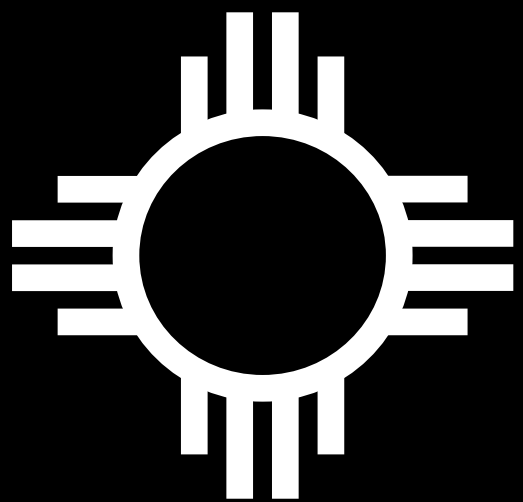


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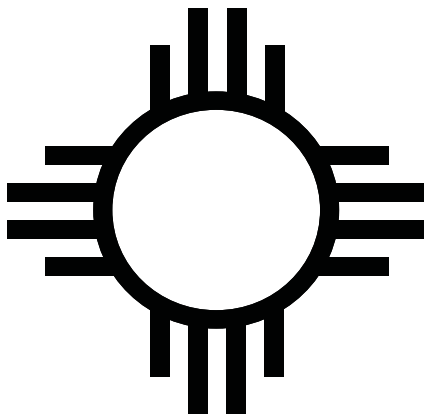


Volume XXII  
Issue Number 21  
November 15, 2011



# **New Mexico Register**

**Volume XXII, Issue Number 21**  
**November 15, 2011**



The official publication for all notices of rulemaking and filings of adopted, proposed and emergency rules in New Mexico

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2011

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# New Mexico Register

Volume XXII, Number 21

November 15, 2011

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## Adopted Rules

### Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. "No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico register as provided by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register." Section 14-4-5 NMSA 1978.

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## Notices of Rulemaking and Proposed Rules

### NEW MEXICO DEPARTMENT OF AGRICULTURE

#### Notice of Hearing

New Mexico Department of Agriculture (NMDA) will hold a public hearing to address the repeal of organic labeling rules and proposal of a new general rule.

The rules to be repealed are:

\* Organic Agriculture Generally, 21.15.1 NMAC

\* Organic Methods of Control, 21.17.58 NMAC

\* Seed and Fertilizer Organic Production Methods and Materials, 21.18.5 NMAC

\* Organic Labeling and Marketing, Processing/Handling Operations, Application Process and Inspections, 21.25.6 NMAC

\* Organic Honey, Propolis, and Beeswax Production, 21.27.3 NMAC

\* Animal Organic Production Methods and Materials, 21.30.1 NMAC

\* Dairy and Eggs Organic Production Methods and Materials, 21.34.16 NMAC

The proposed new rule incorporates by reference the United States Department of Agriculture's National Organic Program Standards. The standards describe the specific requirements that must be verified by NMDA as an accredited certifying agent. Also, it describes the application, fee, and assessment procedures.

The statutory authority for this proposed rule changes include Organic Production Act [76-21A-1 through 76-21A-5 NMSA 1978].

The draft of the proposed new rule can be viewed on NMDA's website at: <http://www.nmda.nmsu.edu/quick-reference/Notice%20of%20Hearing.html>. Copies of the proposed rule can be obtained by contacting NMDA at the phone number or e-mail listed below.

The hearing will be held in Albuquerque at the **NMSU Albuquerque Center, 4501 Indian School Road, NE**, beginning at 1:00 p.m. on December 12, 2011.

Written statements in support or opposition,

signed by the submitting person, will be accepted and added to the record if received prior to 5:00 p.m. on December 12, 2011. Written statements, inquiries, or requests for copies of the rule should be directed to: Amanda Romero, New Mexico Department of Agriculture, P.O. Box 30005, MSC 3189, Las Cruces, New Mexico 88003-8005 or at (575) 646-3007, [aromero@nmda.nmsu.edu](mailto:aromero@nmda.nmsu.edu).

### NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT

#### NOTICE OF PUBLIC HEARING 8.15.2 NMAC

The Children, Youth and Families Department (CYFD), Early Childhood Services (ECS), will hold a formal public hearing on Thursday, December 15, at 11:00 a.m. in Room 565 on the 5<sup>th</sup> floor of the PERA Building located at 1120 Paseo de Peralta, Santa Fe, New Mexico, to receive public comments regarding changes to regulations 8.15.2 NMAC Requirements for Child Care Assistance Programs for Clients and Child Care Providers.

The proposed regulation changes may be obtained at [www.newmexicokids.org](http://www.newmexicokids.org) or by calling 505-827-7499 or 1-800-832-1321. Interested persons may testify at the hearing or submit written comments no later than 5:00 p.m. on December 15, 2011. Written comments will be provided the same consideration as oral testimony given at the hearing. Written comments should be addressed to: Mohammed Hussien, Child Care Services Bureau, Children, Youth and Families Department, P.O. Drawer 5160, Santa Fe, New Mexico 87502-5160, Fax Number: 505-827-9978. For questions regarding the proposed regulation changes, please call 505-827-7499 or 1-800-832-1321.

If you are a person with a disability and you require this information in an alternative format or require special accommodations to participate in the public hearing, please call 505-827-7499. ECS requests at least 10 days advance notice to provide requested alternative formats and special accommodations.

#### NOTICIA DE AUDICION PÚBLICA 8.15.2 NMAC

El Departamento de Children, Youth and Families, Servicios de Niñez Temprana, tendrá una audición formal para el público el día 15 de diciembre 2011, a las 11:00 de

la mañana en el Cuarto 565 en el quinto piso del Edificio de PERA localizado en 1120 Paseo de Peralta, Santa Fe, New Mexico, para recibir comentarios públicos con respecto a cambios propuestos a las regulaciones NMAC 8.15.2, Los Requisitos para Programas de Ayuda de Guardería para Clientes y Proveedores.

Los cambios propuestos de la regulación pueden ser obtenidos en [www.newmexicokids.org](http://www.newmexicokids.org) o por llamar al 800-832-1321. Las personas interesadas pueden testificar en la audición o someter comentarios escritos hasta las 5:00 de la tarde el día 15 de diciembre de 2011. Los comentarios escritos serán proporcionados la misma consideración como testimonio oral en la audición. Los comentarios escritos deben ser dirigidos a: Mohammed Hussien, Child Care Services Bureau, Children, Youth and Families Department, P.O. Drawer 5160, Santa Fe, New Mexico 87502-5160, Fax #: 505-827-9978. Preguntas con respecto a los cambios propuestos de regulación, llamar por favor al 505-827-7499 o 1-800-832-1321.

Si es una persona con una incapacidad y usted requiere esta información en un formato alternativo o requiere alojamientos especiales a tomar parte en la audición pública, comunicase por favor con Early Childhood Services at 800-832-1321. CYFD requiere aviso de las peticiones por lo menos 10 previo días para proporcionar formatos solicitados de alternativa y alojamientos especiales.

### COLONIAS INFRASTRUCTURE BOARD

#### COLONIAS INFRASTRUCTURE BOARD

#### NOTICE OF PUBLIC HEARINGS TO CONSIDER PROPOSED RULES FOR REVIEW AND ELIGIBILITY OF PROPOSED COLONIAS PROJECTS.

The Colonias Infrastructure Board (the "Board") will hold a series of public hearings to consider proposed rules which will govern the acceptance, evaluation and prioritization of applications by qualified entities for financial assistance from the Colonias Infrastructure Project Fund (currently proposed to be codified in 2.91.2 NMAC). The Board is the proponent of the proposed rules.

The proposed rules relate to the review and eligibility of applications to the Board for grants, loans, or any combination thereto, to

fund proposed projects under the Colonias Infrastructure Act, Section 6-30-1 through 6-30-8, NMSA 1978.

The proposed rules may be reviewed during regular business hours at the office of the New Mexico Finance Authority, 207 Shelby Street, Santa Fe, New Mexico 87501. Copies of the proposed amendments may be obtained by contacting Karole Ortiz at (505) 984-1454 or 1-877-ASK-NMFA, or by accessing the website [www.nmfa.net](http://www.nmfa.net).

Hearings will be conducted at the following times and locations:

November 28 - 4:00 p.m. to 7:00 p.m. at the Pecos River Village Conference Center, 711 Muscate Ave., Carlsbad, NM, 88220

November 29 - 4:00 p.m. to 7:00 p.m. at the Grant County Commissioners Meeting Room, 1400 Hwy 180 East, Silver City, NM 88062

November 30 - 4:30 to 7:30 p.m. at the Court Youth Center, 402 West Court Ave., Las Cruces, NM, 88005

All interested persons are invited to attend any of the hearings and will be given reasonable opportunity to submit relevant evidence, data, views and comments, orally or in writing, and to introduce exhibits and examine witnesses. Any person who wishes to submit a written statement for the record in lieu of oral testimony must file such statement no later than 12:00 noon, MDT; on Wednesday, December 7, 2011. Written statements for the record should be submitted to:

Karole Ortiz  
New Mexico Finance Authority  
207 Shelby Street  
Santa Fe, New Mexico 87501

If you are an individual with a disability and you require assistance or an auxiliary aid, such as a sign language interpreter, to participate in any of the hearings, please contact Yolanda Valenzuela at the New Mexico Finance Authority so that appropriate arrangements can be made. Ms. Valenzuela can be reached at 207 Shelby Street, Santa Fe, New Mexico 87501, (505) 984-1454 or 1-877-ASK-NMFA, or by e-mail to [yvalenzuela@nmfa.net](mailto:yvalenzuela@nmfa.net). TDD or TDY users may access these numbers via the new Mexico Relay network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque; 1-800-659-1779.)

The Board will consider and take formal action on the proposed rules at a duly called regular or special meeting following the conclusion of the hearings, taking into

account the testimony, evidence and other materials presented during the hearing process.

## NEW MEXICO LIVESTOCK BOARD

### NEW MEXICO LIVESTOCK BOARD

#### NOTICE OF RULE MAKING AND ADOPTION OF RULE HEARING AND REGULAR BOARD MEETING

**NOTICE IS HEREBY GIVEN** that a rule making and adoption of rule hearing and a regular board meeting will be held on Thursday, November 17, 2011 in the middle training room of NMDA/Veterinary Diagnostic Services, 1101 Camino de Salud, NE, Albuquerque, New Mexico at 9:00 a.m. This is a handicap accessible location. The Board will initiate rule changes regarding 21.32.4 NMAC: Import Requirements (Transportation of livestock into the state) and discuss other matters of general business.

Copies of the rule and agenda can be obtained by contacting Myles C. Culbertson, Executive Director, New Mexico Livestock Board, 300 San Mateo NE Suite 1000, Albuquerque, NM 87108-1500, (505) 841-6161. Interested persons may submit their views on the proposed rule to the Board at the above address and/or may appear at the scheduled hearing and make a brief verbal presentation of their view.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the New Mexico Livestock Board at (505)841-6161 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the New Mexico Livestock Board if a summary or other type of accessible formats is needed.

## NEW MEXICO TAXATION AND REVENUE DEPARTMENT

### NEW MEXICO TAXATION AND REVENUE DEPARTMENT

#### NOTICE OF HEARING AND PROPOSED RULES

The New Mexico Taxation and Revenue Department proposes to amend the following rules:

#### Taxation and Revenue Department Act

3.1.4.18 NMAC Section 9-11-6.4 NMSA 1978  
(*Electronic Filing*)

These proposals were placed on file in the Office of the Secretary on November 7, 2011. Pursuant to Section 9-11-6.2 NMSA 1978 of the Taxation and Revenue Department Act, the final of these proposals, if filed, will be filed as required by law on or about January 17, 2012.

A public hearing will be held on these proposals on Thursday, December 15, 2011, at 9:30 a.m. in the Secretary's Conference Room No. 3002/3137 of the Taxation and Revenue Department, Joseph M. Montoya Building, 1100 St. Francis Drive, Santa Fe, New Mexico. Auxiliary aids and accessible copies of the proposals are available upon request; contact (505) 827-0928. Comments on the proposals are invited. Comments may be made in person at the hearing or in writing. Written comments on the proposals should be submitted to the Taxation and Revenue Department, Director of Tax Policy, Post Office Box 630, Santa Fe, New Mexico 87504-0630 on or before December 15, 2011.

#### 3.1.4.18 ELECTRONIC FILING:

A. This regulation is adopted pursuant to the secretary's authority in Section 9-11-6.4 NMSA 1978.

B. For returns due after August 1, 2010, the returns and reports for the following taxes must be filed electronically using approved electronic media on or before the due date of the return or report:

(1) taxes due under the Gross Receipts and Compensating Tax Act, local options gross receipts tax acts, Leased Vehicle Gross Receipts Tax Act, and Interstate Telecommunication Gross Receipts Tax Act and taxes due under the Withholding Tax Act which are due at the same time as gross receipts tax, if the taxpayer's average monthly tax payment for this group of taxes during the preceding calendar year equaled or exceeded twenty thousand dollars (\$20,000); and

(2) weight distance tax if the taxpayer must pay taxes for two or more trucks.

C. For returns due after January 1, 2011, the returns for taxes due under the Gross Receipts and Compensating Tax Act, local options gross receipts tax acts, Leased Vehicle Gross Receipts Tax Act, and Interstate Telecommunication Gross Receipts Tax Act and taxes due under the Withholding Tax Act which are due at the same time as gross receipts tax, if the taxpayer's average monthly tax payment for this group of taxes during the preceding



calendar year equaled or exceeded ten thousand dollars (\$10,000) must be filed electronically on or before the due date of the return.

D. For returns due after July 1, 2011, the returns for taxes due under the Gross Receipts and Compensating Tax Act, local options gross receipts tax acts, Leased Vehicle Gross Receipts Tax Act, and Interstate Telecommunication Gross Receipts Tax Act and taxes due under the Withholding Tax Act which are due at the same time as gross receipts tax, if the ~~taxpayer is required to file monthly under Section 7-1-15 NMSA 1978~~ taxpayer's average monthly tax liability for this group of taxes during the preceding calendar year equaled or exceeded one thousand dollars (\$1,000), must be filed electronically on or before the due date of the return.

E. Confirmation of electronic filing of a return must accompany payment of taxes by taxpayer. If taxpayer does not have confirmation of electronic filing when the taxpayer submits payment to the department, taxpayer must ensure that taxpayer's tax identification number is on the payment. Payments without confirmation or tax identification number may not be properly applied to the taxpayer's account and interest and penalty may be assessed.

F. Once a taxpayer is required to file returns electronically pursuant to this regulation, the taxpayer may not file future returns by mail or any method other than electronically.

G. For the purposes of this section, "average monthly tax payment" means the total amount of taxes paid with respect to a group of taxes under Paragraph (1) of Subsection B, Subsection C or Subsection D of this section during a calendar year divided by the number of months in that calendar year containing a due date on which the taxpayer was required to pay one or more taxes in the group.

H. A taxpayer may request an exception to the requirement of electronic filing. The request must be in writing, addressed to the secretary of the taxation and revenue department and must be received by the department at least 30 days before the taxpayer's electronic return is due. Exceptions will be granted in writing and only upon a showing of hardship including that there is no reasonable access to the internet in taxpayer's community. The taxpayer must also show a good faith effort to comply with the electronic filing requirements before an exception will be considered. The request for an exception must include the tax or tax return to which the exception if granted will apply; a clear statement of the reasons for the exception; and the signature of the taxpayer.

