



State of New Mexico Health Care Authority **Register**

I. DEPARTMENT

NEW MEXICO HEALTH CARE AUTHORITY

II. SUBJECT

8.100.130 GENERAL OPERATIONS POLICIES- ELIGIBILITY AND VERIFICATION STANDARDS

8.139.410 SOCIAL SERVICES- FOOD STAMP PROGRAM- GENERAL RECIPIENT REQUIREMENTS - NONFINANCIAL ELIGIBILITY CRITERIA

III. PROGRAM AFFECTED

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM-(SNAP)

IV. ACTION

PROPOSED RULE

V. BACKGROUND SUMMARY

On July 4, 2025, President Donald J. Trump signed into law House of Representatives (H.R. 1), which included Section 10102 (SNAP Work Requirements), Section 10105 (SNAP Matching Funds Requirements), and Section 10108 (Immigration SNAP Eligibility). Under H.R. 1, Section 10102 and 10108, the federal requirements were to be implemented no later than November 1, 2025. However, the Authority received formal notification and detailed federal guidance from the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) on:

- October 3, 2025: Received SNAP Provisions for Section 10102
- October 30, 2025: Received SNAP Provisions for Section 10108

These changes became effective upon enactment. Due to the untimely receipt of federal guidance, the Authority was unable to meet November 1, 2025. The Health Care Authority (HCA) Income Support Division (ISD) implemented a temporary emergency rule effective January 1, 2026. This emergency rule does not permanently amend or repeal the existing rule and will remain in effect only until a permanent rule is adopted through the regular rulemaking

process.

HCA is also proposing amendments to 8.100.130 NMAC to eliminate client self-attestation as verification for shelter, utility, and dependent care expenses. H.R. 1 Section 10105, *SNAP Matching Funds*, establishes a SNAP Quality Control incentive requiring states to contribute matching funds toward SNAP benefit allotments based on their payment error rate. The required state share ranges from 0 to 15 percent depending on the States SNAP Payment Error Rate (PER) and begins in Fiscal Year 2028.

HCA is working to reduce its payment error rate to below 6 percent to minimize the State's required match. Eliminating client self-attestation for shelter, utility and dependent care expenses is expected to reduce the error rate. HCA's analysis found that client self-attestation significantly contributes to payment errors, particularly client-caused errors that could have been prevented with documentation. Error data from federal fiscal years 2023 and 2024 and October 2024–July 2025 indicate the overall payment error rate could have been reduced by an average of 3–6%. This corrective action is essential to protect program integrity, accuracy, and State resources.

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

8.100.130 NMAC

Section 26

Revises the language in accordance with H.R.1 Section 10105:

A. The applicant/recipient is required to provide verification to determine if the household can claim the shelter expense:

(1) An obligation to pay for monthly shelter expenses is considered a deduction for SNAP. If verification of a shelter expense is requested and not provided, the SNAP benefits will be determined without allowing a deduction for shelter expenses. Documents which may be used to verify the obligation to pay for shelter include:

(2) If documentary evidence is not readily available, a collateral contact may be selected to verify the obligation to pay for shelter or the use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

B. An obligation to pay for the utility expense is considered a deduction for SNAP. If verification of a utility expense is requested and not provided, the SNAP benefits will be determined without allowing a deduction for the utility expenses. Documents which may be used to verify the obligation to pay for the utility expense include:

(5) if documentary evidence is not readily available, a collateral contact may be selected to verify the obligation to pay for utilities or the use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

Section 28

Revises the language in accordance with H.R.1 Section 10105:

A. An obligation to pay for the dependent care expense is considered a deduction for SNAP. If verification of a dependent care expense is requested and not provided, the SNAP benefits will be determined without allowing a deduction for the dependent care expenses. Documents which may be used to verify the obligation to pay for the dependent care expenses include:

B. (4) if documentary evidence is not readily available, a collateral contact may be selected as verification of dependent care cost or use the other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

8.139.410 NMAC

Section 9:

Revises the language in accordance with H.R.1 Section 10108:

“The authority will determine eligibility for non-citizens.

