

**New Mexico Department of Health**  
**Proposed Amendment of the 7.30.12 NMAC, “Emergency Medications in Schools”**  
Hearing Date: May 15<sup>th</sup>, 2026

**LIST OF EXHIBITS**

|           |   |
|-----------|---|
| <b>1.</b> | <u>Emergency Amendment</u><br>7.30.12 NMAC, “Emergency Medications in Schools”                      |
| <b>2.</b> | <u>Integrated Amendment</u><br>7.30.12 NMAC, “Emergency Medications in Schools”                     |
| <b>3.</b> | <u>Letter Adopting Emergency Rule Amendment</u><br>7.30.12 NMAC, “Emergency Medications in Schools” |
| <b>4.</b> | Notice of Public Hearing  |
| <b>5.</b> | Affidavit of Publication – Albuquerque Journal  |
| <b>6.</b> | Affidavit of Publication – NM Register  |
| <b>7.</b> | Letter Appointing Hearing Officer   |
| <b>8.</b> | Affidavit of Notice to the Public   |
| <b>9.</b> | Public Comments   |

This is an emergency amendment to 7.30.12 NMAC, Sections 7, 8, 9, 10 and 11 effective 2/23/2026.

**7.30.12.7 DEFINITIONS:**

~~\_\_\_\_\_ A. "Adverse event form" is a department form used by school nurses to report events with potential impact on the health of the students or the school, including administration of stock albuterol or epinephrine.~~

~~\_\_\_\_\_ B. "Albuterol" includes albuterol or another inhaled bronchodilator, as recommended by the department of health, for the treatment of respiratory distress.~~

~~\_\_\_\_\_ C. "Albuterol aerosol canister" means a portable drug delivery device packaged with multiple premeasured doses of albuterol.~~

~~\_\_\_\_\_ D. "Anaphylaxis" or "anaphylactic reaction" means a sudden, severe, and potentially life-threatening whole-body allergic reaction.~~

~~\_\_\_\_\_ E. "BOP" refers to the board of pharmacy.~~

~~\_\_\_\_\_ F. "Class D Medication Room" is specific for schools and is used only for emergency medications. The Class D Medication Room criteria is established by the board of pharmacy. The criteria includes requirements for procurement of medications, storage, tracking, and disposal of expired medications.~~

~~\_\_\_\_\_ G. "Department" means department of health.~~

~~\_\_\_\_\_ H. "Emergency medication" means albuterol or epinephrine.~~

~~\_\_\_\_\_ I. "Epinephrine" includes epinephrine or another medication, as recommended by the department of health, used to treat anaphylaxis until the immediate arrival of emergency medical system responders.~~

~~\_\_\_\_\_ J. "Epinephrine auto-injector" means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine.~~

~~\_\_\_\_\_ K. "Governing body" means a governing body of a private school.~~

~~\_\_\_\_\_ L. "Health care practitioner" means a person authorized by the state to prescribe emergency medication.~~

~~\_\_\_\_\_ M. "PED" means the public education department.~~

~~\_\_\_\_\_ N. "Respiratory distress" includes impaired oxygenation of the blood or impaired ventilation of the respiratory system.~~

~~\_\_\_\_\_ O. "School" means a public school, charter school, or private school.~~

~~\_\_\_\_\_ P. "Spacer" means a holding chamber that is used to optimize the delivery of albuterol to a person's lungs.~~

~~\_\_\_\_\_ Q. "Stock supply" means an appropriate quantity of emergency medication, as recommended by the department of health.~~

~~\_\_\_\_\_ R. "Trained personnel" means a school employee, agent, or volunteer designated by the school nurse to administer epinephrine on a voluntary basis outside of the scope of employment and who has completed department approved epinephrine administration training that has been documented by the school nurse, school principal, or school leader.]~~

**A. Definitions beginning with "A":**

(1) "Adverse event form" is a department form used by school leaders and school nurses to report events with potential impact on the health of the students or the school, including administration of stock albuterol or epinephrine;

(2) "Albuterol" includes albuterol or another inhaled bronchodilator, as recommended by the department of health, for the treatment of respiratory distress;

(3) "Albuterol aerosol canister" means a portable drug delivery device packaged with multiple premeasured doses of albuterol;

(4) "Anaphylaxis" or "anaphylactic reaction" means a sudden, severe, and potentially life-threatening whole-body allergic reaction.

**B. Definitions beginning with "B": "BOP" refers to the board of pharmacy.**

**C. Definitions beginning with "C": "Class D Medication room" is specific for schools and is used only for emergency medications. The Class D Medication Room criteria is established by the board of pharmacy. The criteria includes requirements for procurement of medications, storage, tracking, and disposal of expired medications.**

**D. Definitions beginning with "D": "Department" means department of health.**

**E. Definitions beginning with "E":**

(1) "Emergency medication" means albuterol or epinephrine;

(2) "Epinephrine" includes epinephrine or another medication, as recommended by the department of health, used to treat anaphylaxis until the immediate arrival of emergency medical system responders;

(3) “Epinephrine auto-injector” means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine.

F. Definitions beginning with “F”: [RESERVED]

G. Definitions beginning with “G”: “Governing body” includes a governing body of a private school.

H. Definitions beginning with “H”: “Health care practitioner” means a person authorized by the state to prescribe emergency medication.

I. Definitions beginning with “I”: [RESERVED]

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”: [RESERVED]

M. Definitions beginning with “M”: [RESERVED]

N. Definitions beginning with “N”: [RESERVED]

O. Definitions beginning with “O”: [RESERVED]

P. Definitions beginning with “P”: “PED” means the public education department.

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”: “Respiratory distress” includes impaired oxygenation of the blood or impaired ventilation of the respiratory system.

S. Definitions beginning with “S”:

(1) “School” means a public school, charter school, or private school;

(2) “Spacer” means a holding chamber that is used to optimize the delivery of a lbuterol to a person's lungs;

(3) “Stock supply” means an appropriate quantity of emergency medication, as recommended by the department of health.

