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Notices of Rulemaking and Proposed Rules

ENVIRONMENT, DEPARTMENT OF ENVIRONMENTAL IMPROVEMENT BOARD

NEW MEXICO
ENVIRONMENTAL
IMPROVEMENT BOARD
NOTICE
OF SCHEDULED PUBLIC
HEARING TO CONSIDER
PROPOSED AMENDMENTS TO
7.6.2 NMAC OF THE FOOD
SERVICE AND FOOD
PROCESSING REGULATIONS
EIB 25-32(R)

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing beginning at 9 a.m. on October 23, 2025, and continuing at the direction of the Board, to consider the matter of EIB 25-32(R), proposed amendments to regulations at 7.6.2 NMAC (Food Service and Food Processing). The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately 3 hours. The Board may make a decision on the proposed rule at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both inperson and virtual participation. The in-person hearing will be held at the New Mexico State Capitol Building (Roundhouse), 490 Old Santa Fe Trail, Santa Fe, New Mexico 87505. Detailed information concerning the time, location, and instructions on how to join the hearing virtually is available on the New Mexico Environment Department ("NMED") events calendar at https://www.env. nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. If you have difficulties joining the meeting, please contact Pamela Jones at (505) 660-4305 or pamela.jones@env.nm.gov.

The proposed regulations and related information, including technical information, may be reviewed online at https://www.env.nm.gov/opf/docketed-matters/; during regular business hours at 4359 Jager Drive NE, Suite B, Rio Rancho, NM 87144; or by contacting the Environmental Health Bureau's Food Program Manager, Marci Nevarez, at (575) 288-2050.

Public comments will be received via SmartComment at https://nmed.commentinput.com?id=s38BDgN4p, via electronic mail to Pamela.Jones@env.nm.gov; or via physical mail to Pamela Jones, P.O. Box 5469, Santa Fe, NM 87502 until the conclusion of the hearing. Comments received after the conclusion of the hearing will not be viewed.

The purpose of the public hearing is for the Board to consider and take possible action on a petition by NMED requesting the Board to adopt proposed regulatory changes to 7.6.2 NMAC (Food Service and Food Processing). The proposed regulatory changes are attached as Attachment 1 to the Petition for Regulatory Change ("Petition"), docket number EIB 25-32(R), available for viewing online at https://www.env.nm.gov/ opf/docketed-matters/. If you need assistance obtaining a copy of the proposed amendments, the Petition, or any other documents related to this matter, then please contact: Pamela Jones, Board Administrator, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; Pamela.Jones@env.nm.gov; (505) 660-4305. In your correspondence, please reference docket number EIB 25-32(R).

The proposed regulatory changes requested by the Environmental Health Bureau ("Bureau") of NMED are necessary for the Bureau to effectively operate the Food Program ("Program") in the State. To achieve this, the Bureau is proposing to increase certain fees and add additional fees that would

provide much needed funding to NMED for performing inspections of food service and processing facilities, processing food permit applications, and reviewing plans and specifications for new and remodeled food establishments and food processing plants. This additional funding will equip the Program with the resources it needs to adequately staff its program and protect public health and safety. The fees described in the proposed rules are necessary for the Bureau to effectively operate the Program. The Bureau will also use this opportunity to make several minor changes in order to improve the clarity and enforceability of the regulations.

The Board has the authority to amend the Food Service and Food Processing Regulations under NMSA 1978, Section 74-1-8(A)(1) (2024), NMSA 1978, Section 74-1-9 (1985), NMSA 1978, Section 25-1-4 (2011), NMSA 1978, Section 25-1-5 (2020), and NMSA 1978, Section 25-1-7(C) (2020).

The hearing will be conducted in accordance with the Board's Rulemaking Procedures found at 20.1.1 NMAC, the Environmental Improvement Act, NMSA 1978, Section 74-1-9 (1985), and other applicable procedures.

The Board may make a decision on the proposed rule at the conclusion of the hearing, or the Board may convene a meeting on a later date after the hearing to consider action on the proposed rule. Alternatively, the Board may continue the hearing beyond the expected conclusion date, leaving the hearing record open and continuing to receive comments. Notice of continuation will be posted on the Board's and NMED's websites.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing via SmartComment at https://nmed.commentinput.com?id=s38BDgN4p; by electronic mail at pamela.jones@env.nm.gov; or by physical mail to Pamela Jones, P.O. Box 5469, Santa Fe, NM, 87502. Any statements received after the conclusion of the hearing will not be viewed.

Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The requirements for a notice of intent can be found in 20.1.1.302 NMAC. Technical testimony means scientific, engineering, economic, or other specialized testimony, whether oral or written, but does not include legal argument, general comments, or statements of policy concerning matters at issue in the hearing. Notices of intent for the hearing must be received by the Board no later than 5:00 p.m. MST on October 3, 2025, and should reference the name of the regulations, the date of the hearing, and docket number EIB 25-32(R). Notices of intent to present technical testimony shall be submitted to Pamela Jones, Board Administrator, P.O. Box 5469, Santa Fe, NM 87502, pamela.jones@env.nm.gov.

Persons requiring language interpretation services or have a disability and need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact Pamela Jones no later than October 8, 2025, at (505) 660-4305 or pamela.jones@env. nm.gov. TDD or TDY users please dial 7-1-1 or 800-659-8331 to access this number via Relay New Mexico.

STATEMENT OF NON-DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855 nd.coordinator@env. nm.gov.

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

ENVIRONMENT, DEPARTMENT OF ENVIRONMENTAL IMPROVEMENT BOARD

NOTIFICACIÓN DE LA
JUNTA DE MEJORA
MEDIOAMBIENTAL DE NUEVO
MÉXICO SOBRE LA AUDIENCIA
PÚBLICA PROGRAMADA PARA
CONSIDERAR LAS ENMIENDAS
PROPUESTAS A 7.6.2 NMAC DE
LAS NORMAS DE SERVICIO
Y PROCESAMIENTO DE
ALIMENTOS EIB 25-32(R)

La Junta de Mejora Ambiental de Nuevo México («la Junta») celebrará una audiencia pública que comenzará a las 9:00 a.m. del 23 de octubre de

2025 y continuará según lo indique la Junta, con el fin de examinar el asunto EIB 25-32(R), enmiendas propuestas a las regulaciones del 7.6.2 NMAC (Servicios de alimentación y procesamiento de alimentos). La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente 3 horas. La Junta podrá tomar una decisión sobre la norma propuesta al términar la audiencia, o bien podrá convocar una reunión después de la audiencia para considerar las medidas que se adopten sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto presencial como virtual. La audiencia presencial se celebrará en el edificio del Capitolio del Estado de Nuevo México (Roundhouse), 490 Old Santa Fe Trail, Santa Fe, Nuevo México 87505. La información detallada sobre la hora, el lugar y las instrucciones para participar en la audiencia de forma virtual está disponible en el calendario de eventos del Departamento de Medio Ambiente de Nuevo México («NMED») en https://www.env.nm.gov/eventscalendar/, en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Si tiene dificultades para participar en la reunión, póngase en contacto con Pamela Jones al (505) 660-4305 o a pamela.jones@env. nm.gov.

Las regulaciones propuestas y la información relacionada, incluida la información técnica, pueden consultarse en línea en <u>Asuntos registrados</u>; durante el horario laboral habitual en 4359 Jager Drive NE, Suite B, Rio Rancho, NM 87144; o poniéndose en contacto con la directora del Programa de Alimentación de la Oficina de Salud Ambiental, Marci Nevarez, al (575) 288-2050.

Los comentarios públicos se recibirán a través de SmartComment en https://nmed.commentinput.

com?id=s38BDgN4p, por correo electrónico a Pamela.Jones@env. nm.gov; o por correo postal a Pamela Jones, P.O. Box 5469, Santa Fe, NM 87502 hasta la conclusión de la audiencia. Los comentarios recibidos después de la conclusión de la audiencia no serán considerados.

El objetivo de la audiencia pública es que la Junta considere y tome las medidas oportunas en relación con una petición presentada por el NMED en la que se solicita a la Junta que adopte los cambios normativos propuestos al artículo 7.6.2 del NMAC (Servicios de alimentación y procesamiento de alimentos). Los cambios normativos propuestos se adjuntan como Anexo 1 a la Petición de cambio normativo («Petición»), con número de expediente EIB 25-32(R), disponible para su consulta en línea en Asuntos registrados. Si necesita ayuda para obtener una copia de las enmiendas propuestas, la Petición o cualquier otro documento relacionado con este asunto, póngase en contacto con: Pamela Jones, Administradora de la Junta, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; Pamela.Jones@env.nm.gov; (505) 660-4305. En su correspondencia, haga referencia al número de expediente EIB 25-32(R).

Los cambios normativos propuestos por la Oficina de Salud Ambiental (la «Oficina») del NMED son necesarios para que la Oficina pueda gestionar eficazmente el Programa Alimentario (el «Programa») en el estado. Para lograrlo, la Oficina propone aumentar determinadas tarifas y añadir otras nuevas que proporcionarán al NMED los fondos que tanto necesita para llevar a cabo inspecciones de los servicios de alimentación y las instalaciones de procesamiento de alimentos, tramitar las solicitudes de permisos para el procesamiento de alimentos y revisar los planes y especificaciones de los establecimientos alimentarios y las plantas de procesamiento de alimentos nuevos y remodelados. Estos fondos adicionales dotarán al Programa de

los recursos necesarios para contar con el personal adecuado y proteger la salud y la seguridad públicas. Las tarifas descritas en las normas propuestas son necesarias para que la Oficina pueda gestionar eficazmente el Programa. La Oficina también aprovechará esta oportunidad para introducir varios cambios menores con el fin de mejorar la claridad y la aplicabilidad de la normativa.

La Junta tiene la autoridad para modificar las Normas sobre Servicios Alimentarios y Procesamiento de Alimentos en virtud de la NMSA 1978, Sección 74-1-8(A)(1) (2024), la NMSA 1978, Sección 74-1-9 (1985), la NMSA 1978, Sección 25-1-4 (2011), NMSA 1978, sección 25-1-5 (2020) y NMSA 1978, sección 25-1-7(C) (2020).

La audiencia se llevará a cabo de conformidad con los procedimientos reglamentarios de la Junta que se encuentran en 20.1.1 NMAC, la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9 (1985) y otros procedimientos aplicables.

La Junta podrá tomar una decisión sobre la norma propuesta al concluir la audiencia, o bien podrá convocar una reunión en una fecha posterior a la audiencia para considerar las medidas que se adopten con respecto a la norma propuesta. Alternativamente, la Junta podrá continuar la audiencia más allá de la fecha prevista para su conclusión, dejando abierto el acta de la audiencia y continuando recibiendo comentarios. La notificación de la continuación se publicará en los sitios web de la Junta y del NMED.

Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, opiniones y argumentos pertinentes, ya sea de forma oral o por escrito, para presentar pruebas documentales y para interrogar a los testigos. Cualquier persona que desee presentar una declaración escrita no técnica para que conste en acta en lugar de un testimonio oral deberá

presentar dicha declaración antes de la clausura de la audiencia a través de SmartComment en https://nmed.commentinput.com?id=s38BDgN4p; por correo electrónico a por correo postal a Pamela Jones, P.O. Box 5469, Santa Fe, NM, 87502. No se tendrán en cuenta las declaraciones recibidas después de la conclusión de la audiencia.

Las personas que deseen presentar testimonios técnicos deben presentar ante la Junta una notificación por escrito de su intención de hacerlo. Los requisitos para la notificación de intención se encuentran en 20.1.1.302 NMAC. Por testimonio técnico se entiende cualquier testimonio científico, técnico, económico o especializado, ya sea oral o escrito, pero no incluye argumentos legales, comentarios generales ni declaraciones de política sobre asuntos que se traten en la audiencia. Las notificaciones de intención para la audiencia deben ser recibidas por la Junta a más tardar a las 5:00 p. m. MST del 3 de octubre de 2025, y deben hacer referencia al nombre de las regulaciones, la fecha de la audiencia y el número de expediente EIB 25-32(R). Las notificaciones de intención de presentar testimonios técnicos deberán enviarse a Pamela Jones, Administradora de la Junta. P.O. Box 5469, Santa Fe, NM 87502, pamela.jones@env.nm.gov.

Las personas que requieran servicios de interpretación de idiomas o que tengan una discapacidad y necesiten un lector, un amplificador, un intérprete de lenguas de señas calificado o cualquier otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con Pamela Jones a más tardar el 8 de octubre de 2025, al (505) 660-4305 o pamela.jones@env.nm.gov. Los usuarios de TDD o TDY deben marcar el 7-1-1 o el 800-659-8331 para acceder a este número a través de Relay New Mexico.

DECLARACIÓN DE NO DISCRIMINACIÓN NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como lo exigen las leyes y reglamentos aplicables. NMED es responsable de coordinar los esfuerzos de cumplimiento y de recibir las consultas relativas a los requisitos de no discriminación establecidos en el título 40 del Código de Regulaciones Federales (CFR), partes 5 y 7, incluido el título VI de la Ley de Derechos Civiles de 1964, en su versión modificada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley contra la Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede ponerse en contacto con: Kate Cárdenas, Coordinadora de No Discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env. nm.gov.

Si cree que ha sido discriminado en relación con un programa o actividad del NMED, puede ponerse en contacto con el coordinador de no discriminación indicado anteriormente o visitar nuestro sitio web https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para obtener información sobre cómo y dónde presentar una queja por discriminación.

ENVIRONMENT, DEPARTMENT OF QUALITY CONTROL COMMISSION

NOTICE OF PUBLIC RULEMAKING HEARING

The Water Quality Control Commission ("WQCC") will hold a public hearing for this matter to begin on October 14, 2025, following the WQCC's regularly scheduled meeting, which starts at 9:00 am, and continuing thereafter as necessary. The hearing shall be conducted inperson at the New Mexico State Capitol, 490 Old Santa Fe Trail, Santa Fe, New Mexico, 87501, and virtually via a video conferencing platform. The hearing will last as long as required to hear all testimony, evidence, and public comment. Detailed information concerning the time, location, and the virtual meeting link can be found on the New Mexico Environment Department's ("NMED") event calendar at https:// www.env.nm.gov/events-calendar/. Please visit the WQCC website prior to the hearing for any updates at https://www.env.nm.gov/opf/waterquality-control-commission/. The WQCC may make a decision on the proposed regulatory change at the conclusion of the hearing.

The purpose of the public hearing is to consider National Technology & Engineering Solutions of Sandia, LLC's Petition for Rulemaking to Amend 20.6.4.97 NMAC and add the Rio Grande to Four Hills Bridge reach of the Tijeras Arroyo to the list of ephemeral waters. This is based on the findings of a Use Attainability Analysis conducted by Petitioners, which assessed that the Rio Grande to Four Hills Bridge reach of the Tijeras Arroyo exhibited characteristics of an ephemeral water body. The proposed rule amendment would change the aquatic life use from marginal warmwater to limited and the recreational use from primary contact to secondary contact. Petitioners sought this hearing pursuant to NMSA 1978, § 74-6-6 (1993), 20.1.6.200 NMAC, and 20.6.4.15 NMAC. The proposed regulations and supporting information may be reviewed online at https://www. env.nm.gov/opf/docketed-matters/. Technical information that served as a basis for the proposed rule may be obtained from the Petitioners upon request. Persons who wish to review a physical copy of the proposed

amendments should contact the WQCC Administrator at the address provided below.

All interested people will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing; to introduce exhibits; and to examine witnesses.

Pursuant to 20.1.6.202 NMAC and any pre-hearing order issued by the hearing officer, those wishing to present direct technical testimony must file a written notice of intent to present technical testimony with the WQCC Administrator no later than 20 days prior to the hearing.

Notices of intent to present technical testimony shall conform to 20.1.6.104 NMAC and reference the docket number, **WQCC 25-28(R)**.

The form and content of the notice of intent to present technical testimony shall:

- Identify the person for whom the witness(es) will testify;
- Identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their education and work background;
- Include a copy of the full written direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness:
- Include the text of any recommended modifications to the proposed regulatory change;
- List and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

Notices of intent to present technical testimony shall be filed with:

Pamela Jones, WQCC Administrator New Mexico Environment Department Harold Runnels Building P.O. Box 5469 Santa Fe, NM 87502 Telephone: (505) 660-4305 Email: pamela.jones@env.nm.gov

Those wishing to do so may offer non-technical public comment at the hearing in person or virtually. The hearing officer will hold a public comment session each day of the hearing. Non-technical written statements may be submitted in lieu of oral testimony at or before the hearing. Written comments regarding the proposed rule should reference docket number WQCC 25-28(R) and may be addressed to Pamela Jones, WQCC Administrator, at the above address. Additionally, the WQCC will receive and consider electronic written public comments submitted through NMED's public comment portal at: https://nmed.commentinput. com/comment/search or via email to: pamela.jones@env.nm.gov.

Pursuant to 20.1.6.203 NMAC, any person may file an entry of appearance as a party. The entry of appearance shall be filed with the WQCC Administrator, at the above address, no later than 20 days before the date of the hearing on the petition.

The hearing will be conducted in accordance with the WQCC Rulemaking Procedures (20.1.6 NMAC); Use Attainability Analysis regulatory requirements (20.6.4.15 NMAC), the Water Quality Act, (Sections 74-6-1 to -17 NMSA 1978 (1967 as amended through 2019); the State Rules Act, (Section 14-4-5.3 NMSA 1978), other applicable procedures and any additional procedural order or scheduling order issued by the WQCC or hearing officer. These documents are available online at https://www.env.nm.gov/opf/ docketed-matters/ or by contacting the WQCC Administrator at pamela. jones@env.nm.gov.

If any person requires assistance, language interpretation, or auxiliary aid to participate in this process, please contact Pamela Jones, WQCC Administrator, at the above address, at least 14 days prior to the hearing date. (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

STATEMENT OF NON-DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's nondiscrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kate Cardenas, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502 or (505) 827-2855 or nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact NMED's Non-Discrimination Coordinator identified above.

> ENVIRONMENT, DEPARTMENT OF QUALITY CONTROL COMMISSION

COMISIÓN DE CONTROL DE LA CALIDAD DEL AGUA DE NUEVO MEXICO AVISO DE AUDIENCIA PÚBLICA PARA LA ELABORACIÓN DE NORMAS

La Comisión de Control de la

Calidad del Agua ("WQCC") celebrará una audiencia pública para este asunto que comenzará el 14 de octubre de 2025, después de la reunión programada regularmente de WQCC, que comienza a las 9:00 am, y continuará después según sea necesario. La audiencia se llevará a cabo en persona en el Capitolio del Estado de Nuevo México, 490 Old Santa Fe Trail, Santa Fe, Nuevo México, 87501, y virtualmente a través de una plataforma de videoconferencia. La audiencia durará el tiempo necesario para escuchar todos los testimonios, pruebas y comentarios del público. Encontrará información detallada sobre la hora, el lugar y el enlace a la reunión virtual en el calendario de eventos del Departamento de Medio Ambiente de Nuevo México ("NMED") en https:// www.env.nm.gov/events-calendar/. Por favor, visite la página web de WQCC antes de la audiencia para cualquier actualización en https:// www.env.nm.gov/opf/water-qualitycontrol-commission/. WQCC podrá tomar una decisión sobre el cambio reglamentario propuesto al término de la audiencia.

