation Act intends. For one, the proposed rules fall short of furthering the participation

growers from economically disadvantaged communities, particularly those that have been disproportionately affected by the overzealous enforcement of cannabis prohibitions in the past. According to the *Albuquerque Journal* (July 26, 2021), RLD Superintendent Linda Trujillo recently testified that local prospective growers would not have the access to capital needed to start a cannabis growing operation. Adopting these measures should be paramount to the CCD; simply creating a draft rule that states that the Division “must adopt social equity procedures” does not meet the requirement of actually creating and adopting these procedures. In our reading of the Cannabis Regulation Act, the Cannabis Control Division is required to promulgate rules encouraging such participation *concurrently* with producer regulations, but no later than January 1, 2022. The adoption of nuanced social equity measures can allow for local participation in the growing cannabis industry, ensuring that local communities can maximize the benefit and minimize the adverse impacts of the legalization of recreational cannabis production.

Finally, the Cannabis Regulation Act contains provisions vital to our land grant-*merced* and acequia communities, including the protection of water and the environment and social equity mandates and plant count limits that will help ensure the participation of small, local producers. The Cannabis Control Division has included a variance rule in its proposed revised rules (16.8.2.8.Z) which circumvents these protective provisions of the Cannabis Regulation Act by allowing applicants to evade statutory and/or regulatory requirements of the Act. We agree with the New Mexico Acequia Association’s assessment that this proposed rule is not only damaging, but an illegal deviation from law that not only encourages, but sanctions the illegal use of water by profit centered and non-community-minded cannabis producers. The CCD states it will use the Uniform Licensing Act as a guide and, but the ULA does not allow for variances rules like the one that has been proposed. We believe that a variance rule is also a serious deviation from the intent of the New Mexico State Legislature, which it expressed in its passing the of the Act, and that the rule allows for the evasion of the Act’s crucial water protection and social equity mandates. In closing, the Council agrees with the New Mexico Acequia Association’s assessment that if the Legislature had intended for the creation of a variance mechanism, it would have explicitly done so in the Act.

Please feel free to reach out to the New Mexico Land Grant Council’s staff (Jacobo Baca, jacobobaca@unm.edu, 505.400.9426 / Arturo Archuleta, carchuleta02@unm.edu, 505.328.4104) should you have any questions.

Con Todo Respeto,



Juan Sánchez
Chair