

NOTICE OF PROPOSED RULEMAKING

The OSI eDocket Number for this rulemaking is: 2026-0171

NOTICE IS HEREBY GIVEN that the Office of Superintendent of Insurance (OSI or Superintendent) will hold a public hearing in person, via video conference, and via telephone conference regarding a repeal and replace of 13.10.40 NMAC, Vaccine Purchasing Fund. **The hearing in this rulemaking will commence on Tuesday, October 27, 2026, at 10:00 a.m., MDT.**

PURPOSE OF THE PROPOSED RULE: The purpose of this rulemaking is to: 1) update the definitions section of the rule to clarify the use of new terms added to and referenced in the rule; 2) update the procedures and enforcement mechanisms used by the OSI to ensure compliance with the Vaccine Purchasing Act; 3) remove the requirement of publication in Section 13.10.40.10 NMAC because it is not required by statute; and, 4) more fully align operational processes between OSI and the Department of Health.

STATUTORY AUTHORITY: State Rules Act, Sections 14-4-1 *et seq.*, NMSA 1978, Sections 24-5A-6, 24-5A-8 NMSA 1978 of the Vaccine Purchasing Act, and Section 59A-2-9 NMSA 1978.

TO ATTEND THE HEARING IN PERSON: Office of Superintendent of Insurance - 1120 Paseo de Peralta, (PERA Building), 4th Floor Hearing Room, Santa Fe, NM 87501

PLEASE NOTE: The entrance to the PERA Building is on the ground floor. All guests must sign in with the ground floor receptionist, then each guest will be escorted to the 4th Floor Hearing Room. Please give yourself extra time to check in before 10:00 a.m.

TO ATTEND THE HEARING BY ELECTRONIC VIDEO CONFERENCE VIA MS TEAMS MEETING:

Meeting ID: 289 734 209 408 959 - Passcode: yR6aB7Hv

Please copy the link below into your browser to get to the video conference meeting

<https://teams.microsoft.com/meet/289734209408959?p=VmHdI7Rt2Ct5V4ouqI>

TO ATTEND THE HEARING DIAL BY PHONE:

+1 505-312-4308,,643982754# - Phone conference ID: 643 982 754#

PUBLIC COMMENT: The Superintendent designates Brenda Newell, as the hearing officer for this hearing. Oral comments will be accepted at the public hearing from members of the public and other interested parties in-person or via electronic video conference. Copies of the Notice of Proposed Rulemaking and proposed rule are available by electronic download from the OSI eDocket: <https://edocket.osi.state.nm.us/home>, you must login or register to get access if you are not already registered. You may also request copies of the Notice of Proposed Rulemaking and proposed rule by emailing Jillian Storm: jillian.storm@osi.nm.gov or by phone at: 505-946-7357, email communication is preferred. To view all filings in OSI's rulemaking information, please visit the OSI website, the OSI rulemaking record is filed on the eDocket (**please follow the instructions on the web page for using the eDocket, there is no charge for using the eDocket, to find this rulemaking use the following eDocket Number: 2026-0171**), or on the Sunshine Portal at: https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic (from the "Agency" drop down menu, select "Office of Superintendent of Insurance") <https://www.osi.state.nm.us/en/legal-information/rulemaking/>, the OSI rulemaking record is filed on the eDocket (**please follow the instructions on the web page for using the eDocket, there is no charge for using the eDocket, to find this rulemaking use the following eDocket Number: 2026-0171**), or on the Sunshine Portal at: https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic (from the "Agency" drop down menu, select "Office of Superintendent of Insurance")

DEADLINE TO SUBMIT WRITTEN COMMENTS: Written comments will be accepted through 4:00 p.m. on Thursday, October 22, 2026. Responses to written comments or to oral comments delivered at the hearing will be accepted through 4:00 p.m. on Wednesday, October 28, 2026. All comments shall be filed electronically through the OSI eDocket. Please copy the following link into your browser to get to the eDocket: <https://edocket.osi.state.nm.us/home>, you must login or register to get access. **To find this rulemaking use the following Docket Number: 2026-0171.**

FILING WRITTEN COMMENTS: To file written comments on the OSI eDocket please send written comments to the following email address: **osi-docketfiling@state.nm.us**
Please send written comments by at least 3:30p.m. to ensure filing by the 4:00p.m. deadline.
To access filings on the OSI eDocket, please copy the following link into your browser to get to the eDocket: <https://edocket.osi.state.nm.us/home>, you must login or register to get access. **To find this rulemaking use the following Docket Number: 2026-0171.**

Written comments may be sent via U. S. mail to:

OSI Records and Docketing

NM Office of Superintendent of Insurance

P.O. Box 1689, Santa Fe, NM 87504-1689

Written comments must be received by OSI and stamped as accepted between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. The Superintendent will consider all oral comments and will review and consider all timely submitted written comments and written responses. For help submitting a filing, please send an email to: osi-docketfiling@state.nm.us. **The docket number and title below must be indicated on all written comments submitted to the OSI:**

Docket Number: 2026-0171

IN THE MATTER OF REPEAL AND REPLACE OF 13.1040 NMAC, VACCINE PURCHASING FUND

SPECIAL NEEDS: Any person with a disability requiring special assistance to participate in the hearing should contact Andrea Padilla, at 505-531-7171 no later than ten (10) business days prior to the hearing.