



REVIEW TRACK FORM - PROPOSAL TO REVISE ARP

NOTE: POLICY SPONSORS COMPLETE FORM ONLY THROUGH SUMMARY BOX

No. 11.50; Title: Hemp Research, Extension and Outreach Activities	
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<p>Summary: NMSU Hemp Guidelines (attached) were developed by a task force consisting of representatives from ACES, CES, NMDA, VPR and UGC to assist NMSU employees in following federal, state and university laws and policies for research related to hemp.</p> <p>The guidelines were adapted from the Oregon State University Guidance of Cannabis Research, Teaching and Outreach Activities for faculty, staff and student involved in research and extension. March 4, 2019 (https://research.oregonstate.edu/cannabis-research) and specifically address rules for hemp cultivation and for activities related to CES and outreach, but do not provide rules for working with hemp extracts or products or for hemp processing.</p> <p>The guidelines were effectuated on a provisional basis by the chancellor in accordance with ARP 1.10 to facilitate the cultivation of hemp for research purposes in conjunction with the Navajo Nation at NMSU's Agricultural Research Station in Farmington, NM, which was time sensitive. Since then, they have been reformatted for incorporation into the Research chapter of the ARP as Rule 11.50.</p>	
AAG Meeting Date: August 8, 2019	Review Period *Ends: September 24, 2019
UAC First Read Date:	<i>*may be shortened</i>
Assigned Review Track: <input type="checkbox"/> Academic Track <input checked="" type="checkbox"/> Administrative Track	

Assigned Review Groups:				
	ACADEMIC DEANS COUNCIL (ADC)		EHSRM (Environmental Health Safety and Risk Management)	FS – FACILITIES AND SERV.
	ADI		EMPLOYEE COUNCIL	√ POLICE
√	ADMINISTRATION & FINANCE		FACULTY SENATE	PRESIDENT'S ADVISORY COUNCIL (PAC)
	ARROWHEAD CENTER		UNIVERSITY ADVANCEMENT	REAL ESTATE
	ASSOCIATE DEANS ACADEMIC COUNCIL		HUMAN RESOURCE SERVICES	√ UNIVERSITY RESEARCH COUNCIL
	ASSOCIATED STUDENTS OF NMSU		ICT – INFORMATION AND COMMUNICATION TECHNOLOGY	VP SAEM
	COMMUNITY COLLEGE PRESIDENTS' COUNCIL	√	NMDA	

All Academic Track Proposals are Subject to Final Review and Recommendation by the Faculty Senate.
ALL PROPOSALS are Subject to Final Review and Recommendation by the University Administrative Council.

**New Mexico State University Guidance on Hemp
Research, Extension, and Outreach Activities¹
July 2019**

The purpose of this document is to provide New Mexico State University (NMSU) employees with guidance on permissible research, extension and outreach regarding hemp.

Introduction

Prior to enactment of the 2018 Farm Bill, the federal Controlled Substances Act classified hemp as marijuana. The 2018 Farm Bill, passed by Congress on December 12, 2018 and signed by the President into law on December 20, 2018, amended the federal Controlled Substances Act to exclude hemp from the definition of marijuana. The 2018 Farm Bill also created a pathway toward the legalization of hemp, which allows States to devise and submit a regulatory plan to the United States Department of Agriculture (USDA) for approval. The USDA, however, is not yet accepting State regulatory plans for review, and there are several remaining implementation issues, which will require further Federal and State rulemaking or guidance before hemp is fully “legalized.”

During the 2019 New Mexico legislative session HB 581 Hemp Manufacturing Act was passed and signed into law. The legislation grants the New Mexico Department of Agriculture (NMDA) and the New Mexico Environment Department the regulatory authority over hemp manufacturers, processors, labs, researchers, and plant breeders.²

Thus, while the 2018 Farm Bill and New Mexico House Bill 581 decriminalization of hemp will increase NMSU’s ability to engage in hemp research., hemp has not yet been fully “legalized.” Hemp research must still be conducted in compliance with both Federal and state law. Where federal and state law conflict, federal law prevails. In other words, even if something is legal under New Mexico law you may still be prosecuted if you violate federal law.

Definition of Hemp

This guidance uses the definition of hemp in 2018 Farm Bill Act, which defines hemp as the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, that contains a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.

Allowable Hemp-Related Research at NMSU

¹ These guidelines are adapted from the Oregon State University Guidance of Cannabis Research, Teaching and Outreach Activities for faculty, staff and student involved in research and extension. March 4, 2019 (<https://research.oregonstate.edu/cannabis-research>)

² New Mexico laws and rules on hemp cultivation can be found at <http://www.nmda.nmsu.edu/home/laws-regulations/agricultural-environmental-services-statutes-rules/>

NMSU faculty may only perform research that involves hemp if such research complies with already established federal guidelines and state law.