T. Definitions beginning with “T”: “Trained personnel” means a school employee, agent or volunteer who has completed epinephrine administration training documented by the school nurse, school principal or school leader and approved by the department of health and who has been designated by the school principal or school leader to administer epinephrine on a voluntary basis outside of the scope of employment.

U. Definitions beginning with “U”: [RESERVED]

V. Definitions beginning with “V”: [RESERVED]

W. Definitions beginning with “W”: [RESERVED]

X. Definitions beginning with “X”: [RESERVED]

Y. Definitions beginning with “Y”: [RESERVED]

Z. Definitions beginning with “Z”: [RESERVED]

[7.30.12.7 NMAC - N, 02/27/2015; A/E, 2/23/2026]

### **7.30.12.8 EMERGENCY MEDICATIONS:**

#### **A. Standing Orders.**

(1) A physician employed or authorized by the department, may prescribe a standing order in the name of the school or school district for a stock supply of a lbuterol aerosol canisters and spacers, or a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors for use in accordance with this rule.

(2) Each local school board or governing body may request a standing order for and may provide to schools within its jurisdiction stock supplies of a lbuterol and epinephrine. In order to request a standing order, the school board must review and acknowledge in writing the rules and recommendations developed by the department for emergency medication use. All requests for standing orders must be in writing to a department approved physician. When the standing order is issued by the department approved physician, it will be sent to the requesting school district or governing body within one week of the request. A copy of the order will be kept by the department school health advocate for his or her assigned region.

(3) A pharmacist may dispense a stock supply of a lbuterol aerosol canisters and spacers or a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors pursuant to a standing order prescribed in accordance with this section. Medications may be directly obtained from the pharmacy by a ~~[school nurse or delivered to the]~~ school in accordance with the school’s established procedure.

(4) All standing orders are renewed annually.

**B. Storage provisions:** School districts and schools that decide to maintain and administer emergency medications will establish a Class D Medication Room in each school that stocks emergency medications

in compliance with New Mexico BOP regulations. ~~[School nurses who]~~ Schools that maintain a Class D Medication Room license will be required to complete an annual medication room audit and submit it to the BOP.

(1) **Albuterol** - Each school that obtains a stock supply of albuterol aerosol canisters and spacers shall store them:

- (a) in a secure location that is unlocked and readily accessible to a school nurse to administer albuterol;
- (b) pursuant to BOP regulations, including requirements for storage, record maintenance, and medication room audits or consulting pharmacist's visits;
- (c) within the manufacturer-recommended temperature range; and
- (d) albuterol will be secured in a manner consistent with the procedure employed by the school nurse for other emergency medications; the medication cabinet, which is kept in the school nurse's office, is kept unlocked when the school nurse or school health assistant are present in the office; if the school nurse or school health assistant are not present, the school nurse's office will be locked.

(2) **Epinephrine** - Each school that obtains a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors shall store them:

- (a) in a secure location that is unlocked and readily accessible to trained personnel;
- (b) pursuant to BOP regulations including requirements for storage, record maintenance, and medication room audits or consulting pharmacist's visits;
- (c) within the manufacturer-recommended temperature range; and
- (d) epinephrine will be stored in a secure, unlocked location determined by the school nurse ~~and~~ or principal; this location should be easily accessed by trained school personnel in the event of an emergency situation; a location is considered secure for the purposes of epinephrine storage if school staff are present full-time in that location; for example, the secretary's office or the main office.

**C. Disposal:** Albuterol and epinephrine - Each local school board or governing body shall dispose of expired emergency medication pursuant to BOP regulations. Expired medications will be placed in a separate, quarantined section of the medication room and disposed of per the Class D Medication Room regulations.

- (1) The school ~~nurse~~ will be responsible for proper disposal of expired medications.
- (2) The BOP is a resource for direction in proper disposal of expired medications.
- (3) Expired medications may be disposed of either by using a consultant pharmacist or by transferring the medications to a pharmacy with an appropriate transfer log.

**D. Procurement and maintenance of emergency medications.**

(1) A local school board or a school within its jurisdiction of a governing body may accept gifts, grants, bequests, or donations from any source to carry out the provisions of this rule, including:

- (a) albuterol aerosol canisters and spacers or epinephrine auto-injectors from a manufacturer or wholesaler; or
- (b) epinephrine or albuterol, or such other medication as the department deems appropriate, from a manufacturer or wholesaler of such medication; and
- (c) this type of donation can be accepted if the medications are not expired and have been maintained properly.

(2) School districts or governing bodies may buy prescribed medications directly from pharmacies after obtaining a standing order.

(3) Schools will keep a record of any grants, gifts, bequests, or donations. The record is to be held at the school in the school office for three years and can be inspected by BOP, department personnel, and school administrative personnel upon request. The records will be kept in the school health office by the school nurse or school leader. Records may be kept electronically or in hard copy.

(4) Schools will maintain a supply of emergency medications:

- (a) the supply will be replenished as medications are used according to the procedure in 7.30.12.8 NMAC; and
- (b) medications in stock will be checked to verify that medications are not expired.

[7.30.12.8 NMAC - N, 02/27/2015 A/E, 2/23/2026]

**7.30.12.9 TRAINING:** ~~[School]~~ Schools and school districts that decide to maintain and administer emergency medications will follow the department rules and recommendations, according to the following guidelines:

**A. Use of albuterol:**

- (1) ~~[PED-licensed school]~~ School nurses will complete training on administering albuterol

reviewed and approved by the department;

(2) current school nurses will complete the training at a minimum of one time and as determined by the department; new school nurses will complete the training as part of their orientation process, and then as determined by the department; and

(3) refresher trainings on albuterol may be recommended by the department, at a minimum of every five years.

