

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the emergency amendment of sections of rule 7.30.12 NMAC, “Emergency Medications in Schools”. The hearing will be held on Friday, May 15, 2026 at 9:00 a.m. via the Microsoft Teams Internet-based video conferencing system, and via telephone. Members of the public who wish to submit public comment regarding the amendments will be able to do so via video conference and via telephone during the course of the hearing, and by submitting written comment.

On February 23, 2026, the Department filed emergency amendments with the State Records Administrator to enact the following revisions to sections of 7.30.12 NMAC:

- * “Definitions” (section 7): replaced previous rule definition of “trained personnel” with statutory definition from the Emergency Medication in Schools Act at section 22-33-2, NMSA 1978, effectively removing the requirement that persons who administer epinephrine in schools be designated by a school nurse, and allowing the designation to be made by a school principal or school leader; replaced “means” with “includes” in definition of “governing body”, consistent with statutory definition;
- * “Emergency Medications” (section 8): removed references to “school nurse” at sections 8(A)(3), 8(B), and 8(C), effectively authorizing schools that are without a school nurse to obtain medications from a pharmacy and decide whether to maintain and administer emergency medications; added “school leader” at section 8(D)(3), authorizing records to be kept by either the school nurse or school leader;
- * “Training” (section 9): added “schools” to section 9(A), in recognition that both schools and school districts may decide whether to maintain emergency medications; removed “PED licensed” at section 8(A)(1) and (A)(4), in recognition that not all school nurses are licensed by PED;
- * “Administration of Emergency Medications” (section 10): removed “PED licensed” from section 10(A)(1); added “school leader” at 10(B)(7), authorizing both school nurses and school leaders to maintain logs; and
- * “Prevention” (section 11): replaced “school district” with “school” at section 11(C), in reference to schools accessing NMDOH resources; and updated the listed website for NMDOH Office of School and Adolescent Health.

The purpose of the amendment of 7.30.12 NMAC is to implement the Emergency Medication in Schools Act, at sections 22-33-1 through -4, NMSA 1978, which requires the Department of Health to adopt and promulgate rules concerning the administration of albuterol and epinephrine in schools.

The legal authority authorizing the amendment of these rule sections by the Department is the Department of Health Act, subsection E of section 9-7-6 NMSA 1978, which authorizes the secretary of the department of health to “...make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions,”; the Emergency Medication in Schools Act, at section 22-33-4, NMSA 1978, which requires NMDOH to adopt rules concerning administration of albuterol and epinephrine in schools; and the State Rules Act at section 14-4-5.6, NMSA 1978, which authorizes agencies to adopt emergency rules if “the agency find that the time required to complete the procedures would ... cause an imminent peril to the public health, safety or welfare”.

The reasons for the adoption of these emergency rule amendments are as stated in the letter of Cabinet Secretary, Gina DeBlassie, dated February 20, 2026, which can be obtained at the web address listed below. In accordance with the State Rules Act at section 14-4-5.6(E), NMSA 1978, the emergency rule amendments shall remain in effect until a permanent rule takes effect under the normal rulemaking process, and shall expire if no permanent rule is adopted within 180 days from the effective date of the emergency rule.

A free copy of the full text of the emergency amendments can be obtained online from the New Mexico Department of Health’s website at <http://nmhealth.org/about/asd/cmo/rules/> or by contacting the Department using the contact information below.

The public hearing will be conducted to receive public comment on the amendments. Any interested member of the public may attend the hearing and may submit data, views, or arguments on the proposed rule either orally or in writing during the hearing.

To access the hearing via the Internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>, then enter the following meeting i.d. code and passcode where indicated on the screen: meeting i.d. code 299 572 009 742 99 and passcode 4Vt9MF3e and then click the “Join a meeting” button.

To access the hearing by telephone: please call 1-505-312-4308 and enter phone conference i.d. 709 603 487#

All comments will be recorded.

Written public comment regarding the proposed rule can be submitted either by e-mail to Jacob Clark at jacob.clark@doh.nm.gov, or by U.S. postal mail to the following address:

Jacob Clark
NMDOH OGC
P.O. Box 26110
1190 St. Francis Dr., Suite N-4095
Santa Fe, NM 87502-6110

Written comments must be received by the close of the public rule hearing on May 15, 2026. All written comments will be published on the agency website at <https://www.nmhealth.org/about/asd/cmo/rules/> within 3 days of receipt, and will be available at the New Mexico Department of Health for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Jacob Clark by telephone at (505) 827-2997. The Department requests at least ten (10) days’ advance notice to provide special accommodation.