El propósito de la audiencia pública es considerar la petición de National Technology & Engineering Solutions of Sandia, LLC para que se modifique la norma 20.6.4.97 NMAC y se añada el tramo Río Grande a Four Hills Bridge del arroyo Tijeras a la lista de aguas efimeras. Esto se basa en las conclusiones de un análisis de alcanzabilidad de uso realizado por los peticionarios, en el que se evaluó que el tramo del río Grande al puente de las Cuatro Colinas del arroyo Tijeras presentaba características de una masa de agua efimera. La propuesta de modificación de la norma cambiaría el uso para la vida acuática de marginal de aguas cálidas a limitado y el uso recreativo de contacto primario a contacto secundario. Los peticionarios solicitaron esta audiencia de conformidad con NMSA 1978, § 74-6-6 (1993), 20.1.6.200 NMAC y 20.6.4.15 NMAC. Los reglamentos propuestos y la

información complementaria pueden consultarse en línea en https://www.env.nm.gov/opf/docketed-matters/. La información técnica que sirvió de base para la norma propuesta puede obtenerse de los peticionarios previa solicitud. Las personas que deseen revisar una copia física de las enmiendas propuestas deben ponerse en contacto con el Administrador de WQCC en la dirección que se indica a continuación.

Durante la audiencia, todas las personas interesadas dispondrán de una oportunidad adecuada para presentar evidencias, datos, opiniones y argumentos relevantes, ya sea de forma oral o escrita; asimismo, podrán aportar documentos probatorios y realizar interrogatorios a los testigos.

De conformidad con 20.1.6.202 NMAC y cualquier orden previa a la audiencia emitida por el oficial de audiencias, quienes deseen presentar testimonio técnico directo deberán presentar una notificación por escrito de su intención de presentar testimonio técnico ante el Administrador de WQCC a más tardar 20 días antes de la audiencia.

Los avisos de intención de presentar testimonios técnicos deberán ajustarse a 20.1.6.104 NMAC y hacer referencia al número de expediente, WQCC 25-28(R).

La forma y el contenido de la notificación de intención de presentar un testimonio técnico deberán:

- Identificar a la persona por la que testificarán los testigos;
- Identificar a cada testigo técnico que la persona pretenda presentar e indicar las calificaciones de este, incluyendo una descripción de su formación y experiencia laboral;
- Incluir una copia del testimonio directo escrito completo de cada testigo técnico en forma narrativa, e indicar la duración estimada del testimonio oral directo de dicho testigo;
- Incluir el texto de cualquier modificación recomendada al

 cambio normativo propuesto; y
 Enumerar y adjuntar todas las pruebas que prevea ofrecer en la audiencia, incluida cualquier propuesta de exposición de motivos para la adopción de normas.

Las notificaciones de la intención de presentar un testimonio técnico se presentarán ante:

Pamela Jones, Administradora de WQCC
Departamento de Medio Ambiente de Nuevo México
Edificio Harold Runnels
P.O. Box 5469
Santa Fe, NM 87502
Teléfono: (505) 660-4305
Correo electrónico: pamela.jones@

env.nm.gov

Quienes lo deseen podrán ofrecer comentarios públicos no técnicos en la audiencia en persona o virtualmente. El consejero auditor celebrará una sesión de comentarios públicos cada día de la audiencia. Podrán presentarse declaraciones escritas no técnicas en lugar de testimonios orales en la audiencia o antes de la misma. Los comentarios por escrito relativos a la norma propuesta deben hacer referencia al número de expediente WQCC 25-28(R) y pueden dirigirse a Pamela Jones, administradora de WQCC, a la dirección que se indica arriba. Además, WQCC recibirá y considerará los comentarios públicos electrónicos por escrito enviados a través del portal de comentarios públicos del NMED en: https://nmed. commentinput.com/comment/search o por correo electrónico a: pamela. jones@env.nm.gov.

De conformidad con 20.1.6.203 NMAC, cualquier persona puede presentar una comparecencia como parte. La comparecencia deberá presentarse ante el Administrador de WQCC, en la dirección que se indica arriba, a más tardar 20 días antes de la fecha de la audiencia sobre la petición.

La audiencia se llevará a cabo de

acuerdo con los Procedimientos de Reglamentación de WQCC (20.1.6 NMAC); Requisitos reglamentarios del Análisis de Accesibilidad de Uso (20.6.4.15 NMAC), la Ley de Calidad del Agua (Secciones 74-6-1 a -17 NMSA 1978 (1967 modificada hasta 2019); la Ley de Reglas Estatales (Sección 14-4-5.3 NMSA 1978), otros procedimientos aplicables y cualquier orden procesal adicional u orden de programación emitida por WQCC o por el oficial de audiencias. Estos documentos están disponibles en línea en https://www.env.nm.gov/ opf/docketed-matters/ o poniéndose en contacto con el administrador de WQCC en pamela.jones@env. nm.gov.

Si alguna persona necesita asistencia, interpretación de idiomas o ayuda auxiliar para participar en este proceso, póngase en contacto con Pamela Jones, administradora de WQCC, en la dirección que se indica arriba, al menos 14 días antes de la fecha de la audiencia. (Los usuarios de TDD o TTY pueden acceder al número a través de la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

DECLARACIÓN DE NO DISCRIMINACIÓN

NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, según enmienda; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas de la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta

sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, o si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con: Kate Cárdenas, Coordinadora de No Discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502 o (505) 827-2855 o <u>nd.coordinator@</u> env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con el Coordinador de No Discriminación de NMED identificado anteriormente.

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

NOTICE OF PERA RULEMAKING

The Public Employees Retirement Association ("PERA") will consider changes to its rules promulgated under the Public Employees Retirement Act ("PERA Act"). Changes are proposed for the following rule:

1. Rule 2.80.200 "Organization and Operation of the Public Employees Retirement Board".

Rule 200 would be amended to allow the PERA Board to elect a chair and vice-chair in accordance with policies adopted by the PERA Board.

A formal rulemaking hearing will be held on September 12, 2025, at 10:00 a.m. in the Fabian Chavez Jr. Board Room of the PERA Building, 33 Plaza La Prensa, Santa Fe, New Mexico, 87507. The rulemaking hearing will also be accessible through Zoom. The Zoom access link will be published on PERA's website listed below prior to the hearing. Oral comments will be taken at the public hearing. Final action on the rule will occur at the September 2025 meeting of the PERA Board which will be held in the Fabian Chavez Jr. Board Room

of the PERA Building, 33 Plaza La Prensa, Santa Fe, New Mexico, 87507 at a date and time specified in the Board's Public Meeting Notice. The purpose of the rulemaking hearing is to obtain public input on the proposed amendment to the above-referenced rule. The public hearing allows members of the public an opportunity to submit data, testimony, and arguments on the proposed rule change.

The purpose of the proposed rule change to the elections rule is to remove the current timing requirements for the election of board officers from rule and to delegate the authority to the PERA Board to establish those requirements within board policies.

The authority for the proposed rule changes is Section 10-11-130 NMSA 1978, of the PERA Act and Rule 2.80.200.10 NMAC, which authorize the adoption and promulgation of rules and regulations necessary to carry out the purposes of the PERA Act.

Copies of the draft rule are available in PERA's Office of General Counsel. Written comments, inquiries or requests for copies should be directed to Geraldine Garduno at PERA's Office of General Counsel, 33 Plaza La Prensa, Santa Fe, New Mexico, 87507, or geraldine.garduno@pera. nm.gov or 505-616-1757. Written comments should be submitted by the close of business on September 12, 2025. The full text of the proposed rule changes, as well as the Zoom access link for the public hearing, can be found here: https://www.nmpera. org/about/rule-proposal/.

Any person with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Patricia Winter at 505-795-0712 or patriciab. winter@pera.nm.gov at least one week prior to the public hearing, or as soon as possible. Public documents,

including the agenda and miinutes, can be provided in various accessible formats. Please contact Ms. Winter if a summary or other type of accessible format is needed.

WORKFORCE SOLUTIONS, DEPARTMENT OF

NOTICE OF RULEMAKING

The New Mexico Department of Workforce Solutions ("Department" or "NMDWS") hereby gives notice that the Department will conduct a public hearing to receive comments regarding proposed amendments to NMAC 11.1.2 (the Public Works Minimum Wage Act Policy Manual) in the Leo Griego Auditorium located in the State Personnel Office (Willie Ortiz Building) at 2600 Cerrillos Road in Santa Fe, New Mexico, 87505 on September 18, 2025 from 1:00 pm to 3:00 pm.

The purpose and summary of the public comment hearing will be to obtain input and public comment on proposed prevailing wage rates and subsistence and zone pay for Public Works projects for 2026 and some minor changes to the job descriptions for public works projects.

Under Section 9-26-4, NMSA 1978, the Workforce Solutions Department is responsible for the administration of the labor relations division which oversees setting the prevailing wage and fringe benefit rates. Pursuant to Section 13-4-11, NMSA 1978, the Director of the Labor Relations Division shall determine the prevailing wage rates and the prevailing fringe benefit rates and the Director shall issue rules necessary to administer and accomplish the purposes of the Public Works Minimum Wage Act.

Interested individuals are encouraged to submit written comments to the New Mexico Department of Workforce Solutions, P.O. Box 1928, Albuquerque, N.M., 87103, attention

Andrea Christman prior to the hearing for consideration. Written comments must be received no later than 5 p.m. on September 17, 2025. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rule may be accessed online at https://www.dws.state.nm.us/ or obtained by calling Andrea Christman at (505) 841-8478 or sending an email to Andrea. Christman@dws.nm.gov. The proposed rule will be made available at least thirty days prior to the hearing.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting are asked to contact Ms. Christman as soon as possible. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

End of Notices of Rulemaking and Proposed Rules

Adopted Rules

Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico Register as provided in the State Rules Act. Unless a later date is otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico Register. Section 14-4-5 NMSA 1978.

AGING AND LONG **TERM SERVICES DEPARTMENT**

TITLE 9 **HUMAN RIGHTS CHAPTER 2 AGE PART 25 KINSHIP CAREGIVER SUPPORT PILOT PROGRAM**

9.2.25.1 **ISSUING AGENCY:** Aging and Long-Term Services Department ("ALTSD"). [9.2.25.1 NMAC - N, 8/12/2025]

9.2.25.2 **SCOPE:**

Provisions of 9.2.25 NMAC apply to all participants of the program described in this rule.

[9.2.25.2 NMAC - N, 8/12/2025]

9.2.25.3 **STATUTORY AUTHORITY:** Sections 9-23-15 and Subsection E of 9-23-6 NMSA 1978. [9.2.25.3 NMAC - N, 8/12/2025]

9.2.25.4 **DURATION:**

Permanent.

[9.2.25.4 NMAC - N, 8/12/2025]

9.2.25.5 **EFFECTIVE DATE:** August 12, 2025, unless a later date is cited at the end of a

[9.2.25.5 NMAC - N, 8/12/2025]

9.2.25.6 **OBJECTIVE:**

The purpose of the program is to assist kinship caregivers in learning about, finding and using programs and services to meet the needs of the children they are raising and their own needs, and promote effective partnerships among public and private agencies to ensure kinship caregiver families are served. Program navigators will provide information and referrals, including legal assistance and monthly economic support through program partners.

The pilot program will be offered in five to seven counties, serving 50 participants per county.

[9.2.25.6 NMAC - N, 8/12/2025]

9.2.25.7 **DEFINITIONS:**

A. "Contractor" means an entity contracted with the department to deliver services, such as legal assistance, to participants of the program.

- "Department" means the aging and long-term services department (ALTSD).
- "Kinship families" C. means families that consists of one or more kinship caregivers who are raising and supporting a child or children.
- "Legal assistance" means legal advice, education and representation provided by an attorney; and includes, to the extent feasible, counseling or other appropriate assistance provided by a paralegal or law student under the direct supervision of a licensed attorney; and counseling and representation provided by a nonlawyer where permitted by law.
- "Navigator" means E. a person(s) employed by ALTSD or by a contractor.
- "Participating counties" means the New Mexico counties as selected by the department to participate in the pilot program.
- G. "Pilot program" or "program" means the kinship caregiver support pilot program. [9.2.25.7 NMAC - N, 8/12/2025]

9.2.25.8 **ADMINISTRATION:**

The department shall administer the program. The department shall collaborate with and receive assistance from other state agencies, members of the business community, community organizations, nonprofit organizations and area foundations.

The department shall provide for navigators to assist with the following tasks:

- conduct outreach A. efforts in the participating counties to promote participant engagement with the pilot program;
- В. process applications for the pilot program;
- C. meet with participants to complete a needs assessment;
- D identify and access public assistance programs or other resources:
- refer participants for E. legal assistance, which shall include a referral to the legal assistance contractor(s), as needed;
- F. refer participants to program partners who may provide participants with access to monthly economic support;
- G. collaborate with program partners, department programs and other state agencies to facilitate services for participants and the child or children in their care:
- ensure that kinship H. caregiver support meetings are offered in participating counties; and
- explore respite opportunities for participants, such as child care.

[9.2.25.8 NMAC - N, 8/12/2025]

9.2.25.9 **PARTICIPANT ELIGIBILITY:**

To be considered A. for program navigation services, an applicant shall meet the following criteria at the time of application:

> is a kinship **(1)**

caregiver;

of age or older;

(2) is 18 years

resides in

(3)

one of the participating counties; has **(4)**

completed a department-created

application and provided information regarding the kinship caregiver's household income and needs of the child or children; and

- (5) voluntarily chooses to participate in the program, as evidenced by the participant's signature on a program agreement.
- **B.** Eligibility for monthly economic support depends on criteria determined by program partner.

[9.2.25.9 NMAC - N, 8/12/2025]

9.2.25.10 SELECTION OF PARTICIPATING COUNTIES:

The department shall select five to seven participating counties from various regions across the state to participate as pilot sites. Priority shall be given to the counties with:

- **A.** a high number of kinship families;
- **B.** a high number of kinship families facing significant financial or social barriers; and
- **C.** program partners. [9.2.25.10 NMAC N, 8/12/2025]

9.2.25.11 AGREEMENT:

An agreement shall be drawn between each participant and the department. The participant shall execute an agreement before any pilot program services are provided. The agreement shall provide that:

- **A.** the participant is required to complete a needs assessment:
- **B.** notification that failure to complete a needs assessment with the navigator may result in the participant being terminated from the pilot program;
- C. notification that the agreement may be terminated by the department in the event the participant no longer meets eligibility; and
- **D.** an agreement may be terminated at the participant's request or upon death of the participant.

[9.2.25.11 NMAC - N, 8/12/2025]

9.2.25.12 CONTINUED ELIGIBILITY, TERMINATION, AND PROGRAM LIMITS:

- A. Eligible participants may remain in the pilot program until the pilot program concludes on June 30, 2028.
- **B.** Any participants who have been terminated from, or not accepted into, the pilot program may submit a new application for pilot program participation.

 [9.2.25.12 NMAC N, 8/12/2025]

9.2.25.13 NOTICE: A participant shall be issued notice by a pilot program navigator in the following cases:

- **A.** upon denial of an application;
- **B.** upon loss of eligibility for the program;
- **C.** upon termination from the program; or
- **D.** if the program has been suspended pursuant to 9.2.25.14 NMAC.

[9.2.25.13 NMAC - N, 8/12/2025]

9.2.25.14 SUSPENSION OF

PROGRAM: Pilot program services for participants may be denied for a designated time based on limited funds or a disruptive event, such as fire, flood or pandemic. During a designated suspension period, all new applications for the program shall be denied without consideration of eligibility.

[9.2.25.14 NMAC - N, 8/12/2025]

History of 9.2.25 NMAC: [RESERVED]

PHARMACY BOARD

This is an amendment to 16.19.4 NMAC, Section 10 and 11 effective 8/12/2025

16.19.4.10 CONTINUING PHARMACY EDUCATION REQUIREMENTS:

A. Continuing pharmacy education (CPE) shall include study in one or more of the general areas of socioeconomic and legal aspects of health care; the properties and actions of drugs and dosage forms; etiology; characteristics

and therapeutics of the disease state, or such other subjects as the board may from time to time approve. Continuing pharmacy education approved in New Mexico shall be limited to programs and activities offered by the accreditation council for pharmacy education (ACPE), accredited provider, programs or courses approved by the board or other state boards of pharmacy and pharmacy law programs offered by the board.

- pharmacy education, certified as completed by an approved provider will be required of a registered pharmacist who applies for renewal of New Mexico registration as follows: 3.0 CEU (30 contact hours) every two years. Effective January 1, 2013, pharmacist and pharmacist clinician renewal applications shall document.
- minimum of 1.0 CEU (10 contact hours) excluding the law requirement, per renewal period shall be obtained through "live programs" that are approved as such by the ACPE or the accreditation council for continuing medical education (ACCME). Live programs provided by other providers (such as continuing nursing education) may be acceptable based on review and approval of the board.
- (2) A minimum of 0.2 CEU (two contact hours) per renewal period shall be in the area of patient safety as applicable to the practice of pharmacy.
- (3) A minimum of 0.2 CEU (two contact hours) per renewal period shall be in the subject area of pharmacy law offered by the New Mexico board of pharmacy.
- January 1, 2015, a minimum of 0.2 CEU (two contact hours) per renewal period shall be in the area of safe and appropriate use of opioids. An educational program consisting of a minimum of 0.2 CEU (2 contact hours) that addresses both patient safety as applicable to the practice of pharmacy and the safe and appropriate use of opioids will satisfy requirements of Paragraphs (2) and (4) of Subsection B of this section.

- C. The number of CEU's to be awarded for successful completion shall be determined by the accredited provider in advance of the offering of the activity.
- D. The board will accept CPE education units for programs or activities completed outside the state; provided, the provider has been approved by the ACPE under its' criteria for quality at the time the program was offered.
- pharmacy education will be required of all registrants holding an in-state status and out-of-state active status license. (Section 61-11-13D NMSA 1978). Pharmacists granted New Mexico initial licensure are exempt from CPE requirements. Inactive status licensees will be required to furnish CPE for the current licensing period, 1.5 CEU for each year the licensee was inactive, only for the purpose of reinstating to active status.
- F. Not less than ten percent of the registrants will be [randomly selected each year by the board for audit of certificates by the state drug inspectors] audited each year by board staff. Pharmacists and pharmacist clinicians without sufficient documentation of completion of CPE requirements [shall.]:
- (1) May [Be] be subject to a fine of not less than \$1000.00.
- (2) <u>Shall</u> [Be] <u>be</u> required to complete the deficient CPE in a satisfactory time period as determined by the board.
- G. In the event a pharmacist makes an application for renewal and does not furnish necessary proof of compliance upon request, the board will afford the applicant opportunity for hearing pursuant to the Uniform Licensing Act.
 - H. [RESERVED]
 - I. [RESERVED]
 - J. Pharmacy law

requirement:

(1) Active status: A minimum of 0.2 CEU (two contact hours) of the 3.0 CEU (30 contact hours) required for

- registration renewal, shall be in the subject area pharmacy law as offered by the board. In lieu of a board program, pharmacists not residing and not practicing pharmacy in New Mexico, may complete an ACPE accredited course, in the subject area pharmacy law, meeting the CEU requirements of this paragraph.
- may obtain 0.1 CEU (one contact hour) per year, in the subject area pharmacy law, by attending one full day of a regularly scheduled New Mexico board of pharmacy board meeting or serving on a board approved committee.
- K. Board of pharmacy law programs shall offer 0.2 CEU and be two contact hours in length. [02/26/1995; 16.19.4.10 NMAC Rn, 16 NMAC 19.4.10, 3/30/2002; A, 12/15/2002; A, 1/31/2007; A, 8/16/2010; A, 3/23/2013; A, 8/12/2013; A, 5/07/2024; A, 8/12/2025]

16.19.4.11 CONSULTANT PHARMACIST:

A. Duties and responsibilities:

by the code of ethics of the American Society of Consultant Pharmacists. Must be qualified to practice as a consultant pharmacist and is to be aware of all federal and state drug laws, rules and regulations related to pharmacy services, and to provide the facility with current information pertaining to drug service.