**B.** Use of epinephrine:

(1) school personnel, including non-licensed personnel, will complete training on administering epinephrine that is reviewed and approved by the department;

(2) current school nurses will complete the training one time and new school nurses will complete the training as part of their orientation process;

(3) non-licensed personnel will complete the training annually; and

(4) refresher trainings on epinephrine for [~~PED-licensed~~] school nurses may be recommended by the department, at a minimum of every five years.

**C.** Training will be documented and a training log will be kept at each school in the school health office for a minimum of five years. Training records may be maintained electronically or in hard copy. [7.30.12.9 NMAC - N, 02/27/2015 A/E, 2/23/2026]

### **7.30.12.10 ADMINISTRATION OF EMERGENCY MEDICATIONS:**

**A.** Use of albuterol:

(1) only a [~~PED-licensed~~] school nurse, who has completed the requisite training, will administer inhaled albuterol on an emergency basis;

(2) if no school nurse is available, immediately call 911;

(3) inhaled stock albuterol will be given for treatment of respiratory distress only when the student is experiencing respiratory distress, per criteria that will be covered in training, and does not have medication available; albuterol may be administered to students who have not previously been diagnosed with conditions leading to respiratory distress and students who have a history of respiratory disease but do not have medication at school;

(4) when stock albuterol is used, 911 will be called immediately to activate the emergency response system;

(5) after administration of albuterol, the student's condition will be continuously monitored, and any additional treatment indicated will be given until an emergency medical system responder arrives;

(6) as soon as practicable, the parent, guardian, or legal custodian of the student having respiratory distress will be notified by phone or in accordance with contact information on file at the school;

(7) a log will be kept of when albuterol is used and the outcome of the student; these logs will be kept in the school health office at least five years; logs will be available for review upon request, per applicable federal and state privacy laws; logs will be maintained by the school nurse; logs may be either electronic or hard copy; and

(8) an adverse events form will be completed when albuterol is administered on an emergency basis; the form will be submitted within three working days to the regional school health advocate or the regional health officer; adverse events forms will be maintained by the department for a minimum of five years.

**B.** Use of epinephrine:

(1) school personnel, including non-licensed personnel, who have completed the requisite training, may administer epinephrine on an emergency basis;

(2) epinephrine will be given for treatment of severe anaphylactic reactions only when the student is experiencing signs of anaphylaxis, per criteria that will be covered in training, and does not have medication available; this includes students who have not previously been diagnosed with conditions leading to anaphylaxis and students who have a history of anaphylaxis and who do not have medication at school;

(3) each school that receives a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors shall:

(a) develop and implement a plan to have one or more trained personnel on the school premises during operating hours, which includes class time and after school activities; and

(b) follow an anaphylactic reaction prevention protocol, as recommended by the department, to minimize an allergic student's exposure to food allergies.

(4) when stock epinephrine is used, 911 will be called immediately to activate the emergency response system;

(5) after administration of epinephrine, the student's condition will be continuously monitored and any additional treatment indicated will be given until an emergency medical system responder arrives;

(6) as soon as practicable, the parent, guardian, or legal custodian of the student will be notified by phone or in accordance with contact information on file at the school;

(7) a log will be kept of when epinephrine is used and the outcome of the student; these logs will be kept in the school health office at least five years; logs will be available for review upon request, per applicable federal and state privacy laws; logs will be maintained by the school nurse or school leader; logs may be either electronic or hard copy;

(8) an adverse events form will be completed when epinephrine is administered on an emergency basis; the form will be submitted within three working days to the regional school health advocate or the regional health officer; adverse events form will be maintained by the department for a minimum of five years. [7.30.12.10 NMAC - N, 02/27/2015 A/E, 2/23/2026]

### **7.30.12.11 PREVENTION**

**A.** A vital part of the emergency medication in schools programs is preventing respiratory distress and severe allergic reactions.

**B.** Recommendations will be developed by the department for school districts to use in the development of policies and procedures addressing both the use of the medications and prevention of respiratory distress and severe allergic reactions. The recommendations document will be issued upon request to interested school districts and governing bodies. The document will be available online through the office of school and adolescent health's website at <http://nmhealth.org/about/phd/hsb/osah/>.

**C.** The following resources are available for ~~[school districts]~~ schools to use in developing prevention strategies, and can be obtained from the office of school and adolescent health's website at ~~[<http://nmhealth.org/about/phd/hsb/osah/>]~~ <http://www.nmhealth.org/about/phd/pchb/osah/> or by contacting the office at 300 San Mateo Blvd. NE, Suite 902, Albuquerque, NM 87108:

- (1) the environmental protection agency's "indoor air quality: tools for schools;"
- (2) the centers for disease control and prevention's "voluntary guidelines for managing food allergies in schools and early care and education programs;" or
- (3) the centers for disease control and prevention's toolkit "initiating change: creating an asthma-friendly school."

**D.** Other resources are available through the department's asthma control program as well as the office of school and adolescent health.

[7.30.12.11 NMAC - N, 02/27/2015 A/E, 2/23/2026]

**TITLE 7           HEALTH**  
**CHAPTER 30   FAMILY AND CHILDREN HEALTH CARE SERVICES**  
**PART 12       EMERGENCY MEDICATIONS IN SCHOOLS**

**7.30.12.1       ISSUING AGENCY:** New Mexico Department of Health.  
 [7.30.12.1 NMAC - N, 02/27/2015]

**7.30.12.2       SCOPE:** This rule applies to public, private, or charter schools in New Mexico unless otherwise expressly limited.  
 [7.30.12.2 NMAC - N, 02/27/2015]