I. A taxpayer may be granted a waiver to the requirement of

electronic filing for a single tax return. The request for a waiver must be in writing and received by the department on or before the date that the tax return is due and must include the tax or tax return to which the waiver if granted will apply, a clear statement of the reasons for the waiver, and the signature of the taxpayer. A waiver may be granted for the following reasons:

(1) if the taxpayer is temporarily disabled because of injury or prolonged illness and the taxpayer can show that the taxpayer is unable to procure the services of a person to complete the taxpayer's return and file it electronically;

(2) if the conduct of the taxpayer's business has been substantially impaired due to the disability of a principal officer of the taxpayer, physical damage to the taxpayer's business or other similar impairments to the conduct of the taxpayer's business causing the taxpayer an inability to electronically file; or

(3) if the taxpayer's accountant or other agent or employee who routinely electronically files for taxpayer has suddenly died or has become disabled and unable to perform services for the taxpayer and the taxpayer can show that the taxpayer is unable either to electronically file the return or to procure the services of a person to electronically file the return before the due date.

J. If a taxpayer is granted an exception or waiver, the taxpayer must file a paper return in a timely fashion unless an extension pursuant to 3.1.4.12 NMAC has been granted. If a paper return is not timely filed, interest will be due even if an extension is granted.

[3.1.4.18 NMAC - N, 6/30/10; A, XXX]

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## End of Notices and Proposed Rules Section

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## Adopted Rules

### NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

This is an amendment to 20.7.3 NMAC, Sections 7, 401, 402, 902, and 904, effective November 21, 2011.

#### 20.7.3.7 DEFINITIONS: As used in 20.7.3 NMAC.

A. Terms starting with the letter 'A' are defined as follows:

(1) "absorption area" means the area in square feet of infiltrative surface in a soil disposal system designated to receive effluent from a treatment unit;

(2) "advanced treatment" means any process of wastewater treatment that removes a greater amount of contaminants than is accomplished through primary treatment; advanced treatment may include physical or chemical processes;

(3) "aggregate" means clean washed gravel (no greater than 4% fines by weight), clean crushed rock, proprietary or other media reviewed by the technical advisory committee and approved by the department; "aggregate" shall have a minimum size of 3/4 inch and a maximum size of 2 1/2 inches and provide no less than 35% void space under field conditions; the aggregate shall be durable, inert, and shall have a hardness value of 3 or more on the Mohs scale of hardness so it will maintain its integrity, not collapse or disintegrate with time, and not be detrimental to the performance of the system;

(4) "alternative disposal" means any approved on-site liquid waste disposal method used in lieu of, including modifications to, a conventional disposal method; these include but are not limited to, mounds, evapotranspiration beds, and pressure dosed systems;

(5) "amendment of permit" means a change that does not affect the permitability of a liquid waste system, including a change of ownership, and is not a "modification" as defined in this section;

(6) "approved" means:

(a) materials, products or procedures that have been reviewed by the technical advisory committee, if required, and accepted for use by the department;

(b) a liquid waste system that was permitted, constructed and installed in compliance with the standards and requirements of this regulation; or

(c) a person or entity authorized by the department to design, install, modify or maintain liquid waste systems or a person authorized by the department to perform site or liquid waste system evaluations; and

(7) "arroyo" means a dry wash or

draw that flows occasionally, a watercourse (as a creek or stream) in an arid region or a water carved gully or channel.

B. Terms starting with the letter 'B' are defined as follows:

(1) "bedrock" means the more or less solid, undisturbed rock in place either at the surface or beneath surficial deposits of gravel, sand or soil, or a consolidated rock formation of impervious material that may exhibit jointed, fractured or deteriorated characteristics, or the R horizon of a soil profile as defined in the USDA soil survey manuals;

(2) "bedroom" means any room or unfinished area within a building that is designated or might reasonably be used as a sleeping room pursuant to the responsible building permitting authority or manufactured housing authority;

(3) "biochemical oxygen demand" or "BOD" means the rate at which organisms use the oxygen in water or wastewater while stabilizing decomposable organic matter under aerobic conditions;

(4) "blackwater" means waste from a liquid flushing toilet, urinal, kitchen sinks, dishwashers or laundry water from the washing of material soiled with human excreta, such as diapers;

(5) "body of water" means all constrained water including water situated wholly or partly within or bordering upon New Mexico, whether surface or subsurface, public or private;

(6) "building drain" means that part of the lowest piping of a drainage system that receives the collective liquid waste discharge from soil, waste and other drainage piping inside a building and conveys it to the building sewer that begins two (2.0) feet outside the vertical plane of the building wall, residential or commercial unit; and

(7) "building sewer" means that part of the horizontal piping of a drainage system that extends from the end of the building drain located two (2.0) feet outside the building wall and that receives the liquid waste discharge from the building drain and conveys it to a liquid waste treatment unit or approved point of disposal.

C. Terms starting with the letter 'C' are defined as follows:

(1) "canal" means a man-made ditch or channel that carries water for purposes other than domestic consumption;

(2) "certificate of registration" means a permit for the continued operation of a previously unpermitted on-site liquid waste system;

(3) "cesspool" means an excavation or non-water tight unit that receives untreated water-carried liquid waste

allowing direct discharge to the soil;

(4) "clay" means:

(a) a soil separate consisting of particles less than 0.002 millimeters in diameter; or

(b) the textural class name of any soil that contains 40% or more clay, less than 45% sand and less than 30% silt;

(5) "clearance" means the vertical thickness of suitable soil between the lowest point of a liquid waste disposal system and the seasonal high ground water table, bedrock or other limiting layer;

(6) "cluster system" means a wastewater system that serves more than one unit and treats 2000 gallons per day or less of wastewater;

(7) "coarse sand" means soil comprised of 25% or more of soil particles 0.5 to 2.0 mm in diameter and less than 50% of any other grade of sand;

(8) "commercial liquid waste" means wastewater, whether treated or untreated, that exceeds 300 mg/l BOD, 300 mg/l TSS, 80 mg/l total nitrogen or 105 mg/l fats, oils and grease;

(9) "commercial unit" means a structure that is not a residential unit but which has sewage producing fixtures such as sinks, baths, showers, toilets, urinals, dish- and clothes-washers or floor drains for receiving liquid waste including but not limited to uses included in Table 201.1;

(10) "conventional disposal" means a subsurface soil absorption system with gravity distribution of the effluent, with or without a lift station, constructed in accordance with the standards set forth in this regulation, including trench or bed absorption areas and seepage pits;

(11) "conventional treatment" means a septic tank where primary treatment occurs; and

(12) "conventional treatment system" means an on-site liquid waste system utilizing both conventional treatment and conventional disposal; for fee purposes only, "conventional treatment system" includes privies, holding tanks and vaults.

D. Terms starting with the letter 'D' are defined as follows:

(1) "degrade a body of water" means to reduce the physical, chemical or biological qualities of a body of water and includes, but is not limited to, the release of material that could result in the exceeding of standards established by 20.6.4 NMAC, Standards for Interstate and Intrastate Surface Waters, by 20.6.2 NMAC, Ground and Surface Water Protection and by 20.7.10 NMAC, Drinking Water;

(2) "department" means the New Mexico environment department;

(3) "design flow" means the

flow rate for which an on-site liquid waste system must be designed in order to assure acceptable system performance, assuming the use of conventional plumbing fixtures;

(4) "disinfected" or "disinfection" means the use of any process designed to effectively kill most micro-organisms contained in liquid waste effluent including essentially all pathogenic (disease causing) organisms, as indicated by the reduction of the fecal coliform concentration to a specific level; these processes include, but are not limited to, suitable oxidizing agents such as chlorine, ozone and ultraviolet light;

(5) "disposal system" means a generally recognized system for disposing of the discharge from a liquid waste treatment unit and includes, but is not limited to, seepage pits, drainfields, evapotranspiration systems, sand mounds and irrigation systems;

(6) "domestic liquid waste" means wastewater that does not exceed 300 mg/l BOD, 300 mg/l TSS, 80 mg/l total nitrogen or 105 mg/l fats, oils and grease; and

(7) "drainage ditch" means an unlined trench dug for the purpose of draining water from the land or for transporting water for use on the land.

E. Terms starting with the letter 'E' are defined as follows:

(1) "edge of a watercourse, canal or arroyo" means that point of maximum curvature at the upper edge of a definite bank or, if no definite bank exists, the highest point where signs of seasonal high water flow exist;

(2) "effluent" means the discharge from the final treatment unit;

(3) "effluent disposal well" means a prohibited method of disposal consisting of a drilled, driven or bored shaft or dug hole with depth greater than any surface dimension, used for subsurface emplacement of liquid waste, including, but not limited to, abandoned water supply wells, irrigation wells and test holes, but excluding seepage pits used as disposal systems, which conform to the standards in 20.7.3.702 NMAC;

(4) "elevated system" means a system installed either partially or completely above grade in a constructed fill area for the purpose of meeting clearance to a limiting layer.

(5) "enclosed system" means a watertight on-site liquid waste system that does not discharge to the soil, including, but not limited to, holding tanks and lined evapotranspiration systems;

(6) "established on-site liquid waste system" means an on-site liquid waste system that has been in active use at any time during the ten (10) years prior to submission of a permit application and in compliance with any liquid waste disposal regulation in effect at the time of installation, excluding the permitting or registration process, but

does not include cesspools installed after September 14, 1973;

(7) "evapotranspiration system" means a disposal system designed to dispose of effluent through evaporation and plant uptake and transpiration; and

(8) "experimental system" also referred to as "innovative technology" means, without limitation, any on-site liquid waste system utilizing a method of liquid waste treatment technology, processes, equipment or components that are not fully proven in the circumstances of their intended use, but, based upon documented research and demonstration, appear to offer benefits which outweigh the potential risks of failure, or a method of disposal that is not currently approved by the department; experimental systems shall be submitted for review to the wastewater technical advisory committee (WTAC) who shall recommend the system for full approval, recommend approval with conditions or reject the proposed system; final approval of experimental systems shall be at the discretion of the secretary.

F. Terms starting with the letter 'F' are defined as follows:

(1) "failed system" means, without limitation, an on-site liquid waste system that does not operate as permitted, that does not provide a level of treatment at least as effective as that provided by on-site liquid waste systems that meet the requirements of 20.7.3 NMAC or that poses a hazard to public health or degrades a body of water; and

(2) "fixture units" means a quantity of flow as defined in the UPC upon which plumbing systems are sized.

G. Terms starting with the letter 'G' are defined as follows:

(1) "gravels" means, for purposes of soils classification, a soil separate consisting of particles greater than 2 mm in diameter;

(2) "graywater" means untreated household wastewater that has not come in contact with toilet waste and includes wastewater from bathtubs, showers, washbasins, clothes washing machines and laundry tubs, but does not include wastewater from kitchen sinks, dishwashers or laundry water from the washing of material soiled with human excreta, such as diapers; and

(3) "ground water" means interstitial water that occurs in saturated earth material and is capable of entering a well in sufficient amounts to be utilized as a water supply.

H. Terms starting with the letter 'H' are defined as follows:

(1) "hazard to public health" means the indicated presence in water or soil of biological, chemical or other contaminants under such conditions that could adversely impact human health, including surfacing liquid waste, degradation to a body of water

used as, or has the potential to be used as, a domestic water supply source, presence of an open cesspool or tank or exposure of liquid waste or septage in a manner that allows transmission of disease;

(2) "holding tank" means a non-discharging watertight tank designed to receive and retain liquid waste for periodic pumping and disposal off-site;

(3) "homeowner" means a person or persons who owns and occupies, or plans to occupy, a single family home; and

(4) "household hazardous waste" means a wide range of household products that have the characteristics of hazardous waste when discarded, including but not limited to, pesticides and herbicides, oil-based paints and stains, automobile fluids (antifreeze, motor oil, transmission, steering and brake fluids, gasoline), pool chemicals, hobby chemicals and darkroom chemicals.

I. Terms starting with the letter 'I' are defined as follows:

(1) "imminent hazard to public health or safety" means any situation with the potential to immediately and adversely impact or threaten public health or safety;

(2) "impervious formation" means any soil or rock formation with a hydraulic conductivity of  $10^{-7}$  cm/sec or less;

(3) "industrial process wastewater" means non-household wastewater, excepting the following: human excreta; used water from showers, washbasins and dishwashers; and food preparation waste; any wastewater generated in a commercial activity that contains the materials prohibited by Subsection A of 20.7.3.304 NMAC is industrial process wastewater;

(4) "inspector" means a person certified by the department to be competent in the physical examination and evaluation of on-site liquid waste systems;

(5) "interstitial water" means water in spaces between solid earth particles; and

(6) "invert" means the lowest portion of the internal cross section of a pipe or fitting.

J. Terms starting with the letter 'J' are defined as follows: [RESERVED]

K. Terms starting with the letter 'K' are defined as follows: [RESERVED]

L. Terms starting with the letter 'L' are defined as follows:

(1) "lateral" means a secondary water or wastewater pipeline branching directly from a central supply pipeline or manifold leading to an irrigation site;

(2) "limiting layer" means an impervious formation, bedrock or the seasonal high ground water table;

(3) "liner" means a manufactured or naturally occurring substance that restricts seepage to no more than  $10^{-7}$  cm/sec. over

the design service life of the lined unit; manufactured liners must have a minimum single-ply thickness of 20 mils and have no leaks;

(4) "liquid capacity" means the volume of liquid that is contained in a septic tank or treatment unit measured from the invert of the outlet; "liquid capacity" shall be calculated by multiplying the inside length by the inside width by the depth measured from the invert of the outlet to the unit's floor and converting the resulting sum to gallons;

(5) "liquid waste" means the discharge of wastewater from any residential or commercial unit where the total wastewater discharge on a lot is 2000 gallons per day or less; liquid waste includes without limitation human excreta and water carried waste from plumbing fixtures, including, but not limited to, wastes from toilets, sinks, showers, baths, clothes- and dish-washing machines and floor drains; liquid waste also includes non-water carried wastes discharged into holding tanks, privies and vaults; specifically excluded from the definition of liquid waste are industrial process wastewaters, roof drainage, mine or mill tailings or wastes;

(6) "liquid waste system" means all liquid waste treatment units and associated disposal systems, or parts thereof, serving a residential or commercial unit on a lot; liquid waste systems include enclosed systems, holding tanks, vaults and privies but do not include systems or facilities designed to receive or treat mine or mill tailings or wastes;

(7) "liquid waste treatment unit" means a component of the on-site liquid waste system where removal, reduction or alteration of the objectionable contaminants of wastewater is designed to occur; it may include a holding component but does not include soil;

(8) "load" or "loading" means:

(a) in the context of the biological or chemical load received by an on-site liquid waste system, the amount of material applied to an on-site system liquid waste component per unit area or unit volume;

(b) in the context of the structural load applied to an on-site liquid waste structural component, the structural force applied to a liquid waste system component per surface area; and

(9) "lot" means a unified parcel excluding roadways and roadway easements, legally recorded or validated by other means; "lot" includes any contiguous parcel subject to a legally recorded perpetual easement that dedicates the servient parcel for the disposal of liquid waste generated on the dominant parcel.

M. Terms starting with the letter 'M' are defined as follows:

(1) "maintenance contract" means a contract between the system owner and

a maintenance service provider in which the maintenance service provider agrees to provide periodic inspections in regards to the operation, maintenance and repair of the system;

(2) "maintenance service provider" means a public entity, company or individual in the business of maintaining liquid waste systems according to manufacturers' specification;

(3) "manifold" means a part of a water distribution system normally located between the laterals and central supply line; the manifold splits the flow into a number of flows, either for distribution or for application to the land;

(4) "may" means discretionary, permissive or allowed; and

(5) "modify" or "modification" of a liquid waste system means:

(a) to change the method of on-site liquid waste treatment or disposal;

(b) to change the design of the on-site liquid waste system;

(c) to increase the design flow or load received by the on-site liquid waste system above the original design flow or load; or

(d) replace or expand the treatment unit or disposal system.