- (2) Ensure that drugs are handled in the facility in which he/she is the consultant pharmacist, in a manner that protects the safety and welfare of the patient.
- the policies and procedures in the facility as related to all facets of drug handling and distribution; these policies and procedures to be reviewed and updated on an annual basis.
- (4) To visit the facility, commensurate with their duties, as specified by board regulations relative to the facility or by written contract with the

- administration of the facility not inconsistent with board regulations.
- primary goal and objective shall be the health and safety of the patient, and he/she shall make every effort to assure the maximum level of safety and efficacy in the provision of pharmaceutical services.
- consultant pharmacist shall not condone or participate in any transaction with any practitioner of another health profession, or any other persons whosoever under which fees are divided, or rebates or kickbacks paid or caused to be paid, or which may result in financial exploitation of patients or their families in connection with the provision of drugs and medication or supplies or pharmaceutical services.
- B. Consultant pharmacist serving skilled nursing facilities and intermediate care facilities upper level care long term care facilities by any other title:
- (1) The consultant pharmacist's agreement with the facility shall include but is not limited to the following duties and responsibilities.

(a) Serve as a member of appropriate committees, and attend these meetings.

(b)

Development of the drug control procedures manual.

(c)

Monitor on a routine basis all aspects of the total drug distribution system - to be accomplished in a manner designed to monitor and safeguard all areas of the drug distribution system.

(d)

Maintain active pharmacist status registration in the state.

(e)

Assume responsibility for the destruction or removal of unwanted dangerous drugs and any controlled substances as prescribed by law and regulations.

(f)

Maintain a log of all visits and activities in the facility indicating

dates and other pertinent data; such logs are to be available to inspection by state drug inspectors upon request.

(g)

Furnish and replenish emergency drug supply in acceptable containers. Maintain a log of use and replacement of drugs in the emergency tray.

(h)

Make routine inspections of drug storage areas, patient health records, and review drug regimen of each patient at least once a month. Report irregularities, contraindication, drug interactions, etc., to the medical staff.

(i)

Provide or make arrangements for provision of pharmacy services to the facility on a 24-hour, seven days a week basis, including stat orders.

(i)

Provide in-service training of staff personnel as outlined in the procedures manual.

(k)

Meet all other responsibilities of a consultant pharmacist as set forth in the board regulations and federal or state laws and which are consistent with quality patient care.

(I)

The contract consultant pharmacist to a SNF or ICF facility, that is required to review patients' drug regimen as set forth in Subparagraph h of Paragraph (1) of Subsection B of 16.19.4.11 NMAC, who is under contract as sole supplier of unit-doses/state of the art medications, shall be exempt from charges of unprofessional conduct under Paragraph (10) of Subsection B of 16.19.4.9 NMAC.

(m)

The consultant pharmacist to a SNF or ICF facility who delivers drugs in a unit-dose system, approved by an agent of the board, which is a tightly sealed, unopened, individual dose, shall be exempt from the requirements of 16.19.6.14 NMAC. The regulation shall not prohibit the return to the pharmacy stock, where partial credit may be given in accordance with any federal or state law or regulation, to the patient for such medication, when the physician discontinues the drug therapy, the patient expires or for any other reason, other than an outdated drug.

(n

Customized patient medication packages: In lieu of dispensing one, two, or more prescribed drug products in separate containers or standard vial containers, a pharmacist may, with the consent of the patient, the patient's care-giver, the prescriber, or the institution caring for the patient, provide a customized patient medication package. The pharmacist preparing a patient medication package must abide by the guidelines as set forth in the current edition of the United States Pharmacopoeia for labeling, packaging and record keeping.

(0)

Repackaging of patient medication packages: In the event a drug is added to or discontinued from a patient's drug regimen, when a container within the patient medication package has more than one drug within it, the pharmacist may repackage the patient's patient medication package and either add to or remove from the patient medication packaged as ordered by the physician. The same drugs returned by the patient for repackaging must be reused by the pharmacist in the design of the new patient medication package for the new regimen, and any drug removed must either be destroyed. returned to the DEA or returned to the patient properly labeled.

(p)

Return of patient medication package drugs.

(i)

Patient medication packages with more than one drug within a container may not under any circumstances be returned to a pharmacy stock.

(ii)

Patient medication packages with only one drug within a container: 1 Non-Institutional: A patient medication package stored in a non-institutional setting where there is no assurance of storage standards may not be returned to pharmacy stock. 2 Institutional: A patient medication package stored in an institutional setting where the storage and handling of the drugs are assured and are consistent with the compendia standards may be returned

to the pharmacy stock provided the following guidelines are followed: (1) the drug is to be kept within the patient medication package and it is to remain sealed and labeled until dispensed; (2) the expiration date of drug shall become fifty percent of the time left of the expiration for the drug; and (3) no schedule II - V drugs may be returned to inventory; and (4) proper record keeping for the addition of drugs into inventory must be done.

(2) When a consultant pharmacist enters into a written contractual agreement with a facility to which he/she will provide service.

(a)

The consultant pharmacist whose practice is not in the immediate vicinity of the facility for which he has entered into a written service agreement, shall have a written agreement with a local pharmacist to be available on any emergency basis. The consultant pharmacist shall be responsible for the proper training and instruction of such local pharmacist. Said local pharmacist shall be known as a "co-consultant". The vendor shall be responsible for the safety and efficacy of back-up pharmaceutical services he provides.

(b)

A copy of these agreements must be filed with the facility and a copy maintained by the consultant pharmacist. Any termination of such agreement shall be reported in writing, within 10 days, of termination to the administrator.

(c)

Should a local pharmacist (coconsultant) not be available, the consultant pharmacist must provide an alternative procedure approved by the board. If the consultant is also the vendor, then such alternative procedure must reasonably assure rapid delivery of drugs; medical supplies and pharmacy service to the facility.

C. Consultant pharmacist - clinic facility:

(1) The

consultant pharmacist providing services to a clinic shall.

(a)

Assume overall responsibility for clinic pharmaceutical services, for clinic facility supportive personnel, and for procedures as outlined in the procedures manual, including all records of drugs procured, administered, transferred, distributed, repackaged or dispensed from the clinic.

(b)

Assume responsibility for the destruction or removal of unwanted or outdated dangerous drugs, including controlled substances, as required by laws and regulations.

(c)

Develop the pharmaceutical services procedures manual for the clinic establishing the system for control and accountability of pharmaceuticals.

 (\mathbf{q})

Provide in-service education and training to clinic staff, as applicable.

(e)

Report in writing to the board within 10 days, any termination of services to the clinic.

(f)

Comply with all other provisions of Part 10, limited drug clinics, as applicable to the individual clinic facility.

(g)

The consultant pharmacist shall personally visit the clinic on the minimum basis described in Items (i) through (v) of this Subparagraph to ensure that the clinic is following set policies and procedures. Visitation schedules are as follows.

(i)

Class A clinics shall have the on-site services of a consultant pharmacist for the dispensing or distribution of dangerous drugs. The consultant pharmacist shall comply with Paragraphs (4), (5) and (7) of Subsection A of 16.19.4.16 NMAC of this regulation.

(11)

Class B clinics shall have the services of a consultant pharmacist as listed below: 1. Category 1 clinics shall be visited by the consultant pharmacist at least every other month. 2. Category 2 clinics shall be visited by the consultant pharmacist at least

monthly. 3. Category 3 clinics shall be visited by the consultant pharmacist at least every other week.

Class C clinics shall be visited by the

consultant pharmacist at least every three months.

(iv)

Class D clinic shall be reviewed at least once yearly during school session.

(v)

Class E clinic shall be visited by the consultant pharmacist at least weekly for a clinic with a patient census of 150 or more or with a mobile narcotic treatment program, and at least every other week for a clinic with a patient census of less than 150.

(h)

The consultant pharmacist shall review the medical records of not less than five percent of a Class B clinics patients who have received dangerous drugs (as determined by the dispensing or distribution records) since the consultant pharmacist's last visit. Such review shall be for the purpose of promoting therapeutic appropriateness, eliminating unnecessary drugs, and establishing the medical necessity of drug therapy, by identifying over-utilization or under-utilization, therapeutic duplication, drugdisease contraindications, drug-drug contraindications, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, appropriate medication indication, and/or clinical abuse/misuse. Upon recognizing any of the above, the consultant pharmacist shall take appropriate steps to avoid or resolve the problem which shall, if necessary, include consultation with the prescriber.

(i)

The consultant pharmacist shall maintain a log or record of all visits and activities in the clinic. Such record shall include a log of all medical records reviewed, along with a record of all consultant pharmacist interventions and/or consultations. This log or record shall be available for inspection by state drug inspectors upon request.

(j)

Consultant pharmacist serving a Class D school based emergency medicine clinic shall:

(i)

review records at least annually; this review shall include a review of the *self-assessment form*, receipt and disposition records, and storage records; this annual review does not require an on-site visit by the consultant pharmacist;

(ii)

oversee the removal of expired or unwanted dangerous drugs; removal options are transfer to another licensed location, return to the legitimate source of supply or to a reverse distributor; remaining portions of used dangerous drugs may be destroyed by the consultant pharmacist;

(iii)

review dangerous drug administration records within 72 hours of administration; this review shall be documented and available for inspection at the licensed location for three years; review shall include verification of compliance with procedures and protocols, including administration by properly trained personnel.

(iv)

ensure required records are available for inspection at the licensed location for three years, including a log of comments and activities of consultant pharmacist;

(v)

verify a current list of trained staff, in accordance with New Mexico department of health requirements, is maintained at the licensed location and available for inspection;

(vi)

approve a policy and procedures manual outlining procedures for the receipt, storage, record keeping, administration and accountability of all dangerous drugs; this includes policies and procedures for the removal and destruction of unwanted, unused, outdated or recalled dangerous drugs; must verify compliance with all training and protocols required by the New Mexico department of health.

The consultant pharmacist of a Class E clinic shall review dispensing, distribution, and supplying records since the consultant pharmacist's last visit, to ensure records are maintained accurately and in proper form. The consultant pharmacist shall also review the medical records of all clinic patients prior to initiation of take home dosing, and medical records of not less than five percent of clinic patients who have received dangerous drugs (as determined by the dispensing, distribution, or supplying records) since the consultant pharmacist's last visit. Such review shall be for the purpose of promoting therapeutic appropriateness, eliminating unnecessary drugs, and establishing the medical necessity of drug therapy, by identifying over-utilization or under-utilization, therapeutic duplication, drugdisease contraindications, drug-drug contraindications, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, appropriate medication indication, and/or clinical abuse/misuse. Upon recognizing any of the above, the consultant pharmacist shall take appropriate steps to avoid or resolve the problem which shall, if necessary, include consultation with the prescriber. A log or record will be maintained in accordance with Subparagraph (i) of Paragraph (1) of Subsection (C) of 16.19.4.11 NMAC.

Α clinic **(2)** may petition the board for an alternative visitation schedule as set forth in Subsection R of 16.19.10.11 **NMAC**

D. Consultant pharmacists serving custodial care facilities:

(1) Custodial care facility as used in this regulation includes: [Any facility whichprovides care and services on a continuing basis, for two or more in-house residents, not related to the operator, and which maintains custody of the residents' drugs. Any facility or business, including non-profit entity which provides retirement care, mental care or other

facility that provides extended health care to patients.

(2) Any facility which meets the requirements outlined in Paragraph (1) of Subsection D of 16.19.4.11 NMAC shall be licensed by the board, engage a consultant pharmacist, whose duties and responsibilities are indicated in 16.19.4 and 16.19.11 NMAC.

(3)

Procurement of drugs or medications for residents will be on the prescription order of a licensed practitioner. Refills shall be as authorized by the practitioner. When refill authorization is indicated on the original prescription, a refill for a resident may be requested by the administrator of the licensed facility or his designee to the providing pharmacy.

(4) The administrator or a designated employee of the facility will sign a receipt for prescription drugs upon delivery.

All **(5)** prescription drugs will be stored in a locked cabinet or room and the key will be assigned to a designated employee or the administrator as indicated in the procedures manual.

Proper storage as stipulated in the official compendium USP/NF will be the responsibility of the licensed facility.

Records **(7)** - the consultant pharmacist shall be responsible for the following records:

incoming medications - including refills;

(b)

record of administration;

waste or loss; This accountability record shall be maintained on a patient log, on forms meeting requirements of the board of pharmacy.

(8) All prescription containers shall be properly labeled as required in 16.19.11 NMAC. No bulk containers of legend drugs will be kept on the premises, except in a facility with a 24-hour per day and 365 day per

year on-site licensed nurse. Only the following stock dangerous drugs may be kept:

(a)

tuberculin testing solution; and

vaccines as recommended by the centers for disease control (CDC) and prevention's advisory committee on immunization practices and appropriate for the facility population served; and

(c)

[naloxone] opioid antagonist for opioid overdose; and

(d)

epinephrine standard-dose and pediatric-dose auto-injectors

Consultant (9)pharmacist shall include in the procedures manual the name of individual(s) responsible for the assistance with medications.

(10)It shall be the responsibility of the pharmacist to give proper training/instruction to the person(s) at the facility who have day-to-day responsibility for receipt and administration of medications to resident when adverse reactions, special diet, or any other information relative to the administration of a drug is needed by the staff.

The (11)consultant pharmacist shall be required to maintain a patient profile on each individual, if applicable to the facility and individual.

(12)The consultant pharmacist shall visit the facility no less than once a quarter or more often, commensurate with patient drug regimen review and shall be available in emergencies, when needed. A log shall be maintained indicating all visits to the facility and noting any activities or irregularities to be recorded or reported. This log shall be available for state drug inspectors' review upon request.

(13)consultant shall be responsible for the preparation of a procedures manual outlining procedures for the receipt, storage, record keeping, maintenance of patient profiles, administration and accountability of all legend drugs and procedures for the removal and

destruction of unwanted, unused, outdated or recalled drugs - controlled substances shall be handled pursuant to state and federal regulations.

- E. No drug that has been dispensed pursuant to a prescription and has left the physical premises of the facility licensed by the board shall be dispensed or reused again except the re-labeling and reuse of pharmaceuticals may be permitted in the following situations: in a correctional facility, licensed by the board, under the following circumstances dangerous drugs, excluding controlled substances, may be re-used:
- (1) the patients must reside in the same facility;
- (2) the reused medication must have been discontinued from the original patient's drug regimen;
- (3) the drug was never out of the possession of the licensee "keep on person" pharmaceuticals may never be reused;
- (4) the drugs were originally dispensed in packaging that is unopened, single-dose or tamper-evident containers;
- (5) the patient receiving the re-labeled medication must have a valid prescription/order for the medication that is to be reused;

repackaging and re-labeling may only be completed on site by the consultant pharmacist designated for that facility.

- F. The consultant pharmacist must maintain records at the facility for three years containing the following information:
- (1) date when the re-labeling occurred;
- (2) the name and ID of the patient for whom the medication was originally intended for and the date in which it was discontinued from his or her drug regimen;
- (3) the name and ID of the patient who will receive the reused medication;
- (4) the name, strength and amount of the medication being reused;

(5) the name of pharmacist re-labeling the medication;

(6) pursuant to 16.19.10.11 NMAC the pharmacist must label the reused pharmaceutical and maintain a dispensing log for all such re-issued pharmaceuticals and the expiration date for such reissued drugs shall be no greater than fifty percent of the time remaining from the date of repackaging until the expiration date indicated on the original dispensing label or container. [8/27/1990; 16.19.4.11 NMAC -Rn, 16 NMAC 19.4.11, 3/30/2002; A, 6/30/2006; A, 10/24/2014; A, 15/07/2015; A, 11/30/2021; A, 9/13/2022; A, 5/07/2024; A, 8/12/2025]

PHARMACY BOARD

This is an amendment to 16.19.8 NMAC, Section 9 effective 8/12/2025

16.19.8.9 MINIMUM REQUIRED INFORMATION FOR WHOLESALE DRUG DISTRIBUTION LICENSURE:

A. Every wholesale distributor who engages in the wholesale distribution of drugs shall be licensed with the board by submitting an application and providing information required by the board on an application approved by the board including:

(1) applicant's full name; all trade or business names used by the licensee (includes "is doing business as" and "formerly known as") which cannot be identical to the name used by another unrelated wholesale distributor, third-party logistics provider, or repackager licensed by the board; full business address and telephone number;

(2) type of ownership, e.g. individual, partnership, limited liability company or corporation;

(3) name(s) of the owner(s) of the applicant, including;

(a)

if a person, the name, address, social security number or Federal Employer Identification Number (FEIN), and date of birth;

(b)

if other than a person, the name, address, social security number and date of birth of each partner, limited liability company member, or corporate officer and corporate director and the federal employer identification number:

(c)

if a corporation, the state of incorporation; and

 (\mathbf{d})

if a publicly traded corporation, the information in Subparagraph (b) of this paragraph is not required for corporate officers and corporate directors;

(e)

any other relevant information that the board requires;

- (4) name(s), business address(es), telephone number(s) of a person(s) to serve as the designated representative(s) for each facility of the wholesale distributor that engages in the distribution of drugs;
- of criminal background checks and fingerprinting of the applicant, if a person, and of the applicant's designated representative; the background check shall be sufficient to include all states residence since the person has been an adult;
- state and federal licenses, registrations or permits, including the license, registration or permit numbers issued to the wholesale drug distributor by any other state and federal authority that authorizes the wholesale distributor to purchase, possess and distribute drugs;
- (7) a list of all disciplinary actions or any other sanction by state and federal agencies against the wholesale distributor as well as any such actions against principals, owners, directors or officers;
- (8) a full description of each facility and

warehouse located in New Mexico, including all locations utilized for drug storage or distribution; the description must include the following:

(a)

square footage;

(b)

security and alarm system descriptions;

(c)

terms of lease or ownership;

(d)

address and;

(e)

temperature and humidity controls;

(9)

a description of the wholesale distributor's drug import and export activities;

- (10) a copy of the wholesale distributor's written policies and procedures as required in Subsection I of 16.19.8.13 NMAC, (Written policies and procedures);
- (11) a facility located outside of New Mexico shall submit a copy of a current satisfactory inspection report issued by the FDA, or state licensing authority, or by a third-party inspection service approved by the FDA or the state authority licensing such wholesale distributor, or by the board;
- (12) the information collected pursuant to Paragraphs (5), (8) and (10) of this subsection shall be made available only to the board, and to state and federal law enforcement officials; the board shall make provisions for protecting the confidentiality of the information collected under this section.
- (13) renewal applications shall be on a form furnished by the board.
- **B.** Every wholesale drug distributor who engages in wholesale distribution shall submit a reasonable fee to be determined by the board.
- C. Each facility located in New Mexico that engages in wholesale drug distribution must undergo an inspection by the board for the purpose of inspecting the wholesale drug distribution facility

and operations prior to initial licensure. Manufacturing facilities located outside of this state are exempt from inspection by the board if the manufacturing facilities are currently registered with the food and drug administration in accordance with Section 510 of the Federal Act.