**7.30.12.3       STATUTORY AUTHORITY:** These rules are promulgated pursuant to the following statutory authorities: (1) the Department of Health Act, Section 9-7-6(E) 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;" (2) the Public Health Act, Section 24-1-3(G) and (O) NMSA 1978 and Section 24-31-1 NMSA 1978, which authorize the department to prescribe the duties of school nurses to maintain and enforce rules to carry out the provisions of the Public Health Act; and to promulgate rules pursuant to the Emergency Medication in Schools Act; and (3) the Emergency Medication in Schools Act, Sections 22-33-1 through 22-33-4 NMSA 1978, which authorizes the department to adopt regulations to carry out the provisions of the Emergency Medication in Schools Act.  
 [7.30.12.3 NMAC - N, 02/27/2015]

**7.30.12.4       DURATION:** Permanent.  
 [7.30.12.4 NMAC - N, 02/27/2015]

**7.30.12.5       EFFECTIVE DATE:** February 27, 2015, unless a later date is cited at the end of a section.  
 [7.30.12.5 NMAC - N, 02/27/2015]

**7.30.12.6       OBJECTIVE:** The purpose of this rule is to allow access to emergency medications in the school setting for the treatment of respiratory distress with albuterol and the treatment of anaphylactic reactions with epinephrine. Stock emergency medications are intended for students who have not previously been diagnosed with conditions leading to respiratory distress or anaphylaxis or who have a history of these conditions and do not have medications on their person or stored at school.  
 [7.30.12.6 NMAC - N, 02/27/2015]

**7.30.12.7       DEFINITIONS:**

**A.       Definitions beginning with "A":**

(1)       **"Adverse event form"** is a department form used by school leaders and school nurses to report events with potential impact on the health of the students or the school, including administration of stock albuterol or epinephrine;

(2)       **"Albuterol"** includes albuterol or another inhaled bronchodilator, as recommended by the department of health, for the treatment of respiratory distress;

(3)       **"Albuterol aerosol canister"** means a portable drug delivery device packaged with multiple premeasured doses of albuterol;

(4)       **"Anaphylaxis" or "anaphylactic reaction"** means a sudden, severe, and potentially life-threatening whole-body allergic reaction.

**B.       Definitions beginning with "B":** "BOP" refers to the board of pharmacy.

**C.       Definitions beginning with "C":** "Class D Medication room" is specific for schools and is used only for emergency medications. The Class D Medication Room criteria is established by the board of pharmacy. The criteria includes requirements for procurement of medications, storage, tracking, and disposal of expired medications.

**D.       Definitions beginning with "D":** "Department" means department of health.

**E.       Definitions beginning with "E":**

(1)       **"Emergency medication"** means albuterol or epinephrine;

(2)       **"Epinephrine"** includes epinephrine or another medication, as recommended by the department of health, used to treat anaphylaxis until the immediate arrival of emergency medical system responders;

- (3) **“Epinephrine auto-injector”** means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine.
- F. Definitions beginning with “F”:** [RESERVED]
- G. Definitions beginning with “G”:** **“Governing body”** includes a governing body of a private school.
- H. Definitions beginning with “H”:** **“Health care practitioner”** means a person authorized by the state to prescribe emergency medication.
- I. Definitions beginning with “I”:** [RESERVED]
- J. Definitions beginning with “J”:** [RESERVED]
- K. Definitions beginning with “K”:** [RESERVED]
- L. Definitions beginning with “L”:** [RESERVED]
- M. Definitions beginning with “M”:** [RESERVED]
- N. Definitions beginning with “N”:** [RESERVED]
- O. Definitions beginning with “O”:** [RESERVED]
- P. Definitions beginning with “P”:** **“PED”** means the public education department.
- Q. Definitions beginning with “Q”:** [RESERVED]
- R. Definitions beginning with “R”:** **“Respiratory distress”** includes impaired oxygenation of the blood or impaired ventilation of the respiratory system.
- S. Definitions beginning with “S”:**
- (1) **“School”** means a public school, charter school, or private school;
- (2) **“Spacer”** means a holding chamber that is used to optimize the delivery of albuterol to a person's lungs;
- (3) **“Stock supply”** means an appropriate quantity of emergency medication, as recommended by the department of health.
- T. Definitions beginning with “T”:** **“Trained personnel”** means a school employee, agent or volunteer who has completed epinephrine administration training documented by the school nurse, school principal or school leader and approved by the department of health and who has been designated by the school principal or school leader to administer epinephrine on a voluntary basis outside of the scope of employment.
- U. Definitions beginning with “U”:** [RESERVED]
- V. Definitions beginning with “V”:** [RESERVED]
- W. Definitions beginning with “W”:** [RESERVED]
- X. Definitions beginning with “X”:** [RESERVED]
- Y. Definitions beginning with “Y”:** [RESERVED]
- Z. Definitions beginning with “Z”:** [RESERVED]

[7.30.12.7 NMAC - N, 02/27/2015; A/E, 2/23/2026]

### **7.30.12.8 EMERGENCY MEDICATIONS:**

#### **A. Standing Orders.**

(1) A physician employed or authorized by the department, may prescribe a standing order in the name of the school or school district for a stock supply of albuterol aerosol canisters and spacers, or a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors for use in accordance with this rule.

(2) Each local school board or governing body may request a standing order for and may provide to schools within its jurisdiction stock supplies of albuterol and epinephrine. In order to request a standing order, the school board must review and acknowledge in writing the rules and recommendations developed by the department for emergency medication use. All requests for standing orders must be in writing to a department approved physician. When the standing order is issued by the department approved physician, it will be sent to the requesting school district or governing body within one week of the request. A copy of the order will be kept by the department school health advocate for his or her assigned region.

(3) A pharmacist may dispense a stock supply of albuterol aerosol canisters and spacers or a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors pursuant to a standing order prescribed in accordance with this section. Medications may be directly obtained from the pharmacy by a school in accordance with the school's established procedure.

(4) All standing orders are renewed annually.

**B. Storage provisions:** School districts and schools that decide to maintain and administer emergency medications will establish a Class D Medication Room in each school that stocks emergency medications

in compliance with New Mexico BOP regulations. Schools that maintain a Class D Medication Room license will be required to complete an annual medication room audit and submit it to the BOP.