A. a resident of the United States; and

B. one of the following:

(1) a citizen or national of the United States; or

(2) an individual who lawfully resides in the United States in accordance with Compacts of Free Association (COFA) citizens referred to in section 402(b)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; or

(3) a non-citizen who has been granted the status of Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422); or

(4) a non-citizen lawfully admitted for permanent residence (LPR) as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act, excluding, among others, visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country must meet one of the following requirements:

(a) Have resided in the United States with a qualified non-citizen status for a period of 5 years or more beginning on the date of their entry into the United States; or

(b) Exempt from the five-year waiting period by meeting one of the following below:

(i) under 18 years of age; or

(ii) individual with 40 qualifying quarters; or

(iii) lawfully residing in the U.S. and 65 or older on August 22, 1996;

or

(iv) individuals with a military connection including veterans, active-duty personnel, and their spouses and dependents, the spouse or unmarried dependent child of an individual; or

(v) Hmong or Highland Laotian tribal members; or

(vi) blind or disabled; or

(vii) Certain American Indians born abroad; or

(viii) a non-citizen admitted as a refugee under section 207 of INA; or

(ix) a non-citizen granted asylum under section 208 INA; or

(x) a non-citizen’s deportation is withheld under section 243(h) INA or section 241(b)(3) INA; or

(xi) a non-citizen admitted to the United States as an Amerasian;

or

(xii) a non-citizen admitted to the United States as an Iraqi or Afghan special immigrant (SIV-Special Immigrant Visa); or

(xiii) a non-citizen is a victim of human trafficking; or

(xiv) certain Afghan Nationals granted parole between July 31, 2021,

and September 30, 2023; or

(xv) certain Ukrainian Nationals granted parole between February 24, 2022, and September 30, 2024.

C. Verification of immigrant status is determined in accordance with 7 CFR 273.2(f) and reasonable opportunity is provided pursuant to 7 CFR 273.2(f)(1)(c).

D. Reporting undocumented non-citizens:

(1) HCA shall inform the local DHS office only when an official determination is made that any individual who is applying for or receives benefits is present in the U.S. in violation of the INA. An official determination that an undocumented immigrant is in the U.S. in violation of the INA is only made when:

(a) the undocumented non-citizens unlawful presence is a finding of fact or conclusion of law that is made by HCA as part of a formal determination about the individual's eligibility; and

(b) HCA finding is supported by a determination by DHS or the executive office of immigration review (EOIR) that the non-citizen is unlawfully residing in the US, such as a final order of deportation.

(2) A systematic alien verification for entitlements (SAVE) response showing no service record on an individual or an immigration status making the individual ineligible for a benefit is not a finding of fact or conclusion of law that the individual is not lawfully present.

(3) Undocumented immigrant status is considered reported when ISD enters the information about the non-citizen into the household's computer file.

(4) When a household indicates inability or unwillingness to provide documentation of immigrant status for any household member, HCA must classify that member as an ineligible immigrant. In such cases HCA must not continue efforts to obtain that documentation.”

Section 14:

Revises the language in accordance with H.R.1 Section 10102:

- Subsection A. by:
 - Adding language “are ages 18-64” to clarify the applicable age range
 - Removing the table with “age limit” and “date ends”.
- Subsection D. by:
 - Adding “Upon approval from United States Department of Agriculture (USDA), Food and Nutrition Service (FNS), ISD will waive the three-month time limit requirement for the following individuals in accordance with 7 CFR 273.24(f)”
 - Removing language in “(1)” and “(2)”.
- Subsection F. by:
 - Removing the following individuals “(3) homeless, (4) Veterans, (5) 24 years or younger”.
 - Adding the following language:
 - “The time limit does not apply to an individual if he or she is:
 - (1) Under 18 or 65 years of age or older;
 - (2) (c) applying for or receiving disability benefits such as Supplemental Security Income (SSI) or General Assistance (GA) Disability.
 - (3) a parent or other member of a household with responsibility for a dependent child under the age of 14 or an incapacitated person;
 - (4) otherwise exempt from the SNAP general work rules under 7 U.S.C. 2015(d)(2) which includes a person who is:

- (a) currently subject to and complying with a work registration requirement under title IV of the Social Security Act or the Federal-State unemployment compensation system; or
 - (b) a student enrolled at least half time in any recognized school, training program, or institution of higher education unless ineligible; or
 - (c) a regular participant in a drug addiction or alcoholic treatment and rehabilitation program; or
 - (d) employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)), multiplied by thirty hours; or
 - (e) a person between the ages of 16 and 18 who is not a head of a household or who is attending school, or enrolled in an employment training program, on at least a half-time basis.
- (5) Indians, also referred to as Native Americans, Alaska Natives, Indigenous Peoples, and Tribal Members:
- (a) a member of a federally recognized tribe, or
 - (b) an “Indian” as defined in 25 U.S.C 1603 (13); or
 - (b) an “Urban Indian” as defined in 25 U.S.C 1603 (18); or
 - (c) an “California Indian” as defined in 25 U.S.C 1679 (a).
- (6) a pregnant woman.
- Adding the following language to subsection G: “discretionary”

The HCA-ISD implemented a temporary emergency rule effective January 1, 2026. This emergency rule does not permanently amend or repeal the existing rule and will remain in effect only until a permanent rule is adopted through the regular rulemaking process.

VI. CONCISE EXPLANATORY STATEMENT

Regulations issued pursuant to the act are contained in 7 CFR 270-282. Administration of the HCA, including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

The Authority must promulgate these rules to make them effective no later than May 1, 2026, to be in compliance with Federal law.

VII. RULE

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.

VIII. PUBLIC HEARING

A hybrid public hearing to receive testimony on HCAR Vol. 49 No.3, will be held pursuant to Section 14- 4-5.6 NMSA 1978, on Thursday March 26, 11:00 am-12:00 pm. You may join in person, virtually, or by phone.

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

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

Microsoft Teams [Need help? Join the meeting now +1 505-312-4308,,759633655#](#) United States, Albuquerque [\(888\) 506-1357,,759633655#](#) United States (Toll-free) Meeting ID: 245 216 900 398 50 Passcode: qD3gT9KG [Find a local number](#) Phone conference ID: 759 633 655#

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:

- Drop of at HCA Income Support Division, HCA Income Support Division, Santa Fe County Field Office, 39B Plaza La Prensa, Santa Fe NM 87507. Attn: Monica Pineda
- Calling (505) 819-8118.
- Mailing comments to: Income Support Division: Attn, Monica Pineda at P.O. Box 2348, Santa Fe, NM 87504-2348.
- Emailed 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, March 26, 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.

IX. PUBLICATION DATE

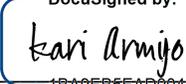
February 24, 2026

X. EFFECTIVE DATE

May 1, 2026

XI. PUBLICATION

Publication of this rule is approved by:

DocuSigned by:

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KARI ARMIJO, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY

This is an amendment to 8.100.139 NMAC, Sections 26 and 28 effective 5/1/2026.

8.100.130.26 DEDUCTIONS/ALLOWANCES VERIFICATION STANDARDS - SHELTER:

A. ~~[The applicant/recipient's statement is acceptable for verification of shelter expenses, if the information given is not questionable. If information is questionable or inconsistent, ISD must clearly document why the household's statement was unacceptable and what information requires additional verification. When further information or verification is requested the following items shall be acceptable.]~~The applicant/recipient is required to provide verification to determine if the household can claim the shelter expense:

~~(1) [An obligation to pay for shelter is considered a deduction for SNAP. If the expense is questionable and verification of a shelter expense is requested and not provided, SNAP benefits will be determined without allowing a deduction for shelter expenses. When further verification is requested, documents which may be used to verify an obligation to pay for shelter include:]~~

An obligation to pay for monthly shelter expenses is considered a deduction for SNAP. If verification of a shelter expense is requested and not provided, the SNAP benefits will be determined without allowing a deduction for shelter expenses. Documents which may be used to verify the obligation to pay for shelter include:

- (a) mortgage payment book;
- (b) written statement from the bank or other financial institution;
- (c) rent receipt;
- (d) written statement from the landlord;
- (e) lease agreement;
- (f) copies of bills for property taxes or house insurance;
- (g) correspondence with the taxing authority or insurance agency; or
- (h) additional items as listed on ISD 135 "proof checklist".