N. Terms starting with the letter 'N' are defined as follows: [RESERVED]

O. Terms starting with the letter 'O' are defined as follows:

(1) "off-site water" means the domestic water supply for the lot is from:

(a) a private water supply source that is neither within the lot nor outside the lot within one hundred (100) feet of the property line of the lot; or

(b) a public water supply source that is not within the lot;

(2) "on-site" means located on or within a lot;

(3) "on-site liquid waste system" means a liquid waste system located on the lot where the liquid waste is generated;

(4) "on-site water" means the domestic water supply for the lot is from:

(a) a private water supply source that is within the lot or within one hundred (100) feet of the property line of the lot; or

(b) a public water supply source that is within the boundaries of the lot; [and]

(5) "orphaned advanced treatment system" means an advanced liquid waste treatment system whose manufacturer no longer exists or that is no longer approved for installation in the state of New Mexico, or for which the manufacturer no longer provides training in maintenance activities; and

(~~5~~) (6) "owner" means any person who owns an on-site liquid waste system or any component thereof, or any lot upon which any on-site liquid waste system

or any component thereof is located.

P. Terms starting with the letter 'P' are defined as follows:

(1) "percolation rate" means the rate of entry of water into soil as determined by a standard soil percolation test at the depth and location of the proposed soil disposal system;

(2) "permanently displayed" means, in context of septic tank legends, embossed into the tank surface or a mechanically attached, non-corrosive plate;

(3) "permit" means a written approval from the department to install, modify, or operate an on-site liquid waste system;

(4) "permittee" means any owner of a permitted on-site liquid waste system;

(5) "person" means any individual, partnership, firm, public or private corporation, association, trust, estate, the state or any political subdivision or agency or any other legal entity or their legal representative, agents or assigns;

(6) "primary treatment" means a liquid waste treatment process that takes place in a treatment unit and allows those substances in wastewater that readily settle or float to be separated from the water being treated;

(7) "private water supply source" means a water supply source such as a well, spring, infiltration gallery or surface water withdrawal point used to provide water to a water supply system, if such system does not have a least fifteen (15) service connections and does not serve an average of twenty-five (25) individuals at least sixty (60) days out of the year;

(8) "privy" or "outhouse" means a receptacle for non-liquid-carried human excreta allowing direct discharge to the soil;

(9) "professional engineer" or "P.E." means a professional engineer licensed under the New Mexico Engineering and Survey Practice Act; "professional engineer" includes engineers licensed in any state of the United States for engineering related to a product design and manufacture of propriety products;

(10) "proprietary system" means a system patented, trademarked or otherwise the intellectual property of manufacturers not in the public domain; and

(11) "public water supply source" means a water supply source such as a well, spring, infiltration gallery or surface water intake structure used to provide water to a public water supply system for human consumption if the system served has at least fifteen (15) service connections or regularly services an average of twenty-five (25) individuals at least sixty (60) days out of the year.

Q. Terms starting with the letter 'Q' are defined as follows:

(1) "qualified homeowner" means



a person who is the landowner of record residing at the property who has been provided homeowner installation training materials and who has passed an exam administered by the department.

(2) [RESERVED]

R. Terms starting with the letter 'R' are defined as follows:

(1) "repair" means servicing or replacing, with like kind, mechanical or electrical parts of an approved liquid waste system, pumping of seepage or making minor structural corrections to a tank or distribution box;

(2) "residential unit" means a structure that is primarily used for living quarters but does not include facilities listed in Table 201.1;

(3) "replacement area" means an unobstructed area within a lot designated to allow future construction of a replacement disposal area as required by Subsection H of 20.7.3.201 NMAC;

(4) "retention/detention area" means an area on a parcel of property specifically designated and designed to capture and hold water resulting from the runoff of precipitation; and

(5) "roadway" means the surface area of land dedicated by easement or use to provide vehicular passage serving more than one lot or more than five residential or commercial units on a single property.

S. Terms starting with the letter 'S' are defined as follows:

(1) "sand" means:

(a) a soil separate consisting of individual rock or mineral fragments that range in diameter from 0.05 to 2.0 millimeters; or

(b) the textural class name of any soil that contains 85% or more sand and not more than 10% clay;

(2) "seasonal high ground water table" means the highest level to which the upper surface of ground water may be expected to rise within twenty-four (24) consecutive months;

(3) "seasonal high water flow" means the highest level that perennial or intermittent surface waters may be expected to rise as a result of a 25 year, 6 hour storm event;

(4) "secondary treatment" means a wastewater treatment process used to convert dissolved or suspended materials into a form more readily separated from the water being treated; the process is commonly a biological treatment process followed by settling and clarification resulting in a reduction of the 5-day biochemical oxygen demand (BOD5) and total suspended solids (TSS) concentrations to a level specified in 20.7.3.602 NMAC;

(5) "secretary" means the secretary of environment or a designated representative;

(6) "seepage pit" means a type of absorption system that uses a vertical, cylindrical, underground receptacle so constructed as to allow the disposal of effluent by soil absorption through its walls;

(7) "seepage" means the residual wastes and water periodically pumped from a liquid waste treatment unit or from a holding tank;

(8) "septic tank" means a liquid waste treatment unit designed to provide primary treatment and anaerobic treatment prior to disposal;

(9) "setback distance" means the distance measured by a straight horizontal line between the on-site liquid waste system, its designated replacement area, or portion thereof, and the object being considered;

(10) "shall" means mandatory;

(11) "silt" means:

(a) a soil separate consisting of particles between 0.05 and 0.002 millimeters in diameter; or

(b) the textural class name of any soil that contains 80% or more silt and less than 12% clay;

(12) "soil" means sediment or other unconsolidated accumulations of mineral particles that may or may not contain organic material and that have filtering properties;

(13) "suitable soil" means a soil, whether naturally occurring or introduced, that will treat the primary effluent effectively and act as an effective filter and remove organisms and suspended solids prior to the effluent reaching ground water, bedrock or a limiting layer, and that will provide adequate transmission to prevent a failed system; suitable soils are classified Table 703.1; and

(14) "surface application" means the application of disinfected effluent to the ground surface where access is restricted by artificial or natural conditions.

T. Terms starting with the letter 'T' are defined as follows:

(1) "technical advisory committee" or "TAC" means the wastewater technical advisory committee created by NMSA 1978 Section 9-7A-15;

(2) "tertiary treatment" means additional treatment beyond secondary treatment standards, specifically, the reduction in the total nitrogen concentration;

(3) "test hole" means a hole dug in the proposed disposal field area a minimum of seven (7) feet deep or four (4) feet below the bottom of disposal field, whichever is greater, and a minimum of two (2) feet wide; the test hole shall be sufficient to examine the soil visually for type, structure, mottling, impervious layers and other soil characteristics, and to determine the seasonal high water table level; a soil boring may be used to determine the soil characteristics and soil depth;

(4) "total design flow" means the sum of design flows for all on-site

liquid waste systems and other wastewater discharges on a lot;

(5) "total nitrogen" or "TN" means the combined organic nitrogen, ammonia, nitrite and nitrate contained in the wastewater or effluent; and

(6) "total suspended solids" or "TSS" means the measurable component of solid matter suspended in water or wastewater.

U. Terms starting with the letter 'U' are defined as follows:

(1) "uniform plumbing code" or "UPC" means the 1997 uniform plumbing code, 14.11.3 NMAC and the 1997 state of New Mexico plumbing code and mechanical code, 14.9.2 NMAC, or the successor versions of each as adopted by the construction industries division of the New Mexico regulation and licensing department and promulgated in the New Mexico administrative code or another applicable code as adopted by the authority having jurisdiction; and

(2) [RESERVED]

V. Terms starting with the letter 'V' are defined as follows:

(1) "vault" means a non-discharging, watertight tank designed to receive and retain non-liquid carried human excreta for periodic pumping and disposal off-site; and

(2) "variance" means an administrative procedure authorizing the issuance of a permit or use of a system that does not meet the specific requirements of 20.7.3 NMAC but which meet the intent of 20.7.3 NMAC.

W. Terms starting with the letter 'W' are defined as follows:

(1) "wastewater" means blackwater and graywater;

(2) "watercourse" means any perennial, intermittent or ephemeral surface water conveyance channel including but not limited to a river, creek, arroyo, draw, canal or wash, or any other channel having definite banks and beds with visible evidence of the flow of water;

(3) "water(s) of the state" means all interstate and intrastate waters including natural ponds and lakes, playa lakes, reservoirs, perennial streams and their tributaries, intermittent streams, sloughs, prairie potholes and wetlands;

(4) "watertight" means not allowing water to pass in or out or as otherwise determined in 20.7.3 NMAC; and

(5) "wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions in New Mexico; constructed wetlands are not included in this definition.

X. Terms starting with the letter 'X' are defined as follows: [RESERVED]

Y. Terms starting with the letter 'Y' are defined as follows: [RESERVED]

Z. Terms starting with the letter 'Z' are defined as follows: [RESERVED]

[20.7.3.7 NMAC - Rp, 20.7.3.7 NMAC, 9/1/05; A, 4/1/07; A, 11/21/11]

#### **20.7.3.401 PERMITTING ; GENERAL REQUIREMENTS:**

A. No person shall install or have installed a new on-site liquid waste system or modify or have modified an existing on-site liquid waste system, unless that person obtains a permit issued by the department prior to construction of such installation or modification. Failure to obtain the required permit may result in the initiation of enforcement actions by the department.

B. No person shall construct or modify a residential or commercial unit on, or transport a residential or commercial unit onto, a lot for which an on-site liquid waste system is required unless the department has issued an on-site liquid waste system permit prior to such construction, modification or transportation.

C. No person shall construct, install or modify an on-site liquid waste system unless that person holds a valid and appropriate classification of contractor's license issued by the New Mexico construction industries division, except that a qualified homeowner may install or modify permitted septic tanks and conventional trench or bed disposal fields pursuant to Section 904. [~~Once the department has developed a certification program pursuant to 20.7.3.904 NMAC, the contractor shall comply with the certification requirements of that section prior to constructing, installing or modifying any on-site liquid waste system. Once the department has developed a homeowner certification program pursuant to 20.7.3.904 NMAC, a homeowner shall comply with the homeowner certification requirements prior to constructing, installing or modifying an on-site liquid waste system. A homeowner who self-installs a system shall not compensate any person to perform any phase of the system construction, unless that person holds a valid and appropriate classification of contractor's license issued by the New Mexico construction industries division and has complied with the department's certification requirements.~~] Obtaining a permit from the department for the installation or modification of an on-site liquid waste system does not relieve any person from the responsibility of obtaining any other approval, license or permit required by state, city or county regulations or ordinances or other requirements of state or federal laws.

D. A permit is not required for graywater discharges or for systems designed for the discharge of graywater that meet the requirements of 20.7.3.810 NMAC.

E. Any person seeking a permit shall do so by submitting an application to the field office of the department having jurisdiction for the area where the system is to be installed or modified. The application shall be:

(1) made on a form provided by the department;

(2) accompanied by the recorded deed or other recorded description and such other relevant information as the department may reasonably require to establish lot size, boundaries, date of record and ownership; and

(3) signed by the applicant or their authorized representative.

F. The department shall require complete and accurate information before a permit is issued for an on-site liquid waste system.

G. The department shall deny the application if the proposed system will not meet the requirements of 20.7.3 NMAC.

H. The department shall maintain a file of all permits issued and applications denied. The file shall be open for public inspection.

I. All systems shall be installed, operated and maintained in accordance with the permit and applicable regulations.

J. Unpermitted conventional systems installed prior to February 1, 2002 may be issued a certificate of registration for continued operation if:

(1) the treatment unit is pumped by a seepage pumper hired by the system owner and inspected [~~utilizing a department approved form and~~] by the department;

(2) the liquid waste system meets the requirements in effect at the time of the initial installation, based on a non-intrusive inspection;

(2) (3) the disposal system appears to be functioning properly; and

(3) (4) the appropriate permit fee is paid for the system installed.

K. Unpermitted conventional systems installed on or after February 1, 2002 may be permitted if:

(1) the treatment unit [is] and the disposal system are adequately exposed to allow full inspection [~~and the disposal system is sufficiently exposed~~] by the department to determine all relevant aspects of construction and materials, including, but not limited to: soil type; pipe size, type and material; proper placement of aggregate and cover; and proper trench size, slope and spacing;

(2) the on-site liquid waste system is determined, upon inspection by

the department, to meet all requirements of 20.7.3 NMAC; and

(3) the appropriate permit fee is paid; and

(4) at the discretion of the department, an administrative penalty is paid in accordance with Environmental Improvement Act, Chapter 74, Article 1 NMSA 1978.

L. If the department finds that specific requirements in addition to, or more stringent than, those specifically provided in 20.7.3 NMAC are necessary to prevent a hazard to public health or the degradation of a body of water, the department shall issue permit conditions with more stringent requirements or additional specific requirements. Such additional or more stringent requirements may apply to system design, siting, construction, inspection, operation and monitoring.

M. The installation or modification of an on-site liquid waste system shall be in accordance with the permit and all regulatory requirements of 20.7.3 NMAC. Any change from the permitted installation or modification, including a change of contractor, must receive department approval prior to implementation. An amendment to the permit shall be submitted within seven (7) days of the completion of the installation.

N. No person shall operate or use an on-site liquid waste system until the department has granted final approval of the system after installation or modification of the system is completed. No person shall occupy a newly constructed or transported dwelling for which an on-site liquid waste system is required until the department has granted such final approval and, if applicable, until the governmental body with authority to regulate construction has granted an occupancy permit. The department shall not grant final approval if the system as installed or modified does not meet the requirements of 20.7.3 NMAC.

O. The department may cancel a permit if the installation or modification of the on-site liquid waste system has not been completed within one (1) year after issuance or if the department determines that material information in the application is false, incomplete or inaccurate and that the correct information would have resulted in the department denying the original application. If a permit is canceled, the department shall notify the permittee of the decision in writing and the reason for cancellation and appropriate regulations cited.

[20.7.3.401 NMAC - Rp, 20.7.3.201 NMAC, 9/1/05; A, 4/1/07; A, 11/21/11]

#### **20.7.3.402 PERMITTING ; CONVENTIONAL TREATMENT AND DISPOSAL SYSTEMS:**

A. For liquid waste

systems utilizing conventional treatment and conventional disposal, the department may require the following information to be included with the application.

(1) A detailed site plan, completely dimensioned, showing direction and approximate slope of surface; location of all present or proposed retaining walls; arroyos, canals, irrigation or drainage channels; water supply lines, wells or other water sources; other on-site liquid waste systems; paved areas, roadways and structures; location of the proposed liquid waste system and replacement area with relation to lot lines and structures; and to all sources of water supply located within two-hundred (200) feet.

(2) Sufficient details of construction, materials and components necessary to assure compliance with the requirements of 20.7.3 NMAC.

(3) A detailed log of soil formations and ground water level as determined by soil borings or a test hole(s) dug in close proximity to any proposed seepage pit or disposal field.

(4) A set of floor plans or verification of the total flow for the structure(s) served by the liquid waste system.

(5) Any additional information that may be necessary to demonstrate that the permit will not create a hazard to public health or degrade a body of water.

