



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

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NEW MEXICO HEALTH CARE AUTHORITY

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STANDARDS

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WHO CAN BE A RECIPIENT

8.106.410 SOCIAL SERVICES - STATE FUNDED ASSISTANCE PROGRAMS -
RECIPIENT POLICIES – GENERAL RECIPIENT REQUIREMENTS

8.102.410 CASH ASSISTANCE PROGRAMS RECIPIENT POLICIES – GENERAL
RECIPIENT REQUIREMENTS

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IV. ACTION

PROPOSED RULE

V. BACKGROUND SUMMARY

In 2019, the Health Care Authority (HCA) updated its policy to implement federal requirements related to convicted felons established by the Agricultural Act of 2014 (2014 Farm Bill).

As part of a recent review, HCA determined that the New Mexico Administrative Code (NMAC) language for Cash Assistance does not accurately reflect the federal requirements regarding the disqualification of certain individuals with felony convictions. HCA is updating the language to ensure that state policy clearly reflects the applicable federal requirements.

With this amendment, HCA is also updating the convicted felon provisions for the Supplemental Nutrition Assistance Program (SNAP) to align with the federal regulations at **7 CFR 273.11**. These changes clarify existing requirements and ensure that HCA's rules accurately reflect federal law and regulations.

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 to reflect the following policy:

“(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.”

[8.100.130.22 - Rp 8.100.130.22 NMAC, 7/1/2024; A, 12/1/2026]

Section 15 of 8.102.410 NMAC:

Amending convicted felon section with the following policy:

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

(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 convictions if the conviction is for conduct occurring on or before February 7, 2014.”

[8.102.410.15 NMAC - Rp 8.102.410.15 NMAC, 7/1/2024; A, 12/1/2026]

Section 14 of 8.106.410 NMAC:

Amending convicted felon section to reflect the following policy:

“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:

(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 (1), (2), (3); 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 convictions if the conviction is for conduct occurring on or before February 7, 2014.”

[8.106.410.14 NMAC - Rp, 8.106.410.13 NMAC, 12/01/2009; A, 04/01/2022; A, 12/1/2026]

Section 12 of 8.139.400 NMAC:

Amending convicted felon section with the following policy:

“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.”

[8.139.400.12 NMAC - Rp 8.139.400.12 NMAC, 7/16/2024; A, 12/1/2026]

VI. CONCISE EXPLANATORY STATEMENT

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299 and 7 CFR 270-282. Administration of the Health Care Authority (HCA), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

The Authority is updating these rules to clarify existing requirements and ensure that HCA's rules accurately reflect federal law and regulations to make effective no later than December 1, 2026.

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. 25, will be held pursuant to

NM Health Care Authority Register Vol. 49 No. 25

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 forteamsmeeting](#) [Need help? Join the meeting now](#)
[+1 505-312-4308,,220376374#](#) 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.
- Email 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.

IX. PUBLICATION DATE

September 9, 2026

X. EFFECTIVE DATE

December 1, 2026

XI. PUBLICATION

Publication of this rule is approved by:

DocuSigned by:

Kari Armijo

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KARI ARMIJO, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY

8.100.130.22 NON-FINANCIAL VERIFICATION STANDARDS - OTHER:

A. Fraud conviction for dual state receipt of benefits: The existence of a fraud conviction for simultaneous receipt of benefits from two states is determined based upon client statement on the application form. If ISD receives other information indicating the existence of a dual state benefit fraud conviction, ISD shall verify it by contacting the appropriate authorities.

B. Fleeing felon, probation or parole violator:

(1) Fleeing Felon: An individual determined to be a fleeing felon shall be an ineligible household member. To establish an individual as a fleeing felon ISD must verify that an individual is a fleeing felon. A federal, state, or local law enforcement officer acting in their official capacity must present an outstanding felony arrest warrant that conforms to one of the following national crime information center uniform offense classification codes, to the department to obtain information on the location of and other information about the individual named in the warrant:

- (a)** escape (4901); or
- (b)** flight to avoid prosecution, confinement, etc. (4902); or
- (c)** flight-escape (4999).