~~(2) [If documentary evidence is not readily available or is questionable, a collateral contact may be selected to verify the obligation to pay shelter or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.]~~

If documentary evidence is not readily available, a collateral contact may be selected to verify the obligation to pay for shelter or the use of other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

B. Utilities: ~~[The applicant/recipient's statement is acceptable for verification of utility expenses, if the information given is not questionable. If information is questionable or inconsistent, ISD must clearly document why the household's statement was unacceptable and what information requires additional verification. Documents which may be used to verify an obligation to pay for utilities include:]~~

An obligation to pay for the utility expense is considered a deduction for SNAP. If verification of a utility expense is requested and not provided, the SNAP benefits will be determined without allowing a deduction for the utility expenses. Documents which may be used to verify the obligation to pay for the utility expense include:

- (1) utility bills;
- (2) rent receipt, lease agreement, or written statement from the landlord showing the household is responsible for payment of utilities;
- (3) written statement from a utility provider;
- (4) additional items as listed on ISD 135 "proof checklist"; or

~~(5) if documentary evidence is questionable, a collateral contact with the landlord or the utility provider may be selected to verify the obligation to pay for utilities or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.]~~

(5) if documentary evidence is not readily available, a collateral contact may be selected to verify the obligation to pay for utilities or the use of other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

[8.100.130.26 NMAC - Rp 8.100.130.26 NMAC, 7/1/2024; A, 5/1/2026]

8.100.130.28 DEDUCTIONS/ALLOWANCES VERIFICATION STANDARDS - DEPENDENT CARE:

A. ~~[The applicant/recipient's statement is acceptable for verification of dependent care expenses, if the information given is not questionable. If information is questionable or inconsistent, ISD must clearly document why the household's statement was unacceptable and why information requires additional verification.]~~

An obligation to pay for the dependent care expense is considered a deduction for SNAP. If

verification of a dependent care expense is requested and not provided, the SNAP benefits will be determined without allowing a deduction for the dependent care expenses. Documents which may be used to verify the obligation to pay for the dependent care expense include:

B. Documents which may be used to verify dependent care costs:

(1) current bill;

(2) written statement from the provider;

(3) additional items as listed in ISD 135 “proof checklist”; or

~~[(4) if documentary evidence is not readily available, or is questionable a collateral contact with the care provider may be used as verification of dependent care costs or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.]~~

(4) if documentary evidence is not readily available, a collateral contact may be selected as verification of dependent care cost or the use of other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

[8.100.130.28 NMAC - Rp 8.100.130.28 NMAC, 7/1/2024; A, 5/1/2026]

This is an amendment to 8.139.410 NMAC, Section 8 and 14 effective 5/1/2026.

8.139.410.9 CITIZENSHIP AND IMMIGRATION STATUS FOR ELIGIBILITY: Participation in SNAP is limited to individuals who live in the United States and who are U.S. citizens or are otherwise eligible per the criteria below. [The department will determine eligibility for non-citizens in accordance with 7 CFR 273.2 and 7 CFR 273.4. No individual is eligible to participate in SNAP unless that individual is otherwise eligible and is:

A. A U.S. citizen;
B. A U.S. non-citizen national;
C. An individual who is:
(1) a member of Hmong or Laotian tribe during the Vietnam era, when the tribe militarily assisted the U.S.; (including a spouse, surviving spouse, or child of tribe member) who are lawfully present in the U.S.;

(2) an American Indian born in Canada who possesses at least fifty percent of blood of the American Indian race to whom the provisions of section 289 of the Immigration and Nationality Act apply; or a member of an Indian tribe as defined at section 4(e) of 25 U.S.C. 450b(e) which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians; or

(3) a victim of human trafficking and their derivative beneficiaries, in accordance with 7 CFR 273.4(a)(5); or