~~[B.] If the department finds that specific requirements in addition to or more stringent than those specifically provided in 20.7.3 NMAC are necessary to prevent a hazard to public health or the degradation of a body of water, the department shall issue permit conditions with more stringent requirements or additional specific requirements. Such additional or more stringent requirements may apply to system design, siting, construction, inspection, operation and monitoring.~~

~~C.] The installation or modification of an on-site liquid waste system shall be in accordance with the permit and all regulatory requirements of 20.7.3 NMAC. Any change from the permitted installation or modification, including a change of contractor, must receive department approval prior to implementation. An amendment to the permit shall be submitted within 7 days of the completion of the installation.~~

~~D.] No person shall operate or use an on-site liquid waste system until the department has granted final approval of the system after installation or modification of the system is completed. No person shall occupy a newly constructed or transported dwelling for which an on-site liquid waste system is required until the department has granted such final approval and, if applicable, until the governmental body with authority to regulate construction has granted an occupancy permit. The department shall not grant final approval if the system as installed or modified does not meet the requirements~~

~~of 20.7.3 NMAC.~~

~~E.] The department may cancel a permit if the installation or modification of the on-site liquid waste system has not been completed within one (1) year after issuance or if the department determines that material information in the application is false, incomplete or inaccurate and that the correct information would have resulted in the department denying the original application. If a permit is canceled, the department shall notify the permittee of the decision in writing and the reason for cancellation and appropriate regulations cited.]~~

~~[F.] B.] Except as otherwise provided in Subsection [G.] C of this section, the department shall, within ten (10) working days after receipt of the completed application, grant the permit, grant the permit subject to conditions or deny the permit and shall notify the applicant of the action taken. Within five working days, the department shall determine if a permit application is administratively complete. The department shall notify the applicant if the application is administratively incomplete. The determination that an application is administratively complete does not mean that the proposed system meets the requirements of 20.7.3 NMAC.~~

~~[G.] C.] If the department's initial review of the application indicates that the imposition of more stringent requirements may be necessary pursuant to Subsection M of 20.7.3.201 NMAC or [Subsection B of 20.7.3.402 NMAC] Subsection L of 20.7.3.401 NMAC, the department may extend the time for the review of the application until twenty (20) working days after receipt of the completed application provided that the department shall notify the applicant of such extension within ten (10) working days after receipt of the completed application.~~

~~[H.] D.] When the permit is granted subject to conditions, denied or more stringent conditions applied, the reason for the action shall refer to the appropriate regulation(s) and be given in writing.~~

~~[20.7.3.402 NMAC - Rp, 20.7.3.201 NMAC, 9/1/05; A, 11/21/11]~~

### **20.7.3.902 OPERATION AND MAINTENANCE REQUIREMENTS AND INSPECTION REQUIREMENTS AT TIME OF TRANSFER:**

A. The owner of an on-site liquid waste system, including systems existing prior to the effective date of this regulation, shall be responsible for properly operating and maintaining the system in accordance with the recommendations of the manufacturer or designer of the system.

B. The owner of an advanced treatment system installed after the effective date of this regulation shall enter

into a department approved maintenance contract with a maintenance service provider that will assure maintenance of the system in accordance with the recommendations of the manufacturer or designer of the system. A maintenance contract shall be in effect at all times.

C. Household hazardous waste and high strength waste shall not be introduced into the system.

D. Any spillage that may occur during tank pumpout shall be cleaned up immediately and the spill area disinfected with a sodium or calcium hypochloride solution.

E. Prior to the transfer of a property with an existing permitted on-site liquid waste system, the current system owner shall have the system inspected [and]. Permitted liquid waste systems shall be evaluated by an inspector qualified in accordance with Subsection C of 20.7.3.904 NMAC utilizing a department approved form. Unpermitted liquid waste systems shall be inspected by the department and registered pursuant to Subsections J or K of 20.7.3.401 NMAC.

F.] For advanced treatment systems:

(1) the system shall be sampled in accordance with permit conditions for compliance with 20.7.3.602-604 NMAC if a regularly scheduled sampling event has not occurred within 180 days of the inspection; the sampling results shall be included with the system report; if a regularly scheduled sampling event has occurred within 180 days of the inspection, the results of the sampling shall be included in the inspection report; and

(2) an amendment of permit reflecting ownership change is required pursuant to Subsection E of 20.7.3.403 NMAC.

[F.] G.] Inspections shall be recorded on forms approved by the department. Inspection reports shall be kept on file by the inspector of the on-site liquid waste system. Inspectors shall submit to the department copies of all inspection reports, whether completed or not, within 15 days of the inspection. A permit or variance application shall be submitted within 15 days of the inspection to correct any deficiencies or permit violations identified by the inspection. In addition, all inspection reports shall include the global positioning system (GPS) coordinates of the tank. Once an inspection is requested, all results, whether complete or not, shall be submitted to the department.

[G.] H.] In the event of a failed system, that includes, but is not limited to disposal fields, the owner shall remedy the failed system with department approval.

[20.7.3.902 NMAC - N, 9/1/05; A, 4/1/07; A, 11/21/11]



**20.7.3.904 REQUIREMENTS  
FOR [CERTIFICATION]  
QUALIFICATION:**

[A. The department will develop a certification program by July 1, 2007 that addresses the specifications below and as provided by law. After July 1, 2009:

(1) any person offering services pertaining to an on-site liquid waste system, including site evaluator, system designer, installer, wastewater reuse irrigator, inspector, maintenance service provider or septage pumper, shall be certified after completing a program and passing an exam approved by the department;

(2) employees of the department reviewing, approving or inspecting on-site liquid waste systems shall be certified as department liquid waste specialist after completing a program and passing an exam approved by the department; and

(3) a homeowner shall complete a program and pass an exam approved by the department prior to the issuance of a permit for a homeowner installed system.

B. General requirements for certifications of persons involved in the liquid waste program are specified below:

(1) Site evaluators shall demonstrate competence in soil evaluation to determine acceptable liquid waste disposal application rates and identify potential areas of concern, such as fractured bedrock, shallow ground water and karst terrain:

(2) Liquid waste system designers that configure conventional treatment systems and approved proprietary advanced systems shall demonstrate competence in configuration of on-site liquid waste systems, certification by the manufacturer of approved systems proposed and a basic understanding of the treatment and disposal process:

(3) Installers shall possess a valid, applicable New Mexico contractor's license and demonstrate competence in the installation of on-site liquid waste systems:

(a) An installer 1 shall demonstrate competence in the installation of conventional treatment and disposal systems and holding tanks:

(b) An installer 2 shall demonstrate competence in all forms of on-site liquid waste systems. An installer 2 must have at least 3 years of installation experience, 30 hours of approved coursework and certified by the manufacturer of approved systems they install.

(4) Wastewater reuse irrigation service providers shall possess a valid, applicable New Mexico contractor's license and demonstrate competence in the configuration, installation, operation and maintenance of wastewater irrigation systems and the protection of public health.

(5) Inspectors shall demonstrate

competence in the inspection of on-site liquid waste systems. Certification by the national association of waste transporters (NAWT), NSF international or a department-approved program is demonstration of competence in the inspection of conventional treatment and disposal systems:

(6) Maintenance service providers (MSP) shall demonstrate competence in the operation and maintenance of on-site liquid waste systems. Persons providing service shall follow department procedures for MSP and shall be certified by the manufacturer of the systems they operate and maintain.

(7) Septage pumpers shall demonstrate familiarity with applicable regulations and demonstrate competence in locating and exposing septic tanks; measuring septic tank sludge and scum levels, the complete pumping of septic tank sludge, maintenance of pumping equipment in a sanitary condition, prevention of pathogen transmission and preparation of an appropriate safety plan for normal operations:

(8) Manufacturers of approved advanced treatment systems shall provide training and certification for their systems at least once per year. Manufacturers may charge reasonable fees for their training and certification:

C. Limitations on scope of services:

(1) Liquid waste system designers may only configure conventional treatment systems, approved proprietary advanced treatment systems and conventional, proprietary and alternative disposal systems described in 20.7.3 NMAC:

(2) Installer 1 may only install conventional treatment systems and conventional disposal systems that do not involve dosing or other mechanical distribution systems:

(3) Installer 2 may install all forms of on-site liquid waste systems:

D. Expiration and renewal of certifications and establishment of fees:

(1) Certifications are valid for a period up to three (3) years and shall expire on December 31 of the third year of issuance:

(2) Renewal of certifications require completion of at least 8 hours of continuing education units per year approved by the department:

(3) The department shall establish fees for the initial application and renewal of certifications:

E. Suspension, revocation and denials:

(1) The department may suspend or revoke a certification for cause. Failure to provide service in accordance with the certification shall be grounds for revocation of the certification:

(2) The department may deny certification if it determines that an applicant

does not meet all requirements of this part or has violated any provision of these regulations:

F. Education steering committee. The secretary shall appoint an education steering committee. The committee shall consist of at least one representative of each classification for which certification is required and one department appointed member. The committee shall meet monthly until sufficient classes for all categories of certification are approved. Thereafter the committee shall meet semi-annually or as required for the purpose of certification reviews of sponsors, courses and instructors and shall make recommendations to the secretary as to findings:

G. Approval of sponsors:

(1) All sponsors wishing to offer department-approved courses for credit must be approved by the secretary prior to accepting students:

(2) Educational institutions, proprietary schools, professional organizations, internet-based training providers or businesses wishing to become department-approved sponsors must submit an application for department approval:

(3) The department shall maintain a list of approved sponsors:

(4) An approved sponsor shall comply with the following requirements:

(a) Conduct all courses in accordance with department rules and regulations and education policies:

(b) Permit the department or its representative access to classes being conducted and make available to the department, upon request, all information pertaining to the activities of the sponsor:

(c) Advertise at all times in a manner free from misrepresentation, deception or fraud:

(d) Prominently display the current certificate of sponsorship in the main office of the sponsor as registered with the department:

(e) In the event a sponsor ceases operations while students are enrolled who have not completed their program of study, submit within thirty (30) days a list of students enrolled at the time of closure, the amount of tuition paid, the status of course work in progress and all other student records:

(f) Maintain current, complete and accurate student records and instructor critiques or summaries, which shall be accessible at all times to the department or its authorized representatives. These records shall include, but not be limited to, a record of payments made, a record of attendance and a record of course work completed:

(g) Conduct all courses in accordance with course content requirements approved by the department:

(h) Certify no student as

successfully completing a pre-certification course unless the student has attended at least 75% of the classroom instruction and has passed the course.

(i) Certify no certificate holder as successfully completing approved certification or continuing education course unless they have attended at least 90% of the classroom instruction.

(j) Advise the department of change of address and telephone number.

(k) Reapply for sponsorship in event of change of majority ownership.

(l) Notify the department in writing of change of directorship.

(m) Renew sponsorship approval every three (3) years.

(5) Failure to comply with this rule may result in the loss of sponsor approval.

#### H. Approval of courses:

(1) All pre-certification and continuing education courses shall be approved by the secretary.

(2) All courses shall be offered in accordance with established department course content requirements.

(3) All approved courses are subject to periodic review by the department.

#### I. Approval of instructors:

(1) All instructors shall be approved by the secretary.

(2) All instructor candidates shall complete an application for department review.

(3) All instructor candidates must be prepared to make a minimum fifteen (15) minute presentation to the education steering committee.

(4) An approved instructor shall comply with the following requirements:

(a) conduct all classes in accordance with department rules and regulations and education policies;

(b) insure that all instruction is free from misrepresentation;

(c) instruct in accordance with department-approved course content requirements;

(d) allow access to any class to any duly appointed representative of the department;

(e) renew approval biannually as prescribed by the department; instructor approval expires on December 31 of each even-numbered year;

(f) certify to the sponsor a true and correct record of student attendance; and

(g) failure to comply with this section may result in the loss of instructor approval.]

#### A. Qualified homeowner.

(1) A homeowner must become qualified to install an on-site liquid waste system by passing an exam administered by the department.

(2) Homeowner training materials and opportunities for exams, by appointment,

shall be available at all department field offices.

(3) A qualified homeowner may apply for a permit to install or modify a conventional on-site liquid waste treatment and disposal system serving the qualified homeowner's personal residence in accordance with Subsection C of 20.7.3.401 NMAC.

(4) A qualified homeowner shall not install or modify an on-site liquid waste system serving a rental unit, or other property that is not the qualified homeowner's personal residence.

(5) A homeowner qualification shall be valid for one year from the date of issuance of qualification; the department may extend the qualification beyond one year for good cause shown.

(6) A qualified homeowner may install no more than one liquid waste system during a twelve month period.

(7) A qualified homeowner who self-installs a system shall not compensate any person to perform any phase of the system construction, unless that person holds a valid and appropriate classification of contractor's license issued by the New Mexico construction industries division.

#### B. Third party inspector.

(1) Inspections of liquid waste systems prior to property transfers are required by Subsection E of 20.7.3.902 NMAC. The department shall inspect unpermitted liquid waste systems. Third party inspectors shall inspect permitted liquid waste systems.

(2) Qualification as a third party inspector shall be based on one of the following:

(a) a valid and appropriate classification of licensure by the construction industries division of the regulation and licensing department;

(b) certification as a registered professional engineer with a specialty sub-discipline of on-site wastewater engineering;

(c) accreditation in on-site wastewater inspection by the national sanitation foundation (NSF);

(d) certification by the national environmental health association (NEHA) as an installer of on-site wastewater treatment systems; or

(e) demonstration of a similar accreditation or certification or a combination of training and experience as approved by the department.

(3) Inspection of advanced wastewater treatment systems shall be performed only by persons qualified pursuant to Subsection C of 20.7.3.904 NMAC.

C. Maintenance service provider of an advanced treatment system.

(1) Maintenance service providers shall comply with 20.7.3.903 NMAC.

(2) In order to obtain approval by

the department, and in addition to receiving a recommendation for approval by the wastewater technical advisory committee, manufacturers or their authorized trainers of advanced treatment systems shall provide a written training and certification program, for approval by the department, for installers and maintenance service providers of their systems. Installers and maintenance service providers of advanced treatment systems shall receive the training approved by the department at least once per year. Department representatives may audit training classes provided by the manufacturers for the purpose of evaluating the training provided.

(3) Maintenance service providers for orphaned advanced treatment systems shall be qualified by the department. Qualification as a maintenance service provider for orphaned systems will be based on the following:

(a) certification as an advanced small systems, level III or level IV wastewater operator from the state of New Mexico;

(b) certification at an acceptable level as a wastewater operator from another state; or

(c) other credentials, as approved by the department.

#### D. Septage pumpers.

(1) Septage pumpers shall demonstrate familiarity with applicable regulations and demonstrate competence in locating and exposing septic tanks, measuring septic sludge and scum levels, the complete pumping of septic tank sludge, maintenance of pumping equipment in a sanitary condition, prevention of pathogen transmission and preparation of an appropriate safety plan for normal operations.

(2) Septage pumpers shall maintain his or her equipment to ensure no sewage spills occur during transport or storage and that his or her employees or the public are not subjected to undue health hazards.

E. Suspensions, revocation and denials.

(1) The department may deny a qualification if it determines that an applicant does not meet all eligibility requirements set forth above.

(2) The department, at any time, may suspend or revoke a qualification for cause to include fraud, misrepresentation, failure to provide required documentation, failure to provide service in accordance with the qualification or failure to comply with 20.7.3 NMAC. Suspension or revocation shall be by issuance of an order by the department.