(1) **Albuterol** - Each school that obtains a stock supply of albuterol aerosol canisters and spacers shall store them:

- (a) in a secure location that is unlocked and readily accessible to a school nurse to administer albuterol;
- (b) pursuant to BOP regulations, including requirements for storage, record maintenance, and medication room audits or consulting pharmacist's visits;
- (c) within the manufacturer-recommended temperature range; and
- (d) albuterol will be secured in a manner consistent with the procedure employed by the school nurse for other emergency medications; the medication cabinet, which is kept in the school nurse's office, is kept unlocked when the school nurse or school health assistant are present in the office; if the school nurse or school health assistant are not present, the school nurse's office will be locked.

(2) **Epinephrine** - Each school that obtains a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors shall store them:

- (a) in a secure location that is unlocked and readily accessible to trained personnel;
- (b) pursuant to BOP regulations including requirements for storage, record maintenance, and medication room audits or consulting pharmacist's visits;
- (c) within the manufacturer-recommended temperature range; and
- (d) epinephrine will be stored in a secure, unlocked location determined by the school nurse or principal; this location should be easily accessed by trained school personnel in the event of an emergency situation; a location is considered secure for the purposes of epinephrine storage if school staff are present full-time in that location; for example, the secretary's office or the main office.

**C. Disposal:** Albuterol and epinephrine - Each local school board or governing body shall dispose of expired emergency medication pursuant to BOP regulations. Expired medications will be placed in a separate, quarantined section of the medication room and disposed of per the Class D Medication Room regulations.

- (1) The school will be responsible for proper disposal of expired medications.
- (2) The BOP is a resource for direction in proper disposal of expired medications.
- (3) Expired medications may be disposed of either by using a consultant pharmacist or by transferring the medications to a pharmacy with an appropriate transfer log.

**D. Procurement and maintenance of emergency medications.**

(1) A local school board or a school within its jurisdiction of a governing body may accept gifts, grants, bequests, or donations from any source to carry out the provisions of this rule, including:

- (a) albuterol aerosol canisters and spacers or epinephrine auto-injectors from a manufacturer or wholesaler; or
- (b) epinephrine or albuterol, or such other medication as the department deems appropriate, from a manufacturer or wholesaler of such medication; and
- (c) this type of donation can be accepted if the medications are not expired and have been maintained properly.

(2) School districts or governing bodies may buy prescribed medications directly from pharmacies after obtaining a standing order.

(3) Schools will keep a record of any grants, gifts, bequests, or donations. The record is to be held at the school in the school office for three years and can be inspected by BOP, department personnel, and school administrative personnel upon request. The records will be kept in the school health office by the school nurse or school leader. Records may be kept electronically or in hard copy.

(4) Schools will maintain a supply of emergency medications:

- (a) the supply will be replenished as medications are used according to the procedure in 7.30.12.8 NMAC; and
- (b) medications in stock will be checked to verify that medications are not expired.

[7.30.12.8 NMAC - N, 02/27/2015 A/E, 2/23/2026]

**7.30.12.9 TRAINING:** Schools and school districts that decide to maintain and administer emergency medications will follow the department rules and recommendations, according to the following guidelines:

**A. Use of albuterol:**

(1) School nurses will complete training on administering albuterol reviewed and approved by the department;

(2) current school nurses will complete the training at a minimum of one time and as determined by the department; new school nurses will complete the training as part of their orientation process, and then as determined by the department; and

(3) refresher trainings on albuterol may be recommended by the department, at a minimum of every five years.

**B. Use of epinephrine:**

(1) school personnel, including non-licensed personnel, will complete training on administering epinephrine that is reviewed and approved by the department;

(2) current school nurses will complete the training one time and new school nurses will complete the training as part of their orientation process;

(3) non-licensed personnel will complete the training annually; and

(4) refresher trainings on epinephrine for school nurses may be recommended by the department, at a minimum of every five years.

**C.** Training will be documented and a training log will be kept at each school in the school health office for a minimum of five years. Training records may be maintained electronically or in hard copy. [7.30.12.9 NMAC - N, 02/27/2015 A/E, 2/23/2026]

**7.30.12.10 ADMINISTRATION OF EMERGENCY MEDICATIONS:**

**A. Use of albuterol:**

(1) only a school nurse, who has completed the requisite training, will administer inhaled albuterol on an emergency basis;

(2) if no school nurse is available, immediately call 911;

(3) inhaled stock albuterol will be given for treatment of respiratory distress only when the student is experiencing respiratory distress, per criteria that will be covered in training, and does not have medication available; albuterol may be administered to students who have not previously been diagnosed with conditions leading to respiratory distress and students who have a history of respiratory disease but do not have medication at school;

(4) when stock albuterol is used, 911 will be called immediately to activate the emergency response system;

(5) after administration of albuterol, the student's condition will be continuously monitored, and any additional treatment indicated will be given until an emergency medical system responder arrives;

(6) as soon as practicable, the parent, guardian, or legal custodian of the student having respiratory distress will be notified by phone or in accordance with contact information on file at the school;

(7) a log will be kept of when albuterol is used and the outcome of the student; these logs will be kept in the school health office at least five years; logs will be available for review upon request, per applicable federal and state privacy laws; logs will be maintained by the school nurse; logs may be either electronic or hard copy; and

(8) an adverse events form will be completed when albuterol is administered on an emergency basis; the form will be submitted within three working days to the regional school health advocate or the regional health officer; adverse events forms will be maintained by the department for a minimum of five years.

**B. Use of epinephrine:**

(1) school personnel, including non-licensed personnel, who have completed the requisite training, may administer epinephrine on an emergency basis;

(2) epinephrine will be given for treatment of severe anaphylactic reactions only when the student is experiencing signs of anaphylaxis, per criteria that will be covered in training, and does not have medication available; this includes students who have not previously been diagnosed with conditions leading to anaphylaxis and students who have a history of anaphylaxis and who do not have medication at school;

(3) each school that receives a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors shall:

(a) develop and implement a plan to have one or more trained personnel on the school premises during operating hours, which includes class time and after school activities; and

(b) follow an anaphylactic reaction prevention protocol, as recommended by the department, to minimize an allergic student's exposure to food allergies.