D. A qualified immigrant meeting the criteria in Subsection D, Paragraph (2) below:

(1) A qualified immigrant is a:
(a) lawful permanent resident;
(b) refugee;
(c) asylee;
(d) person granted withholding of deportation or removal;
(e) conditional entrants, (in effect prior to April 1, 1980);
(f) person paroled into the U.S. for at least one year;
(g) Cuban/Haitian entrants;

(h) battered spouses and children with a pending or approved self-petition for an immigrant visa and whose need for benefits has a substantial connection to the battery or cruelty (including qualified parents, spouses, and children of same), or battered spouses and children with an application for cancellation of removal or suspension of deportation, and whose need for benefits has a substantial connection to the battery or cruelty (including qualified parents, spouses, and children of same).

(2) Qualified immigrants are eligible only if they:
(a) were 65 or older and were lawfully residing in the U.S. on August 22, 1996, or
(b) are under age 18, or
(c) have been in "qualified" immigrant status for at least five years, or
(d) are lawful permanent residents who have worked or can be credited with 40 qualifying quarters of employment, or

(e) were granted refugee or asylum status or withholding of deportation/removal; or
(f) are a Cuban/Haitian entrant, or Amerasian immigrant, or
(g) are receiving blindness or disability-related assistance or
(h) are a veteran, active duty military; or the spouse, or the surviving spouse who has not married, or the child.

(i) are in Iraqi or Afghan special immigrant status.

E. Lawfully present and exempt from five-year bar: Effective December 27, 2020, per section 208 of the Consolidated Appropriations Act, 2021 individuals who are considered compact of free association migrants (COFA) are also referred to as compact citizens. COFA is an agreement between the United States and the three Pacific Island sovereign states of federated states of Micronesia, the republic of the Marshall Islands, and the republic of Palau known as freely associated states.]

The authority will determine eligibility for non-citizens.

A. a resident of the United States; and

B. one of the following:

(1) a citizen or national of the United States; or

(2) an individual who lawfully resides in the United States in accordance with Compacts of Free Association (COFA) citizens referred to in section 402(b)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; or

(3) a non-citizen who has been granted the status of Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422); or

(4) a non-citizen lawfully admitted for permanent residence (LPR) as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act, excluding, among others, visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country must meet one of the following requirements:

(a) Have resided in the United States with a qualified non-citizen status for a period of 5 years or more beginning on the date of their entry into the United States; or

(b) Exempt from the five-year waiting period by meeting one of the following below:

(i) under 18 years of age; or

(ii) individual with 40 qualifying quarters; or

(iii) lawfully residing in the U.S. and 65 or older on August 22, 1996; or

(iv) individuals with a military connection including veterans, active duty personnel, and their spouses and dependents the spouse or unmarried dependent child of an individual; or

(v) Hmong or Highland Laotian tribal members; or

(vi) blind or disabled; or

(vii) certain American Indians born abroad; or

(viii) a non-citizen admitted as a refugee under section 207 of INA; or

(ix) a non-citizen granted asylum under section 208 INA; or

(x) a non-citizen's deportation is withheld under section 243(h) INA or section 241(b)(3) INA; or

(xi) a non-citizen admitted to the United States as an Amerasian; or

(xii) a non-citizen admitted to the United States as an Iraqi or Afghan special immigrant (SIV-Special Immigrant Visa); or

(xiii) a non-citizen is a victim of human trafficking; or

(xiv) certain Afghan Nationals granted parole between July 31, 2021, and September 30, 2023; or

(xv) certain Ukrainian Nationals granted parole between February 24, 2022, and September 30, 2024.

[F.] C. Verification of immigrant status is determined in accordance with 7 CFR 273.2(f) and reasonable opportunity is provided pursuant to 7 CFR 273.2(f)(1)(c).

[G.] D. Reporting undocumented ~~[aliens]~~ non-citizens:

(1) ~~[HSD]~~HCA shall inform the local DHS office only when an official determination is made that any individual who is applying for or receives benefits is present in the U.S. in violation of the INA. An official determination that an undocumented immigrant is in the U.S. in violation of the INA is only made when:

(a) the undocumented ~~[aliens]~~ non-citizens unlawful presence is a finding of fact or conclusion of law that is made by ~~[HSD]~~HCA as part of a formal determination about the individual's eligibility; and

(b) ~~[HSD]~~HCA finding is supported by a determination by DHS or the executive office of immigration review (EOIR) that the non-citizen is unlawfully residing in the US, such as a final order of deportation.