(3) Any person who desires to appeal a denial, suspension, revocation or disqualification may appeal to the secretary. An appeal is initiated by submitting a request

for a hearing. The request for a hearing must be in writing and made no later than thirty (30) days after notice of the action is served. Upon such request, the secretary shall conduct a hearing pursuant to the adjudicatory procedures in 20.1.5 NMAC. [20.7.3.904 NMAC - N, 9/1/05; A, 4/1/07; A, 11/21/11]

## NEW MEXICO BOARD OF PHARMACY

### TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 19 PHARMACISTS PART 34 PRESCRIPTION DRUG DONATIONS

**16.19.34.1 ISSUING AGENCY:** Regulation and Licensing Department - Board of Pharmacy.  
[16.19.34.1 NMAC - N, 11-27-11]

**16.19.34.2 SCOPE:** This section applies to licensed clinics and participating practitioners located within the state of New Mexico who provide for the donation and redistribution of previously dispensed prescription drugs that have not been used.  
[16.19.34.2 NMAC - N, 11-27-11]

**16.19.34.3 STATUTORY AUTHORITY:** Section 26-1-3.2 of the New Mexico Drug, Device and Cosmetic Act requires the board of pharmacy to promulgate rules establishing standards and procedures necessary for the safe redistribution of previously dispensed prescription drugs.  
[16.19.34.4 NMAC - N, 11-27-11]

**16.19.34.4 DURATION:** Permanent.  
[16.19.34.4 NMAC - N, 11-27-11]

**16.19.34.5 EFFECTIVE DATE:** November 27, 2011, unless a different date is cited at the end of a section.  
[16.19.34.5 NMAC - N, 11-27-11]

**16.19.34.6 OBJECTIVE:** The objective of Part 34 of Chapter 19 is to ensure the safe donation and redistribution of unused prescription drugs by licensed clinics and participating practitioners by establishing standards and procedures including but not limited to accepting, storing, packaging, labeling, inspecting, record keeping and disposal.  
[16.19.34.6 NMAC - N, 11-27-11]

**16.19.34.7 DEFINITIONS:**

**A. "Board"** means the New Mexico board of pharmacy.

**B. "Clinic"** means a facility licensed pursuant to Section 61-22-14

NMSA 1978 in which one or more licensed practitioners diagnose and treat patients and in which drugs are stored, dispensed or administered for the diagnosis and treatment of the facility's patients; provided that "clinic" does not include the privately owned practice of a licensed practitioner or group of licensed practitioners exempt under Section 61-11-11 NMSA 1978.

**C. "Donor"** means an individual who donates an unused prescription drug to a clinic or participating practitioner, who originally prescribed that prescription drug for their patient, for the purpose of redistribution of established patients of that clinic or practitioner.

**D. "Eligible drug"** means an unused prescription drug stored in a tamper-evident container, or by a tamper-evident process preventing unauthorized access, and has an expiration date of six months or greater listed on the packaging. No drug shall be re-dispensed more than one time.

**E. "Ineligible drug"** means any controlled substances or any prescription drug within the risk evaluation and mitigation strategies (REMS) requirements as set forth by Section 505-1[21 USC355-1] of the Food Drug and Cosmetic Act (FD&C Act), with the exception of a medication guide (MedGuide) as set forth in Title 34, CFR, Subsection 208, patient package insert (PPI) or a communication plan, without prior board approval.

**F. "Participating practitioner"** means a licensed practitioner who is authorized to prescribe drugs, who registers with the board and is subject to rules promulgated by the board to participate in the collection of donated drugs prescribed for use by established patients of that practitioner, and donated for the purpose of redistribution to established patients of that practitioner.

**G. "Prescription drug"** for the purposes of this rule means any drug required by federal or state law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act.

**H. "Recipient"** means an individual who voluntarily receives donated prescription drugs.

**I. "Tamper-evident"** means a device or process that makes unauthorized access to protected pharmaceutical packaging easily detected.

**J. "REMS"** means risk evaluation and mitigation strategy as required by the Food and Drug Administration Amendments Act of 2007.  
[16.19.34.7 NMAC - N, 11-27-11]

**16.19.34.8 PROCEDURES:** All clinics and participating practitioners shall

follow the procedures for accepting and redistributing certain donated prescription drugs, including refrigerated drugs, consistent with public health and safety standards.

**A.** Before accepting donated prescription drugs the clinic or the participating practitioner shall:

(1) register with the New Mexico board of pharmacy as a practitioner who will facilitate prescription drug donation;

(2) provide donor with appropriate form for documentation and verification upon acceptance of an eligible donated drug;

(3) identify drug as eligible or ineligible prior to accepting the donated drug;

(a) ineligible drugs may not be accepted for donation;

(b) only drugs originally prescribed by a licensed clinic or practitioner may be accepted.

**B.** Standards and procedures for storing donated prescription drugs.

(1) Donated prescription drugs must be stored in compliance with the manufacturer's storage requirements per the drug monograph.

(2) All donated drugs must be stored in compliance with the manufacturer's storage requirements per the drug monograph.

**C.** Standards and procedures for labeling donated prescription drugs:

(1) all personal information from the donor must be removed from packaging;

(2) labeling donated prescription drugs must be in compliance with the food and drug administration (FDA) and the state of New Mexico's requirements for labeling prescription drugs.

**D.** Before redistributing donated prescription drugs the clinic or the participating practitioner shall.

(1) Comply with all applicable federal laws and the laws of the state that deal with the inspection, storage, labeling and redistribution of donated prescription drugs.

(2) Confirm that the donor of a prescription drug is or was a patient of that practitioner or clinic.

(3) Examine the donated prescription drug to determine that it has not been adulterated or misbranded and certify that the drug has been stored in compliance with the requirements of the product.

(4) Have the donor read and sign the board approved donor form, this form will serve as documentation and verification upon acceptance of eligible donated drugs.

(5) Have all recipients of donated prescription drugs read and sign the board approved recipient form.

(6) Confirm the patient receiving



the donated prescription drug has a valid prescription/order for the drug.

(7) Provide the recipient of any prescription drug with a REMS's required patient-directed instructional document accompanying the medication, which could be either a MedGuide or a PPI.

(8) Confirm they have received and read the formal communication plan from the drug manufacturer as part of the REMS requirement for that prescription drug if applicable.

**E.** Standards and procedures for inspecting donated prescription drugs to determine that the packaging is tamper-evident and that the donated prescription drugs are unadulterated, within the labeled expiration date, and are safe and suitable for distribution.

(1) When inspecting packaging ensure:

(a) tamper-resistant packaging is intact;

(b) there are no breaks, cracks or holes in packaging;

(c) appropriate quantity as indicated on package;

(d) consistency of information is maintained on packaging, expiration date, lot number and outer packaging is applicable.

(2) When inspecting liquids observe:

(a) color;

(b) thickness;

(c) unusual particles;

(d) transparency;

(e) odor.

(3) When inspecting tablets or capsules observe and confirm uniformity of:

(a) color;

(b) shape;

(c) unusual spots;

(d) texture;

(e) odor;

(f) imprint or markings;

(g) physical damage, cracks, breaks, erosion, abrasion.

**F.** A handling fee not to exceed twenty dollars (\$20.00) may be charged to the recipient by the clinic or the participating practitioner to cover the costs of inspecting, storing, labeling and redistributing the donated prescription drug. [16.19.34.8 NMAC - N, 11-27-11]

#### **16.19.34.9 RECORD KEEPING:**

All clinics and participating practitioners shall provide separate records or forms documenting the receipt and redistribution of all unused prescription drugs and maintain the records for three years.

**A.** A form to be signed by the donor serving as receipt of the drug verifying the donor voluntarily donating the drug, the donated prescription drug has been properly stored-not stored at temperature extremes nor hazardous conditions and

protected from light and humidity, the container has not been tampered with, and the drug has not been adulterated or misbranded. The form shall include at least the following:

(1) date the drug was donated;

(2) name, address and telephone number of donor;

(3) name, strength and quantity of the drug;

(4) manufacturer and lot number (if applicable) of drug;

(5) the expiration date of drug;

(6) name, date and signature of the practitioner or pharmacist who is accepting and inspecting the donated drugs.

**B.** A form to be signed by the recipient specifying; knowledge that the donor is not a pharmacist and took reasonable care of the donated prescription drug, that the donor is known to the clinic or the participating practitioner and that there is no reason to believe that the donated prescription drug was improperly handled or stored and any person who exercises reasonable care in donating, accepting or redistributing pursuant to this Section 26-1-3.2 NMSA 1978 shall be immune from civil or criminal liability or professional disciplinary action of any kind for any related injury, death or loss, and that the immunity provided by this section shall not decrease or increase the civil or criminal liability of a drug manufacturer, distributors or dispenser that would have existed but for the donation. The form shall include at least the following:

(1) date the recipient received the drug;

(2) name, address and phone number of the recipient;

(3) name, strength and quantity of the drug;

(4) manufacturer and lot number (if applicable) of drug;

(5) the expiration date of drug;

(6) documentation that donated drug was dispensed with applicable forms as deemed by the REMS requirement;

(7) no product where integrity cannot be assured shall be accepted for redistribution.

**C.** All records and forms required by this rule may be in electronic form. [16.19.34.9 NMAC - N, 11-27-11]

#### **16.19.34.10 LIABILITY:**

**A.** Any person who exercises reasonable care in donating, accepting or redistributing prescription drugs pursuant to this section shall be immune from civil or criminal liability or professional disciplinary action of any kind for any related injury, death or loss.

**B.** The immunity provided by this section shall not decrease or increase the civil or criminal liability of a drug

manufacturer, distributor or dispenser that would have existed but for the donation.

**C.** A manufacturer shall not be liable for failure to transfer or communicate product consumer information or the expiration date of the donated prescription drug pursuant to this section.

**D.** This section does not restrict the authority of an appropriate government agency to regulate or ban the use of any prescription drugs.

[16.19.34.10 NMAC - N, 11-27-11]

#### **16.19.34.11 PARTICIPATING PRACTITIONERS AND LICENSED CLINICS:**

**A.** Practitioners and licensed clinics must submit the required application form provided by the board to obtain eligibility for participation.

**B.** The board may remove at any time practitioners or any licensed clinics from participating in the reuse of prescription drug donation should they fail to comply with regulations stated therein.

**C.** The board shall maintain and publish a current listing of participating practitioners and licensed clinics including names(s) and address.

[16.19.34.11 NMAC - N, 11-27-11]

#### **16.19.34.12 DISPOSAL:**

Participating practitioners and licensed clinics may dispose of unused donated prescription drugs, that were collected but not redistributed, in accordance with state and federal requirements for disposal of prescription drugs.

[16.19.34.12 NMAC - N, 11-27-11]

#### **16.19.34.13 RECALLS:**

Participating practitioners shall monitor FDA recalls, market withdrawals, and safety alerts and will communicate with recipients if medications they received may be impacted by this FDA action.

[16.19.34.13 NMAC - N, 11-27-11]

**HISTORY OF 16.19.34 NMAC:**  
[RESERVED]

## **NEW MEXICO BOARD OF PHARMACY**

**This is an amendment to 16.19.20 NMAC, Section 65, effective 11-27-2011.**

#### **16.19.20.65 SCHEDULE I:**

**A.** NMSA 1978 Section 30-31-6 schedule I shall consist of the following drugs and other substances, by whatever name, common or usual name, chemical name or brand name designated, listed in this section; **OPIATES**, unless specifically exempt or unless listed in another schedule, any of the following opiates, including its'

isomers, esters, ethers, salts and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.

- (1) Acetylmethadol
- (2) Allylprodine
- (3) Alphacetylmethadol
- (4) Alphameprodine
- (5) Alphamethadol
- (6) Alpha-methyl fentanyl
- (7) Benzethidine
- (8) Betacetylmethadol
- (9) Betameprodine
- (10) Betamethadol
- (11) Betaprodine
- (12) Clonitazene
- (13) Dextromoramide
- (14) Diampromide
- (15) Diethylthiambutene
- (16) Dimethylthiambutene
- (17) Difenoxin
- (18) Dimenoxadol
- (19) Dimepheptanol
- (20) Dimethylthiambutene
- (21) Dioxaphetyl Butyrate
- (22) Dipipanone
- (23) Ethylmethylthiambutene
- (24) Etonitazene
- (25) Etoxadine
- (26) Furethidine
- (27) Hydroxypethidine
- (28) Ketobemidone
- (29) Levomoramide
- (30) Levophenacymorphan
- (31) Morpheridine
- (32) Noracymethadol
- (33) Norlevorphanol
- (34) Normethadone
- (35) Norpipanone
- (36) Phenadoxone
- (37) Phenampromide
- (38) Phenomorphan
- (39) Phenoperidine
- (40) Piritramide
- (41) Proheptazine
- (42) Properidine
- (43) Propiram
- (44) Racemoramide
- (45) Tilidine
- (46) Trimeperidine

#### B. O P I U M

**DERIVATIVES:** Unless specifically exempt or unless listed in another schedule, any of the following opium derivatives, its' salts, isomers, and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation.

- (1) Acetorphine
- (2) Acetyl dihydrocodeine
- (3) Benzyl morphine
- (4) Codeine methylbromide
- (5) Codeine-N-Oxide
- (6) Cyprenorphine
- (7) Desomorphine
- (8) Dehydro morphine

- (9) Etorphine
- (10) Heroin
- (11) Hydromorphinol
- (12) Methyl-desorphine
- (13) Methyl-dihydromorphine
- (14) Morphine methylbromide
- (15) Morphine methylsulfonate
- (16) Morphine-N-Oxide
- (17) Myrophine
- (18) Nicocodeine
- (19) Nicomorphine
- (20) Normorphine
- (21) Pholcodine
- (22) Thebacon
- (23) Droterbanol
- (24) Beta-Hydroxy-3-

Methylfentanyl

- (25) 3-Methylthiofentanyl
- (26) Acetyl-Alpha-Methyl

fentanyl

- (27) Alpha-Methylthiofentanyl
- (28) Beta-hydroxyfentanyl
- (29) Para-Fluoro fentanyl
- (30) Thiofentanyl

#### C. HALLUCINOGENIC

**SUBSTANCES:** Unless specifically exempt or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its' salts, isomers, and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation (for purpose of this sub-section only, the term "isomers" includes the optical position, and geometric isomers).

