

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

Specific statutory or other authority authorizing rulemaking:
Sections 9-24-8, 22-2-1, 22-2-2 and 22-5-4.4 NMSA 1978.

Rule adoption date:
10/26/2023

Rule effective date:
11/07/2023

At a public hearing on 10/17/2023 the Public Education Department agreed to repeal 6.12.4 NMAC, Tobacco, Alcohol, and Drug Free Schools, and replace it with 6.12.4 NMAC, Tobacco, Alcohol, and Drug Free Schools, adopted 10/16/2023 and effective 11/7/2023.

Rule Information:

The proposed repeal and replace of this rule is to add language to include electronic tobacco delivery devices, e-cigarettes, and nicotine liquid containers to existing rule.

Reasons for the change between the published rule and the final rule:

The Department reviewed and considered all written and oral feedback received during the public comment period. For more detail on the changes between the proposed rule and the rule as adopted, reasons for changes, or information as to why the Department may not have accepted comments or suggested changes, please see "6.12.4 NMAC_Response to Public Comment," attached.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Gregory Frostad

Check if authority has been delegated

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Title:

Assistant Secretary of Policy, Research and Technology

Signature: (BLACK ink only OR Digital Signature)

Date signed:

DocuSigned by:



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10/26/2023

Response to Public Comment
6.12.4 NMAC, Alcohol, Tobacco, & Drug Free Schools

RULE CHANGES	
Section	Change
6.12.4	<ul style="list-style-type: none">• No changes.

Response to Public Comment
6.12.4 NMAC, Alcohol, Tobacco, & Drug Free Schools

Public Comment Period: September 12, 2023-October 17, 2023

The New Mexico Public Education Department (PED) received no public comment for this rule.

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Summary of Comments	PED Response
PED received 17 comments in support of the rule for the health and safety of children and young adults.	PED agrees that the health and safety of children and young adults is important.