- **D** All wholesale distributors must publicly display or have readily available all licenses and the most recent inspection report administered by the board.
- E. Changes in any information in this section shall be submitted to the board within 30 days of such change unless otherwise noted.
- submitted by the wholesale drug distributor to the board that is considered trade secret or proprietary information as defined under this states privacy and trade secret or proprietary statutes shall be maintained by the board as private or trade secret proprietary information and be exempt from public disclosure.
- **G.** The board shall have the authority to recognize a third-party to accredit and inspect wholesale distributors.
- **H.** The board may license by reciprocity, a wholesale distributor that is licensed under the laws of another state if:
- applicant submits documentation of a current satisfactory inspection conducted by the FDA, or state licensing authority, or by a third-party inspection service approved by the FDA or the state authority licensing such wholesale distributor, or the board; and
- (2) the requirements of that state are deemed by the board to be substantially equivalent.
- [I. Every wholesale distributor must furnish a bond or other equivalent means of security, as follows:
- (1) for the issuance or renewal of a wholesale distributor license, an applicant that is not a government owned and operated wholesale distributor shall submit a surety bond of \$100,000 or

other equivalent means of security acceptable to the board;

purposes of Paragraph (1) above, the board may accept a surety bond in the amount of \$25,000 if the annual gross receipts of the previous tax year for the wholesaler is \$10,000,000 or less;

(3) if a wholesale distributor can provide evidence that it possesses the required bond in a state, the requirement for a bond in New Mexico shall be waived.]

[16.19.8.9 NMAC - Rp, 16.19.8.9 NMAC, 11/28/2017; A 10/10/2023; A, 8/12/2025]

PHARMACY BOARD

This is an amendment to 16.19.12 NMAC, Section 20 effective 8/12/2025

16.19.12.20 REINSTATEMENT

FEES: Any person whose board registration or license has expired and who seeks reinstatement of the certificate of license must pay the following reinstatement fee in addition to all delinquent renewal fees:

A. Pharmacists [\$25.00] \$100.00

- B. All other licenses issued by the board of pharmacy under the Pharmacy Act and the Drug Precursor Act including, but not limited to, licenses for retail pharmacy, non-resident pharmacy, wholesale drug distributor, drug manufacturer, hospital pharmacy, drug room, nursing home, clinic facility, wholesalers, retailers or distributors of veterinary drugs, and drug precursor, twenty-five percent of the license renewal fee not to exceed \$100.00
- C. Controlled substance registrations are exempt from reinstatement fees. Delinquent renewal fees shall not exceed \$180.00 [3/7/1980...2/22/1993; 16.19.12.20 NMAC Rn, 16 NMAC 19.12.20, 3/30/2002; A, 12/13/2015; A, 8/2/2019, A. 12/15/2020; A, 8/12/2025]

PHARMACY BOARD

This is an amendment to 16.19.30 NMAC, Section 7 effective 8/12/2025

16.19.30.7 DEFINITIONS:

In addition to the definitions for specific license classifications, the following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

A. "Active pharmaceutical ingredient

(API)" any substance or mixture of substances intended to be used in the compounding of a drug preparation, thereby becoming the active ingredient in that preparation and furnishing pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans and animals or affecting the structure and function of the body.

- B. "Beyond-use date (BUD)" the date after which a compounded preparation should not be used and is determined from the date the preparation was compounded.
- C. "Component" any ingredient intended for use in the compounding of a drug product, including those that may not appear in such product labeling.
- D. "Compounding" the preparation, mixing, assembling, packaging, or labeling of a drug or device (reconstitution of commercial products is not considered compounding for purposes of this article).
- (1) as the result of a practitioner's prescription order, based on the practitioner-patient-pharmacist relationship in the course of professional practice;
- (2) preparing limited quantities of prescription orders based upon a history of receiving valid prescriptions issued within an established practitioner-patient-pharmacist relationship in the course of professional practice;

(3) reconstitution of commercial products

is not considered compounding for purpose of this article.

(4) the addition of a flavoring agent to a conventionally manufactured product is not considered compounding as long as the following conditions are met:

(a)

the flavoring agent is inert, nonallergenic, and produces no effect other than the instillation or modification of flavor:

(b)

the flavoring agent does not alter a medication's concentration beyond USP's accepted level of variance;

(c)

the addition of flavoring agent(s) is documented in the prescription record;

(d)

the BUD criteria of Paragraph (5) of Subsection D of 16.19.30.9 NMAC shall apply.

- **E. "FDA"** Food and Drug administration.
- **F.** "SOP's" standard operating procedures.
- **G.** "USP/NF" the current edition of the United States Pharmacopeia/National Formulary. [16.19.30.7 NMAC N, 9/15/2006; A, 12/13/2015; A, 9/14/2021; A, 8/13/2024; A, 8/12/2025]

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 15 ELEVATOR
SAFETY CODE
PART 1 GENERAL
PROVISIONS

14.15.1.1 ISSUING

AGENCY: The Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.15.1.1 NMAC - 09/12/2025]

SCOPE: This 14.15.1.2 rule applies to all the administration, interpretation, and enforcement of contracting work performed in New Mexico subject to the jurisdiction of the Elevator Safety Act and the Construction Industries Licensing Act. This rule applies to all work performed in New Mexico on or after July 1, 2025, involving the erecting, constructing, installing, altering, servicing, testing, repairing, maintaining, removing, or dismantling conveyances contained within a building or structure or inspection of that work is subject to the jurisdiction

[14.15.1.2 NMAC – 09/12/2025]

14.15.1.3 STATUTORY AUTHORITY: Section 60-13B-4 NMSA 1978.

[14.15.1.3 NMAC – 09/12/2025]

14.15.1.4 **DURATION**:

Permanent.

[14.15.1.4 NMAC – 09/12/2025]

14.15.1.5 **EFFECTIVE**

DATE: September 12, 2025, unless a later date is cited at the end of a section.

[14.15.1.5 NMAC – 09/12/2025]

14.15.1.6 OBJECTIVE:

The purpose of this rule is to set forth general provisions as the statewide minimum standards for governing the erection, construction, installation, alteration, servicing, testing, repairing, maintaining, removing, or dismantling conveyances contained within a building or structure as defined in the Elevator Safety Act, Sections 60-13B-1 *et seq.* NMSA 1978, in New Mexico. [14.15.1.6 NMAC – 09/12/2025]

14.15.1.7 DEFINITIONS:

The definitions in this section are used throughout the elevator safety rules and construction industries division rules contained in Chapters 15 of Title 14.

A. "ANSI" means the American National Standards Institute.

- **B.** "ASME" means the American Society of Mechanical Engineers.
- C. "ASME A17.1" means ASME A17.1 Safety Code for Elevators and Escalators.
- **D.** "ASSE" means the American Society of Safety Engineers.
- **E.** "AWS" means the American Welding Society.
- F. "Apprentice" means an individual who is learning a particular trade from a validly licensed employer. CID recognizes apprentices registered in an apprenticeship program recognized by the United States department of labor or by the New Mexico state apprenticeship council pursuant to the New Mexico department of workforce solutions.
- G. "Authority having jurisdiction" "AHJ" means the state construction industries division, elevator safety bureau.
- H. "CID" and division mean the construction industries division of the regulation and licensing department.
- I. "CID rules" means the rules compiled in Title 14, Chapter 5 through 15 of the New Mexico Administrative Code.
- **J.** "CILA" means the Construction Industries Licensing Act, Sections 60-13-1 *et seq.* NMSA 1978.
- **K.** "Code" means the statewide elevator codes adopted by the division.
- L. "Commercial" means a structure that is classified as having a use identified in the New Mexico Commercial Building Code, including but not limited to, assembly, business including a public building, educational, institutional, mercantile, storage or utility.
- M. "Contracting" has the same meaning as defined in Section 60-13-3 NMSA 1978.
- N. "Direct supervision" means supervision, inspection, and evaluation by a certified journeyman, working in the immediate proximity of a trainee or apprentice, overseeing all

- classification activities as they occur while providing direction, feedback, assistance evaluation of the work of the apprentice.
- **O.** "Director" has the same meaning as defined in Section 60-13-7 NMSA 1978.
- P. "Disqualifying criminal conviction" has the same meaning as defined in Subsection E of Section 61-1-36 NMSA 1978.
- **Q.** "ESA" means the Elevator Safety Act, Sections 60-13B-1 *et seq.* NMSA 1978
- R. "Electrical wiring" means installation, alteration, connection, service and maintenance, demolition, or repair of raceways, conduits, conductors, cables, boxes, fittings, wiring devices, luminaires, overcurrent devices, distribution equipment, or other equipment or apparatus that is used as part of, or in connection with, an electrical installation.
- S. "Formal hearing" means a hearing held under the ULA, Sections 61-1-1 through 61-1-31 NMSA 1978.
- T. "Gross incompetence" or "Gross negligence" means, but shall not be limited to, a significant departure from the prevailing industry standard, manufacturer specifications or any provision of CILA, ESA, or rules adopted by the division.
- U. "Inspector" means a person certified by one or more trade bureaus to conduct inspections of permitted work, in the jurisdiction of the AHJ employing said inspector to ensure that all work performed by a contractor complies with the ESA and its administrative codes.
- V. "License" means a license, registration, certificate of registration, or certificate.
- W. "Licensing fee" has the same meaning as set forth in Section 13B of ESA, NMSA 1978.
- X. "Maintenance" means the process of routine examination, lubrication, cleaning and adjustment of parts, components or subsystems, to ensure performance pursuant to these rules and the ASME.

- Y. "Military service member" has the same meaning as defined in Subsection F of Section 60-13-14.1 NMSA 1978.
- Z. "NMCBC" means 14.7.2 NMAC, currently adopted New Mexico Commercial Building Code, which adopts by reference and amends the designated IBC.
- AA. "NMEBC" means 14.7.7 NMAC, the currently adopted New Mexico Existing Building Code, which adopts by reference and amends the designated International Existing Building Code.
- **BB.** "NMEC" means 14.10.4 NMAC, the currently adopted New Mexico Electrical Code, which adopts by reference and amends the designated National Electrical Code.
- CC. "NMMC" means 14.9.2 NMAC, the currently adopted New Mexico Mechanical Code, which adopts by reference and amends the designated Uniform Mechanical Code.
- **DD.** "NMPC" means 14.8.2 NMAC, the currently adopted New Mexico Plumbing Code, which adopts by reference and amends the designated Uniform Plumbing Code.
- **EE.** "NMSCEE" means 14.15.8 NMAC, the currently adopted New Mexico Safety Code for Elevators and Escalators, which adopts by reference and amends the designated Safety Code for Elevators and Escalators.
- FF. "Notice of investigation" "(NOI)" means a notice of investigation prepared by a division employee.
- GG. "Notice of contemplated action" "(NCA)" means the official notice to a licensee that the division is seeking to take action against a licensee for alleged violations of the ESA or rules.
- HH. "Published code" means any code or standard published by an entity other than the state of New Mexico and adopted by reference or referred to as a standard in the ESA rules or in this chapter.
- II. "QEI" means qualified elevator inspector.
- JJ. "Registered apprentice" means an individual

who is learning a trade from a validly licensed employer and participates in a registered apprenticeship program.

KK. "School" means a public school, a school district, a regional educational cooperative, shared maintenance program, charter school, or private school, recognized by the New Mexico public education department that offers grade levels from kindergarten through twelfth grade only.

LL. "State serial number" means a unique number assigned by the bureau chief to each individual elevator, dumbwaiter, escalator, or moving walkways.

MM. "Substantially equivalent" means the determination by the construction industries division that the education, examination, and experience requirements contained in the statutes and rules of another jurisdiction are comparable to, or exceed the education, examination, and experience requirements of the Elevator Safety Act.

NN. "Technically infeasible" means an alteration of a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

chief" "(TBC)" means the administrative head of a New Mexico CID trade bureau charged with the administration and enforcement of the trade bureau's state adopted codes and standards. The trade bureau chief is the ultimate authority having jurisdiction to determine and render interpretations of their trade codes. The trade bureau chief shall recommend to the division all minimum standards and codes, for their specific trade(s), for adoption.

PP. "ULA" means the Uniform Licensing Act, Sections 61-1-1 et seq. NMSA 1978.

QQ. "Veteran" has the same meaning as defined in Subsection F of Section 60-13-14.1 NMSA 1978.

RR. "Wire seal" means a small, metal security seal made from flexible wire that is used to secure access panels or components on a conveyance.

[14.15.1.7 NMAC – 09/12/2025]

14.15.1.8 RESPONSIBILITY FOR COMPLIANCE:

A. Every person who performs work in connection with the erection, construction, installation, alteration, servicing, testing, repairing, maintaining, removing, or dismantling conveyances contained within a building or structure or inspection of conveyances as defined by Section 60-13B-2 NMSA 1978 or Sections 60-13-1 *et. seq.* NMSA 1978 and regulated by the division's statutes and rules is responsible for complying with all statutes and rules.

B. When a violation of the statutes or code is alleged, the AHJ shall investigate the allegations to obtain sufficient evidence or proof to determine whether a violation has occurred. The AHJ may require tests, at no cost to the AHJ, to determine compliance. Such test shall be conducted in conformance with nationally recognized testing standards, or if no standards have been established, in conformance with such specifications as the AHJ shall approve.

[14.15.1.8 NMAC – 09/12/2025]

14.15.1.9 **CONFLICTS**:

A. Between current
New Mexico construction codes.
When the provisions of one New
Mexico construction code specifies
different materials, methods,
construction, or requirements than
other New Mexico construction
codes, the general rule of legal
interpretation shall be applied that the
most specific provision shall govern.

B. With prior New Mexico construction codes. The

code adopted at the time a structure is built or modified governs. If modifications are made under a subsequent code, that code governs the areas modified. If all or any part of the structure is determined to be unsafe, 14.15.1.11 NMAC shall apply.

C. **Between current** New Mexico construction codes and codes adopted by other state **agencies.** The NMCBC establishes the type of structure, the design, construction, and the occupancy classification of a building. These codes shall govern over any codes concerning construction adopted by other agencies which conflict as to type of structure, the design, construction, and the occupancy classification. The construction codes adopted and enacted by the CID shall govern if the construction is specifically required in the enacted code.

With requirements D. of other agencies. All licensees, qualifying parties and journeymen must follow all regulatory agency laws when said agency has jurisdiction over certain aspects of a project. These may include, but are not limited to, compliance with fire code standards enforced by the state fire marshal, any local fire code enforcement agency; or any other applicable code or standard enforced by the state environment department, the state health department, state human services department, transportation department, public regulation commission, homeland security and emergency management department, the governor's committee on the concerns of the handicapped, historical authorities, and local zoning.

E. With referenced and incorporated codes and standards. The provisions of any published code or standard referenced in the CID rules shall be deemed to be incorporated into and made part of the CID rules, including all modifications and amendments to the referenced codes and standards. If the reference results in a conflict between the provision of the published code or standard and the CID rules, the CID

rules shall govern. [14.15.1.9 NMAC – 09/12/2025]

14.15.1.10 TRADE BUREAU CHIEF:

A. Powers and duties.

The trade bureau chief is the ultimate authority and is authorized to render interpretations of the trade bureau's adopted New Mexico codes and standards and to establish procedures for the interpretation and application of those codes.

- B. Alternative materials and methods of construction. The trade bureau chief is authorized to permit a variance or approve an alternative material or method of construction as provided in this section.
- C. Variances. If the circumstances of a particular construction project make strict compliance with state adopted code(s) and standards technically infeasible or impracticable, the trade bureau chief responsible for enforcing that code has the authority to approve a variance. No variance shall be valid or have force or effect unless issued in writing and signed by the trade bureau chief.
- **D.** Alternatives. The trade bureau chief is responsible for approving materials, designs, and methods of construction that are not expressly specified in that particular code.
- E. Supporting data. The trade bureau chief may require supporting data be supplied by the requestor.

[14.15.1.8 NMAC – 09/12/2025]

14.15.1.11 UNSAFE STRUCTURES OR OTHER LIFE SAFETY HAZARD:

- A. For purposes of this section, an unsafe condition is any condition that poses an actual threat to the health, safety, or welfare of persons or property and constitutes a violation of the ESA or its rules.
- **B.** When conducting an inspection, if an inspector discovers an unsafe condition or a life safety hazard, the inspector shall take the following action:

- (1) If the unsafe condition or hazard results from construction in progress, issue a correction notice and stop work order as is applicable to abate the unsafe condition or hazard; if a stop work order is appropriate the inspector shall notify the TBC for authorization to issue the stop work order unless the correction is for life safety. In such circumstances, the stop work order shall be issued by the inspector providing notification to the TBC.
- If the **(2)** unsafe condition or hazard is in an existing building not related to construction in progress, complete a correction notice detailing the observed unsafe condition or hazard. Either a correction notice or report shall be provided to the AHJ and the owner, agent or person in control or possession of the structure when the identity of the owner, agent or person cannot be readily determined. The report shall be provided no later than 48 hours after the observation of the unsafe condition.
- (3) If the unsafe condition or hazard relates to any utility service the inspector shall proceed in accordance with Subsections A through D of Section 60-13-42 NMSA 1978; any service disconnected pursuant to this rule shall not be reconnected without the prior written approval of TBC.
- C. If requested by a condemning authority, the TBC will inspect or designate an inspector to inspect the property within its jurisdiction and report findings to the condemning authority pursuant to Paragraph (2) of Subsection B of this section.

[14.15.1.9 NMAC – 09/12/2025]

14.15.1.12 TECHNICAL ADVISORY COMMITTEE:

- A. Each TBC may create a technical advisory committee and appoint members to assist the TBC in an advisory capacity on technical aspects of the particular industry.
- **B.** The committee will meet at the call of the TBC.

C. The members serve at the pleasure of the TBC. [14.15.1.10 NMAC - 09/12/2025]

History of 14.15.1 NMAC: [RESERVED]

Pre-NMAC History:

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 15 ELEVATOR
SAFETY CODE
PART 2 PERMITTING
AND CERTIFICATES OF
OPERATION

14.15.2.1 ISSUING AGENCY: The Construction Industries Division (CID) of the Regulation and Licensing Department. [14.15.2.1 NMAC - 09/12/2025]

14.15.2.2 SCOPE: This rule applies to all work performed in New Mexico that is subject to the jurisdiction of CID for which permits are required.