- (1) 3,4 -methylenedioxy amphetamine
- (2) 5 - methoxy - 3,4-methylenedioxy amphetamine
- (3) 3,4,5-trimethoxy amphetamine
- (4) Bufotenine
- (5) Diethyltryptamine; DET
- (6) Dimethyltryptamine; DMT
- (7) 4-methyl-2,5-dimethoxy-amphetamine; DOM or STP
- (8) Lysergic acid diethylamide
- (9) Lysergic acid diethylamide
- (10) Marijuana
- (11) Mescaline
- (12) Peyote
- (13) N-ethyl-3-piperidyl benzilate
- (14) N-methyl-3-piperidyl benzilate
- (15) Psilocybin
- (16) Psilocyn
- (17) Tetrahydrocannabinols
- (18) Parahexyl (synthetic analog of delta<sup>9</sup>tetrahydrocannabinol (THC) an active ingredient of cannabis)
- (19) Hashish
- (20) 2, 5 -dimethoxyamphetamine; 2, 5-DMA
- (21) 4-bromo-2, 5-dimethoxy-amphetamine; 2,5-DMA
- (22) 4-methoxyamphetamine;

PMA

- (23) Ethylamine N-ethyl-1-phenylcyclohexylamine (PCE)
- (24) Pyrrolidine 1-(1-phenylcyclohexyl)-pyrrolidine (PCPy), (PHP) analog of the drug phencyclidine
- (25) Thiophene (analog of phencyclidine) TCP or TPCP
- (26) Alpha-ethyltryptamine
- (27) 2, 5-dimethoxy-4-ethylamphet-amine
- (28) Ibogaine
- (29) 2,5 dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7)
- (30) Alpha-methyltryptamine (AMT)

(31) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT)

#### (32) Synthetic cannabinoids:

Unless specifically exempted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following synthetic cannabinoids which demonstrates binding activity to the cannabinoid receptor or analogs or homologs with binding activity:

(a) CP 55,244 ((hydroxymethyl)-4-[2-hydroxy-4-(2-methyloctan-2-yl)phenyl] 1,2,3,4,4a,5,6,7,8,8a-decahydronaphthalen-2-ol)

(b) CP 55,940 (5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol)

(c) JWH-081 (1-pentyl-3-[1-(4-methoxynaphthoyl)]indole)

(d) JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole)

(e) JWH-133 3-(1,1-dimethylbutyl)-6a,7,10,10a-tetrahydro -6,6,9-trimethyl-6H dibenzo[b,d]pyran

(f) JWH 203 1-pentyl-3-(2-chlorophenylacetyl)indole)

(g) JWH 210 4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone

(h) AM-694 (1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole)

(i) AM-1221 (1-(N-methylpiperdin-2-yl)methyl-2-methyl-3-(1-naphthoyl)-6-nitroindole

(j) AM-2201 (1-(5-fluoropentyl)-3-(1-naphthoyl)indole)

(k) RCS-4 or SR-19 (1-pentyl-3-[4-methoxy)-benzoyl]indole)

(l) RCS-8 or SR-18 (1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole)

(m) JWH-210 (1-pentyl-3-(4-ethylnaphthoyl)indole)

(n) WIN-49,098 (Pravadoline) (4-methoxyphenyl)-[2-methyl-1-(2-morpholin-4-ylethyl)indol-3-yl]methanone

(o) WIN-55,212-2 (2,3-dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo-1,4-benzoxazin-6-yl)-1-

naphthalenylmethanone)

**(33) Substances determined by the board to have the pharmacological effect of the substance, the risk to the public health by abuse of the substance and the potential of the substance to produce psychic or physiological dependence liability is similar to the substances described in Paragraph (1) or (2) of 30-31-23C NMSA 1978. Substances include but are not limited to:**

**(a) salvia divinorum**  
**(b) salvinorin A (methyl (2S,4aR,6aR,7R,9S,10aS,10bR)-9-(acetyloxy)-2-(furan-3-yl)-6a,10b-dimethyl-4,10-dioxododecahydro-2H-benzof[isochromene-7-carboxylate]**

**(34) 4-methyl-ethylcathinone (4-MEC)**

**(35) 4-ethyl-methcathinone (4-EMC)**

**(36) 2-ethylamino-1-phenylpropan-1-one (ethcathinone)**

**(37) 3',4'-methylenedioxyethcathinone (ethylone)**

**(38) beta-keto-N-methyl-3,4-benzodioxolylbutanamine (bk-MBDB, butylone)**

**(39) naphthylpyrovalerone (NRG-1, naphyrone)**

**(40) N,N-dimethylcathinone (metamfepramone)**

**(41) alpha-pyrrolidinopropiophenone (alpha-PPP)**

**(42) alpha-pyrrolidinobutiophenone (α-PBP)**

**(43) 4'-methoxy-alpha-pyrrolidinopropiophenone (MOPPP)**

**(44) 4'-methyl-α-pyrrolidinopropiophenone (MPPP)**

**(45) 3',4'-methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP)**

**(46) 3',4'-methylenedioxy-alpha-pyrrolidinobutiophenone (MDPBP)**

**(47) 4'-methyl-α-pyrrolidinobutiophenone (MPBP)**

**(48) alpha-pyrrolidinovalerophenone (alpha-PVP)**

**(49) 5,6-methylenedioxy-2-aminoindane (MDAI)**

**(50) alpha-methylamino-butyrophenone (buphedrone)**

**(51) beta-keto-ethylbenzodioxolylbutanamine (eutylone)**

**(52) beta-keto-ethylbenzodioxolylpentanamine (pentylone)**

**D. DEPRESSANTS:**

Unless specifically exempt or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its' salts, isomers and salts

of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Mecloqualone
- (2) Methaqualone
- (3) Benzodiazepines
- (a) bromazepam
- (b) camazepam
- (c) clobazam
- (d) cloxazolam
- (e) delorazepam
- (f) ethylloflazepate
- (g) fludiazepam
- (h) flunitrazepam
- (i) haloxazolam
- (j) ketazolam
- (k) loprozepam
- (l) lormetazepam
- (m) medazepam
- (n) nimetazepam
- (o) nitrazepam
- (p) nordiazepam
- (q) oxazolam
- (r) pinazepam
- (s) tetrazepam
- (4) Gamma hydroxybutyric

acid and any chemical compound that is metabolically converted to GHB.

(5) Gamma butyrolactone and any chemical compound that is metabolically converted to GHB.

(6) 1-4 butane diol and any chemical compound that is metabolically converted to GHB.

**E. STIMULANTS:**

Unless specifically exempted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its' salts, isomers, and salts of isomers.

- (1) Fenethylamine
- (2) N-ethylamphetamine
- (3) cis-4-methylaminorex
- (4) N, N-dimethylamphetamine
- (5) N-benzylpiperazine (BZP, 1-benzylpiperazine)

F. Any material, compound, mixture or preparation which contains any quantity of the following substances.

(1) 3-Methylfentanyl(N-3-methyl-1-(2-phenyl-ethyl)-4-Piperidyl)-N-phenylpropanamide, its' optical and geometric isomers, salts and salts of isomers.

(2) 3, 4-methylenedioxy-methamphetamine (MDMA), its' optical, positional and geometric isomers, salts and salts of isomers.

(3) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its' optical isomers, salts, and salts of isomers.

(4) 1-(-2-phenylethyl)-4-phenyl-4-acetoxy piperidine (PEPAP), its' optical isomers, salts and salts of isomers.

- (5) Cathinone.

(6) Methcathinone.

[16.19.20.65 NMAC - Rp 16 NMAC 19.20.28, 07-15-02; A, 06-30-05; A, 01-15-08; A, 05-14-10; A, 11-27-11]

## NEW MEXICO BOARD OF PHARMACY

**This is an amendment to 16.19.22 NMAC, Sections 7 and 9, effective 11-27-2011.**

**16.19.22.7 DEFINITIONS:****A. "Direct supervision"**

means that the pharmacist onsite shall observe and direct to a degree sufficient to assure the accurate completion of the activities of the pharmacy technicians and must provide a final check of all aspects of the prepared product and document the final check before dispensing.

**B. "Indirect supervision"**

means that the pharmacist offsite shall observe via live surveillance cameras and direct pharmacy activity remotely via remote tele-pharmacy communication technology to a degree sufficient to assure the accurate completion of the activities of the pharmacy technicians and must provide a final check of all aspects of the prepared product and document the final check before dispensing.

**C. "Pharmacy technician"**

means a person who, under the supervision of a licensed pharmacist, performs repetitive tasks not requiring the professional judgment of a pharmacist. This includes assisting in various technical activities associated with the preparation and distribution of medications.

(1) "Certified pharmacy technician" means a pharmacy technician who has completed the training and certification outlined in 16.19.22.9 NMAC, completed a board approved certification exam, is registered by the board of pharmacy and maintains current board approved certification.

(2) "Non-certified pharmacy technician" means a pharmacy technician who is in the process of completing the training and education outlined in 16.19.22.9 NMAC and is registered by the board of pharmacy.

(3) "Remote pharmacy technician" means a certified pharmacy technician who meets the special requirements for indirect supervision at a remote dispensing site as specified in the board of pharmacy tele-pharmacy regulations.

**D. "Prescription drug"**

means and human drug required by federal or state law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject



to Section 503(b) of the Federal Food, Drug and Cosmetic Act.

**E. “Professional judgment”** means a cognitive process, by a licensed professional, that takes education, experience, current primary literature and current standards of practice into consideration when drawing conclusions and reaching decisions.

**F. “Stocking”** means placement of the prescription drug container on the pharmacy shelf [~~or other areas of the facility where the product is available for use~~].

**G. “Supervision”** means that the pharmacist shall observe and direct to a sufficient degree to assure the accurate completion of the activities of the pharmacy technicians and must provide a final check of all aspects of the prepared product and document the final check before dispensing.

**H. “Support personnel”** means pharmacy personnel other than pharmacy technicians, which may include clerks, secretary’s and delivery personnel, who under the supervision of a pharmacist, may perform duties associated with the practice of pharmacy, excluding the direct processing and filling of prescriptions, stocking prescription drugs, or duties restricted to only a pharmacist, pharmacist intern, or pharmacy technician.

**I. “Technician training sponsor”** means pharmacist-in-charge, pharmacist or designated administrator at a pharmacy technician training program who assumes responsibility for training and duties performed by a non-certified technician. [16.19.22.7 NMAC - Rp, 16 NMAC 19.22.7, 06-27-2001; A, 11-15-10; A, 11-27-11]

#### **16.19.22.9 TRAINING AND EDUCATION:**

**A.** The pharmacist-in-charge shall ensure that the pharmacy technician has completed initial training which includes:

(1) federal and state laws and regulations that affect pharmacy practice; specific regulations which address the use of supportive personnel and technicians;

(2) ethical and professional standards of practice;

(3) medical and pharmaceutical terminology, symbols and abbreviations used in the practice of pharmacy and components of a prescription;

(4) pharmaceutical calculations necessary for the preparation and dispensing of drug products;

(5) manufacturing, preparation, packaging, labeling and proper storage of drug products;

(6) dosage forms and routes of administration; and

(7) trade and generic names for medications frequently dispensed by the

pharmacy;

(8) basic comprehension of pharmacology;

(9) basic knowledge of appropriate pharmacy references.

**B.** If the duties of the technician will include the preparation of sterile products then, in addition to the training and education requirements listed in this section, the technician will complete training outlined in Paragraph (2) of Subsection C of 16.19.6.11 NMAC.

**C.** A written record of training and education will be maintained by the pharmacy technician and contain the following:

(1) name of person receiving the training;

(2) date(s) of the training;

(3) description of the topics covered;

(4) names of the person(s) who provided the training; and

(5) signature of the technician and the technician training sponsor.

**D.** A written record of training and education must be submitted to the board with certification exam documentation to obtain certified pharmacy technician registration.

**E.** All technicians are required to obtain board approved certification within one year of registration with the board as a technician. **Extensions will no longer be granted to pharmacy technicians registered on or after November 15, 2010.**

**F.** The pharmacist-in-charge shall be responsible for the implementation of policies and procedures for additional training appropriate to duties and responsibilities performed by a pharmacy technician as well as an ongoing quality assurance plan to assure competency. [16.19.22.9 NMAC - Rp, 16 NMAC 19.22.9, 06-27-2001; A, 11-15-10; A, 11-27-11]

### **NEW MEXICO PUBLIC EDUCATION DEPARTMENT**

6.30.11 NMAC, Academic Proficiency and Attendance Tied to Instruction Permits, filed December 16, 2009 is repealed effective November 15, 2011.

### **NEW MEXICO PUBLIC EDUCATION DEPARTMENT**

This is an amendment to 6.60.5 NMAC, Section 10, effective 11-15-2011.

#### **6.60.5.10 EXCEPTIONS:**

**A.** Applicants for an initial Spanish/English bilingual endorsement to a teaching license must, in addition to meeting all other PED requirements for the endorsement, pass Prueba de Español para la

Certificación Bilingüe by obtaining a score of two (2) or higher on any twelve (12) of the fifteen (15) subsections. Applicants seeking this endorsement through licensure reciprocity should consult 6.60.4 NMAC, for guidance.

**B.** Applicants for alternative licensure with teaching experience at the post-secondary level under Subsection C of 6.60.3.8 NMAC, shall be exempt from the teacher licensure testing requirements as long as they meet all other requirements for licensure.

**C.** Exceptions for NMTA (this exception is in accordance with NMSA 22-10A; The School Personnel Act:

(1) The provisions of this paragraph shall apply to an individual who holds at least a bachelors degree, has successfully completed a teacher preparation program, can verify through a current audiological evaluation that the individual is deaf or hard of hearing and requests an alternative assessment of the NMTA.

(2) As used in this section, “deaf of hard of hearing,” means: a person who is prelingually deaf or hard of hearing. Prelingual means an individual who acquired a permanent hearing loss prior to five (5) years of age that prevents the processing of linguistic information through hearing with or without amplification or other hearing assistance devices.

(3) As used in this section, “audiological evaluation” means: a hearing assessment which includes otoscopic inspection, tympanometry, unaided pure tone air and bone conduction threshold testing, as well as speech awareness and speech reception threshold testing (if applicable).

(4) The applicant must obtain an audiological evaluation from a licensed audiologist to verify the required minimum of a permanent, moderate hearing loss as determined by a pure tone average (PTA) at or greater than 41dBHL in each ear. The evaluation must be completed on a PED approved form and dated within one (1) calendar year of application submission.

(5) A person that meets the eligibility requirements of this provision and seeking to demonstrate competencies through the alternative assessment must submit the PED approved “alternative assessment request form” as part of their complete application. The information obtained from the request form will be used to determine which alternative assessments the applicant requires and possible dates for administration of the teacher competency and CKA portions of the alternative assessment.

(6) Individuals granted access to the alternative assessment will have their alternative assessment reviewed by a committee that consists of:

(a) a teacher of deaf or hard of hearing students;

(b) a sign language interpreter;  
 (c) a school administrator from the New Mexico school for the deaf, (NMSD);  
 (d) a parent of a deaf or hard of hearing student;  
 (e) a deaf or hard of hearing teacher, if one is available;  
 (f) a public school employee, and  
 (g) other appropriate persons as determined by the PED.

(7) A person that meets the eligibility requirements of this provision and seeking to demonstrate competencies through the alternative assessment is encouraged to request alternative testing arrangements and attempt all portions of the NMTA with alternative testing arrangements. Requests for alternative testing arrangements should describe accommodations previously received by the candidate during past standardized test administrations, documentation of audiological evaluations, and suggested modifications from a licensed audiologist. Applicants for this license that have earned a passing score of at least 240 on basic skills portion of the NMTA, teacher competency, or CKA are exempt from completing the alternative assessment in the portion they have passed. The PLB at the PED will assist eligible candidates in submitting requests for alternative testing arrangements.

~~[(8) Individuals seeking access to the alternative assessment are required to complete the basic skills portion of the NMTA with modifications after requesting alternative testing arrangements. The PLB at the PED will assist eligible candidates in submitting requests for alternative testing arrangements.]~~

[(9)] (8) Individuals seeking an alternative assessment will demonstrate teacher competency and content knowledge by presenting a hard copy of portfolio in a face-to-face setting to the alternative assessment review committee. Applicants must obtain a passing score of 70% or greater on the teacher competency or content knowledge hard copy portfolio review to receive a score of pass.

[(10)] (9) Applicants for this license will be charged the same amount(s) for the alternative assessment that registrants for the NMTA are charged plus the licensure-processing fee. These fees are due when the applicant submits a complete application. Applications without the appropriate fees will not be accepted.