(2) Probation or parole violator: An individual determined a parole or probation violator shall not be considered to be an eligible household member. To be considered a probation or parole violator, an impartial party, as designated by ISD, must determine that the individual violated a condition of their probation or parole imposed under federal or state law and that federal, state, or local law enforcement authorities are actively seeking the individual to enforce the conditions of the probation or parole. Actively seeking is defined as:

(a) a federal, state, or local law enforcement agency informs ISD that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to ISD; or

(b) a federal, state, or local law enforcement agency presents a felony arrest warrant as provided in Paragraph (1) of Subsection B of this section; or

(c) a federal, state, or local law enforcement agency states that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 30 days of the date of a request from ISD about a specific outstanding felony warrant or probation or parole violation.

~~**(3)** Certain convicted felons: An individual who is or has been determined to be convicted on or before February 7, 2014, as an adult of the following crimes shall not be eligible for inclusion in the cash assistance benefit group:~~

- ~~**(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), or (iii); and~~
- ~~**(f)** the individual is not in compliance with the terms of the sentence of the individual or the restrictions under 8.139.400.12 C NMAC.]~~

(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.

(4) Response time: ISD shall give the law enforcement agency 20 days to respond to a request for information about the conditions of a felony warrant or a probation or parole violation, and whether the law enforcement agency intends to actively pursue the individual. If the law enforcement agency does not indicate that it intends to enforce the felony warrant or arrest the individual for the probation or parole violation within 30 days of the date of ISD's request for information about the warrant, ISD shall determine that the individual is not a fleeing felon or a probation or parole violator and document the household's case file accordingly. If the law enforcement agency indicates that it does intend to enforce the felony warrant or arrest the individual for the probation or parole violation within 30 days of the date of ISD's request for information, ISD will postpone taking any action on the case until the 30-day period has expired. Once the 30-day period has expired, ISD shall verify with the law enforcement agency whether it has attempted to execute the felony warrant or arrest the probation or parole violator. If it has, ISD shall take appropriate action to deny an applicant or terminate a participant who has been determined to be a fleeing felon or a probation or parole violator. If the law enforcement agency has not taken any action within 30 days, ISD shall not consider the individual a fleeing felon or probation or parole violator, shall document the case file accordingly, and take no further action.

(5) Application processing: ISD shall continue to process the application while awaiting verification of fleeing felon or probation or parole violator status. If ISD is required to act on the case without being able to determine fleeing felon or probation or parole violator status in order to meet the time standards in 7 CFR 273.2(g) or 273.2(i)(3), ISD shall process the application without consideration of the individual's fleeing felon or probation or parole violator status.

[8.100.130.22 - Rp 8.100.130.22 NMAC, 7/1/2024; A, 12/1/2026]

This is an amendment to 8.102.410 NMAC, Section 15 effective 12/1/2026

8.102.410.15 PROGRAM DISQUALIFICATIONS:

A. Dual state benefits: An individual who has been convicted of fraud for receiving TANF, SNAP, medicaid, or SSI in more than one state at the same time shall not be eligible for inclusion in the cash assistance benefit group for a period of 10 years following such conviction. The conviction must have occurred on or after August 22, 1996.

B. Fugitive and probation and parole violators: An individual who is a fugitive felon or who has been determined to be in violation of conditions of probation or parole shall not be eligible for inclusion in the cash assistance benefit group.

~~**C.** Certain convicted felons: An individual who is or has been determined to be convicted on or before February 7, 2014, as an adult of the following crimes shall not be eligible for inclusion in the cash assistance benefit group:~~

- ~~(1) aggravated sexual abuse under section 2241 of title 18, United States Code;~~
- ~~(2) murder under section 1111 of title 18, United States Code;~~
- ~~(3) an offense under chapter 110 of title 18, United States Code;~~
- ~~(4) 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~~
- ~~(5) an offense under state law determined by the attorney general to be substantially similar to an offense described in clause (i), (ii), or (iii); and~~
- ~~(6) the individual is not in compliance with the terms of the sentence of the individual or the restrictions under 8.139.400.12 C NMAC;]~~

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.

[8.102.410.15 NMAC - Rp 8.102.410.15 NMAC, 7/1/2024; A, 12/1/2026]

This is an amendment to 8.106.410 NMAC, Section 14 effective 12/1/2026

8.106.410.14 PROGRAM DISQUALIFICATIONS:

A. Dual state benefits: An individual who has been convicted of fraud for receiving TANF, SNAP, Medicaid or SSI in more than one state at the same time shall not be eligible for inclusion in the GA cash assistance benefit group for a period of 10 years following such conviction. The conviction must have occurred on or after August 22, 1996.