[14.15.2.2 NMAC – 09/12/2025]

14.15.2.3 STATUTORY AUTHORITY: Section 60-13B-4 NMSA 1978.

[14.15.2.3 NMAC – 09/12/2025]

14.15.2.4 DURATION: Permanent. [14.15.2.4 NMAC – 09/12/2025]

14.15.2.5 EFFECTIVE DATE: September 12, 2025, unless a later date is cited at the end of a section.

[14.15.2.5 NMAC – 09/12/2025]

14.15.2.6 OBJECTIVE:

The purpose of this rule is to set forth standards and requirements governing permitting of new and existing conveyances in New Mexico as the statewide minimum. [14.15.2.6 NMAC – 09/12/2025]

14.15.2.7 DEFINITIONS:

See Section 60-13B-2 NMSA 1978 and 14.15.1 NMAC for definitions. [14.15.2.7 NMAC – 09/12/2025]

14.15.2.8 PERMITS REQUIRED:

A. Permits required: Subject to the Elevator Safety Act (ESA), Section 60-13B-10 NMSA 1978, and its rules, no person shall erect, construct, service, test, repair, maintain, install, alter, remove, or dismantle a conveyance within a building or structure unless the applicable permit has been obtained from the division, unless otherwise provided by statute or rule.

- B. Eligibility: A person who is not appropriately, validly, and currently licensed by the division is not eligible to apply for or be issued a permit.
- C. Application: In order to obtain a permit, the applicant must complete and submit an application on the CID approved form for the type of permit sought:
- (1) Elevating device installation permit.
- (2) Escalator and moving walk installation permit.
- (3) Alteration or modification of elevating devices permit.
- (4) Certificate of operation.
- (5) Dismantle a conveyance. [14.15.2.8 NMAC 09/12/2025]

14.15.2.9 EXCEPTIONS TO REQUIREMENT FOR PERMITS:

Permits shall not be required for the following:

- **A.** Material hoists.
- **B.** Boom lifts.
- **C.** Mobile scaffolds, towers, and platforms.
- **D.** Powered platforms and equipment for exterior and interior maintenance.
- **E.** Conveyances and related equipment.

- **F.** Cranes, derricks, hoists, hooks, jacks, and slings.
 - **G.** Industrial trucks.
- **H.** Portable equipment, except for portable escalators that are covered by the standards.
- I. Tiering or piling machines that are used to move materials to and from storage that are located and operate entirely within one story.
- **J.** Equipment for feeding or positioning materials at machine tools, printing presses and similar equipment.
 - **K.** Furnace hoists.
- L. Skips or hoists subject to the regulation of the United States department of labor's mine safety and health administration.
 - **M.** Wharf ramps.
- N. Railroad car lifts or dumpers.
- O. Line jacks, false cars, shafters, moving platforms and similar equipment used for installing a conveyance by a contractor licensed in this state.
- **P.** Conveyances within a single-family dwelling.
- Q. Services provided by a person by who is licensed as an architect or engineer in this state. [14.15.2.9 NMAC 09/12/2025]

14.15.2.10 SUBMITTAL DOCUMENTS:

A. Submittal

documents: Prior to installation or alteration of equipment at any individual location, the engineer or properly licensed contractor shall submit two sets of the following documents (collectively, submittal documents) to the division for approval:

B. New equipment:

An engineer or contractor must submit a division-approved elevator application and plans for the installation of new equipment for review to the division for approval. Submission of the layout drawings shall be as specified in the current adopted NMSCEE for the specific type of equipment to be installed. The

layout drawings shall also include the following information:

- (1) The rated speed of the equipment in feet per minute
- capacity of the equipment in pounds

 (3) The total

travel of the equipment in feet and inches

- (4) Elevation drawings of the hoistway, runway, or wellway; and
- (5) Plan drawings indicating the arrangement of the equipment in a machine room, machine space, control room or control space.
- repair of existing equipment: An engineer or contractor must submit a division-approved elevator application and plans for the alteration of existing equipment for review to the division for approval. A submission of the layout drawings shall be as specified in the current adopted NMSCEE for the specific type of equipment if the alteration results in one or more of the following changes:
- (1) The rated speed of the equipment in feet per minute
- (2) The rated capacity of the equipment in pounds
- (3) The total travel of the equipment in feet and inches
- (4) The classification of the equipment, such as passenger elevator to freight elevator or freight elevator to passenger elevator
- driving machine is relocated
 In addition to submitting the above documentation, the engineer or contractor must submit the following documents for all new equipment provided as part of the alteration of the interior of an elevator car: material data safety sheet(s), documentation of the fire rating of all materials installed as part of a car interior alteration, including the estimated weight of those materials.
- D. Submission maybe waived: The TBC may waive the

submission of plans, calculations, construction inspection requirements and other data if it is determined that the nature of work applied for is such that plan review is not necessary to obtain compliance with the New Mexico construction codes.

- **E. Deferred submittals:** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted with application for permit, and that are to be submitted, thereafter, within a period of time specified by the AHJ or the plan review official.
- F. Special submissions: The AHJ or plan review official is authorized to require, before and after the commencement of a project, the submission of any specification, layout, or diagram necessary to adequately and clearly show the detail of the equipment or components of the work covered by the issued permit(s), or that is required to be permitted pursuant to this rule or CID building codes.
- G. Correction of submittal documents: The issuance of a permit based on certain plans and specifications shall not prevent the AHJ from thereafter requiring the correction of any error in such plans or specifications, or from prohibiting work pursuant to those plans or specifications when a violation of the applicable code would result.
- H. Permit contents and display: every permit or notice of permit issued by the AHJ shall:
- (1) clearly indicate the name and address of the property owner;
- (2) contain a legal description of the property by legal street address in a municipality, or by township, range, and section if outside a municipality;
- (3) contain the name, address, and license number of the contractor to whom the permit is issued; and

(4)

prominently be displayed on the site where the permitted work is to be performed.

I. Preliminary inspection: As part of the document review process, before issuing a permit, the AHJ is authorized to examine or cause to be examined buildings, structures and sites for which an application for a permit has been filed.

[14.15.2.10 NMAC – 09/12/2025]

14.15.2.11 ISSUANCE:

A. Plan review: If the submittal documents do not comply with this rule and pertinent New Mexico construction codes, the AHJ shall reject them and shall communicate the reasons for rejection to the applicant in writing. If the submittal documents meet the applicable codes and rules, the submittal documents shall be approved and the AHJ shall issue a permit to the applicant after payment in full of the applicable fees, as set forth in 14.15.4 NMAC.

Authorization to change: No change or modification may be made to the approved submittal documents for which a permit has been issued without the express, written authorization of the AHJ. All work authorized by a permit must be performed in accordance with the approved submittal documents for which the permit was issued. Changes in the equipment or installation authorized by a permit must be reflected in an amended set of submittal documents, which must be resubmitted for approval by the AHJ. [14.15.2.11 NMAC – 09/12/2025]

14.15.2.12 VALIDITY OF

PERMIT: The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any part of this rule or pertinent New Mexico construction codes or any other applicable law or rule. Permits presuming to give authority to violate or cancel the provisions of this rule or the pertinent New Mexico construction codes or any other applicable law or rule shall not be valid. The issuance of a permit based on plans or layouts and other data shall not prevent the AHJ from requiring the correction of errors in

the plans or layouts and other data. [14.15.2.12 NMAC - 09/12/2025]

14.15.2.13 SUSPENSION, CANCELLATION, OR REVOCATION OF PERMIT:

- A. The TBC is authorized to suspend, cancel, or revoke a permit issued pursuant to the code for which the official has responsibility for the following causes:
- (1) Whenever the permit is issued in error, or on the basis of incorrect, inaccurate, incomplete, or fraudulent information or in violation of any provision of this rule;
- (2) Failure to correct code violations for which a notice of correction or stop work order has been issued;
- (3) Change in the person or entity performing the work;
- (4) Payment of any amount due to an AHJ with a "non-sufficient funds" check;
- (5) Aiding or abetting an unlicensed contractor or journeyman;
- (6) At written request of the permittee;
- (7) Upon written notification of the termination of the contract with the permittee, from the project owner.
- **B.** A suspended permit may be reactivated upon approval of the AHJ and payment of all assessed fees.

[14.15.2.13 NMAC – 09/12/2025]

14.15.2.14 EXPIRATION AND DEACTIVATION OF PERMIT:

- A. Expiration: Every permit issued by the AHJ shall expire and be void if the work authorized by the permit has not commenced within 180 days from the date of issuance.
- B. Cancellation: If the work authorized by a permit is suspended, delayed, or abandoned after the work has commenced and such suspension, delay, or abandonment continues for greater

than 180 days, the permit shall be cancelled. In order for work on the project to continue, a new permit application must be submitted, a new full permit fee must be remitted, and a new permit issued. The AHJ may require re-submittal of documents.

- The TBC may extend the time of an active permit for an additional period not to exceed 180 days upon receipt of a written request from the permit holder showing that circumstances beyond the control of the permittee have caused a delay in the permitted work.
- **D. Penalties:** Any work performed after a permit expires, cancels, or becomes inactive shall be considered a violation pursuant to subsection A of 14.15.2.8 NMAC and subject to discipline and to the provisions of 14.15.2.16 NMAC.

[14.15.2.14 NMAC – 09/12/2025]

14.15.2.15 DENIAL OF PERMIT:

- A. The AHJ may deny the issuance of a permit for good cause. Good cause shall include, without limitation:
- (1) Failure to pay all or part of a permit fee or penalty when due;
- (2) An outstanding balance on any amounts due to the division that has accrued without approval of the director;
- (3) Failure to fully comply with an order issued by the director;
- (4) Failure to comply with the Parental Responsibility Act;
- (5) Requesting a permit without the proper license classification for the work performed
- (6) Applying for a permit on behalf of another entity
- another other than the licensee to use the license to obtain a permit.
- **B.** After one receipt by the AHJ of a "non-sufficient funds" check, the AHJ may require payment

by cashier's check or certified funds. [14.15.2.15 NMAC – 09/12/2025]

14.15.2.16 FAILURE TO OBTAIN PERMIT: If any work, is performed by a licensee, for which a permit is required, and is commenced prior to obtaining the necessary permit, the AHJ may assess a fee in the amount of twice the usual permit and inspection fees for the first violation with all subsequent violations disciplined pursuant to Section 60-13B-4 NMSA 1978. [14.15.2.16 NMAC – 09/12/2025]

14.15.2.17 CERTIFCATE OF OPERATION:

A. Issuance:

Certificates of operation shall be issued to the building owner or lessee and must comply with the following:

- (1) Maintain the equipment in a safe operating condition and in conformance with the standards and codes adopted in 14.15.8 NMAC and keep the equipment free from reportable conditions;
- (2) Have an annual inspection of each unit pursuant to Section 60-13B-11, NMSA 1978:
- (3) Obtain the services of an inspector employed by the division to perform an annual inspection in accordance with 14.15.3 NMAC;
- (4) Have each unit of equipment tested to determine the safety and compliance with the requirements of the codes and standards adopted in 14.15.8 NMAC;
- (5) Ensure all tests required by the applicable codes and standards adopted in 14.15.8 NMAC are performed;

B. Display.

Certificates of operation must be displayed as follows:

certificate of operation for elevators, platform lifts, or related equipment are required to be displayed in a publicly visible location without assistance or permission during all hours in which the equipment is in operation as follows:

(a)

Inside the elevator car enclosure or platform lift, or related equipment, not more than seven feet or less than three feet above the finished floor of the conveyance, or

(b)

Outside the elevator car enclosure or platform lift, or related equipment in the main elevator lobby, within ten feet of the call button not more than seven feet or less than three feet above the finished floor landing.

- The current **(2)** certificate of operation for escalators, moving walks, or related equipment are required to be displayed in a publicly visible location without assistance or permission during all hours in which the equipment is in operation as follows: in a common area lobby, hallway, or corridor within ten feet of the location of which the public embarks or disembarks from the escalator, moving walk, or related equipment and shall be not more than seven feet or less than three above the finished floor landing.
- C. It is the responsibility of the building owner or lessee to request an annual renewal inspection for the certificate of operation. The building owner or lessee is responsible for fees to renew certificate of operation pursuant to 14.15.4 NMAC.
- **D.** All alterations, modifications, or repairs performed on a conveyance must be reported to the division. The TBC shall make the determination if such work shall be permitted and inspected by a division inspector.

[14.15.2.17 NMAC – 09/12/2025]

History of 14.15.2 NMAC: [RESERVED]

Pre-NMAC History:

REGULATION AND LICENSING **DEPARTMENT CONSTRUCTION INDUSTRIES** DIVISION

HOUSING AND TITLE 14 **CONSTRUCTION CHAPTER 15 ELEVATOR** SAFETY CODE PART 3 INSPECTIONS

ISSUING 14.15.3.1

AGENCY: The Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.15.3.1 NMAC - 09/12/2025]

14.15.3.2 **SCOPE:** This rule applies to all work performed in New Mexico that is subject to the jurisdiction of CID for which permits are required.

[14.15.3.2 NMAC – 09/12/2025]

14.15.3.3 **STATUTORY AUTHORITY: Section 60-13B-4** NMSA 1978.

[14.15.3.3 NMAC – 09/12/2025]

14.15.3.4 **DURATION:**

Permanent.

[14.15.3.4 NMAC – 09/12/2025]

14.15.3.5 **EFFECTIVE**

DATE: September 12, 2025, unless a later date is cited at the end of a section.

[14.15.3.5 NMAC – 09/12/2025]

14.15.3.6 **OBJECTIVE:**

The purpose of this rule is to set forth requirements for inspections of conveyance contracting work in New Mexico that is subject to the jurisdiction of CID.

[14.15.3.6 NMAC – 09/12/2025]

14.15.3.7 **DEFINITIONS:**

See Section 60-13B-2 and 14.15.1 NMAC for definitions.

[14.15.3.7 NMAC – 09/12/2025]

14.15.3.8 **GENERAL PROVISIONS:**

Application: All work for which a permit or certificate of operation is issued must be inspected.

C.

B. **Inspections:** No inspection of work will be performed until the required fees have been paid.

Code compliance: The inspections necessary to ensure that permitted work complies with applicable codes and standards shall

be performed by the appropriate inspector under the direction of the TBC and the director.

Notification: It is the responsibility of the permittee, or the permittee's duly authorized agent, to notify the appropriate AHJ personnel when work is ready for inspection, and to provide access to and the means to perform inspections of the work. Requirements for inspections shall be made as specified on the permit or in other instructions required by the TBC or director, but in no event shall such notification be given less than 24 hours before the work is to be inspected.

Violations: If, E. upon inspection, any permitted work is not in full compliance with the applicable codes and standards, the inspector shall issue to the permittee a written correction notice citing the code violations observed and ordering that the violations be corrected. The permittee is responsible for notifying the AHJ personnel when all corrections have been made and the work is ready for re-inspection. Failure to comply with a correction notice with the time required by the inspector, TBC or director, or if no time is specified, within a reasonable time, is a violation of the CID rules and may result in disciplinary action by the TBC or director.

F. Covered and unapproved work: Work must be visible to be inspected and shall not be covered or used before approval is given by the inspector. Work that is covered before it is inspected, tested if applicable, and approved may be ordered uncovered by the inspector, TBC, or director at the cost to the permittee. No work shall be performed beyond what is required for the next inspection without prior approval of the inspector.

[14.15.3.8 NMAC - 09/12/2025]

14.5.3.9 **INSPECTIONS:**

The following inspections are required unless otherwise indicated or as determined at the discretion of the TBC.

Notification of inspections:

(1)

The inspector must report to the permit holder or certificate of operation holder prior to conducting inspections.

(2) The inspector and building owner or lessee must sign and date the inspection report or electronically acknowledge the report using any electronic method approved by the division.

В. Inspections of new, repair or alteration of existing equipment:

(1) The inspector must verify CID approved plans are on site per 14.15.2 NMAC. No inspections will be performed until the CID approved plans are on site.

The inspector is authorized to conduct an inspection prior to the installation being completed.

(3) New installations and alterations not installed per CID approved plans will not be approved and are prohibited from being placed in service without prior written approval from the TBC.

(4) No conveyance shall be permitted to be placed into operation until the inspector has verified a written hard copy of the following documents are on site in the equipment room, machine room, machine space, control room, or control space.

Α

written maintenance control program that is specific to the equipment installed.

list of parts that includes part numbers and an enlarged view identifying parts.

Straight line wiring diagrams as installed.

(d)

All diagnostic codes, fault codes, access codes, passwords to perform any code required tests.

(e)

General equipment maintenance, repair, testing, and adjustment procedures, including lubrication instructions and recommended grade of lubricant. Including any unique product information that needs to be incorporated as part of the maintenance, repair, testing or adjustment procedures specific to the equipment installed.

(f)

Each conveyance must be identified with a unique identification number decal issued by the division. When the certificate of operation is issued, the inspector shall affix the decal to the upper right-hand corner of the control panel. The decal shall remain in place for the life of the conveyance.

(g)

All correspondence and inspection reports must reference the decal number and ID number, as reflected on the certificate of operation.

- be removed from service. The TBC shall be notified of conveyances and equipment to be removed from service. An inspector shall witness the removal of the conveyances or equipment from service in accordance with the following procedures:
- (1) Switching the main line disconnect to the "off" position,
- (2) Removing the fuses (this procedure must be conducted by a properly certified electrical journeyman),
- padlock on the mainline disconnect switch that has been set to the "off" position, and
- (4) A division inspector shall install a wire seal on the mainline disconnect switch.
- D. Conveyances removed from service to be restored: Conveyances removed from service requiring the service to be restored shall comply with the following:

(1) A properly licensed contractor shall perform the work for restoration of service.

(2) A

permit and an annual or acceptance inspection shall be performed by the division.

(3) Approval from the division.

(**4**) A

temporarily dormant conveyance shall not be used until it has been put in safe running order.

- (5) Temporary dormant conveyances may be renewed on an annual basis and shall not exceed five years.
- E. Additional inspections: In addition to the required inspections, the TBC or director is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the applicable New Mexico construction codes.

F. Re-inspections:

(1) A re-

inspection fee shall not be assessed when the required code corrections resulting from an initial inspection are properly corrected and subsequently re-inspected and approved.

inspection fee shall be assessed for each inspection or re-inspection when such portion of work for which an inspection is called is not complete, when the required corrections have not been made or work is covered prior to inspection.

(3) No additional inspections shall be conducted until the required fees have been paid.

(4) Reinspection fees may be assessed when the approved plans are not readily available to the inspector, or there is a deviation from plans without approval from the TBC.

inspection fees may be assessed for failure to provide access to the property, to the facility where the inspection is to occur, or contractor, owner, or owner's agent is not

available at the time agreed upon for inspection.

[14.15.3.9 NMAC – 09/12/2025]

14.15.3.10 STOP WORK

ORDERS: Whenever contracting is being performed contrary to the CID rules, the inspector, after verification of the TBC may order that the work be stopped and shall give written notice of such order to the person performing the work or causing the work to be performed and the building owner or lessee of the property. If the inspector discovers a life safety issue contrary to ESA rules, the inspector may order that work be stopped, giving written notice of such order to the person performing the work or causing the work to be performed, the owner of the property and the TBC. The person performing the work or causing work to be performed when receiving such notice shall cease and desist from performing, or causing the performance of the work, until authorized to proceed in writing, by the TBC or the inspector. The following conditions for which a stop work order may be issued include, but are not limited to:

- **A.** Inspection determined as a health or safety hazard;
- **B.** continuing work without all correction notice violations being corrected;
- C. work deviating from the approved plans or materials;
- **D.** contractor not properly licensed;
- **E.** working beyond the scope of licensure;
- **F.** work not properly permitted;
- **G.** improper journeyman ratios. [14.15.3.10 NMAC 09/12/2025]

14.15.3.11 CERTIFICATES OF OPERATION:

A. Issuance:

Certificates of operation shall be issued to the building owner as required in 14.15.2 NMAC.