[(11)] (10) Applicants that are unsuccessful in obtaining a passing score of 70% on the alternative assessment may reapply and must submit the applicable fees. [07-30-99; 6.60.5.10 NMAC - Rn, 6 NMAC 4.2.2.2.10 & A, 10-13-00; A, 07-15-02; A, 02-14-03; A, 04-29-05; A, 05-31-06, A, 10-31-07; A, 06-15-09; 6.60.5.10 NMAC - N, 01-29-10; A, 11-15-11]

**NEW MEXICO  
 DEPARTMENT OF PUBLIC  
 SAFETY  
 TRAINING AND RECRUITING  
 DIVISION**

Law Enforcement Academy

This is an amendment to 10.29.7 NMAC, Section 8 and Section 9, effective 12/15/2011.

**10.29.7.8 [2010-2011] 2012-2013  
 IN-SERVICE TRAINING CYCLE FOR  
 LAW ENFORCEMENT OFFICERS:**

A. All New Mexico certified law enforcement officers shall receive a minimum of forty (40) hours of training bi-annually.

(1) A minimum of four (4) hours shall be in safe pursuit pursuant to Section 29-20-3 NMSA 1978.

(2) A minimum of one (1) hour shall be in domestic [abuse] violence incident training pursuant to Section 29-7-4.1 NMSA1978.

(3) A minimum of two (2) hours shall be in the detection, investigation and reporting of a crime motivated by hate pursuant to Section 31-18B-5 NMSA 1978.

(4) For all officers who may be involved in the arrest of DWI offenders as a normal part of their duties, four (4) hours shall be in NHTSA approved standardized field sobriety testing (SFST) protocols or successful course completion of the NHTSA approved sixteen (16) hour advanced roadside impaired driving enforcement course.

(5) A minimum of one (1) hour shall be in ensuring child safety upon arrest pursuant to [the Law Enforcement Training Act and Criminal Procedure Act] Section 29-7-7.3 NMSA 1978.

(6) Four (4) hours of academy approved day and night firearms training on agency approved weapons systems, including but not limited to duty handgun, backup handgun, shotgun, and rifle. No more than one (1) hour training shall be classroom lecture. A minimum of three (3) hours training, divided equally between day and night training, and shall consist of practical exercises using live fire, simmunitions®, airsoft® or other firearms training systems. Qualification testing may not be used as training to meet this requirement.

(7) [A minimum of three (3) hours of academy approved training in the enforcement of the off-highway Motor Vehicle Act for all officers who may be involved in the enforcement of Sections 66-3-1001 through 66-3-1015 NMSA 1978, as a normal part of their duties.] A minimum of two (2) hours in child abuse incident training pursuant to Section 29-7-4.2 NMSA 1978.

(8) A minimum of [four (4) hours] one (1) hour shall be in missing persons

and AMBER alert training pursuant to [the Law Enforcement Training Act and Missing Persons Information and Reporting Act] Section 29-7-7.4 NMSA 1978.

(9) ~~[Remaining hours may be in maintenance or advanced areas]~~ A minimum of four (4) hours shall be in academy accredited interaction with persons with mental impairments training pursuant to Section 29-7-7.5 NMSA 1978.

(10) A minimum of two (2) hours shall be in academy accredited legal update training to include changes in New Mexico state statutes and recent state and federal case law.

(11) Remaining hours shall be in maintenance or advanced areas from the following general topic areas.

(a) Ethics, use of force, report writing, critical incident management, defensive tactics, communications skills, or emergency vehicle operations.

(b) First line supervisors and mid-managers: Ethics, principles of supervision, field training and evaluation, performance appraisals, coaching, mentoring, vicarious liability, or communication skills.

(c) Agency executives and command staff: Ethics, leadership, policy development, strategic planning, goal setting, budgeting, human resources management, or employment law.

(d) Other approved advanced and specialized training/education or any maintenance training area which is designed to improve upon or add to the knowledge, skills, and abilities of the certified law enforcement officer.

B. Required training may be received through the following means.

(1) The advanced training bureau will contract for course instruction at the regional training sites.

(2) Where scheduling will allow, the training and recruiting division will assign staff to instruct the course at the regional training sites.

(3) Curriculum developed by the training and recruiting division will be provided to individual agencies upon request for their own certified instructors to present to their officers, provided the instructor is qualified in the subject matter. ~~[Recommended training topics include: human trafficking investigations (curriculum developed by the New Mexico attorney general's office), and legal update (curriculum developed by the advanced training bureau).]~~

(4) Individual agencies develop curriculum for review and approval (accreditation) by the academy which meets the criteria established by the board.

C. This four-pronged approach gives all agencies the flexibility they need to address individual training needs. It also allows the board to implement



a planned program of in-service training that is responsive to the changing demands placed upon law enforcement and the opportunity to have statewide consistency in certain critical areas.

**D.** Implementation is to begin on January 1, [2010] 2012.

**E.** Officers obtaining certification between, January 1, [2010] 2012 and December 31, [2010] 2012, will be required to obtain one-half of the in-service training requirements. Officers obtaining certification between, January 1, [2011] 2013, and December 31, [2011] 2013, will be required to meet the next two-year requirement which will go into effect on January 1, [2012] 2014. This policy will apply in subsequent two-year cycles. Officers transferring from one agency to another will carry with them the responsibility for in-service training. [1/30/93, 12/15/93, 1/17/94, 12/7/95, 10/1/97, 1/1/98, 1/1/00; 10.29.7.8 NMAC - Rn, 10 NMAC 29.7.8, 7/1/01; A, 1/1/02; A, 6/14/02; A, 01/01/04; A, 04/15/04; A, 12/30/05; A, 12/14/06; A, 10/31/07; A, 11/15/07; A, 03/01/10; A, 12/15/10; A, 12/15/11]

**10.29.7.9 [2010-2011] 2012-2013 TRAINING CYCLE FOR TELECOMMUNICATORS:**

**A.** All New Mexico certified telecommunicators shall receive a minimum of twenty (20) hours of training bi-annually.

(1) A minimum of two (2) hours in academy accredited interaction with persons with mental impairments training pursuant to Section 29-7-7.5 NMSA 1978.

**[B:] (2)** The remaining training may be in academy approved advanced and specialized training/education or any maintenance training area which is designed to improve upon or add to the knowledge, skills, and abilities of the telecommunicator.

**[C:] B.** Required training may be received through the following means.

(1) The CIRT bureau will arrange for course instruction at regional training sites.

(2) Where scheduling will allow, the training and recruiting division will assign staff to instruct the course at regional training sites.

(3) The curriculum will be developed by the training and recruiting division and provided to individual agencies for their own certified instructors to present to their telecommunicators, provided the instructor is qualified in the subject matter.

(4) Individual agencies develop curriculum for review and approval (accreditation) by the academy which meets the criteria established by the board.

**[D:] C.** This four-pronged approach gives all agencies the flexibility

they need to address individual training needs. It also allows the board to implement a planned program of in-service training that is responsive to the changing demands placed upon telecommunicators and the opportunity to have statewide consistency in certain critical areas.

**[E:] D.** Implementation is to begin on January 1, [2010] 2012.

**[F:] E.** Telecommunicators obtaining certification between January 1, [2010] 2012 and December 31, [2010] 2012, will be required to obtain one-half of the in-service training requirement. Telecommunicators obtaining certification between January 1, [2011] 2013, and December 31, [2011] 2013, will be required to meet the next two-year requirement which will go into effect on January 1, [2012] 2014. This policy will apply in subsequent two-year cycles. Telecommunicators transferring from one agency to another will carry with them the responsibility for in-service training.

[10.29.7.9 NMAC - N, 01/01/04; A, 12/30/05; A, 10/31/07; A, 03/01/10; A, 12/15/11]

**NEW MEXICO  
DEPARTMENT OF PUBLIC  
SAFETY  
TRAINING AND RECRUITING  
DIVISION  
Law Enforcement Academy**

This is an amendment to 10.29.9 NMAC, Sections 8, 13 and 16, effective December 15, 2011.

**10.29.9.8 POLICE OFFICER MINIMUM STANDARDS OF TRAINING**

**A. Block 1: Introduction to the academy;** [8] 12 total block hours - This unit of instruction prepares the recruit officer for the academy experience, focusing on the responsibilities the recruit must undertake to successfully complete the academy. The subjects include:

- (1) academy mission; 1 hour
- (2) overall academy objectives; .5 hour
- (3) rules and regulations of the academy; 2 hours
- (4) learning skills; 2 hours
- (5) role and function of the New Mexico law enforcement academy; .5 hour
- (6) sexual harassment; 2 hours
- (7) cultural diversity; 4 hours

**B. Block 2: Introduction to law enforcement in New Mexico;** [29] 45 total block hours - This unit of instruction identifies the core background, principles and expectations of being a law enforcement officer. The subjects include:

- (1) history and principles of law enforcement; 2 hours
- (2) police and the public and community oriented policing; 14 hours
- (3) ethics and moral issues; 5 hours
- (4) the New Mexico criminal justice system; 2 hours
- (5) criminal/civil liability - standards of performance; 6 hours
- (6) Spanish language; 16 hours

**C. Block 3: Physical and emotional readiness;** [76] 78 total block hours - This unit of instruction will instruct the student in health and physical fitness concepts, flexibility, strength, body composition and cardiovascular endurance. The student will be expected to successfully complete both entrance and exit standards of fitness and exit standards of job-related agility. The subjects and standards include:

- (1) Physical fitness/wellness; 1 hour
  - (a) Academy entry standard: This standard is based on cooper clinic studies, data and recommendations. Each academy entry student will be pre-assessed on five (5) fitness/wellness evaluations:
    - (i) 1.5 mile run (altitude adjusted);
    - (ii) 1 minute sit-up;
    - (iii) 1 minute push-up;
    - (iv) sit and reach; and
    - (v) 300 meter run.

Entry evaluations 1 through 5 will be measured relative to age and sex norms. Each academy entry candidate must score in the 40th percentile or better, in each of the five (5) designated fitness/wellness evaluations, to be eligible for entry into state-certified law enforcement basic training academies.

(b) Academy exit goal: For each academy student the goal, through participation in the physical fitness program, is to be able to score in the 60th percentile in each of the above five (5) fitness/wellness evaluations.

(2) Physical performance requirements; 72 hours

(a) Fitness program: Each student will participate in a weekly fitness program for a minimum of one hour per session, three sessions per week.

(b) Academy fitness exit standard: Complete the 1.5 mile run and 300 meter run at the 60th percentile.

(c) Alternative to the academy fitness exit standard, 1.5 mile run: A basic or certification by waiver student may request the exit cycle ergometer test as an alternative test to the 1.5 mile run exit standard under the following conditions.

- (i) The basic academy student must submit a written request to the director within thirty (30) days of the basic academy graduation date.
- (ii) The certification

by waiver student must submit a written request to the director thirty (30) days prior to the start date of the certification by waiver academy.

(iii) The student request will include a medical referral from a medical doctor with an active medical license who is licensed under the Medical Practice Act to practice medicine in New Mexico. The medical referral will identify the medical reason for the cycle ergometer alternative test.

(iv) The basic academy student request will also include written confirmation from the academy director that all other basic academy training requirements have been successfully completed or will be completed by the graduation date.

(v) Upon receipt of the director's written approval, the student will contact the approved medical facility and schedule for the cycle ergometer alternative test.

(vi) Payment for the cycle ergometer test will be the responsibility of the student or sponsoring agency.

(vii) Upon completion of the cycle ergometer test, the student will submit the written results to the director. The basic student must complete the cycle ergometer test and submit the results to the director prior to their academy graduation date to be eligible for certification with their academy class. The certification by waiver student must complete the cycle ergometer test and submit the results to the director prior to the certification by waiver academy start date to be eligible to attend the academy.

(viii) The basic academy student failing to successfully complete the cycle ergometer test in the listed time frames at the prescribed standard will be ineligible for certification with their class. The basic academy student must successfully complete the cycle ergometer test within six (6) months of their academy graduation date. After expiration of this six month (6) period, the unsuccessful student will be eligible to attend the next scheduled basic academy.

(ix) The certification by waiver student failing to successfully complete the cycle ergometer test in the listed time frames at the prescribed standard will result in the student being denied admission into the certification by waiver academy. The student will be eligible for reapplication to the next scheduled certification by waiver academy.

(x) Approved medical facility and alternative test: The university of New Mexico hospital, or equivalent exercise physiology laboratory [~~and the university of Texas at El Paso, department of kinesiology, exercise physiology lab, are~~] is the only approved facilities for cycle ergometer testing. The alternative test is limited exclusively to  $VO_{2max}$  test

using indirect calorimetry with the cycle ergometer. The student must successfully achieve the comparable 1.5 mile run exit standard for the cycle ergometer test, with altitude, age and gender adjustment.

(d) Academy agility course #1 - Pursuit and control exit standard: Score passing time (3 minutes, 5 seconds) on agility course while wearing ten (10) pounds of extra weight.

(i) Officer is seated in a vehicle with seatbelt in use. As the timed exercise begins, the officer will undo the seatbelt and open the vehicle door.

(ii) Run 30 feet and open a building door.

(iii) Cross the threshold (4 feet) and run up two flights of stairs and pause for 60 seconds. (A rise and run of 7 inches by 11 inches is standard; 8 inches by 10 inches or 6 inches by 12 inches are acceptable variations. Standard floor landings are 10 feet high.) It is appropriate, if only one floor is available, to run up, run down, run up and pause. There is no restriction on how the officer negotiates the stairs.

(iv) Run down the stairs and out the door.

(v) Run 100 feet from the door to a 5-foot high platform; run up steps to the top of the 5-foot platform and jump down. A ladder or ramp are acceptable variations to getting on top of the platform.

(vi) Run 37.5 feet; turn and reverse; run 37.5 feet; turn and reverse; run 25 feet to a 6-foot high wall and scale it. The wall is constructed of cinder block, unpainted with a smooth top. If the applicant chooses, he or she may drag a rigid aid or object 10 feet from the side of the wall and use it as a platform to scale the wall. The rigid aid or object will have handles, a flat top, weigh 50 pounds and be 25 inches tall.

(vii) After scaling the wall, run 50 feet to a handcuff/arrest simulator; pull the arms down; touch the ends and hold for 60 seconds. The arrest simulator is 5 feet high with 60 pounds resistance in the right arm and 40 pounds in the left arm.

(e) Academy agility course #2 - Rescue exit standard: Score passing time (42 seconds) on agility course while wearing ten (10) pounds of extra weight.

(i) Officer is standing at starting point wearing a 10-pound weight belt around the waist to simulate a gun belt. On signal the officer will run 30 feet straight ahead and jump across a 4-foot wide barrier. The barrier is low to the ground, e.g., a ditch, highway divider, etc.

(ii) Run 12.5 feet and climb, jump or hurdle over a 3-foot high barrier. The barrier is to resemble a fence or low wall, no more than 4 inches wide and at least 8 feet long, made of metal or wood.

(iii) Run 12.5 feet to the back of a vehicle equivalent to a full-sized police vehicle and push it 30 feet on a flat surface in the direction of a clear area where a victim extraction will take place. The car is occupied by a dummy (victim) wearing a seatbelt and weighing 190 pounds plus or minus 10 pounds. The dummy must meet standards established by the New Mexico law enforcement academy.

(iv) Approach the victim's door; open the door; undo the seatbelt; pull the victim out of the vehicle and drag them 20 feet perpendicular to the direction of the vehicle.