(4) when stock epinephrine is used, 911 will be called immediately to activate the emergency response system;

(5) after administration of epinephrine, the student's condition will be continuously monitored and any additional treatment indicated will be given until an emergency medical system responder arrives;

(6) as soon as practicable, the parent, guardian, or legal custodian of the student will be notified by phone or in accordance with contact information on file at the school;

(7) a log will be kept of when epinephrine is used and the outcome of the student; these logs will be kept in the school health office at least five years; logs will be available for review upon request, per applicable federal and state privacy laws; logs will be maintained by the school nurse or school leader; logs may be either electronic or hard copy;

(8) an adverse events form will be completed when epinephrine is administered on an emergency basis; the form will be submitted within three working days to the regional school health advocate or the regional health officer; adverse events form will be maintained by the department for a minimum of five years. [7.30.12.10 NMAC - N, 02/27/2015 A/E, 2/23/2026]

### **7.30.12.11 PREVENTION**

**A.** A vital part of the emergency medication in schools programs is preventing respiratory distress and severe allergic reactions.

**B.** Recommendations will be developed by the department for school districts to use in the development of policies and procedures addressing both the use of the medications and prevention of respiratory distress and severe allergic reactions. The recommendations document will be issued upon request to interested school districts and governing bodies. The document will be available online through the office of school and adolescent health's website at <http://nmhealth.org/about/phd/hsb/osah/>.

**C.** The following resources are available for schools to use in developing prevention strategies, and can be obtained from the office of school and adolescent health's website at <http://www.nmhealth.org/about/phd/pchb/osah/> or by contacting the office at 300 San Mateo Blvd. NE, Suite 902, Albuquerque, NM 87108:

(1) the environmental protection agency's "indoor air quality: tools for schools;"

(2) the centers for disease control and prevention's "voluntary guidelines for managing food allergies in schools and early care and education programs;" or

(3) the centers for disease control and prevention's toolkit "**initiating change: creating an asthma-friendly school.**"

**D.** Other resources are available through the department's asthma control program as well as the office of school and adolescent health.

[7.30.12.11 NMAC - N, 02/27/2015 A/E, 2/23/2026]

**HISTORY OF 7.30.12 NMAC: [RESERVED]**



Michelle Lujan Grisham  
Governor

Gina DeBlassie  
Cabinet Secretary

New Mexico Department of Health

February 20, 2026

EXHIBIT 3

State Records and Archives  
Attn: Pamela Lujan y Vigil  
Rules Management Analyst  
Administrative Law Division  
Commission of Public Records  
1205 Camino Carlos Rey  
Santa Fe, NM 87505

**Regarding Emergency Rule Amendments to 7.30.12 NMAC (“Emergency Medications In Schools”), Sections 7, 8, 9, 10, and 11**

Dear Ms. Lujan y Vigil:

The New Mexico Department of Health is filing amendments to 7.30.12 NMAC, Sections 7, 8, 9, 10, and 11 via emergency rulemaking. This emergency rulemaking is adopted to revise sections of the Emergency Medications in Schools rule, primarily to relax some of the restrictions in the rule regarding administration of epinephrine.

Epinephrine (also known as adrenaline) is a medication that is used as a first-line, life-saving treatment for a severe allergic reaction (anaphylaxis). Epinephrine acts to increase heart rate, improve blood pressure, and open airways. Anaphylaxis is a severe, rapid, and potentially fatal allergic reaction that affects the whole body, and usually occurs within minutes of exposure to a trigger, such as food or medication. Anaphylaxis can cause death within minutes without immediate epinephrine treatment, due to airway obstruction or a sudden drop in blood pressure.

The existing rule authorizes “trained personnel” to administer epinephrine in the schools. The rule defines “trained personnel” to mean:

a school employee, agent, or volunteer designated by the school nurse to administer epinephrine on a voluntary basis outside of the scope of employment and who has completed department approved epinephrine administration training that has been documented by the school nurse, school principal, or school leader.

7.30.12.7(R) NMAC (emphasis added). This definition is inconsistent with the definition of “trained personnel” in the Emergency Medications in Schools Act, which defines “trained personnel” to mean:

a school employee, agent or volunteer who has completed epinephrine administration training documented by the school nurse, school principal or school leader and approved by the department of health and who has been designated by the school principal or school leader to administer epinephrine on a voluntary basis outside of the scope of employment.

Section 22-33-2, NMSA 1978.

Thus, under the rule definition, only personnel designated by a school nurse can administer epinephrine; but under the statutory definition, those personnel are designated by a “school principal or school leader”. The school nurse requirement in 7.30.12.7(R) NMAC presents a significant threat to public health and safety, insofar as many schools in New Mexico do not have school nurses. By requiring that all people who administer epinephrine in schools be designated to do so by a school nurse, the rule definition effectively prohibits schools that do not have a nurse from administering epinephrine. Those schools that do not have a school nurse would have to rely on emergency medical services to respond to an anaphylactic event; but, as noted, anaphylaxis can result in death in just a few minutes.

The conflict between the statutory and regulatory definitions of “trained personnel” also presents a legal dilemma, insofar as the State Rules Act at Section 14-4-5.7(B), NMSA 1978 (which was revised approximately two years after the 2015 adoption of 7.30.12 NMAC) effectively prohibits words and phrases from being defined differently in rule than they are in statute. *Id.* (stating, “A word or phrase that is defined in an applicable statute should not be defined in rule. A conflict between a definition that appears in a rule and in an applicable statute is resolved in favor of the statute.”).