B. Display:Certificates of operation must be displayed as follows:

certificate of operation for elevators, platform lifts, or related equipment are required to be displayed in a publicly visible location without assistance or permission during all hours in which the equipment is in operation as follows:

(a)

Inside the elevator car enclosure or platform lift, or related equipment, not more than seven feet or less than three feet above the finished floor of the conveyance, or

(b)

Outside the elevator car enclosure or platform lift, or related equipment in the main elevator lobby, within ten feet of the call button not more than seven feet or less than three feet above the finished floor landing.

(2) The current certificate of operation for escalators, moving walks, or related equipment are required to be displayed in a publicly visible location without assistance or permission during all hours in which the equipment is in operation as follows: in a common area lobby, hallway, or corridor within ten feet of the location of which the public embarks or disembarks from the escalator, moving walk, or related equipment and shall be not more than seven feet or less than three above the finished floor landing.

C. Annual

inspections: Certificates of operation shall be renewed annually pursuant to Section 60-13B-11 NMSA 1978. It is the responsibility of the building owner or lessee to request an annual inspection from the division for the renewal of the certificate of operation. The building owner or lessee is responsible for fees to renew certificate of operation pursuant to 14.15.4 NMAC.

D. Inspections for certificates of operation: Subsequent to the annual inspection, the inspector shall supply a written inspection report detailing all code violations to the building owner or lessee. It shall be the responsibility of the building owner or lessee to comply with the following:

(1) A

required tests are performed at intervals in compliance with 14.15.3 NMAC and 14.15.8 NMAC.

(2) All tests are performed and reported by a properly licensed elevator mechanic in accordance with 14.15.5 NMAC and 14.15.8 NMAC.

(3) All tests must be physically witnessed by a division inspector.

E. Violations or dangerous conditions of conveyances:

building owner or lessee shall have 60 days from the date of the inspection report to remedy any violations set forth in the inspection report. The division shall not renew a certificate of operation until the violations have been remedied. The division inspector shall verify the violations have been remedied and shall supply a written inspection report citing that no code violations exist against the building owner or lessee.

(2) If a division inspector finds that any conveyance is in a dangerous condition, there is an immediate hazard to those riding or using the conveyance, or the design or method of operation in combination with the devices used is inherently dangerous, the division shall notify the building owner or lessee of the condition.

(a)

The division inspector shall have the authority to deem the conveyance inoperable. The conveyance shall be put into temporarily dormant status by the following:

(i)

Switching the main line disconnect to the "off" position,

(ii)

Removing the fuses (this procedure must be conducted by a properly certified electrical journeyman),

(iii)

Placing a padlock on the mainline disconnect switch that has been set to the "off" position, and (iv)

A division inspector shall install a wire seal on the mainline disconnect switch.

(b)

The division inspector shall give the building owner or lessee a reasonable amount of time to have repairs or alterations made to the conveyance, which must be performed by a properly licensed elevator contractor.

(3) It shall be the responsibility of the building owner or lessee to request the division to inspect the repaired or altered conveyance in order to restore operation of the conveyance.

[14.15.3.11 NMAC – 09/12/2025]

History of 14.15.3 NMAC: [RESERVED]

Pre-NMAC History:

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

TITLE 14 HOUSING AND CONSTRUCTION CHAPTER 15 ELEVATOR SAFETY CODE PART 4 FEES

14.15.4.1 ISSUING AGENCY: The Construction Industries Division (CID) of the Regulation and Licensing Department. [14.15.4.1 NMAC - 09/12/2025]

14.15.4.2 SCOPE: This rule applies to all persons requesting services provided by the division pursuant to ESA for which EA requires or allows fees to be charged. [14.15.4.2 NMAC – 09/12/2025]

14.15.4.3 STATUTORY AUTHORITY: Section 60-13B-4 NMSA 1978. [14.15.4.3 NMAC – 09/12/2025]

14.15.4.4 DURATION: Permanent. [14.15.4.4 NMAC – 09/12/2025]

14.15.4.5 **EFFECTIVE**

DATE: September 12, 2025, unless a later date is cited at the end of a section.

[14.15.4.5 NMAC – 09/12/2025]

14.15.4.6 OBJECTIVE: The purpose of this rule is to set forth fees for services provided by the division as authorized by law.

[14.15.5.6 NMAC – 09/12/2025]

14.15.4.7 DEFINITIONS: See Section 60-60-13B-2 NMSA 1978 and 14.15.1 NMAC for definitions. [14.15.4.7 NMAC – 09/12/2025]

14.15.4.8 CONTRACTOR'S LICENSE FEES:

- A. Each applicant for an initial contractor's license shall pay a non-refundable license application fee of \$1,000.00 in addition to any other required fees.
- **B.** The basic fee for an initial license or for renewal fee for a three-year license shall be \$300.
- C. If an applicant takes and fails an examination for the EV-98 classification, or if the applicant fails the business and law examination, the applicant may request a review of such examination and shall pay a non-refundable fee of \$25.00 for each such review.
- **D.** If an applicant takes and fails an examination twice in the EV-98 classification or the business and law examination, the applicant may request a special review of such examination and shall pay a non-refundable fee of \$40.00 for each such review.

[14.15.4.8 NMAC – 09/12/2025]

14.15.4.9 JOURNEYMEN CERTIFICATION FEES: The

elevator mechanic journeyman examination shall be \$75.00, with a renewal fee of \$25.00 per year. [14.15.4.9 NMAC – 09/12/2025]

14.15.4.10 PERMIT AND CERTIFICATE OF OPERATION FEES:

A. Permits: payment required: All permit fees are due at the time of issuance of permit. No

permit or amended permit issued pursuant to 14.15.2 NMAC, Permits, shall be valid until all fees required by this rule have been received by CID. The permit fees shall be as listed below:

- (1) Elevating device permit: \$750.00 up to three (3) landings, \$100.00 for each additional landing, per conveyance.
- (2) Escalator and moving walk permit: \$1,000.00 per conveyance.
- (3) Alteration or modification or elevating device permit: \$250.00 per conveyance.

B. Certificates of operation: payment required:

All certificate of operation fees are due prior to certificate of operation renewal inspection request. It is the responsibility of the owner or lessee to pay the fee to the division. The fee for renewal of the certificate of operation shall be as listed below:

- (1) Elevating device certificate of operation renewal: \$150.00 per conveyance.
- (2) Escalator and moving walk certificate of operation renewal: \$150.00 per conveyance.

[14.15.4.10 NMAC – 09/12/2025]

14.15.4.11 MISCELLANEOUS FEES:

A. Replacement fees:

(1) The fee for the replacement of a journeyman certificate shall be \$6.00, inclusive of gross receipts tax.

- (2) The fee for the replacement of a contractor's license shall be \$6.00, inclusive of gross receipts tax.
- (3) The fee for additional journeyman or contractor's license wallet cards (beyond the two initially issued) shall be \$6.00 for each such card, inclusive of gross receipts tax.
- **B. Photocopies:** The fee for photocopies of documents shall be \$.25 per page.
- **C.** Certified photocopies: The fee for certified photocopies of documents shall be \$.50 per page.

D. Reinspection fees: A fee of \$100.00 for the first re-inspection shall be paid when an inspection is requested and the conveyance either fails the inspection, the conveyance is not ready for the inspection and/or the inspector is required to return for an inspection for any other reason. A fee of \$150.00 for the second or subsequent

E. Reactivation of permit or certificate of operation:

reinspection.

The division may assess a fee for the reactivation of a suspended permit or certificate of operation in an amount equal to one-half (1/2) the amount of the original permit fee.

[14.15.4.11 NMAC – 09/12/2025]

14.15.4.12 BAD OR RETURNED CHECK FEES:

- A. A charge of \$20.00 shall be made for any check that fails to clear the bank or is returned unpaid for any reason.
- **B.** A returned check shall cause any license issued or renewed or any inspection scheduled as a result of such payment, to be immediately suspended until proper payment in full is received.
- C. A penalty for late renewal may be assessed if a check fails to clear the bank or is returned for any reason.

[14.15.4.12 NMAC – 09/12/2025]

History of 14.15.4 NMAC: [RESERVED]

Pre-NMAC History:

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

TITLE 14 HOUSING AND
CONSTRUCTION
CHAPTER 15 ELEVATOR
SAFETY CODE
PART 5 CONTRACTOR'S
LICENSE REQUIREMENTS

14.15.5.1 ISSUING

AGENCY: The Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.15.5.1 NMAC - 09/12/2025]

14.15.5.2 SCOPE: This rule applies to individuals seeking to obtain a license issued by CID. [14.15.5.2 NMAC – 09/12/2025]

14.15.5.3 STATUTORY AUTHORITY: Section 60-13B-4 NMSA 1978. [14.15.5.3 NMAC – 09/12/2025]

14.15.5.4 DURATION: Permanent.

 $[14.15.5.4 \, NMAC - 09/12/2025]$

14.15.5.5 EFFECTIVE DATE: September 12, 2025, unless a later date is cited at the end of a section.

[14.15.5.5 NMAC – 09/12/2025]

14.15.5.6 OBJECTIVE:

The purpose of this rule is to set forth general provisions governing elevator contractor licensing in New Mexico. [14.15.5.6 NMAC – 09/12/2025]

14.15.5.7 DEFINITIONS: See Section 60-13B-2 NMSA 1978 and 14.15.1 NMAC for definitions. [14.15.5.7 NMAC – 09/12/2025]

14.15.5.8 LICENSE AND QUALIFYING PARTY REQUIREMENTS:

A. General information:

(1) A

person, sole proprietor, partnership, corporation or other entity shall not perform,

contract to perform or advertise to perform work covered by this chapter unless they possess an elevator contractor license issued pursuant to Section 60-13B-5 NMSA 1978. A licensed elevator contractor shall employ at least one elevator mechanic licensed under this chapter.

(2) No business entity, the majority of which is owned by an individual who is 17

years of age or younger, is eligible for licensure.

(3) May bid and contract as the prime contractor of an entire project provided the elevator contractor's portion of the contract, based on dollar amount, is the major portion of the contract.

(a)

A journeyman certificate of competence in the appropriate trade classification is required of all individuals performing conveyance work; however, that an apprentice, as defined in Section 60-13B-2 NMSA 1978, may work under the direct supervision of a validly certified journeyman, as defined in Section 60-13B-6 NMSA 1978. Journeyman certification shall be issued such that the certificates parallel with the elevator license classification. A journeyman may engage in the trade authorized by the certificate of competence issued to the journeyman only when employed by a contractor validly licensed to perform the type of work for which the journeyman is certified.

(b)

The ratio of certified journeyman to apprentices must not exceed one journeyman supervising and overseeing work of two apprentices.

(4) Contractor licenses issued by CID:

(a)

Are issued only to qualified business entities which employ or are owned by one or more qualifying parties;

b)

Grants only the authority to engage in contracting in the classification specified on the license issued to the entity;

(c)

Are not transferable and may not be used by any person other than entity to which it is issued. Any entity that permits another person to use its license, or knows that its license is being used another person and fails to promptly notify CID of such use, shall be subject to disciplinary action, up to and including revocation of the license; and

(d)

Authorizes only the entity as

named on the license to engage in contracting. An entity using a name other than the name that is shown on the license issued by CID shall be subject to disciplinary action, up to and including revocation of the license.

(5) No

license shall be issued to an entity that is using a name containing word(s) identifying a construction or contracting trade, craft, discipline, or expertise that is not covered by the classification of license for which the entity is qualified.

(6) In the event a licensee loses its qualifying party, through termination of employment or otherwise, both the licensee and the qualifying party must notify CID or its designee in writing of the separation within 30 days thereof.

(**7**) CID

shall mail written communication to the licensee to its address of record which is shown on the application or any different address of which CID has received written notice from the licensee. A licensee shall report in writing to CID or its designee any change of address within 30 days after such change. Failure to do so is cause for disciplinary action.

(8) Violations of ESA or its rules by the licensee or qualifying party may subject the licensee to disciplinary action, including, but not limited to, the suspension or revocation of the license.

(9) For additional information regarding journeymen certification, see 14.15.6 NMAC.

B. Types of Entities. (1)

Corporations, limited liability companies (LLC), limited partnership (LP) and limited liability partnerships (LLP):

(a)

Corporations, LLCs, LPs, and LLPs are each required to be licensed even though one or more stockholders, members or partners have a license or qualifying party certificate.

(b)

Corporations, LLCs, LPS, or LLPs must be legally authorized to do business in New Mexico in order to be eligible to apply for, renew or retain a license.

(c)

Any license issued to a corporation, LLC, LP, or LLP shall automatically cancel with the entity ceases to exist under New Mexico law.

> **Joint (2)**

ventures:

(a)

No two or more persons shall submit a joint bid or jointly engage in contracting unless operating as a validly licensed joint venture.

To be eligible to apply for, renew or retain a license, each entity comprising the joint venture must hold a valid New Mexico contractor license and be legally authorized to do business in New Mexico.

Any license issued to a joint venture entity shall automatically cancel with the entity ceases to exit under New Mexico law.

(3)

Partnerships:

partnership must be legally authorized to do business in New Mexico in order to be eligible to apply for, renew or retain a license.

Any license issued to a partnership shall automatically cancel when the partnership ceases to exist under New Mexico law.

Sole

proprietorships:

(a)

A sole proprietorship must be legally authorized to do business in New Mexico in order to be eligible to apply for, renew or retain a license.

On the death of a sole proprietor, the license shall automatically cancel.

C. **Application for** licensure:

(1) Every

application for licensure and all requests for formal action to be on a license, such as a renewal or addition of a classification, must be made on the applicable form issued by CID or its designee and accompanied by the applicable fee as required by 14.15.4 NMAC.

incomplete or insufficient application shall be rejected and returned to the applicant, with a statement of the reason for the rejection.

requirements for licensing must be met within one year from the date the application is received by CID or its designee. Any application not completed within the one-year period shall expire and any fees paid in connection with the expired application shall automatically be forfeited.

(4) An application for licensure may be denied if the applicant or its qualifying party has been convicted of a felony enumerated as a disqualifying criminal conviction pursuant to Subsection E of 14.15.5.8 NMAC.

(5) CID may deny an application on the basis of an applicant's conduct to the extent that such conduct violated the ESA or its accompanying rules, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in Subsection E below.

The form **(6)** and content of the Elevator Contractor License shall require the applicant to provide the following information:

(a)

a person or sole proprietor, the name, residence and business address of the applicant;

a partnership, the name, residence and business address of each partner;

a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of said corporation; if a corporation other than a domestic corporation, a copy

of the New Mexico Secretary of State certificate with the name and address of an agent located locally who shall be authorized to accept service of process and/or official notices;

number of years the applicant has engaged in the business of installing, inspecting and/or maintaining or servicing elevators and other equipment or devices subject to this

D. **Qualifying party:**

Qualifying **(1)**

party requirements:

chapter;

(a)

Must be 18 years of age or older; and

Have not been a qualifying party for an ESA licensee who had its license revoked due to disciplinary action by the division;

> No **(2)**

qualifying party shall accept or engage in any employment that would conflict with responsibilities as a qualifying party for, or conflict with his/her responsibilities as a qualifying party for, or conflict with his ability to adequately supervise the work performed by the licensee while validly attached to, and qualifying a license.

(3) No individual may qualify for more than one licensed entity, other than a joint venture, unless there is at least thirty percent common ownership among the qualified entities. CID may require evidence of such ownership

(4)

qualifying party may only perform work authorized by the license while validly attached to a validly licensed entity.

that is satisfactory to the director.

Examination procedure.

A qualifying party is not eligible to take a qualifying party examination until providing satisfactory work experience, as to four years within the ten years immediately prior to application, documentation to the division or its designee.

Examinations shall be administered by CID or its designee.

(c)

A passing exam score is seventy-five percent or higher.

(d)

A qualifying party who fails to appear for a scheduled exam or fails to attain a passing score of seventy-five percent or higher may take another regularly scheduled exam, provided the qualifying party reapplies to take the exam, pays the fee(s), and does not repeat the same exam more than twice in any 30-day period.

(e) If

CID or its designee determines that a qualifying party has cheated, the exam shall be deemed invalid, all fees shall be forfeited, and any license based on that exam shall be automatically and immediately voided. The qualifying party will not be eligible to take any exam administered by CID, or its designee, for one year after the date of such event.

E. Potential denial of licensure based on disqualifying criminal conviction(s):

(1) Pursuant to Section 28-2-4 NMSA 1978, the division may refuse to grant or renew a license if an applicant or qualifying party has been convicted of a felony and the criminal conviction directly relates to the particular trade, business, or profession.

(2) To deny an application for licensure or qualifying party based on a disqualifying criminal conviction the following must be considered:

(a)

CID shall not consider an applicant or qualifying party's criminal conviction to deny licensure unless the conviction is one of the disqualifying criminal convictions listed in Paragraph (4) below.

(b)

Should an applicant be denied a license based on a disqualifying criminal conviction, the applicant or qualifying party may submit a written justification providing evidence of mitigation or rehabilitation for reconsideration by the division.

(c)

Should CID deny the license after receipt of the written justification

stated above, the denial may be appealed and subject to a hearing pursuant to the ULA to determine whether the denial is properly based upon a disqualifying criminal conviction.

(3) In connection with an application for licensure, the division shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of

(a)

A conviction that has been sealed, dismissed, expunged or pardoned;

(b) A

juvenile adjudication; or

the following:

(c)

Conviction for any crime other than the disqualifying criminal convictions in Paragraph (4), Subsection E of this rule.

(4)

Disqualifying felony criminal convictions that may allow the denial of licensure or the denial of renewal of licensure, whether in New Mexico or their equivalent in any other jurisdiction include:

(a)

Conviction involving attempts to evade or defeat payment of tax that is owed or may be lawfully assessed,

(b)

Conviction involving physical harm to a person or for an attempt, conspiracy or solicitation to commit such crimes,

(c)

Robbery, larceny, burglary, fraud, forgery, embezzlement, arson, theft of identity, extortion, racketeering, or receiving stolen property or for an attempt, conspiracy or solicitation to commit such crimes,

(d)

Conviction involving bribery of a public officer or public employee or for an attempt, conspiracy, or solicitation to commit such crimes.

F. Qualifying party process:

(1) An individual applying as a qualifying party must provide proof of work experience as required in 14.15.5 NMAC, in the classification of

contractor for which application is made. Training that is classified as technical training by an accredited college, university, manufacturer's accredited training program, technical vocational institute or an accredited apprenticeship program will be considered in lieu of work experience. Each year of equivalent training shall be applied as one-half year of experience, but in no case shall accredited training exceed one-half of the total work experience requirement.

(2)

Examination procedure:

(a)

No applicant is eligible to take a qualifying party examination until providing satisfactory work experience, as to four years within the 10 years immediately prior to application, documentation to the division or its designee.

(b)

Examinations shall be administered by CID or its designee.

(c)

A passing exam score is seventy-five percent or higher.

(d)

An applicant who fails to appear for a schedule exam or fails to attain a passing score of seventy-five percent or higher may take another regularly scheduled exam, provided the applicant reapplies to take the exam, pays the fee(s), and does not repeat the same exam more than twice in any 30-day period.

(e)

If CID or its designee determines that an applicant has cheated, the exam shall be deemed invalid, all fees shall be forfeited, and any license or certificate issued based on that exam shall be automatically and immediately voided. The applicant will not be eligible to take any exam administered by CID, or its designee, for one year after the date of such event.

