



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

I. DEPARTMENT

NEW MEXICO HEALTH CARE AUTHORITY

II. SUBJECT

8.106.640: State Funded Food Assistance Program

III. PROGRAM AFFECTED

STATE FUNDED ASSISTANCE PROGRAM

IV. ACTION

TEMPORARY EMERGENCY RULE

V. BACKGROUND SUMMARY

The Health Care Authority will implement a temporary emergency rule effective April 1, 2026.

During October 2026 Special Legislative Session, \$12 million was appropriated to provide food assistance to SNAP recipients affected by House of Representatives (H.R. 1), Section 10108 (Immigration SNAP Eligibility) that President Donald J. Trump signed into law on July 4, 2025. Under H.R. 1, Section 10108, SNAP eligibility for certain lawfully present noncitizens, resulting in the loss of benefits for individuals who were previously eligible.

The Authority is implementing emergency rule to open a new section 8.106.640 NMAC State Funded Assistance program which is a State Funded Assistance Program. The objective of the New Mexico State funded food assistance program is to provide households affected by HR 1.

8.106.640 NMAC

This part is being opened to add the rules for the State Funded Food Assistance Program.

Regulations to the State Funded Assistance Programs administered by the Health Care Authority (HCA), including its authority to promulgate regulation, and is governed by Chapter 9, Article 8, NMSA (Repl. 1983).

VI. CONCISE EXPLANATORY STATEMENT

The Authority is developing a new State Funded Assistance Food Program, that will benefit the households affected by H.R. 1.

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.

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. PUBLICATION DATE

March 24, 2026

IX. EFFECTIVE DATE

April 1, 2026

X. PUBLICATION

Publication of this rule is approved by:

DocuSigned by:

Kari Armijo

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KARI ARMIJO, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY

TITLE 8 SOCIAL SERVICES
CHAPTER 106 STATE FUNDED ASSISTANCE PROGRAMS
PART 640 STATE FOOD ASSISTANCE PROGRAM

8.106.640.1 ISSUING AGENCY: New Mexico Health Care Authority.
[8.106.640.1 NMAC - N/E, 4/1/2026]

8.106.640.2 SCOPE: This rule applies to the general public.
[8.106. 640.2 NMAC - N/E, 4/1/2026]

8.106.640.3 STATUTORY AUTHORITY: New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to families with dependent children (AFDC), general assistance (GA), shelter care supplement, the burial assistance programs and such other public welfare functions as may be assumed by the state.
[8.106.640.3 NMAC - N/E, 4/1/2026]

8.106.640.4 DURATION: Permanent.
[8.106.640.4 NMAC - N/E, 4/1/2026]

8.106.640.5 EFFECTIVE DATE: April 1, 2026 unless a later date is cited at the end of a section.
[8.106.640.5 NMAC - N/E, 4/1/2026]

8.106.640.6 OBJECTIVE: The objective of the New Mexico state funded food assistance program is to provide households with food assistance for those who do not qualify for supplemental nutrition assistance program (SNAP) under the Food and Nutrition Act of 2008.
[8.106.640.6 NMAC - N/E, 4/1/2026]

8.106.640.7 DEFINITIONS : [RESERVED]

8.106.640.8 One-time state funded food assistance payment for lawfully present individuals:

A. Purpose: provide a one-time state-funded food assistance payment to lawfully present individuals who were receiving SNAP benefits and currently ineligible solely due to their immigration status due to house of representative bill (H.R. 1) federal eligibility changes.

B. Method of payment: a one-time lump sum payment will be issued into the EBT account accessible to the participant.

C. Eligibility: Must meet the following criteria:

- (1) must submit a re-certification; and
- (2) was a current SNAP recipient; and
- (3) lost SNAP benefit during recertification solely due to their immigration status.

D. Benefit amount: will be determined by the authority based on legislative intent and the availability of funds.

- (1) this will be a one-time lump sum payment; and
- (2) determined by the number of identified lawfully that are projected to lose SNAP benefits at the time of re-certification due to immigration status and are eligible; and
- (3) calculated as a percentage of the average of SNAP benefits issued over a six-month period; and

- (4) total amount of the funds appropriated.

E. Receipt of payment under this part does not establish an entitlement to ongoing or future benefits.

F. Limitation of funds:

- (1) the authority shall not issue benefits more than the amount appropriated;
- (2) no benefits shall be issued once the funds are exhausted.

G. Disclosure: Use or disclosure of information from SNAP applicants and recipient households who receive this one-time state food benefit shall be restricted to:

- (1) Employees of the HCA who are investigating intentional program violations, deception, or fraud by recipients of this one-time state food assistance.

(2) Local, state, or federal law enforcement officers acting in their official capacity, upon written request by such law enforcement officers that includes the name of the household member being sought, for the purpose of obtaining the address, social security number, and, if available, photograph of the household member, if the member is fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony (or a high misdemeanor in New Jersey), or is violating a condition of probation or parole imposed under a federal or state law. The state agency shall provide information regarding a household member, upon written request of a law enforcement officer acting in his or her official capacity that includes the name of the person being sought, if the other household member has information necessary for the apprehension or investigation of the other household member who is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole imposed under federal or state law. The state agency must accept any document that reasonably establishes the identity of the household member being sought by law enforcement authorities. The HCA shall disclose only such information as is necessary to comply with a specific written request of a law enforcement agency authorized by this paragraph.

[8.106.640.8 NMAC - N/E, 4/1/2026]

8.106.640.9 NMAC: [RESERVED]

8.106.640.10 BENEFIT ISSUANCE AND DELIVERY:

A. Benefit issuance: state funded food assistance will be issued through a direct deposit into a household's EBT account. EBT cards are issued and maintained as defined at 8.139.610 NMAC.

B. Expungement: the state food assistance shall be subject to expungement in accordance with 8.139.610.8 NMAC.

C. Household use of state food assistance: the household shall only be allowed to use the food assistance for food purchases in accordance with 8.139.610.11 NMAC.

[8.106.640.10 NMAC - N/E, 4/1/2026]

History of 8.106.640 NMAC: 8.106.640 NMAC, State Food Assistance Program was renamed and became effective 4/1/2026.

History of repealed material:

8.106.640 NMAC, Description of Program/Benefits - Benefit Corrections, filed 7/1/2004 - Repealed effective 4/1/2014.