The emergency amendment to 7.30.12.7 NMAC resolves this issue, by replacing the rule definition of “trained personnel” with the statutory definition of that phrase.

The emergency amendments also revise 7.30.12.8 NMAC to specify that “schools” can decide to maintain and administer emergency medications, consistent with statute. *See, e.g.*, Section 22-33-4, NMSA 1978 (stating that “[e]ach local school board or governing body” may provide a stock supply of albuterol or epinephrine). This section is also revised to replace a reference to “school nurses” with “schools” generally, in recognition of the fact that the schools themselves maintain Class D Medication Room licenses. *See* 16.19.10.11 NMAC (authorizing “any school-based facility” to register for a Class D drug permit to stock emergency drugs). Later in this section, a passage is revised to authorize a “school leader” to keep records of grants, gifts, bequests, or donations, in recognition of the fact that not all schools have school nurses, and a school leader is able to accept these on behalf of the school.

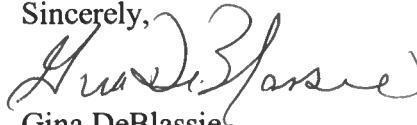
Section 7.30.12.9 NMAC is revised to specify that both schools and school districts can decide to maintain and administer emergency medications, consistent with the statute. *Id.* This section is also revised to replace two references to “PED licensed school nurses” with “school nurses” generally, in recognition of the fact that school nurses at private schools are not required to be licensed by the Public Education Department. *See* Section 22-10A-17, NMSA 1978 (requiring that “instructional support providers”, including school nurses, “obtain appropriate licensure” from the Public Education Department); Section 22-10A-2, NMSA 1978 (defining “instructional support provider” to mean “a person who is employed to support the instructional program of a *public school*”) (emphasis added).

Section 7.30.12.10 NMAC is amended to again replace references to “PED licensed school nurse” with “school nurse”. This section is also revised to specify that a school leader may, in addition to a school nurse, maintain logs of epinephrine usage and outcomes. Here again, this revision is made in consideration of the fact that not all schools have school nurses.

Finally, Section 7.30.12.11 NMAC is revised to specify that “schools” generally (rather than “school districts”) may access resources from the website for the NMDOH Office of School and Adolescent Health (OSAH). This section also updates the web address for OSAH.

In accordance with the State Rules Act at Section 14-4-5.6, NMSA 1978, the Department of Health amends 7.30.12 NMAC, Sections 7, 8, 9, 10, and 11, via emergency rulemaking. The Department finds that the time required to complete the procedures of the State Rules Act would cause an imminent peril to the public health, safety, and welfare, insofar as the time required to complete this rulemaking through ordinary processes would cause delay in the ability of schools to stock and administer epinephrine, a life-saving medication. These emergency amendments are temporary, and will expire in 180 days pursuant to Section 14-4-5.6(E), NMSA 1978, unless a permanent rule is adopted under the normal rulemaking process in that period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gina DeBlasie".

Gina DeBlasie  
Cabinet Secretary

## 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 rule 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](mailto: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.

# Affidavit of Publication

STATE OF NEW MEXICO }  
COUNTY OF BERNALILLO } SS

Ad Cost: \$273.66  
Ad Number: 373940  
Account Number: 1060434  
Classification: GOVERNMENT LEGALS

I, Michele Aster, the undersigned, Legal Representative of the Albuquerque Journal, on oath, state that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, chapter 167, Session Laws of 1937, and payment of fees has been made of assessed and a copy of which is hereto attached, was published in said publication in the daily edition, 1 time on the following date:

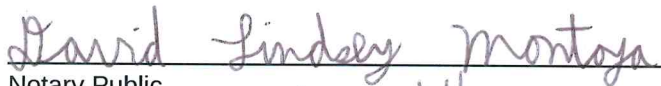
March 24, 2026

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

  
\_\_\_\_\_  
Legal Representative

Subscribed to and sworn to me this 24<sup>th</sup> day of March 2026.

  
\_\_\_\_\_  
Notary Public

County Bernalillo

ID#: 1140229  
My commission expires: 04-26-2027

STATE OF NEW MEXICO  
NOTARY PUBLIC  
DAVID LINDSEY MONTOYA  
COMMISSION NUMBER 1140229  
EXPIRATION DATE 04-26-2027

NM DEPT OF HEALTH  
OFFICE OF GENERAL COUNSEL  
PO BOX 26110, SUITE N-4095  
SANTA FE, NM 87502

## NOTICE OF PUBLIC HEARING

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

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Journal: March 24, 2026.



**INVOICE**

**NM Commission of Public  
Records**  
1205 Camino Carlos Rey  
Santa Fe, NM 87507

darlene.martinez@srca.nm.gov  
+1 (505) 476-7912  
www.nmcpr.state.nm.us

**Bill to**  
Department of Health - General Counsel  
Office  
P.O. Box 26110  
Santa Fe, NM 87502-6110

**Ship to**  
Department of Health - General Counsel  
Office  
P.O. Box 26110  
Santa Fe, NM 87502-6110

**Invoice details**

Invoice no.: SRCA 8734  
Terms: Due on receipt  
Invoice date: 03/26/2026  
Due date: 03/26/2026

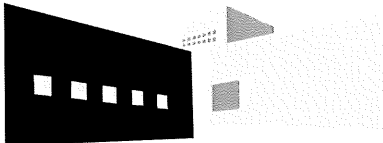
Volume: XXXVII  
Issue: 6  
P.O. number: 66500-0000205339

| #  | Product or service          | Description   | Qty | Rate   | Amount   |
|----|-----------------------------|---|-----|--------|----------|
| 1. | <b>NM Register - 431902</b> | Notice Of Public Hearing (7.4.3 NMAC),<br>hearing date: 4/30/2026   | 26  | \$3.00 | \$78.00  |
| 2. | <b>NM Register - 431902</b> | Notice Of Public Hearing (7.30.12 NMAC),<br>hearing date: 5/15/2026 | 30  | \$3.00 | \$90.00  |
| 3. | <b>NM Register - 431902</b> | Notice Of Public Hearing (7.35.2 NMAC),<br>hearing date: 4/24/2026  | 37  | \$3.00 | \$111.00 |

**Total** **\$279.00**

**Note to customer**

Thank you for your business!