At this time research may legally conduct hemp-related research under both the (1) Controlled Substance Act and (2) the 2014 and 2018 Farm Bills:

Controlled Substance License

Researchers may obtain a controlled substances registration number from the Drug Enforcement Agency (DEA). In such cases, the researcher would:

1. Register with the DEA and obtain a Schedule I registration number for the possession, use, or distribution of industrial hemp in accordance with the DEA requirements for marijuana. Upon receipt of registration number, the researcher would register with the New Mexico Board of Pharmacy.
2. Obtain research-grade hemp from a DEA-approved distributor.

2014 and 2018 U.S. Farm Bills

Researchers may also conduct hemp research under the Federal Farm Bills of 2014 and 2018. The U.S. Farm Bill of 2014 allows institutions of higher education in a state in which such activities are legalized "...to grow or cultivate industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research." For an NMSU researcher to grow, cultivate, or conduct research on industrial hemp under the Farm Bill, the research must be conducted for the purpose of agricultural or academic research and activities must take place within the state of New Mexico.

NMSU Requirements for hemp research

A. No NMSU employee may be required to participate in hemp research. Before working with hemp, an employee must sign a statement acknowledging their willingness to work with hemp. For employees under the age of 18, permission of their legal guardian is also required.

B. The following are the requirements for NMSU researchers cultivating hemp research:

1. Principal investigators (PI) are responsible for obtaining a license from NMDA prior to possession of viable seed, plants, cuttings, etc.
2. Prior to purchase or possession of material to be planted, obtain a certificate of analysis, (based solely on bud and flower, not biomass) demonstrating the source plants for seed, plants, and cuttings meet the definition of hemp measured post-decarboxylated for gas chromatography (GC), or delta 9THC + (.877 * tetrahydrocannabinolic acid (THCA)) for liquid chromatography (LC)).
3. Staff participating in the research must be informed that the handling of hemp plants may result in travel complications where drug dogs may be working.

4. Cultivation of hemp may only take place in counties, noxious weed districts, cities or other political subdivision that allow for its cultivation.

5. PIs are responsible for transportation of samples to laboratories. NMSU may not transport hemp outside of the state of New Mexico. NMSU employees must have a copy of a valid cultivation license issued by NMDA in their possession at all times when transporting raw hemp (seeds, plants, flower/bud etc.). NMSU employees are not allowed to transport hemp belonging to any third party.

6. Upon initiation of buds and flowers, PIs must test each cultivar at least once every 10 days to determine compliance with THC levels. Non-compliant plants must be destroyed immediately.

7. Non-compliant cultivars must be destroyed using a method developed in conjunction with Environmental Health Safety and Risk Management and NMSU police. Cannabis with a THC concentration of greater than 0.3% is a controlled substance.

8. PIs must keep copies of all cultivar tests and make them available to NMDA upon request.

9. PIs must keep a record of destruction of non-compliant plants. The record must include the name of the plant variety, the number of plants destroyed, the date of destruction and the method of destruction.

10. If cultivation is going to take place on land owned or controlled by NMSU, the PI must obtain a letter from the Chancellor authorizing the cultivation of hemp on NMSU property.

C. The following are requirements for NMSU researchers to obtain hemp from a third party that will not be cultivated:

1. All hemp specimens must be independently certified by an NMDA approved lab and legally cultivated in New Mexico under New Mexico law or from a DEA-approved distributor.

2. All specimens must be accompanied by a Certificate of Analysis, (based solely on bud and flower, not biomass) demonstrating the source plants for seed, plants, and cuttings meet the definition of hemp measured post-decarboxylated for GC, or delta 9THC + (.877 * THCA) for LC).

Extension and Outreach Activities

NMSU's Cooperative Extension Service (CES) may provide information to farmers cultivating hemp who are registered with the NMDA. To ensure compliance with these guidelines, Extension employees must obtain a copy of the hemp grower's NMDA-issued license before any services are provided. CES must obtain a release from the farmer cultivating hemp releasing NMSU from liability related to NMSU's advice and any potential impact on the THC concentration of the crop.

CES is prohibited from providing assistance to marijuana growers. Please note, NMSU employees may answer general crop questions that are also relevant to non-marijuana crops, such as what types of pesticides are safe to use on plants grown for human consumption, what types of

insecticides are effective on a variety of crops for controlling a specific pest, or what type of protective personal gear should be worn when handling pesticides.

CES is prohibited from transporting hemp for any third party.

NMSU Plant Diagnostic Clinic

The NMSU Plant Diagnostic Clinic may accept hemp samples for identification of insect and disease problems provided the sample is accompanied by an NMDA issued hemp grower's license. Hemp samples following conclusion of diagnostic tests will be disposed of as any other plant samples.

