

## 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

The New Mexico Public Education Department repealed its rule 6.12.4 NMAC Tobacco, Alcohol, & Drug Free Schools filed 12/15/2015, and replaced it with a new rule entitled Tobacco, Alcohol & Drug Free Schools, 6.12.4 NMAC, adopted 10/26/2023 and effective 11/7/2023.

The purpose of the proposed rule is to update an existing rule to reflect contemporary terminology regarding tobacco delivery devices and to add language detailing enforcement of the rule. 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

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"><li>• No changes.</li></ul>

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.