



March 1, 2022

INDUSTRY BULLETIN: 22-02

RE: Implementation of Testing Rules

This Industry Bulletin is intended to update Licensees on the implementation of new testing requirements found in 16.8.7 NMAC, and available [here](#).

Please be aware that the information contained in this Industry Bulletin and associated links do not represent legal advice or replace a licensee's responsibility to review and comply with statute and rules.

Testing requirements beginning March 1, 2022

The Cannabis Regulatory Act requires the Cannabis Control Division to establish standards for quality control, inspection and testing of cannabis products for potency and contaminants. The rules were submitted to the New Mexico Register for [publication](#) on January 11, 2022, with an effective date of March 1, 2022.

16.8.7 NMAC establishes testing requirements for potency and contaminants prior to retail sale of both commercial and medical cannabis products regulated by the Cannabis Regulatory Act and include requirements for:

- when, during a production, manufacturing, or transfer cycle a product must be tested,
- contaminant testing for certain product categories,
- exceptions to required testing,
- testing for targeted microbes with allowable action levels,
- testing for residual solvents including targeted compounds with allowable action levels,
- cannabinoids and reporting units for potency testing,
- expected timeframe for homogeneity testing.

The March 1 implementation of 16.8.7 NMAC applies to all samples collected on and after March 1, 2022. Samples collected prior to March 1, 2022, may follow the previous testing requirements.

Remediation

Effective March 1, 2022, within 120 days of a failed contaminant test, 16.8.7.8(N) allows for repeated attempts at remediation of batches of cannabis products that have failed microbiological, residual solvent, potency and homogeneity, or pesticide testing. All batches must pass a retest for all contaminants listed in 16.8.7.8 after undergoing decontamination prior to transfer or sale. Testing must occur at a testing lab that is licensed by the Cannabis Control Division.



Batch Size

16.8.1.7B NMAC states: “Batch” means, with regard to cannabis, an identified quantity of cannabis no greater than 15 pounds that is of the same strain of cannabis, that is harvested during the same specified time period from the same specified cultivation area, and with respect to which the same agricultural practices were utilized, including the use of any pesticides; and with regard to concentrated and cannabis product, means an identified quantity that is uniform, that is intended to meet specifications for identity, strength, and composition, and that is manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling protocol.

A cannabis testing lab may determine the quantity of cannabis that determines a batch for tests conducted under the cannabis testing labs license. Based on industry practice and current market conditions in New Mexico, the Division recommends that batches be no fewer than 5 pounds, not exceed 15 pounds. This recommendation is not mandatory but suggested by the Division for optimal testing results.

Batches may be varied by the licensee according to product being tested.

The batch sizes and number of sample increments per batch shall be documented in the cannabis testing lab’s policies and procedures, per [16.8.2.48\(B\) NMAC](#).

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