Hemp Research involving human subjects or animals

In addition to the requirements above, all PIs conducting hemp research that involves human subjects or animals may be subject to the following additional requirements:

1. For clinical drug research on animals that will be marketed with a claim of therapeutic benefit, the PI must apply for an investigational new drug (IND) application to FDA. <https://www.fda.gov/NewsEvents/PublicHealthFocus/ucm421173.htm>.
2. For research involving animals, the PI must obtain Institutional Animal Care and Use Committee (IACUC) approval.
3. For clinical drug research in human subjects and animals, the PI must apply for an investigational new drug (IND) application to FDA. The FDA strongly recommends preliminary discussions with PIs at the protocol preparation phase regarding regulatory requirements to avoid delays and non-compliance from incomplete or incorrect procedures.
4. PI's must contact Research Administration for assistance with preparing protocols involving humans or animals. The Institutional Review Board (IRB) assists researchers and reviews protocols research with human subjects (<https://maestrohelp.nmsu.edu/>). The Institutional Animal Care and Use Committee (IACUC) provides guidance and reviews protocols for activities involving live vertebrate animals.

Funding for Hemp Research

In addition to the standard issues that may arise for any research funding, the source of funding (federal or state agencies, non-profit organizations, industry and private individuals) is important for hemp research. NMSU cannot knowingly accept funds, including funding provided as gifts or donations, derived from illegal activities without placing all of NMSU's federal funding at risk. Due to the many connections between the hemp and marijuana, it is critical that NMSU not accept funds derived from the sale of marijuana. All hemp research funds must come in the form of a check (no cash or money orders can be accepted). The source of all funds for hemp research must be investigated and approved by NMSU's Research Administration Services before applying for or accepting hemp related funding, including funding provided as gifts or donations.

11.50 - Hemp Research, Extension, and Outreach Activities

PART 1: PURPOSE

The purpose of this rule is to further the state's interest in implementation of its Hemp Manufacturing Act, and to provide New Mexico State University (NMSU) employees with guidance on permissible research, extension and outreach regarding hemp, consistent with both state and federal law as it continues to be developed. For New Mexico law and regulations on hemp cultivation, see <http://www.nmda.nmsu.edu/home/laws-regulations/agricultural-environmental-services-statutes-rules/>

PART 2: DEFINITIONS

Hemp: For purposes of these guidelines, hemp is defined the same as in the 2018 Farm Bill Act: the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, that contains a delta-9 tetrahydrocannabinol (THC) concentration of **not more than 0.3 percent on a dry weight basis**.

PART 3: HEMP-RELATED RESEARCH PERMITTED AT NMSU

NMSU faculty may only perform research that involves hemp if such research complies with federal guidelines and state law. Hemp related research may be conducted pursuant to either the (1) Controlled Substance Act or (2) the 2014 and 2018 Farm Bills:

- A. **Controlled Substance Act:** Researchers may obtain a controlled substances registration number from the U.S. Drug Enforcement Agency (DEA). In such cases, the researcher would:
 1. Register with the DEA and obtain a Schedule I registration number for the possession, use, or distribution of industrial hemp in accordance with the DEA requirements for marijuana. Upon receipt of registration number, the researcher must register with the New Mexico Board of Pharmacy.
 2. Obtain research-grade hemp from a DEA-approved distributor.
- B. **2014 and 2018 U.S. Farm Bills:** Researchers may also conduct hemp research under the federal Farm Bills of 2014 and 2018. The Farm Bill of 2014 allows institutions of higher education in a state in which such activities are legalized "...to grow or cultivate industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research." For an NMSU researcher to grow, cultivate, or conduct research on industrial hemp under the Farm Bill, the research must be for the purpose of agricultural or academic research, and activities must take place within the state of New Mexico.