(2) A systematic alien verification for entitlements (SAVE) response showing no service record on an individual or an immigration status making the individual ineligible for a benefit is not a finding of fact or conclusion of law that the individual is not lawfully present.

(3) Undocumented immigrant status is considered reported when ISD enters the information about the non-citizen into the household's computer file.

(4) When a household indicates inability or unwillingness to provide documentation of immigrant status for any household member, ~~[HSD]~~HCA must classify that member as an ineligible immigrant. ~~[When a person indicates inability or unwillingness to provide documentation of immigrant status, [HSD]HCA must classify that person as an ineligible immigrant.]~~ In such cases ~~[HSD]~~HCA must not continue efforts to obtain that documentation.

[8.139.410.9 NMAC - Rp, 8.139.410.9 NMAC, 11/1/2023; A, 6/1/2025; E/A, 1/1/2026; A, 5/1/2026]

8.139.410.14 REQUIREMENTS FOR ABLE BODIED ADULTS: ISD will administer this program in accordance with 7 Code of Federal Regulation (CFR) 273.24. This program is referred to as the time limit rule or

the able bodied adults without dependents (“ABAWD”) program. The program is mandatory at all times unless there is a federally approved statewide waiver in place in accordance with 7 CFR 273.24(f). A statewide waiver makes the program non-mandatory for all ABAWDs who would otherwise be subject to the three month time limit requirement. When a statewide waiver is not in place, ABAWDs are mandatory for all requirements as detailed below. ISD will inform all potential ABAWD households of the ABAWD time limit prior to the expiration of a statewide waiver. ISD will use a fixed 36 month period for measurement and tracking purposes beginning June 1, 2017 through May 31, 2020, and every subsequent fixed three year period.

A. The age limit standards for individuals who are subject to the ABAWD work requirement are ages 18-64.

<u>Age Limit</u>	<u>Date ends</u>
<u>18-49</u>	<u>September 5th 2023</u>
<u>18-50</u>	<u>September 30th 2023</u>
<u>18-52</u>	<u>September 30th 2024</u>
<u>18-54</u>	<u>September 30th 2025</u>

B. Able bodied adults can comply by: working 20 hours per week, averaged monthly; for purposes of this provision, 20 hours per week averaged monthly means 80 hours per month; work is defined as:

- (1) work in exchange for money;
- (2) work in exchange for goods or services (“in kind” work); or
- (3) unpaid work, which includes work without compensation that gives a person experience in a job or industry, tests a person’s job skills, or involves volunteer time and effort to a not-for-profit organization.

C. Good cause: As determined by ISD, if an individual would have worked an average of 20 hours per week but missed some work for good cause, the individual shall be considered to have met the work requirement if the absence from work is temporary. Good cause shall include circumstances beyond the individual’s control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, or the unavailability of transportation.

D. Waived from the time limit requirements: Upon approval from United States Department of Agriculture (USDA) Food and Nutrition Service (FNS), ISD will waive the three-month time limit requirement for the following individuals in accordance with 7 CFR 273.24(f).

~~(1) any individual residing in or relocating to a county that has an unemployment rate [twenty]over ten percent above the national average as defined by ISD;~~

~~(2) any individual residing in or relocating to pueblos, tribes, and nations, with an estimated employment to population ratio as a measure for insufficient job availability as determined by ISD.]~~

E. Able bodied adults who are determined to be ineligible for SNAP benefits because of non-compliance with the time limit requirements can regain eligibility in accordance with 7 CFR 273.24(d)(i), (d)(ii), (d)(iii), or (d)(v).

