

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health (Department) will hold a public hearing on the proposed adoption of a new rule, 7.35.3 NMAC, concerning the New Mexico Medical Psilocybin Program (“Program”), and proposed amendments to Program rule sections 7.35.2.7 NMAC, 7.35.2.10, and 7.35.2.24 NMAC. The hearing will be held on Friday, October 2, 2026 at 9:00 a.m. in the Harold Runnels Building auditorium, located at 1190 St. Francis Drive, Santa Fe, New Mexico. The hearing will also be broadcast via a live web-based video conference, and via telephone. Members of the public who wish to submit public comment regarding the proposed rule will be able to do so in person at the hearing, via video conference, or via telephone during the hearing, and by submitting written comment.

The rule 7.35.3 NMAC proposes to adopt standards for patient enrollment in the New Mexico Medical Psilocybin Program, as well as standards concerning certifying clinicians, practitioners, facilitators, healing centers and other approved locations, and educational programs in the NM Medical Psilocybin Program. The rule includes, but is not limited to, the following:

- Application requirements for patients;
- Application requirements, operating requirements, data submittal requirements, and prohibitions for certifying clinicians, practitioners, facilitators, healing centers and other approved locations, and educational programs;
- Curriculum and didactic requirements for educational programs;
- Provisions for Department evaluation and assessment of educational programs, healing centers and other approved locations;
- Requirements for third-party evaluators of educational programs;
- Educational requirements for certifying clinicians, practitioners, and facilitators;
- Practitioner and facilitator practicum requirements;
- Educational program mentoring requirements;
- Provisions for reciprocal enrollment by certifying clinicians, practitioners, and facilitators, and for reciprocal recognition of educational programs;
- Provisions for administrative review of denied initial patient applications;
- Prohibitions and limitations for qualified patients and certificants;
- Emergency planning and adverse health event reporting requirements for healing centers and other approved locations;
- Protocols for storage and handling of psilocybin products; and
- Provisions for the denial, suspension, revocation, or other disciplinary action against, a patient’s enrollment or application for enrollment, and against the certification or application for certification of a certifying clinician, practitioner, facilitator, healing center or other approved location, or educational program; and a hearings process for those persons to appeal the decision or proposed decision of the Department.

The proposed amendment to 7.35.2.7 NMAC would revise definitions used in Medical Psilocybin Program rules.

The proposed amendment to 7.35.2.10(G) NMAC would revise general producer requirements.

The proposed amendment to 7.35.2.24 NMAC would revise requirements concerning the transportation of psilocybin.

The purpose of the proposed rule 7.35.3 NMAC and proposed amendments to 7.35.2.7, 7.35.2.10(G), and 7.35.2.24 NMAC is to implement the Medical Psilocybin Act, sections 26-2D-1 through -11, NMSA 1978.

The legal authority authorizing the adoption of this rule by the Department is the Department of Health Act, Subsection E of section 9-7-6 NMSA 1978, which authorizes the secretary of the department of health to “...make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the

department and its divisions,”; and the Medical Psilocybin Act, at section 26-2D-7, NMSA 1978, which requires the Department to establish:

- appropriate qualifying conditions for qualified patients;
- necessary initial and ongoing training for producers and clinicians;
- treatment protocols, including patient selection criteria, medical service standards, dosage standards and approved settings for administration of psilocybin to patients;
- safety protocols for transporting, storing and handling psilocybin and treating patients;
- other best practices for producers and clinicians;
- requirements for data collection to evaluate the program and the use of best practices by producers and clinicians; and
- other requirements, restrictions and limitations to ensure an efficacious program.

A free copy of the full text of the proposed rule can be obtained online from the New Mexico Department of Health’s website at <http://nmhealth.org/about/asd/cmo/rules/> or by contacting the Department using the contact information below.

The public hearing will be conducted to receive public comment on the proposed rule. Any interested member of the public may attend the hearing and may submit data, views, or arguments on the proposed rule either orally or in writing during the hearing.

The hearing will be held on October 2, 2026 at the Harold Runnels Building auditorium, located at 1190 St. Francis Drive, Santa Fe, New Mexico.

To access the hearing via the Internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting> and then enter the following meeting i.d. code and passcode where indicated on the screen: meeting i.d. code 283 701 292 311 099 and passcode Cx9ND6Pk and then click the “Join a meeting” button.
To access the hearing by telephone: please call 1-505-312-4308 and enter phone conference i.d. 120 257 56#

Individuals who wish to receive an e-mailed calendar invitation for the hearing may register online at <https://events.gcc.teams.microsoft.com/event/6f41bc8d-b848-4eb7-88ec-3f0ca5f9ade6@04aa6bf4-d436-426f-bfa4-04b7a70e60ff>

All comments will be recorded.

Written public comment regarding the proposed rule can be submitted either by e-mail to Jacob Clark at jacob.clark@doh.nm.gov, or by U.S. postal mail to the following address:

Jacob Clark
NMDOH OGC
P.O. Box 26110
1190 St. Francis Dr., Suite N-4095
Santa Fe, NM 87502-6110

Written comments must be received by the close of the public rule hearing October 2, 2026. All written comments will be published on the agency website at <https://www.nmhealth.org/about/asd/cmo/rules/> within 3 days of receipt, and will be available at the New Mexico Department of Health for public inspection.

If you are an individual with a disability and need special assistance or accommodation to attend or participate in the hearing, please contact Jacob Clark by telephone at (505) 827-2997. The Department requests at least ten (10) days’ advance notice to provide special accommodation.