(f)

The director or bureau chief may waive the state specific written exam requirement for a qualifying party who has passed a nationally accredited elevator contractor or elevator mechanic journeymen examination when applying and successfully completing all other qualifying party requirements and journeymen certification requirements.

G. License renewals:

(1) CID or its

designee shall mail to every licensee a renewal application form at least 30 days prior to the expiration of the license to the current address of record for that licensee. Whether or not the application form is received, it is the sole duty and responsibility of each licensee to timely renew its license.

> The **(2)**

filing date of the renewal application shall be the date the envelope is postmarked or, if hand delivered, the date it is received by CID or its designee.

(3) The signatures of all current qualifying parties on each license must appear on the renewal form.

renewal application is not timely received, or if received but is rejected for failure to comply with renewal requirements, the license shall be suspended.

(5) An application for renewal of a license may be denied if the applicant or the qualifying party has been convicted of a felony enumerated as a disqualifying criminal conviction pursuant to Subsection E 14.15.5.8 NMAC.

Η. Change of name:

(1) The

licensee must submit a written request for a name change accompanied by:

An amended registration certificate from the New Mexico department of taxation and revenue, and

(b)

If a corporation, LLC, LP, or LLP, a copy of the New Mexico certificate of amendment or other document issued by the state showing that the name change has been officially recorded.

(2)

change of name is not effective until approved and posted by CID or its

designee. Conducting business under the new name prior to CID's approval and notification within CID's database may constitute a violation of Section 60-13B-4 NMSA 1978.

I. Validity of licenses:

(1) following events may cause a license to be, or to become, invalid:

Failure to renew pursuant to Section 60-13B-7 NMSA 1978 of the Act.

Failure to comply with workers' compensation laws pursuant to Section 52-1-2 NMSA 1978.

(c)

Failure to comply with the Parental Responsibility Act pursuant to Sections 40-5A-1 et seq. NMSA 1978.

(d)

Failure of a license to be qualified by a qualifying party.

(e)

Loss of authorization to conduct business in New Mexico.

Death of a sole proprietor.

Revocation or suspension of a license pursuant to Section 60-13B-4 NMSA 1978, or the Criminal Offender Employment Act pursuant to 14.15.5 NMAC.

When a **(2)** license ceases to be qualified by a qualified party, the license will be automatically cancelled, and the licensee may not bid or commence any new work in that classification. Any bid or new work commenced after a license is cancelled pursuant to this rule shall be considered unlicensed and will be subject the licensee to disciplinary action. Work in progress at the time of the cancellation may continue for not more than 120 days. After 120 days, any permit that was issued to the licensee for work in the affected classification shall be automatically cancelled, no inspection shall be conducted pursuant to any such cancelled permit, and any work continued or undertaken shall be deemed to be unlicensed activity

and will subject the licensee to prosecution pursuant to Section 61-1-3.2 NMSA 1978.

(3) Any work in progress at the time a sole proprietor dies, or an entity ceases to exist or be authorized to do business, as described in subpart B of this rule, may continue for not longer than 120 days provided that CID receives written notice of the death or event that causes the entity to lose its authorization to do business within 30 calendar days thereafter. At the end of the 120 days, all permits issued to the entity shall be cancelled, no inspections on such permits shall be performed, and any work performed thereafter by the entity shall be deemed unlicensed activity and may be prosecuted under section 61-1-3.2 NMSA 1978. If the licensee, or the licensee's representative fails to notify CID as required in this rule, any work performed after the death of the sole proprietor or the termination of the entity's authorization to do business in New Mexico shall constitute unlicensed activity under this rule.

14.15.5.9 PAYMENT OF **ADMINISTRATIVE PENALTIES:**

A. A person whose license has been suspended or revoked pursuant to Section 60-13B-4 NMSA 1978 shall not be eligible for reinstatement of the license until all fees and administrative penalties assessed have been paid in full, except as allowed in Subsection B, below.

В. The director may authorize CID to establish a payment plan for administrative penalties assessed against a licensee. If the licensee demonstrates good faith in making payments, CID may issue a new license or reinstate a suspended license before full payment has been made. If a licensee obtains a license pursuant to this provision, and thereafter fails to remain current on payments, the licensee may be subject to additional disciplinary action, including suspension, revocation or the license and additional administrative penalties.

C. Nothing in this rule shall enable a person to apply for or

be issued a license if ineligible for licensure under any other provision of the act or Title 14, NMAC. [14.15.5.9 NMAC – 09/12/2025]

History of 14.15.5 NMAC: [RESERVED]

Pre-NMAC History:

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

TITLE 14 HOUSING AND
CONSTRUCTION
CHAPTER 15 ELEVATOR
SAFETY CODE
PART 6 JOURNEYMAN
CERTIFICATION

14.15.6.1 ISSUING AGENCY: The Construction Industries Division (CID) of the Regulation and Licensing Department. [14.15.6.1 NMAC - 09/12/2025]

14.15.6.2 SCOPE: This rule applies to individuals seeking journeyman certification in the elevator trade in New Mexico. [14.15.6.2 NMAC – 09/12/2025]

14.15.6.3 STATUTORY AUTHORITY: Section 60-13B-4 NMSA 1978. [14.15.6.3 NMAC – 09/12/2025]

14.15.6.4 DURATION: Permanent. [14.15.6.4 NMAC – 09/12/2025]

14.15.6.5 EFFECTIVE DATE: September 12, 2025, unless a later date is cited at the end of a section. [14.15.6.5 NMAC – 09/12/2025]

14.15.6.6 **OBJECTIVE**:

The purpose of this rule is to set forth general provisions governing elevator journeymen certification requirements in New Mexico.

[14.15.6.6 NMAC – 09/12/2025]

14.15.6.7 DEFINITIONS: See Section 60-13B-2 NMSA 1978 and 14.15.1 NMAC for definitions. [14.15.6.7 NMAC – 09/12/2025]

14.15.6.8 JOURNEYMAN CERTIFICATION:

A. General information:

journeyman certificate of competence in the appropriate trade classification for the work to be performed is required of all individuals performing elevator work; provided however, that an apprentice as defined in 14.15.1 NMAC, may work under the direct supervision of a validly certified journeyman, as defined in Section 60-13B-6 NMSA 1978, of the act, who is employed by a validly licensed contractor, as defined by Section 60-

(2) A journeyman certificate of competence is issued to an individual only and is not transferable or assignable.

13B-6 NMSA 1978, of the act.

(3) No individual under the age of 18 shall be issued a certificate of competence.

(4)

Journeyman certificates are classified according to the type of work the journeyman is certified to perform. A journeyman may engage in the trade authorized by the certificate of competence issued to the journeyman only when employed by a licensed entity that is validly licensed to perform the type of work for which the journeyman is certified.

(5) For information regarding compliance with the Parental Responsibility Act (PRA), revocations and suspensions and administrative penalties, see 14.15.5 NMAC.

B. Application: (1)

An application submitted for a journeyman certificate shall be on a form approved by CID and shall be accompanied by the prescribed certification fee.

(2) An incomplete or insufficient application shall be rejected and returned to the application with a statement of reason for the rejection.

requirements for certification must be met within one year after the date the application is received by CID or its designee. Any application not completed within the one-year period shall expire and any fees paid in connection with the expired application shall automatically be forfeited.

(4) The applicant must submit proof of the required experience with the application on form(s) approved by CID or must meet all the requirements for expedited certification for a military service member as defined in 14.15.5 NMAC.

application for certification may be denied if the applicant has been convicted of a felony enumerated as a disqualifying criminal conviction pursuant to 14.15.5 NMAC.

C. Journeyman certification process:

Except for individuals seeking expedited licensure as military service members, an individual applying for a journeyman certificate must provide proof of work experience within the 10 years immediately prior to application in the classification for which application is made. Training that is classified as technical training by an accredited college, university, manufacturer's accredited program, technical vocational institute or an accredited apprenticeship program will be considered in lieu of work experience. Each year of equivalent training shall be applied as one-half year of experience, but in no case shall accredited training exceed onehalf of the total work experience requirement. The applicant must provide one of the following to qualify for a journeyman elevator certificate:

(a)

Demonstrate a combination of documented experience and education credits and complete a written examination approved by the division on the most recent codes and standards as adopted by the division, **(b)**

Provide a certificate of completion of and successful passing of the mechanic's examination of a nationally recognized training program for the elevator industry, such as the national elevator industry educational program or an equivalent as approved by the division,

(c)

Provide a certificate of completion of a United States department of labor approved apprenticeship program for the elevator industry approved by the United States department of labor or the workforce solutions department, or

(d)

Hold a valid journeyman elevator mechanic's certification from another state having standards substantially equal to those of the ESA.

(2)

Examination procedure:

(a)

No applicant for a journeyman certificate is eligible to take an examination until providing satisfactory work experience documentation to the division.

(b)

Examinations shall be administered by CID or its designee.

(c)

A passing exam score is seventy-five percent or higher.

(d)

An applicant who fails to appear for a scheduled exam or fails to attain a passing score of seventy-five percent or higher may take another regularly scheduled exam, provided the applicant reapplies to take the exam, pays the fee, and does not repeat the exam more than twice in any 30-day period.

(e)

If CID or its designee determines that an applicant has cheated, the exam shall be deemed invalid, all fees shall be forfeited, and any license or certificate issued on the basis of that exam shall be automatically and immediately voided. The applicant will not be eligible to take any exam administered by CID, or its designee, for one year after the date of such event.

D. Journeyman process for expedited certification for military service members:

(1) The applicant shall submit a completed division approved journeyman application.

(2) In lieu of work experience verification the applicant shall provide the following documentation to the division:

(a)

applicant is currently licensed or certified and in good standing in another jurisdiction, including a branch of the United States armed forces,

(b)

applicant has met the minimal licensure or certification requirements in that jurisdiction and the minimal licensing or certification requirements in that jurisdiction are substantially equivalent to the certification requirements for New Mexico, and

(c)

submit the following documentation:

(i)

for military service member: copy of military orders,

(ii)

for spouse of military service members: copy of service member's military orders and copy of marriage license,

(iii)

for spouses of deceased military service members: copy of deceased service member's DD214 and a copy of marriage license,

(iv)

(v)

for dependent children of military service members: copy of military orders listing dependent child, or a copy of service member's military orders and one of the following: copy of birth certificate of the dependent child, military service member's federal tax return or other governmental or judicial documentation establishing dependency,

for veterans (retired or separated): copy of DD214 showing proof of honorable discharge.

(3) The certificate shall be issued by the

division as soon as possible but no later than thirty (30) days after a qualified military service member, spouse, dependent child, or veteran files a completed division approved application and provides a background check, if required, for the certification.

(4) Military service members and veterans shall not be charged a fee for the first three years for a certificate issued pursuant to this rule. The three-year exemption for certification fees does not include fees for copies of documents, replacement certificates or other expenses related to a certificate, which fees shall be charged according to the division's fees currently in effect.

(5) A

certificate issued pursuant to this section shall be valid for a threeyear period subject to renewal requirements of Subsection F below.

E. JEM Journeyman elevator mechanic classification:
Requires four years' experience or 8.000 hours of acceptable work

or 8,000 hours of acceptable work experience in accordance with Subsection C above. Can work under a validly licensed elevator mechanic contractor.

F. Renewal:

(1) CID,

or its designee, shall mail to every certificate holder a renewal application form at least 30 days prior to the expiration of such certificate to the certificate holder's current address of record. Whether or not the application is received, it is the sole duty and responsibility of each certificate holder to timely renew their certificate. Incomplete or inaccurately completed renewal applications shall be rejected.

(2) No journeyman certificate shall be renewed in the absence of proof of compliance with the continuing education requirements set forth in Subsection G of this section.

(3) The filing date of the renewal application shall be the date the envelope is postmarked or, if it is hand delivered, the date it is received by CID, or its designee.

application for renewal is not timely received or, if it is received but rejected for failure to comply with renewal requirements, the certificate shall be suspended and shall be subject to cancellation pursuant to 14.15.5 NMAC.

G. Continuing education requirements:

(1) Prior to renewal of a journeyman certificate of competence in the applicable classification the applicant for renewal or reinstatement is required to complete a minimum of 16 hours of approved course work. Proof of completion of such course work, in a form satisfactory to the division, must be submitted with the application for renewal.

(2) A
minimum of eight hours of approved
course work must cover the current
CID code that
is enforced by each journeyman
classification to be renewed or
reinstated.

H. Application for approval of continuing education courses and instructors:

applicant for course approval must submit to CID an application for course and instructor approval on a form approved by the division.

(2)

Application for course approval must be received by CID no later than 120 days before the date on which the course is proposed to begin.

(3) Each application for course and instructor approval must be complete and legible. Incomplete or illegible applications will not be processed and will be returned to the applicant.

(4) To qualify for approval, continuing education courses must comply with the following standards:

(a)

The course content must be relevant to the elevator trade and be consistent with all applicable laws and rules of the state of New Mexico,

(b)

The course must be conducted in a

classroom, seminar, or in an online format, and

(c)

The course must be taught by an approved instructor.

(5) To qualify for approval as an instructor, an individual must either be currently teaching, or must have taught within two years prior to application, at least one course in the elevator trade in one of the following programs:

(a)

An elevator trade training program that is approved by the vocational education division of the state of New Mexico department of public education and offered in the curriculum of an accredited New Mexico trade school, college, or university,

(b)

An elevator trade training program that is offered through a professional association or organization representing licensees in the elevator trade,

(c)

An apprenticeship program approved by the state of New Mexico apprenticeship council or the bureau of apprenticeship and training,

(d)

An elevator trade training program offered by a nationally recognized testing laboratory, or product manufacturer, and the applicant has at least five years practical experience in the subject taught,

(e)

An elevator trade training program sponsored by an organization that provides continuing education unit courses in the elevator trade, and the instructor has at least five years of practical experience in the subject taught,

(f)

An elevator trade training program offered by CID.

I. Approval of continuing education courses and instructors:

application for course and instructor approval will be reviewed by the bureau chief and the technical advisory committee each calendar month.

(2) The bureau chief shall provide to the director the bureau chief's recommendation for approval or denial on each application received and reviewed by the bureau chief.

approval of a continuing education course and instructors shall be effective for three years from the date of approval; provided, however, that approval of any course that is not offered for 24 consecutive months shall automatically expire.

(4) On the date that is three years after the date on which approval of a course or instructor was issued, that approval will automatically expire and, without further notice from CID, such course or instructor shall no longer be approved. Application to renew a course or instructor approval must be received no less than 120 days prior to the date on which the approval period expires.

(5) The decision of the director regarding the approval or denial of an application is final and is not subject to review.

approved, and as a condition of continuing education approval, a course provider must submit to CID the following information for each journeyman certificate holder who successfully completes an approved course, within 30 days of the completion of the course:

(a)

The name of the course, approval number, and the name of the instructor,

(b)

The date on which the course was completed by the certificate holder, and

(c)

The name, address and CID journeyman certificate number of the certificate holder.

(7) Approval of an instructor or a course will be subject-matter specific. Approval to teach courses in more than one trade will require the applicant to meet the experience criteria for each trade or code.

[14.15.6.8 NMAC – 09/12/2025]

History of 14.15.6 NMAC: [RESERVED]

Pre-NMAC History:

REGULATION AND LICENSING **DEPARTMENT CONSTRUCTION INDUSTRIES** DIVISION

TITLE 14 HOUSING AND CONSTRUCTION CHAPTER 15 ELEVATOR **SAFETY CODE PART 7 INSPECTORS**

14.15.7.1 **ISSUING AGENCY:** The Construction Industries Division (CID) of the Regulation and Licensing Department. [14.15.7.1 NMAC - 09/12/2025]

14.15.7.2 **SCOPE:** This rule applies to elevator inspectors employed by the CID. [14.15.7.2 NMAC – 09/12/2025]

14.15.7.3 **STATUTORY AUTHORITY:** Section 60-13B-4 NMSA 1978. [14.15.7.3 NMAC – 09/12/2025]

14.15.7.4 **DURATION:** Permanent.

[14.15.7.4 NMAC – 09/12/2025]

EFFECTIVE 14.15.7.5 **DATE:** September 12, 2025, unless a later date is cited at the end of a section.

[14.15.7.5 NMAC – 09/12/2025]

14.15.7.6

OBJECTIVE: The purpose of this rule is to set forth rules protecting the general welfare of the people of New Mexico by providing for the protection of life and property through the standards that, when complied with, will result in an installation essentially free from hazards. [14.15.7.6 NMAC – 09/12/2025]

DEFINITIONS: 14.15.7.7 See Section 60-13B-2 NMSA 1978 and 14.15.1 NMAC for definitions. [14.15.7.7 NMAC – 09/12/2025]

14.15.7.8 **INSPECTORS: Qualifications:** A.

(1)

Qualifications for inspectors shall be prescribed by Section 60-13B-6 NMSA 1978.

Applicants **(2)** shall submit to a background check as prescribed by the director.

qualify as an elevator inspector a candidate shall have at least three years of journeyman or foreman level experience.

Candidates **(4)** for an elevator inspector position may substitute technical, university, or college training in the elevator construction field for up to two years of the three years journeyman or foreman level experience. The remaining year must be directly related journeyman or foreman level field experience. The equivalency shall be calculated such that one year of technical, university, or college training shall equal half year of journeyman or foreman level experience.

Candidates **(5)** for an elevator inspector position may substitute a minimum of five years of work experience as a certified inspector from a recognized jurisdiction for one year of the experience requirement, and at least two years of related trade experience or construction related technical, university or college training.

В. Potential denial of inspector certification based on disqualifying criminal convictions:

(1) Pursuant to Section 28-2-4 NMSA 1978, the division may refuse to grant or renew a license or certificate if an applicant has been convicted of a felony and the criminal conviction directly relates to the particular trade, business, or profession.

(2) To deny an application for certification based on a disqualifying criminal conviction the following must be considered:

CID shall not consider an applicant's criminal conviction to deny certification unless the conviction is one of the disqualifying convictions listed in this section.

(b)

Should an applicant be denied a certificate based on a disqualifying criminal conviction, the applicant may submit a written justification providing evidence of mitigation or rehabilitation for reconsideration by the division.

Should CID deny the certification after receipt of the written justification stated above, the denial may be appealed and subject to hearing pursuant to the ULA to determine whether the denial is properly based upon a disqualifying criminal conviction.

(3) In connection with an application for certification, the CID shall not use. distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

(a)

A conviction that has been sealed, dismissed, expunged, or pardoned,

> **(b)** Α

juvenile adjudication, or

(c)

A conviction for any crime other than the disqualifying criminal convictions listed in Paragraph 4 of Subsection B of this rule.

Disqualifying felony criminal convictions that may allow denial of certification or the denial of renewal of certification, whether in New Mexico or their equivalent in any other jurisdiction include:

Conviction involving attempts to evade or defeat payment of tax that is owed or may be lawfully assessed,

Conviction involving physical harm to a person or an attempt, conspiracy, or solicitation to commit such crimes,

Robbery, larceny, burglary, fraud, forgery, embezzlement, arson, theft of identity, extortion, racketeering, or receiving stolen property or for an attempt, conspiracy, or solicitation to commit such crimes,

(d)

Conviction involving bribery of a public officer or public employee or for an attempt, conspiracy, or solicitation to commit such crimes.