F. Exceptions to the three month time limit: The time limit does not apply to an individual if he or she is:

~~(1) Exceptions to the three month time limit required participation are found at 7 CFR 273.24(e).]~~

~~(1) Under 18 or 65 years of age or older;~~

~~(2) Physical and mental unfitness for the three month time limit requirements exception is defined as an individual who has a mental or physical illness or disability, temporary or permanent, which reduces their ability to financially support themselves.~~

~~(a) unfitness can be obvious to ISD and documented in the case file; or~~

~~(b) not obvious, but is documented by a physician, physician’s assistant, nurse, nurse practitioner, a licensed or certified psychiatrist or a licensed or certified psychologist or social worker as being unfit to work; this claim of physical or mental unfitness must be substantiated by written documentation identifying the physical or mental condition and certifying that the person is unfit for employment.~~

~~(c) applying for or receiving disability benefits such as Supplemental Security Income (SSI) or General Assistance (GA) Disability.~~

~~(3) Individuals who are homeless as outlined at Subsection A of 8.139.100.7 NMAC.~~

~~(4) Individuals who are Veterans.~~

~~(5) Individuals 24 years of age or younger who were in foster care under the responsibility of the state through the maximum age permitted by the state.]~~

(3) a parent or other member of a household with responsibility for a dependent child under the age of 14 or an incapacitated person.

(4) otherwise exempt from the SNAP general work rules under 7 U.S.C. 2015(d)(2) which includes a person who is:

(a) currently subject to and complying with a work registration requirement under title IV of the Social Security Act or the Federal-State unemployment compensation system; or

(b) a student enrolled at least half time in any recognized school, training program, or institution of higher education unless ineligible; or

(c) a regular participant in a drug addiction or alcoholic treatment and rehabilitation program; or

(d) employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206 (a) (1)), multiplied by thirty hours; or

(e) a person between the ages of 16 and 18 who is not a head of a household or who is attending school, or enrolled in an employment training program, on at least a half-time basis.

(5) Indians, also referred to as Native Americans, Alaska Natives, Indigenous Peoples, and Tribal Members:

(a) a member of a federally recognized tribe, or

(b) an "Indian" as defined in 25 U.S.C 1603 (13); or

(c) an "Urban Indian" as defined in 25 U.S.C 1603 (18); or

(d) an "California Indian" as defined in 25 U.S.C 1679 (a).

(6) a pregnant woman.

G. ISD will administer the eight percent discretionary exemptions, as allowed by ~~[the food and nutrition service]~~ FNS and as determined by ISD, in accordance with 7 CFR 273.24(g). [8.139.410.13 NMAC - Rp, 8.139.410.13 NMAC, 11/1/2023; E/A, 1/1/2026; A, 5/1/2026]

HISTORY OF 8.139.410 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

ISD 430.0000, Certification of Eligible Households, 8/8/1980.

ISD-Rule 422.0000, Food Assistance - Residency, 11/4/1982.

ISD-Rule 422.0000, Residency, 2/9/1983.

ISD-Rule 422.0000, Residency, 8/13/1986.

ISD-Rule 423.0000, Food Assistance - Social Security Enumeration, 11/4/1982.

ISD-Rule 423.0000, Social Security Enumeration, 2/4/1983.

ISD-Rule 423.0000, Social Security Enumeration, 4/7/1983.

ISD-Rule 423.0000, Social Security Enumeration, 5/3/1984.

ISD Rule 423.0000, Food Assistance - Social Security Enumeration, 7/22/1987.

ISD-Rule 426.0000, Food Assistance - Citizenship and Alien Status, 11/4/1982.

ISD-Rule 426.0000, Citizenship and Alien Status, 2/11/1983.

ISD-Rule 426.0000, Citizenship and Alien Status, 4/2/1983.

ISD FS 310, Food Stamp Nonfinancial Eligibility Criteria, 2/29/1988.

History of Repealed Material:

8.139.410 NMAC, Food Stamp Program - Food Stamp Program/Income And Resources Excluded By Federal Law filed 6/10/1998 repealed effective 11/1/2023.

Other: 8.139.410 NMAC, Food Stamp Program - Food Stamp Program/Income And Resources Excluded By Federal Law filed 6/10/1998 Replaced 8.139.410 NMAC, Food Stamp Program - Food Stamp Program/Income And Resources Excluded By Federal Law effective 11/1/2023.