B. Fugitive and probation and parole violators: An individual who is a fugitive felon or who has been determined to be in violation of conditions of probation or parole shall not be eligible for inclusion in the GA cash assistance benefit group.

~~[C. **Certain convicted felons.** An individual who is or has been determined to be convicted on or before February 7, 2014, as an adult of the following crimes shall not be eligible for inclusion in the cash assistance benefit group:~~

- ~~(1) aggravated sexual abuse under section 2241 of title 18, United States Code;~~
- ~~(2) murder under section 1111 of title 18, United States Code;~~
- ~~(3) an offense under chapter 110 of title 18, United States Code;~~
- ~~(4) 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~~
- ~~(5) an offense under state law determined by the attorney general to be substantially similar to an offense described in clause (i), (ii), or (iii); and~~
- ~~(6) the individual is not in compliance with the terms of the sentence of the individual or the restrictions under 8.139.400.12 C NMAC.]~~

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.

[8.106.410.14 NMAC - Rp, 8.106.410.13 NMAC, 12/01/2009; A, 04/01/2022; A, 12/1/2026]

This is an amendment to 8.139.400 NMAC, Section 12 effective 12/1/2026

8.139.400.12 INELIGIBLE HOUSEHOLD MEMBERS: The following individuals shall be included as household members for the purpose of defining a household, but shall not be included as eligible members when determining the household's size, comparing the household's monthly income with the income eligibility standard, or assigning a benefit amount by household size.

A. Excluded household members:

(1) Ineligible non-citizens: Individuals who do not meet citizenship or eligible non-citizen status requirements, or eligible sponsored non-citizen requirements. The income and resources of such individuals shall be counted in determining the household's eligibility and benefit amount in accordance with the requirements in Subsection C of 8.139.520.10 NMAC.

(2) Ineligible students: Individuals enrolled in an institution of higher education who are ineligible because they do not meet the student eligibility requirements in Subsection A of 8.139.400.11 NMAC. Ineligible students are considered as non-household members in determining the household's eligibility and benefit amount. Income and resources are considered in accordance with the requirements in Subsection D of 8.139.520.10 NMAC.

B. Disqualified household members:

(1) SSN disqualified: Individuals who are disqualified for refusal or failure to provide a social security number.

(2) Work noncompliance: Individuals who have been disqualified for failure or refusal to comply with work requirements.

(3) IPV: Individuals disqualified for an intentional program violation.

C. Disqualification for fleeing felons and probation/parole violators: No member of an otherwise eligible household shall be eligible to participate in the FSP as a member of the household during any period in which the individual is:

(1) fleeing to avoid prosecution, or custody or confinement after conviction, under the law of the place from which the individual is fleeing, for a crime or attempt to commit a crime, that is a felony, or in New Jersey a high misdemeanor, under the law of the place from which the individual is fleeing; or

(2) violating a condition of probation or parole imposed under a federal or state law.

(3) Treatment of income and resources: The income and resources of an individual described in Paragraphs (1) and (2) of Subsection C of 8.139.400.12 NMAC shall be attributed in their entirety to the household while the individual is in the home.

~~**D.** Disqualification for certain convicted felon: The disqualification contained in Subsection D of 8.139.400 NMAC shall not apply to a conviction if the conviction is for conduct occurring on or before February 7, 2014. An individual shall not be eligible for SNAP benefits if the individual is convicted as an adult of:~~

~~(1) aggravated sexual abuse under section 2241 of title 18, United States Code;~~

~~(2) murder under section 1111 of title 18, United States Code;~~

~~(3) an offense under chapter 110 of title 18, United States Code;~~

~~(4) 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~~

~~(5) an offense under state law determined by the attorney general to be substantially similar to an offense described in Paragraph (1), (2), or (3) of Subsection D of 8.139.400.12 NMAC; and~~

~~(6) The individual is not in compliance with the terms of the sentence of the individual or the restrictions under Subsection C of 8.139.400.12 NMAC.]~~

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.
[8.139.400.12 NMAC - Rp 8.139.400.12 NMAC, 7/16/2024; A, 12/1/2026]