

**TITLE 9            HUMAN RIGHTS**  
**CHAPTER 2       AGE**  
**PART 18          NUTRITION SERVICES**

**9.2.18.1            ISSUING AGENCY:** New Mexico Aging and Long-Term Services Department (NMALTSB).  
[9.2.18.1 NMAC - Rp, 9.2.18.1 NMAC, 09/23/2025]

**9.2.18.2            SCOPE:** These rules apply to members of the public and organizations that participate in the delivery of services to New Mexico's aging and disability populations.  
[9.2.18.2 NMAC - Rp, 9.2.18.2 NMAC, 09/23/2025]

**9.2.18.3            STATUTORY AUTHORITY:** Aging and Long-Term Services Department Act, Sections 9-23-1 to 9-23-12 NMSA 1978; Older Americans Act of 1965, 42 U.S.C. Sections 3001 to 3058, and implementing regulations.  
[9.2.18.3 NMAC - Rp, 9.2.18.3 NMAC, 09/23/2025]

**9.2.18.4            DURATION:** Permanent.  
[9.2.18.4 NMAC - Rp, 9.2.18.4 NMAC, 09/23/2025]

**9.2.18.5            EFFECTIVE DATE:** September 23, 2025, unless a later date is cited at the end of a section.  
[9.2.18.5 NMAC - Rp, 9.2.18.5 NMAC, 09/23/2025]

**9.2.18.6            OBJECTIVE:** The objective of this rule is to establish standards for the federal and state-funded programs administered by the aging and long term services department.  
[9.2.18.6 NMAC - Rp, 9.2.18.6 NMAC, 09/23/2025]

**9.2.18.7            DEFINITIONS:** See 9.2.1.7 NMAC and the department's policies and procedures for definitions.  
[9.2.18.7 NMAC - Rp, 9.2.18.7 NMAC, 09/23/2025]

**9.2.18.8            DEPARTMENT RESPONSIBILITIES:** The department shall:

- A.** establish policies and procedures in accordance with 45 C.F.R. Section 1321.87;
- B.** review and approve area plans, which contain plans for providing nutrition services;
- C.** monitor and assess area agencies on aging for compliance with these rules and with the requirements of the Older Americans Act and its implementing regulations;
- D.** provide technical assistance in the areas of nutrition, meal preparation, menu planning, and meal delivery;
- E.** conduct or coordinate training; and
- F.** review and grant or deny any waivers to this rule as requested by area agencies on aging. Such waivers shall not override applicable regulations issued by other state or local agencies that regulate food service and sanitation.

[9.2.18.8 NMAC - Rp, 9.2.18.8 NMAC, 09/23/2025]

**9.2.18.9            AREA AGENCY ON AGING RESPONSIBILITIES:** Area agencies on aging shall follow all departmental policies and procedures, requirements within the Older Americans Act, and all implementing regulations.  
[9.2.18.9 NMAC - Rp, 9.2.18.9 NMAC, 09/23/2025]

**9.2.18.10           [RESERVED]**  
[9.2.17.10 NMAC - Repealed, 09/23/2025]

**9.2.18.11           [RESERVED]**  
[9.2.18.11 NMAC - Repealed, 09/23/2025]

**9.2.18.12 [RESERVED]**  
[9.2.18.12 NMAC - Repealed, 09/23/2025]

**9.2.18.13 [RESERVED]**  
[9.2.18.13 NMAC - Repealed, 09/23/2025]

**9.2.18.14 [RESERVED]**  
[9.2.18.14 NMAC - Repealed, 09/23/2025]

**9.2.18.15 [RESERVED]**  
[9.2.18.15 NMAC - Repealed, 09/23/2025]

**9.2.18.16 NUTRITION SERVICES INCENTIVE PROGRAM (NSIP):**

- A.** The Older Americans Act, Section 311, rewards federally funded nutrition programs.
  - B.** Any meal served by a provider to eligible individuals which meets the requirements set forth in 45 C.F.R. Section 1321.87(d) shall be reported for NSIP assistance. The meal must also meet the other requirements of the Older Americans Act, including that the meal meets the Dietary Guidelines for Americans and Dietary Reference Intakes as set forth in Section 339 of such act. However, only programs funded with Title III federal funds are eligible to receive assistance.
  - C.** NSIP funding must only be used to purchase food which is grown or processed in the United States. Coffee, tea, cocoa, decaffeinated beverages, fruits, and vegetables grown outside of the U.S. are not reimbursable.
- [9.2.18.16 NMAC - Rp, 9.2.18.17 NMAC, 9.2.18.16, 09/23/2025]

**HISTORY OF 9.2.18 NMAC:**

Pre-NMAC History: SAA Rule 95-18, Nutrition Services Standards, filed 4/13/1995. 9.2.18 NMAC, Nutrition Services Standards, effective 5/31/2001- replaced SAA Rule 95-18, filed 4/13/1995.

**History of Repealed Material:**

9.2.18 NMAC, filed 5/10/2001 - Repealed 6/30/2015.  
9.2.18 NMAC, Nutrition Services filed 6/17/2015 Repealed effective 09/23/2025.

**Other:** 9.2.18 NMAC, Nutrition Services filed 6/17/2015 Replaced by 9.2.18 NMAC, Nutrition Services effective 09/23/2025.