C. Certification:

(1) The

bureau shall ascertain, by written communication from current or previous employers, the experience qualifications and knowledge of an applicant.

(2)

The experience must have been gained within four of the 10 years immediately preceding the application

(3) Each applicant shall pass the inspector examination with a minimum passing score of seventy-five percent prior to conducting any inspections.

(4) If all inspector application requirements are satisfactorily completed, the inspector certificate will be issued; however, the division reserves the right to deny the issuance of the certificate for reasonable and just cause.

inspector must pass the examination of a national certifying organization, if appropriate, recognized by the division within one year of employment; and remain current by such verifying organization to maintain state inspector certification.

shall meet the minimum continuing education requirements as prescribed by the nationally recognized code organization and provide proof of such credits to the division upon application for or renewal of certification. The division shall certify and issue a statewide inspector certification to any person who meets the requirements established by CID and the nationally recognized code organization for certification.

[14.15.6.8 NMAC – 09/12/2025]

D. General requirements:

(1) Any person employed by the division

for the purpose of carrying out the provisions of the ESA who holds any contractor's license or certificate of competence issued by the divisions, shall, as a condition of employment surrender the contractor's license or certificate of competence to the division to be held in inactive status. The division shall place the license or certificate inactive effective from the date the employment begins until the date the employment terminates.

(2) Suspension shall be immediate and automatic for any inspector who fails to surrender his contractors' license or certificate of competence as required above.

certificate issued pursuant to this subsection may be suspended or revoked if the certificate holder has been convicted of a felony enumerated as a disqualifying criminal conviction pursuant to Subsection E. of 14.15.5.8 NMAC. [14.15.7.8 NMAC – 09/12/2025]

History of 14.15.7 NMAC: [RESERVED]

Pre-NMAC History:

REGULATION
AND LICENSING
DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION

TITLE 14 HOUSING AND
CONSTRUCTION
CHAPTER 15 ELEVATOR AND
ESCALATORS SAFETY CODE
PART 8 2019 NEW
MEXICO SAFETY CODE FOR
ELEVATORS AND ESCALATORS

14.15.8.1 ISSUING

AGENCY: The Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.15.8.1 NMAC - 09/12/2025]

14.15.8.2 SCOPE: This rule applies to elevator and escalator erection, construction, installation, alteration, servicing, testing,

repairing, maintaining, removing, or dismantling conveyances within a building or structure on or after September, 12, 2025.

[14.15.8.2 NMAC – 09/12/2025]

14.15.8.3 STATUTORY AUTHORITY: Section 60-13B-4 NMSA 1978.

[14.15.8.3 NMAC – 09/12/2025]

14.15.8.4 **DURATION**:

Permanent.

[14.15.8.4 NMAC – 09/12/2025]

14.15.8.5 EFFECTIVE

DATE: September 12, 2025, unless a later date is cited at the end of a section.

[14.15.8.5 NMAC – 09/12/2025]

14.15.8.6 OBJECTIVE:

The purpose of this rule to establish minimum standards for elevator and escalator construction within commercial building in the state of New Mexico.

[14.15.8.6 NMAC – 09/12/2025]

14.15.8.7 DEFINITIONS: See Section 60-13B-2 NMSA 1978

and 14.15.1 NMAC for definitions. [14.15.8.7 NMAC – 09/12/2025]

14.15.8.8 ADOPTION OF THE 2019 ASME SAFETY CODE FOR ELEVATORS AND ESCALATORS:

A. This rule adopts by reference the 2019 ASME Safety Code for Elevators and Escalators (ASME A17.1), as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2019 ASME Safety Code for Elevators and Escalators.

[14.15.8.8 NMAC – 09/12/2025]

14.15.8.9 PART 1 -

GENERAL: See this section of ASME 17.1 except as provided below.

A. Section 1.2

Purpose and Exceptions. See this section of ASME A17.1 except as provided below.

- (1) Section 1.2.1 Purpose. Delete this section of ASME 17.1 and see 14.15.8.6 NMAC, Objective.
- (2) Section
 1.2.2 Exceptions to ASME A17.1/
 CSA B44. See this section of ASME A17.1.
- B. Section 1.3

 Definitions. See this section of ASME A17.1 except as provided below.
- (1) Authority having jurisdiction. Delete this definition from ASME A17.1 and see 14.15.1.7 NMAC.
- **(2) Building code.** Delete this definition from ASME A17.1 and see 14.7.2 NMAC.
- **(3) Fire barrier.** Delete this definition from ASME A17.1 and see 14.7.2 NMAC.
- **(4) Fire- protection rating.** Delete this definition from ASME A17.1 and see 14.7.2 NMAC.
- **(5)** Fire-resistance rating. Delete this definition from ASME A17.1 and see 14.7.2 NMAC.
- **(6)** Fire resistive construction. Delete this definition from ASME A17.1.
- (7) Fire service access elevator (FSAE). Delete this definition from ASME A17.1 and substitute with the following. An elevator equipped for use by emergency personnel that is required by 14.7.2 NMAC in high-rise buildings and has special requirements, including identification, specified by 14.7.2 NMAC.
- **(8) Hoistway enclosure.** Delete this definition from ASME A17.1 and see 14.7.2 NMAC.
- room, elevator, dumbwaiter, or material lift. Delete this definition from ASME 17.1 and see 14.7.2 NMAC.
- (10) Machine room and control room, remote, elevator, dumbwaiter, or material lift. Delete this definition from ASME 17.1 and see 14.7.2 NMAC.

(11) Machinery space, elevator, **dumbwaiter, or material lift.** Delete this definition from ASME 17.1 and see 14.7.2 NMAC.

(12)

Machinery space and control space, remote, elevator, dumbwaiter, or material lift. Delete this definition from ASME 17.1 and see 14.7.2 NMAC.

(13) Private residence. Delete this definition from ASME 17.1.

(14)

Regulatory authority. Delete this definition from AMSE 17.1 and see 14.15.1 NMAC.

(15) Type test.
Delete this definition from ASME
17.1.
[14.15.8.9 NMAC – 09/12/2025]

14.15.8.10 PART 2 – ELECTRIC ELEVATORS: See this section of ASME 17.1 except as provided below.

A. Section 2.1 Construction of Hoistways and Hoistway Enclosures. See this section of ASME 17.1 except as provided below.

(1) Section
2.1.1 Hoistway enclosures. See this section of ASME 17.1 except as provided below.

(a)

(ii)

Section 2.1.1.1 Fire-resistive construction. See this section of ASME 17.1 except as provided below.

Section 2.1.1.1.1 - Delete this section of ASME 17.1 and substitute with the following. Where fire-resistive construction is required, hoistways shall be enclosed in conformance with the requirements of 14.7.2 NMAC.

Section 2.1.1.1.2 - See this section of ASME 17.1 and add the following to the last paragraph. All fire-resistive construction shall be in conformance with 14.7.2 NMAC.

Section 2.1.1.1.3 - Delete this section of ASME 17.1 and substitute with the following. Hoistway enclosure openings shall be protected with entrances or access doors having a

fire-protection rating conforming to the requirements of 14.7.2 NMAC.

(b)

Section 2.1.1.2 Non-fire-resistive construction. See this section of ASME 17.1 and except as provided below.

(i)

Section 2.1.1.2.1 - Delete this section of ASME 17.1 and substitute with the following. Where non-fire-resistive construction is required, hoistways shall be enclosed in conformance with the requirements of 14.7.2 NMAC.

(11)

Section 2.1.1.2.2 - See this section of ASME 17.1 and add the following to the last paragraph. All non-fireresistive construction shall be in conformance with 14.7.2 NMAC.

(c)

Section 2.1.1.4. Multiple hoistways. Delete this section of ASME 17.1 and substitute with the following. The number of elevators permissible in a hoistway shall be in conformance with 14.7.2 NMAC.

2.1.2 Construction at top of the hoistway. See this section of ASME 17.1 except as provided below. Section 2.1.2.1 Construction at the top of the hoistway. Delete this section of ASME 17.1 and substitute with the following. The top of the hoistway shall be enclosed as required by 14.7.2 NMAC.

(3) Section 2.1.5 Windows and skylights.
Delete this section of ASME 17.1 and see 14.7.2 NMAC.

B. Section 2.7
Machinery Spaces, Machine
Rooms, Control Spaces, and
Control Rooms. See this section of
ASME 17.1 except as provided below.

(1) Section 2.7.1.1. Fire resistive construction. Delete this section of ASME 17.1 and see 14.7.2 NMAC.

(2)

Section 2.7.1.2. Non-fire-resistive construction. Delete this section of ASME 17.1 and see 14.7.2 NMAC.

(3) Section 2.7.3.1 General requirements. See this section of ASME 17.1 except as provided below. Section 2.7.3.1.1 -

Delete this section of ASME 17.1 and see 14.7.2 NMAC.

(4) Section 2.7.3.2 Passage across roofs. Delete this section of ASME 17.1 and see 14.7.2 NMAC.

C. Section 2.8
Equipment in Hoistways,
Machinery Spaces, Machine
Rooms, Control Spaces, and
Control Rooms. See this section of
ASME 17.1 except as provided below.

2.8.3 Pipes, ducts, tanks, and sprinklers. See this section of ASME 17.1 except as provided below. Section 2.8.3.1.4 - See this section of ASME 17.1 except delete the last sentence and substitute with the following. Sensing elements penetrating the hoistway enclosure shall have a fire resistance rating in accordance with 14.7.2 NMAC.

(2) Section

2.8.5 Air conditioning. See this section of ASME 17.1 except as provided below. Section 2.8.5.3 - Delete this section of ASME 17.1 and substitute with the following. Condensation drain piping shall not be located directly above elevator equipment. Condensate waste and disposal shall be in accordance with 14.9.2 NMAC.

D. Section 2.11
Protection of Hoistway Openings.
See this section of ASME 17.1 except as provided below.

(1) Section 2.11.6.3 - See this section of ASME 17.1 except delete subsection (a) and substitute with the following. (a) 14.7.2 NMAC.

(2) Section
2.11.14 Fire tests. See this section of ASME 17.1 except as provided below.

Section 2.11.14.1 - Delete this section of ASME 17.1 with no substitution.

Section 2.11.14.2 - Delete this section of ASME 17.1 and substitute with the following. Sections 2.11.15 through 2.11.18, and sections 2.11.14.2.1 through 2.11.14.2.3 apply where fire-resistive construction is required by 14.7.2 NMAC.

E. Section 2.26

Operating Devices and Control Equipment. See this section of ASME 17.1 except as provided below. Section 2.26.4 Electrical equipment and wiring. See this section of ASME A 17.1 except as provided below. Section 2.26.4.5 - delete this section of ASME 17.1 and see 14.10.4 NMAC.

F. Section 2.27 Emergency Operation and Signaling Devices. See this section of ASME 17.1 except as provided below. Section 2.27.1 Car emergency signaling devices. See this section of AMSE 17.1 except as provided below. Section 2.27.1.1.3(a) - Delete this section and see 14.7.2 NMAC. [14.15.10 NMAC – 09/12/2025]

14.15.8.11 PART 3 –
HYDRAULIC ELEVATORS: See this section of ASME 17.1 except as provided below. Section 3.1
Construction of hoistway and hoistway enclosures. Delete this section of ASME 17.1 and substitute with the following. Hoistways, hoistway enclosures, and related construction shall conform to 14.7.2
NMAC and 2.29.2 and 2.1.2 through 2.1.6, except 2.1.2.3 and 2.1.3.1.2.
[14.15.11 NMAC – 09/12/2025]

14.15.8.12 PART 4 – ELEVATORS WITH OTHER TYPES OF DRIVING

MACHINES: See this section of ASME 17.1 except as provided below.

A. Section 4.1 Rackand-pinion elevators. See this section of ASME 17.1 except as provided below.

(1) Section
4.1.11 Protection of hoistway
openings. Delete this section of
ASME 17.1 and substitute with the
following. Hoistways, hoistway
enclosures, and related construction
shall conform to 14.7.2 NMAC and
2.1.2, and 2.1.4 through 2.1.6. When
a floor is provided over a hoistway, it
shall conform to 2.1.3.

(2) Section
4.1.26.4 Electrical equipment and wiring. Delete the first sentence of this section and substitute with the

following. Electrical equipment and wiring shall conform to 2.26.4.1 through 2.26.4.4 and the following:.

B. Section 4.2 Screw-column elevators. See this section of ASME 17.1 except as provided below. Section 4.2.17 Operating devices and control equipment. See this section of ASME 17.1 except delete subsection (e) and substitute with the following. Requirement 14.10.4 NMAC.

[14.15.12 NMAC – 09/12/2025]

14.15.8.13 PART 5 – SPECIAL APPLICATION ELEVATORS: Delete this section of ASME 17.1 without substitution. [14.15.13 NMAC – 09/12/2025]

14.15.8.14 PART 6 –
ESCALATORS AND MOVING
WALKS: See this section of ASME
17.1 except as provided below.
Section 6.1 Escalators. See this
section of ASME 17.1 except as
provided below. Section 6.1.7.1.1
Remote machine room. Delete this
section of ASME 17.1 and see 14.10.4
NMAC.

[14.15.14 NMAC – 09/12/2025] 14.15.8.15 PART 7

– **DUMBWAITERS AND MATERIAL LIFTS:** See this section of ASME 17.1 except as provided below. **Section 7.1.1 Construction of hoistways and hoistway enclosures.** Delete this section of ASME 17.1 and substitute with the following. The construction of hoistways and hoistway enclosures shall comply with 14.7.2 NMAC and section 2.1, except as modified by 7.1.1.1 through 7.1.1.4.

[14.15.15 NMAC – 09/12/2025]

14.15.8.16 PART 8
- GENERAL REQUIREMENTS.
See this section of ASME 17.1 except as provided below.

A. Section 8.10
General Requirements for
Acceptance Inspections and Tests.
See this section of ASME 17.1 except as provided below.

(1) Section 8.10.1.1 Persons authorized to make

acceptance inspections and tests. See this section of ASME 17.1 except as provided below.

(a)

Section 8.10.1.1.1 - Delete this section of ASME 17.1 and substitute with the following. The acceptance inspection shall be inspected in accordance with 14.15.3 NMAC.

Section 8.10.1.1.3 - Delete this section of ASME 17.1 and see 14.15.7 NMAC.

(c)

Section 8.10.1.1.4 Acceptance test tags. Delete this section of ASME 17.1 and See 14.5.3 NMAC.

Section 8.10.1.1.5 Acceptance test records. Delete this section of ASME 17.1 and substitute with the following. A permanent test record showing the test dates, the requirement number for each test, the name of the person or firm performing the test, and the inspectors' name that witnessed the test shall be made as a permanent part of the maintenance records.

Section 8.10.5 Acceptance inspection and test of other equipment. See this section of ASME 17.1 except as provided below.

(a)

Section 8.10.5.1 Sidewalk elevator. Delete this section of ASME 17.1 without substitution.

Section 8.10.5.2 Private residence elevator. Delete this section of ASME 17.1 without substitution.

Section 8.10.5.5 Material lifts and dumbwaiters with automatic transfer devices. Delete this section of ASME 17.1 without substitution.

Section 8.10.5.6 Special purpose personnel elevators. Delete this section of ASME 17.1 without substitution.

Section 8.10.5.7 Inclined elevators. Delete this section of ASME 17.1 without substitution.

(f)

Section 8.10.5.8 Shipboard

elevators. Delete this section of ASME 17.1 without substitution.

Section 8.10.5.9 Screw-column elevators. Delete this section of ASME 17.1 without substitution.

Section 8.10.5.10 Elevators used for construction. Delete this section of ASME 17.1 without substitution.

Section 8.10.5.11 Rooftop elevators. Delete this section of ASME 17.1 without substitution.

Section 8.10.5.13 Limited-use/ limited-application elevators. Delete this section of ASME 17.1 without substitution.

Section 8.10.5.14 Wind turbine tower elevators. Delete this section of ASME 17.1 without substitution.

Section 8.10.5.15 Outside emergency elevators. Delete this section of ASME 17.1 without substitution.

Section 8.10.5.16 Mine elevators. Delete this section of ASME 17.1 without substitution.

В. Section 8.11 **Periodic Inspections and Witnessing** of Tests. See this section of ASME 17.1 except as provided below.

> Section **(1)**

8.11.1 General requirements for periodic inspections and witnessing of tests. See this section of ASME 17.1 except as provided below.

Section 8.11.1.1 Persons authorized to make periodic inspections and witness tests. Delete this section of ASME 17.1 and see 14.15.7 NMAC.

(a)

Section 8.11.1.1.1 Periodic **inspections.** Delete this section of ASME 17.1 and see 14.15.3 NMAC.

(2) Section 8.11.5 Periodic inspection of other equipment. See this section of ASME 17.1 except as provided below.

Section 8.11.5.1 Sidewalk elevator. Delete this section of ASME 17.1

Section 8.11.5.2 Private residence elevators. Delete this section of ASME 17.1 without substitution.

(b)

Section 8.11.5.3 Hand elevators. Delete this section of ASME 17.1 without substitution.

(d)

Section 8.11.5.5 Material lifts and dumbwaiters with automatic transfer devices. Delete this section of ASME 17.1 without substitution.

Section 8.11.5.6 Special purpose **personnel elevators.** Delete this section of ASME 17.1 without substitution.

Section 8.11.5.7 Inclined elevators. Delete this section of ASME 17.1 without substitution.

(g)

Section 8.11.5.8 Shipboard elevators. Delete this section of ASME 17.1 without substitution.

Section 8.11.5.9 Screw-column elevators. Delete this section of ASME 17.1 without substitution.

Section 8.11.5.10 Rooftop elevators. Delete this section of ASME 17.1 without substitution.

Section 8.11.5.12 Limited-use/ limited-application elevators. Delete this section of ASME 17.1 without substitution.

Section 8.11.5.13 Elevators used for **construction.** Delete this section of ASME 17.1 without substitution.

Section 8.11.5.14 Wind turbine tower elevators. Delete this section of ASME 17.1 without substitution.

(m)

Section 8.15.5.15 Outside emergency elevators. Delete this section of ASME 17.1 without substitution.

(n)

Section 8.15.5.16 Mine elevators. Delete this section of ASME 17.1 without substitution. [14.15.16 NMAC – 09/12/2025]

without substitution.

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14.15.8.17 PART 9 - REFERENCE CODES, STANDARDS, AND SPECIFICATIONS. See this section of ASME 17.1. [14.15.17 NMAC – 09/12/2025]					
History of 14.15.7 NMAC: [RESERVED]					
Pre-NMAC History:					
End of Adopted Rules					

2025 New Mexico Register Submittal Deadlines and Publication Dates Volume XXXVI, Issues 1-24

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Issue 8	April 10	April 22
Issue 9	April 24	May 6
Issue 10	May 8	May 20
Issue 11	May 22	June 10
Issue 12	June 12	June 24
Issue 13	June 26	July 15
Issue 14	July 17	July 29
Issue 15	July 31	August 12
Issue 16	August 14	August 26
Issue 17	August 28	September 9
Issue 18	September 11	September 23
Issue 19	September 25	October 7
Issue 20	October 9	October 21
Issue 21	October 23	November 4
Issue 22	November 6	November 18
Issue 23	November 20	December 9
Issue 24	December 11	December 23

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