

NOTICE OF HEARING

In 2019, the Health Care Authority (HCA) updated policy to implement the convicted felon provisions of the Agricultural Act of 2014 (2014 Farm Bill). During a recent review, it was determined that NMAC language for Cash Assistance does not accurately reflect Supplemental Nutrition Assistance Program federal requirements. HCA will also update convicted felon SNAP language to reflect 7 CFR 273.11

The Authority is proposing amendments to the following sections of the New Mexico Administrative Code (NMAC):

Section 22 of 8.100.130 NMAC:

Amending convicted felon section with the following language:

- “(3) Disqualification for certain convicted felons. An individual shall not be eligible for SNAP or cash benefits if:
- (a) the individual is convicted as an adult of any of the following:
 - (i) aggravated sexual abuse under section 2241 of title 18, United States Code;
 - (ii) murder under section 1111 of title 18, United States Code;
 - (iii) an offense under chapter 110 of title 18, United States Code;
 - (iv) a Federal or State offense involving sexual assault, as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or
 - (v) an offense under State law determined by the Attorney General to be substantially similar to an offense described in clause (i), (ii), (iii); and
 - (b) the individual is not in compliance with the terms of the sentence of the individual or the restrictions under 7 CFR 273.11(n).
 - (c) the disqualification contained in this paragraph(s) shall not apply to a conviction if the conviction is for conduct occurring on or before February 7, 2014.”

Section 15 of 8.102.410 NMAC:

Amending convicted felon section with the following language:

- “C. Disqualification for certain convicted felons. An individual shall not be eligible for cash benefits if:
- (1) the individual is convicted as an adult of any of the following:
 - (a) aggravated sexual abuse under section 2241 of title 18, United States Code;
 - (b) murder under section 1111 of title 18, United States Code;
 - (c) an offense under chapter 110 of title 18, United States Code;
 - (d) a Federal or State offense involving sexual assault, as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or
 - (e) an offense under State law determined by the Attorney General to be substantially similar to an offense described in clause (i), (ii), (iii); and
 - (2) the individual is not in compliance with the terms of the sentence of the individual or the restrictions under 7 CFR 273.11(n).
 - (3) the disqualification contained in this paragraph(s) shall not apply to a conviction if the conviction is for conduct occurring on or before February 7, 2014.”

Section 14 of 8.106.410 NMAC:

Amending convicted felon section with the following language:

- “C. Disqualification for certain convicted felons. An individual shall not be eligible for cash benefits if:
- (1) the individual is convicted as an adult of any of the following:
 - (a) aggravated sexual abuse under section 2241 of title 18, United States Code;
 - (b) murder under section 1111 of title 18, United States Code;
 - (c) an offense under chapter 110 of title 18, United States Code;
 - (d) a Federal or State offense involving sexual assault, as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or
 - (e) an offense under State law determined by the Attorney General to be substantially similar to an offense

described in clause (i), (ii), (iii); and

(2) the individual is not in compliance with the terms of the sentence of the individual or the restrictions under 7 CFR 273.11(n).

(3) the disqualification contained in this paragraph(s) shall not apply to a conviction if the conviction is for conduct occurring on or before February 7, 2014.”

Section 12 of 8.139.400 NMAC:

Amending convicted felon section with the following language:

“D. Disqualification for certain convicted felons. An individual shall not be eligible for SNAP benefits if:

(1) the individual is convicted as an adult of any of the following:

(a) aggravated sexual abuse under section 2241 of title 18, United States Code;

(b) murder under section 1111 of title 18, United States Code;

(c) an offense under chapter 110 of title 18, United States Code;

(d) a Federal or State offense involving sexual assault, as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or

(e) an offense under State law determined by the Attorney General to be substantially similar to an offense described in clause (i), (ii), (iii); and

(2) the individual is not in compliance with the terms of the sentence of the individual or the restrictions under 7 CFR 273.11(n).

(3) the disqualification contained in this paragraph(s) shall not apply to a conviction if the conviction is for conduct occurring on or before February 7, 2014.”

The rule is being developed under the following statutory authority: New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to these families.

The register and rule language is available on the HCA website at:

<https://www.hca.nm.gov/lookingforinformation/income-support-division-registers-2/>.

If you do not have internet access, a copy of the final register and rules may be requested by contacting HCA Office of the Secretary at (505) 827-7750.

A hybrid public hearing to receive testimony on Open Section-State Funded Assistance will be held pursuant to Section 14- 4-5.6 NMSA 1978, on October 13, 2026, from 10:00 am-11:00 am. You may join in person, virtually, or by phone.

You may join in person at: HCA Income Support Division, Santa Fe County Field Office Large Conference Room, 39B Plaza La Prensa, Santa Fe NM 87507.

You may join virtually from your computer, tablet or smartphone:

Microsoft Teams link for teams meeting Need help? Join the meeting now

[+1 505-312-4308,,220376374#](https://teams.microsoft.com/join/15053124308220376374?context=0) United States, Albuquerque (888) 506-1357,,220376374# United

States (Toll-free) Meeting ID: 292 898 853 078 982 Passcode: HT2Ct9Uf Find a local number

Phone conference ID: 220 376 374#

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HCA public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax- 505-827-6286 or through the New Mexico Relay system, toll free at #711. The Authority requests at least a 10-day advance notice to provide the requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments by the following ways:

- Dropping of at HCA Income Support Division, HCA Income Support Division, Santa Fe County Field Office, 39B Plaza La Prensa, Santa Fe NM 87507. Attn: LaWanda Finley
- Calling (505) 649-3305.
- Mailing comments to: Income Support Division: Attn, LaWanda Finley at P.O. Box 2348, Santa Fe, NM 87504-2348.

- Emailing electronically to: hca-isdrules@hca.nm.gov

Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, October 13, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

All written comments will be posted on the agency website at Income Support Division Registers - New Mexico Health Care Authority within 3 days of receipt.