(3) emotional health, officer suicide and stress management; [2] 4 hours

(4) nutrition; 1 hour

**D. Block 4: Laws and procedures;** [44] 50 total block hours - This unit of instruction informs the student about law and its application to the function of a law enforcement officer. The subjects include:

(1) authority and jurisdiction; 6 hours

(2) constitution law; 2 hours

(3) criminal law; 10 hours

(4) criminal procedures and laws of arrest; 7 hours

(5) search and seizure; 15 hours

(6) civil laws; 2 hours

(7) liquor laws; 1 hour

(8) Indian country law; 1 hour

(9) juvenile law and justice; 2 hours

(10) handling juveniles and their problems; 2 hours

(11) crime motivated by hate; 2 hours

**E. Block 5: Patrol procedures and operations;**[99-5] 107.5 total block hours - This unit of instruction will cover the various types of incidents that a law enforcement officer can be expected to be involved in while on patrol, and the practices and procedures necessary to perform the patrol function. The subjects include:

(1) role of patrol in policing the community; 1 hours

(2) patrol procedures; 16 hours

(3) patrol activities and incidents; 8 hours

(4) vehicle stop techniques; 12 hours

(5) roadblocks and barricades; 2 hours

(6) crimes in progress; 4 hours

(7) crowd control and civil disorder; 1 hour

(8) crime prevention and fear reduction; 1.5 hours

(9) special problems - gangs and terrorism; 10 hours

(10) critical incident management; 16 hours

- (11) radio procedures; [5 hours] 1 hour
- (12) patrol response simulations practicum; 13 hours
- (13) nighttime vehicle stops practicum; 5 hours
- (14) nighttime building searches practicum; 5 hours
- (15) missing person and amber alert; 4 hours
- (16) hazardous materials; 8 hours

**F. Block 6: Principles of criminal investigation;** 76 total block hours

- This unit of instruction shall prepare the officer to effectively secure a crime scene, conduct an investigation, collect evidence, and prepare reports so suspects may be prosecuted. The subjects include:

- (1) the officer as first responder; 6 hours
- (2) interviewing and interrogation techniques and skills; 8 hours
- (3) identifying, collecting and processing evidence; 16 hours
- (4) identification of suspects; 2 hours
- (5) crimes against people; 4 hours
- (6) crimes against property; 4 hours
- (7) injury and death cases; 3 hours
- (8) sex crimes; 6 hours
- (9) controlled substances; 8 hours
- (10) informants and intelligence; 2 hours
- (11) surveillance; 2 hours
- (12) civil complaints and service calls; 2 hours
- (13) technology crimes and investigation; 4 hours
- (14) crime scene investigation practicum; 9 hours

**G. Block 7: Motor vehicle law enforcement;** [33-5] 36.5 total block hours - This unit of instruction will furnish the officer with information relating to the laws of motor vehicles and the criteria for conducting traffic enforcement operations. The subjects include:

- (1) vehicle code and enforcement; 2 hours
- (2) title, registration and vehicle identification; 1 hour
- (3) driver licensing; 2 hours
- (4) occupant safety; 1.5 hours
- (5) traffic enforcement strategies; 1 hour
- (6) driving while intoxicated enforcement/impaired operator; 24 hours
- (7) commercial motor vehicle enforcement; [4] 2 hours
- (8) off-highway Motor Vehicle Act; 3 hours

**H. Block 8: Motor vehicle collision investigation and related issues;** [34] 26 total block hours - This unit of instruction will provide the student with a basic level of competency to conduct a traffic

accident investigation, to have an awareness of the risk posed by hazardous materials, and the officer's role in a hazardous materials incident. The subjects include:

- (1) collision investigation; 24 hours
- ~~[(2) hazardous materials; 8 hours]~~
- ~~[(3)] (2) traffic accident report forms; 2 hours~~

**I. Block 9: Human relations;** [29] 10 total block hours - This unit of instruction will provide the student with tools and techniques to gain greater understanding of persons unlike themselves, so they can be more effective in their duties. The subjects include:

- ~~[(+)] perceptions of human behavior; 10 hours.~~
- ~~[(2) cultural diversity; 3 hours]~~
- ~~(3) spanish language; 16 hours]~~

**J. Block 10: Crisis management;** 40 total block hours - This unit of instruction will prepare the officer to effectively manage high-risk incidents to a safe and successful conclusion. The subjects include:

- (1) behavior management and crisis intervention; 12 hours
- (2) dispute intervention/conflict management; 8 hours
- (3) handling the mentally ill and other special populations; 12 hours
- (4) suicide, barricaded person, hostage situations and suicide by police; 8 hours

**K. Block 11: Domestic issues;** [22] 20 total block hours - This unit of instruction will focus on the cycle of violence, the rights of victims and the responsibilities of law enforcement, and the assistance available to victims. The subjects include;

- (1) ~~[juvenile law and justice; 2 hours]~~ domestic violence and police response; 8 hours
- (2) ~~[handling juveniles and their problems; 2 hours]~~ victims assistance laws; 2 hours
- (3) ~~[domestic violence and police response; 8 hours]~~ ensuring child safety upon arrest; 2 hours
- (4) ~~[victims assistance laws; 2 hours]~~ domestic violence simulation practicum; 8 hours
- ~~[(5) domestic violence simulation practicum; 8 hours]~~

**L. Block 12: Defensive tactics/handling arrested persons;** 88 total block hours - This unit of instruction will provide the student with techniques to arrest and control subjects and also how to defend themselves from physical attack. The student will learn the relationship between subject actions and the proper levels of force that can be applied. The subjects include:

- (1) use of force legal issues; 7 hours

- (2) use of force continuum/judgment issues; 7 hours
- (3) medical implications; 1 hour
- (4) oleoresin capsicum spray; 3 hours

- (5) mechanics of arrest, restraint and control; 68 hours

- (6) transporting prisoners; 2 hours

**M. Block 13: Report writing;** 14.5 total block hours - This unit of instruction will provide the student with the competencies to effectively communicate in written form the necessary information that is required in a police report and other official communications. The subjects include:

- (1) notetaking and report writing; 14.5 hours

- (2) [Reserved]

**N. Block 14: Case presentation;** 19 total block hours - This unit of instruction will give the student the skills for proper preparation and testimony in court, and also how to prepare and question witnesses and make objections and arguments in misdemeanor cases. The subjects include:

- (1) courtroom testimony and demeanor; 5 hours

- (2) police officer as prosecutor and legal practice exercise; 14 hours

**O. Block 15: Basic firearms course;** 80 total block hours - This unit of instruction will familiarize the student with the operation and maintenance of a firearm, firearms safety, safety equipment and fundamentals of marksmanship. The student will successfully complete the New Mexico firearms standardized qualifications courses, and will display proper decision-making in shooting simulations. The subjects include:

- (1) basic firearms course; 69.5 hours

- (2) body armor; 1 hour

- (3) deadly force decision-making practicum; 9.5 hours

**P. Block 16: Operation of a patrol vehicle;** [40] 56 total block hours - This unit of instruction will prepare the officer for proficiently operating a patrol vehicle, the various factors that affect the operation of a patrol vehicle, procedures for emergency driving, and the legal issues related to emergency vehicle operations. The student will demonstrate their competencies on the sub-skills (lane change, slalom, perception/reaction, lolly-pop, and backing) driving courses with a precision closed course, and a precision open course. Passing time for open precision course is 1:05 minutes with no errors, passing time for overall clean course is 2:25 minutes and a minimum of 2 night time orientation runs on the overall course. The subject's include:

- (1) introduction to emergency vehicle operations; 3 hours



(2) Safe Pursuit Act; 8 hours theory, 8 eight hours pursuit scenarios, in compliance with 29-20-3 NMSA

(3) emergency responses; 2 hours

(4) vehicle dynamics; 2 hours

(5) driving courses; 33 hours practical application

**Q. Block 17: First aid and cardio pulmonary resuscitation;** 16 total block hours - This unit of instruction will provide the student with skills to perform emergency care techniques to the sick and injured. The subjects include:

(1) first aid; 4 hours

(2) cardio pulmonary resuscitation; 9 hours

(3) blood borne pathogens; 3 hours

**R. Block 18: Academy administration;** 49.5 total block hours - This unit is for administration of the basic academy training program. This includes examinations and reviews, assessments, inspections, discretionary training time and graduations.

**S. Variances to required subject hours** - The [800] 824-hour standard curriculum is designed for a class size of 30-60 students. Upon request from a satellite academy commander holding a class of less than 30 students, the director may determine if a reduction of practicum hours will still meet the objectives listed for the block and then may authorize an academy to engage in fewer practicum hours. For classes of greater than 60 students, the director may require an academy to engage in more practicum hours than the standard to meet the objectives listed for the block.

[5-29-86, 2-18-87, 2-19-87, 3-16-87, 5-31-97, 1-1-98, 3-1-98, 12-20-99; 10.29.9.8 NMAC - Rn & A, 10 NMAC 29.9.8, 4/30/01; A, 7/1/02; A, 12-14-04; A, 2-14-07; A, 12/15/11]

**10.29.9.13 FINGERPRINT CLEARANCE FOR ADMISSION/CERTIFICATION** - Due to the fact that the department of public safety training and recruiting division is not recognized by federal regulations as a duly authorized law enforcement agency and therefore cannot be issued an "ORI" to send or receive fingerprint clearances through the federal bureau of investigation, the previous procedures established by the law enforcement academy are repealed and are replaced by the following procedures:

**A.** All New Mexico police officer applicants for certification must receive a fingerprint clearance from the department of public safety technical and emergency support division and the federal bureau of investigation. No officer applying for police officer certification is allowed to receive an original appointment on a permanent basis in New Mexico if the officer has been convicted of or pled guilty

to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding their application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and have not been released or discharged under dishonorable conditions from any of the armed forces of the United States, NMSA 1978, Section 29-7-6 (Repl. Pamp. 1994).

**B.** One set (2 cards) of police officer applicant fingerprint cards will be thoroughly completed by the hiring police agency and forwarded to the department of public safety technical and emergency support division. The department of public safety technical and emergency support division will use one fingerprint card for a records check with their agency and will forward the card back to the hiring agency and will forward the second completed card to the federal bureau of investigation identification section for a records check. The department of public safety technical and emergency support division will not log in the fingerprint cards received from the various law enforcement agencies and will not accept inquiries on the status of the fingerprint clearance either for department of public safety technical and emergency support division or the federal bureau of investigation. Department of public safety technical and emergency support division will forward applicant fingerprint requests to the federal bureau of investigation within three days upon receipt of the cards. Incomplete fingerprint cards or cards not properly completed will be returned by the department of public safety technical and emergency support division to the requesting agency.

**C.** All fingerprint clearances will be forwarded from department of public safety technical and emergency support division and the federal bureau of investigation back to the initiating agency. If the "ORI" label on the fingerprint card is different than that of the hiring agency, the hiring agency requesting the clearance must print their agency's address below the address located on the fingerprint card.

**D.** Upon receipt of clearance from both the department of public safety technical and emergency support division and the federal bureau of investigation, "No Record", the hiring agency will be required to complete NMLEA Form #A-9, certified by the department head's signature, and forward this form to the department of public safety training and recruiting division stating that the officer is in compliance with NMSA 1978, Section 29-7-6 (Repl. Pamp. 1994).

**E.** Upon receipt of

information from the department of public safety technical and emergency support division and the federal bureau of investigation that the applicant for certification has a criminal conviction for a felony crime or crime involving moral turpitude it will be the agency's responsibility to terminate the officer. If there is not adequate information, i.e., no disposition, listed on the "rap sheet" it is the agency's responsibility to determine the disposition of the case prior to requesting certification of the officer and certifying that the officer has no record of arrest under the provisions of the Law Enforcement Training Act. In situations in which the agency is unable to determine the disposition of an arrest/conviction, the agency should consult the attorney general's office for assistance. For guidance in determining whether misdemeanor convictions are crimes specifically involving moral turpitude, departments should request the assistance of the attorney general's office.

**F.** No police officer may be certified through the department of public safety training and recruiting division who has been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding their application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and have not been released or discharged under ~~any other than an honorable discharge from any of the armed forces of the United States~~ dishonorable conditions from any of the armed forces of the United States, NMSA 1978, Section 29-7-6 (Repl. Pamp. 1994). Any department head certifying that an officer has "No Arrest" for the above and information to the contrary is received by the department of public safety training and recruiting division or the attorney general's office, decertification procedures will be immediately initiated and the law enforcement agency chief/sheriff or department head notified as well as the attorney general's office and the New Mexico law enforcement academy board. [9-4-81...4-10-89; 10.29.9.13 NMAC - Rn, 10 NMAC 29.9.13, 4/30/01; A, 12/15/11]

#### **10.29.9.16 RENEWAL OF CERTIFICATION AFTER ABSENCE**

##### **A. Break in law enforcement employment**

(1) In the event a certified officer in the state of New Mexico leaves his position for any reason and is not employed as a full-time law enforcement officer for a period of more than two (2) years, but less than eight (8) years, such officer will be considered to be decertified, and will be required to

meet all current certification requirements of the New Mexico law enforcement academy and successfully complete the certification by waiver of previous training program conducted by the New Mexico law enforcement academy.

(2) In the event a certified officer in the state of New Mexico leaves his position for any reason and is not employed as a full-time law enforcement officer for a period in excess of eight (8) years, such officer will be considered to be decertified and will be required to meet all current certification requirements and successfully complete the basic police officer training program.

(3) Those persons who hold a valid New Mexico police officer certification and are employed in an administrative capacity as a full-time police educator or trainer shall not be deemed to have left their position in law enforcement and shall not be required to reapply for certification as specified herein.

(4) The director of the New Mexico law enforcement academy shall have the authority to determine those positions as administrators or trainers that meet the requirements of Paragraph 3 of Subsection A of 10.29.9.16 NMAC above.

**B. Minimum allowable employment** - An officer must show proof of having worked a minimum of six (6) consecutive months during a break in service of two (2) or less years as a full-time law enforcement officer for a recognized law enforcement agency of this or another state to retain their certification.

**C. Military service impact on in-service and firearms credits** - If a certified law enforcement officer or dispatcher, in good standing with the law enforcement academy, is called to active military duty, all biennial in-service and firearms qualifications requirements shall be suspended during the period of active military duty. The employing agency shall notify the law enforcement academy of the active military duty call-up and the date on which the call-up occurred. The suspension of the requirements for in-service and firearms training shall terminate 90 days after the officer/dispatcher leaves active military duty. Upon return from active military duty, the employing agency shall retrain or refresh the certified officer/dispatcher. The employing agency shall notify the law enforcement academy of the officer's/dispatcher's return and of the officer's retraining. Any necessary retraining shall occur within 90 days of return to commission. In the event that a certified law enforcement officer's or dispatcher's period of separation due to active military service exceeds two years, the individual must complete a certification by waiver training program with the exception of having to complete any of the entrance or testing requirements. If the officer/dispatcher believes that military training

which the officer/dispatcher received during the military call-up may qualify for in-service training or firearms qualifications requirements, the agency or officer/dispatcher may petition the law enforcement academy for permission to accept such military training in lieu of in-service training or firearms qualifications requirements. Such petitioning must be submitted in form as prescribed by the director and must include proof of such military training. The law enforcement academy's decision to accept credit for such training shall be at the sole discretion of the director.

[3-15-80...11-24-89; A, 6-29-00; 10.29.9.16 NMAC - Rn, 10 NMAC 29.9.16, 4/30/01; A, 3/29/02; A, 12/15/11]

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### End of Adopted Rules Section

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## Submittal Deadlines and Publication Dates 2011

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Issue Number 18	September 16	September 30
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Issue Number 20	October 18	October 31
Issue Number 21	November 1	November 15
Issue Number 22	November 16	November 30
Issue Number 23	December 1	December 15
Issue Number 24	December 16	December 30

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Issue Number 9	May 1	May 15
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