1. Hemp Cultivation Research Requirements:
 - a. Principal investigators (PI) are responsible for obtaining a license from NMDA prior to possession of viable seed, plants, cuttings, etc.
 - b. Prior to purchase or possession of material to be planted, obtain a certificate of analysis, (based solely on bud and flower, not biomass) demonstrating the source plants for seed, plants, and cuttings meet the definition of hemp measured post-decarboxylated for gas chromatography (GC), or delta 9THC + (.877 * tetrahydrocannabinolic acid (THCA)) for liquid chromatography (LC)).
 - c. No NMSU employee may be required to participate in hemp research. Before working with hemp, an employee will be asked to acknowledge in writing the potential risks associated with the political and legal landscapes relating to hemp, as well as the complexities involved with its cultivation. For employees under the age of 18, permission from their legal guardian will be required.
 - d. Cultivation of hemp may only take place in counties, noxious weed districts, cities or other political subdivision that allow for its cultivation.
 - e. PIs are responsible for transportation of samples to laboratories. NMSU must not transport hemp outside of the state of New Mexico. NMSU employees must have a copy of a valid cultivation license issued by NMDA in their possession at all times when transporting raw hemp (seeds, plants, flower/bud etc.). NMSU employees are not permitted to transport hemp belonging to any third party. Staff participating in hemp related research must be informed that the handling of hemp plants may result in travel complications where drug dogs may be working.
 - f. Upon initiation of buds and flowers, PIs must test each cultivar at least once every 10 days to determine compliance with THC levels. Non-compliant plants must be destroyed immediately.
 - g. Non-compliant cultivars must be destroyed using a method developed in conjunction with Environmental Health Safety and Risk Management and NMSU police. *Cannabis sativa* L. with a THC concentration of greater than 0.3% (marijuana) is a controlled substance.
 - h. PIs must keep copies of all cultivar tests and make them available to NMDA upon request.
 - i. PIs must keep a record of destruction of non-compliant plants. The record must include the name of the plant variety, the number of plants destroyed, the date of destruction and the method of destruction.
 - j. If cultivation is going to take place on land owned or controlled by NMSU, the PI must obtain a letter from the Chancellor authorizing the cultivation of hemp on NMSU property.
2. Acquisition of Hemp from Third Parties: The following are requirements for NMSU researchers to obtain hemp, that will not be cultivated, from a third party:
 - a. All hemp specimens must be certified independently by an NMDA approved lab, and be cultivated in New Mexico consistent with New Mexico law or from a federal DEA-approved distributor.

- b. All specimens must be accompanied by a Certificate of Analysis, (based solely on bud and flower, not biomass) demonstrating the source plants for seed, plants, and cuttings meet the definition of hemp measured post-decarboxylated for GC, or delta 9THC + (.877 * THCA) for LC).

PART 4: EXTENSION AND OUTREACH ACTIVITIES

- A. NMSU's Cooperative Extension Service (CES) may provide information to farmers cultivating hemp who are registered with the NMDA. To ensure compliance with these guidelines, Extension employees must obtain a copy of the hemp grower's NMDA-issued license before any services are provided. CES must obtain a release from the farmer cultivating hemp releasing NMSU from liability related to NMSU's advice and any potential impact on the THC concentration of the crop.
- B. CES must not provide assistance for marijuana growers. NMSU employees may answer general crop questions such as what types of pesticides are safe to use on plants grown for human consumption, what types of insecticides are effective on a variety of crops for controlling a specific pest, or what type of protective personal gear are recommended when handling pesticides.
- C. CES is prohibited from transporting hemp for any third party.

PART 5: NMSU PLANT DIAGNOSTIC CLINIC

The NMSU Plant Diagnostic Clinic may accept hemp samples for identification of insect and disease problems provided the sample is accompanied by an NMDA issued hemp grower's license. Following conclusion of diagnostic tests, all hemp samples will be disposed of as any other plant samples.

PART 6: HEMP RESEARCH INVOLVING HUMAN SUBJECTS OR ANIMALS

Principal Investigators (PI) conducting hemp research involving human subjects or animals are subject to the following additional requirements:

- A. **Coordination with RAS:** PI's must coordinate with Research Administration Services regarding protocols involving humans or animals. The Institutional Review Board (IRB) assists researchers and reviews protocols for research with human subjects. The Institutional Animal Care and Use Committee (IACUC) provides guidance and reviews protocols for activities involving live vertebrate animals.
- B. **Coordination with FDA:**
 1. For research with humans or animals relating to clinical drugs, cosmetics, or food additives to be marketed with a claim of therapeutic benefit, the PI must apply for an investigational new drug (IND) application by contacting the U.S. Food and Drug

Administration (FDA). Additional information can be found on the FDA webpages and at: [FDA.https://www.fda.gov/NewsEvents/PublicHealthFocus/ucm421173.htm](https://www.fda.gov/NewsEvents/PublicHealthFocus/ucm421173.htm).

2. The FDA strongly recommends preliminary discussions with PIs at the protocol preparation phase regarding regulatory requirements to avoid delays and non-compliance from incomplete or incorrect procedures.
- C. **IACUC Approval:** For research involving animals, the PI must obtain Institutional Animal Care and Use Committee (IACUC) approval.

PART 7: FUNDING FOR HEMP RESEARCH

A. Funding Source:

1. In addition to the standard issues that may arise for any research funding, the source of funding (federal or state agencies, non-profit organizations, industry and private individuals) is important when conducting research on hemp. Additional scrutiny is required to assure that NMSU is not receiving any funding derived from illegal activities. Due to the nexus between hemp and marijuana, it is critical that NMSU not accept funds derived from the sale of marijuana.
2. The source of all funds for hemp research must be investigated and approved by NMSU's Research Administration Services before applying for, or accepting hemp related funding, including funding provided as gifts or donations.

- B. **Form of Payment:** All hemp research funds must come in the form of a check (no cash or money orders may be accepted).