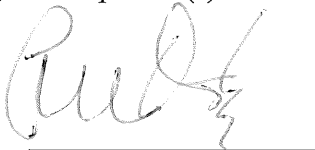


**NEW MEXICO**  
**State Records Center and Archives**  
COMMISSION OF PUBLIC RECORDS  
Your Access to Public Information

**Affidavit of Publication in New Mexico Register**

I, Matthew Ortiz, certify that the agency noted on Invoice # SRCA - 8734 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXVI, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # SRCA - 8734, and that Invoice # SRCA - 8734 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.


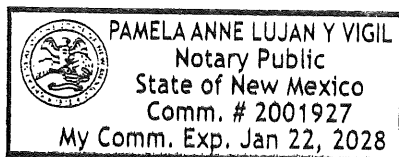
Affiant:

  
Matthew Ortiz

Subscribed, sworn and acknowledged before me this 27<sup>th</sup> day of March 2026.

Notary Public:

My Commission Expires:

  
1/22/2028

1205 Camino Carlos Rey | Santa Fe, NM 87507 | [www.srca.nm.gov](http://www.srca.nm.gov)

Hon. Raúl Torrez  
*Attorney General*

Hon. Joseph Maestas  
*State Auditor*

Hon. Maggie Toulouse Oliver  
*Secretary of State*

Debra Garcia y Griego  
*Secretary, Department of Cultural Affairs*

Robert E. Doucette Jr.  
*Secretary, General Services Department*

Stephanie Wilson  
*State Law Librarian, Supreme Court Law Library*



Michelle Lujan Grisham  
Governor

Gina DeBlassie  
Cabinet Secretary

New Mexico Department of Health

EXHIBIT 7

**Via Electronic Mail**

March 5, 2026

Jared D. Najjar, Esq.  
Virtue & Najjar, PC  
2204 Brothers Rd.  
Santa Fe, NM 87505  
E-mail: jnajjar@virtuelaw.com

**Re: Appointment Letter, Public Rulemaking Hearing on Amendments to Sections of 7.12.30 NMAC, Emergency Medications in Schools**


Dear Mr. Najjar:


Pursuant to NMSA 1978, § 9-7-6(E), I hereby appoint you to serve as the hearing officer to preside at the Department of Health's public hearing May 15<sup>th</sup>, 2026, and to submit a written recommendation concerning the proposed amendments. This rulemaking hearing is scheduled for 9:00 a.m. and will be conducted via the Microsoft Teams web conference platform and via telephone, per the attached Notice of Public Hearing.

The hearing will be conducted to receive public comment regarding amendments to various sections of rule 7.12.30 NMAC, "Emergency Medications in Schools". An exhibit binder will be provided to you prior to the date of the hearing.

Thank you for accepting this appointment.

Sincerely,

  
Gina DeBlassie  
NMDOH Cabinet Secretary

  
Date

cc: Christopher D. Woodward, Deputy General Counsel

**Affidavit of Notice to the Public**

I, Jacob Clark, the undersigned, on oath, swear and affirm that the Notice of the Public Hearing for the emergency amendment of sections of rule 7.30.12 (Emergency Medications in Schools), was provided to the public as identified below:

1. On March 24<sup>th</sup>, 2026, I verified that the Notice of Public Hearing was electronically posted on the New Mexico Department of Health agency website at <https://www.nmhealth.org/about/asd/cmo/rules/>, in accordance with the State Rules Act at NMSA 1978, § 14-4-5.2.
2. On March 24<sup>th</sup>, 2026, I verified that the Notice of Public Hearing was posted on the New Mexico Sunshine Portal website, in accordance with the State Rules Act at NMSA 1978, § 14-4-5.2.
3. On March 24<sup>th</sup>, 2026, I emailed the Notice of Public Hearing to persons who have made a written request for notice from the agency of announcements addressing the subject of rulemakings and who have provided the agency an electronic mail address, in accordance with the State Rules Act at NMSA 1978, § 14-4-5.2. The list of persons who requested notice includes the following persons:

|                  |                           |
|------------------|---------------------------|
| Tim Gardner      | tgardner@drnm.org         |
| Lucy Galaviz     | lgalaviz@drnm.org         |
| Rachel S. Gudgel | rachel.gudgel@nmlegis.gov |


4. No persons have provided a postal address to request written notice by postal mail.
5. On March 24<sup>th</sup>, 2026, I emailed the Notice of Public hearing to the New Mexico Legislative Council Service, at lcs@nmlegis.gov, in accordance with the State Rules Act at NMSA 1978, § 14-4-5.2.
6. On March 24<sup>th</sup>, 2026, I emailed the Notice of Public Hearing to Kim Sewell of the New Mexico Small Business Regulatory Advisory Commission, the identified contact person for the receipt of proposed rule changes, at Kim.Sewell@edd.nm.gov, pursuant to the Small Business Regulatory Relief Act at NMSA 1978, § 14-4A-4.
7. On March 24<sup>th</sup>, 2026, I ensured that the Notice of Public Hearing was posted publicly on the exterior doors at the Harold Runnels Building, Department of Health, 1190 S. St. Francis Drive, Santa Fe, NM 87505.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Jacob Clark, Affiant

STATE OF NEW MEXICO }  
COUNTY OF SANTA FE }

SWORN TO and SUBSCRIBED before me on the 25 day of March, 2026 by Jacob Clark.

  
\_\_\_\_\_  
Notarial Officer

My Commission Expires:

NA Bar #14653



State of New Mexico  
Notarial Officer  
Amanda H. Frazier  
State Bar #14653