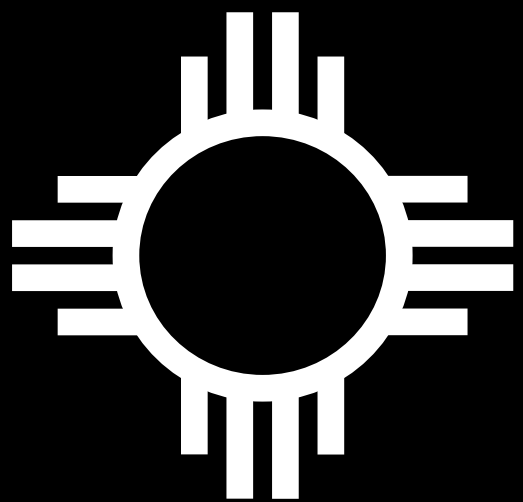


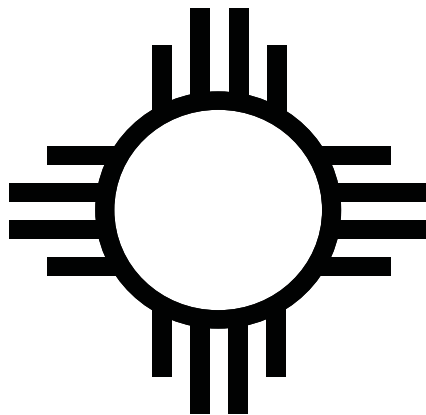
**NEW
MEXICO
REGISTER**



Volume XXIV
Issue Number 11
June 14, 2013

New Mexico Register

**Volume XXIV, Issue Number 11
June 14, 2013**



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

The Commission of Public Records
Administrative Law Division
Santa Fe, New Mexico
2013

COPYRIGHT © 2013
BY
THE STATE OF NEW MEXICO

ALL RIGHTS RESERVED

New Mexico Register

Volume XXIV, Number 11

June 14, 2013

Table of Contents

Notices of Rulemaking and Proposed Rules

Agriculture, Department of	
Notice of Hearing (21.18.2 NMAC)	299
Notice of Hearing (21.18.3 NMAC)	299
Notice of Hearing (21.16.7 NMAC)	299
Economic Development Department	
Notice of Public Hearing	299
Finance and Administration, Department of	
Board of Finance	
Notice of Board of Finance Rule (Procedures for Designating a Fiscal Agent of New Mexico)	300
Notice of Board of Finance Rule (Policy on Capital Expenditures by State Educational Institutions)	300
General Services Department	
Notice of Proposed Rulemaking	300
Human Services Department	
Medical Assistance Division	
Notice of Public Hearing (July 15, 2013)	300
Notice of Public Hearing (July 16, 2013)	300
Mining Commission	
Notice of Public Meeting and Hearing of the New Mexico Mining Commission	301
Water Quality Control Commission	
Notice of Re-Scheduled Public Hearing to Consider Proposed Amendments to 20.6.6 NMAC (Dairy Rule) WQCC 12-09 (R) (English and Spanish)	301

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.

A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

Finance and Administration, Department of		
Board of Finance		
2.61.6 NMAC	A	Bond Project Disbursements
		303
Pharmacy, Board of		
16.19.4 NMAC	A	Pharmacist
		303
16.19.22 NMAC	A	Support Personnel and Pharmacy Technicians
		305
16.19.30 NMAC	A	Compounding of Non-Sterile Pharmaceuticals
		305
Public Employee Labor Relations Board		
11.21.2 NMAC	A	Representation Proceedings
		307
11.21.3 NMAC	A	Prohibited Practices Proceedings
		307
Public Regulation Commission		
18.14.2 NMAC	A	Railroad Safety
		307
Regulation and Licensing Department		
Construction Industries Division		
14.7.6 NMAC	R	2009 New Mexico Energy Conservation Code
		308
14.8.2 NMAC	R	2009 New Mexico Plumbing Code
		308
14.8.3 NMAC	R	2009 New Mexico Swimming Pool, Spa and Hot Tub Code
		308
14.9.2 NMAC	R	2009 New Mexico Mechanical Code
		308
14.10.4 NMAC	R	2011 New Mexico Electrical Code
		308
14.7.6 NMAC	N	2009 New Mexico Energy Conservation Code
		308
14.8.2 NMAC	N	2009 New Mexico Plumbing Code
		312

14.8.3 NMAC	N	2009 New Mexico Swimming Pool, Spa and Hot Tub Code	315
14.9.2 NMAC	N	2009 New Mexico Mechanical Code	318
14.10.4 NMAC	N	2011 New Mexico Electrical Code	321

Other Material Related to Administrative Law

Agriculture, Department of			
Public Meeting Notice			327
Human Services Department			
Medical Assistance Division			
Notice of NMAC Chapter Name Changes			327

The *New Mexico Register* is available free at <http://www.nmcpr.state.nm.us/nmregister>

The New Mexico Register
 Published by
 The Commission of Public Records
 Administrative Law Division
 1205 Camino Carlos Rey
 Santa Fe, NM 87507

The *New Mexico Register* is published twice each month by the Commission of Public Records, Administrative Law Division. The cost of an annual subscription is \$270.00. Individual copies of any Register issue may be purchased for \$12.00. Subscription inquiries should be directed to: The Commission of Public Records, Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507. Telephone: (505) 476-7907; Fax: (505) 476-7910; E-mail: staterules@state.nm.us.

Notices of Rulemaking and Proposed Rules

NEW MEXICO DEPARTMENT OF AGRICULTURE

Notice of Hearing

New Mexico Department of Agriculture (NMDA) will hold three (3) public hearings on the following rule:

* Amendment of 21.18.2 NMAC, which protects consumers of fertilizer and soil conditioner products by establishing standards for the labeling and sale of plant food products, under the New Mexico Fertilizer Act, Chapter 76, Article 11, Sections 1 through 19, New Mexico Statutes Annotated 1978.

A hearing will be held in Roswell, New Mexico, at the Chaves County Extension Office, 200 East Chisum #4 (located in the Chaves County Health Department building), at 10:00 a.m. on Tuesday, July 9, 2013. A second hearing will be held in Albuquerque, New Mexico, at the NMSU Albuquerque Center, 4501 Indian School Road, NE, Suite 100, at 10:00 a.m. on Wednesday, July 10, 2013. A third hearing will be held in Las Cruces, New Mexico, at the NMDA conference room, 3190 South Espina Street (corner of Espina and Gregg), at 10:00 a.m., on Thursday, July 11, 2013.

Written statements in support or opposition and signed by the submitting person will be accepted if received prior to 5:00 p.m. on Thursday, July 11, 2013. Address written statements or inquiries to Tim Darden at NMDA, Feed, Seed and Fertilizer Section, MSC 3150, P.O. Box 30005, Las Cruces, New Mexico 88003-8005 or telephone (575) 646-3107.

A copy of all proposed rules will also be posted on the NMDA website <http://www.nmda.nmsu.edu/>.

NEW MEXICO DEPARTMENT OF AGRICULTURE

Notice of Hearing

New Mexico Department of Agriculture (NMDA) will hold three (3) public hearings on the following rule:

* Creation of 21.18.3 NMAC, which replaces a previous rule establishing standards for the regulation, labeling, and distribution of commercial feed, under

the New Mexico Commercial Feed Act, Chapter 76, Article 19A, Sections 1 through 17, New Mexico Statutes Annotated 1978 Compilation.

The proposed rule replaces 21.18.3 NMAC with a rule more uniform with those of surrounding states and allows for more specific labeling of commercial feed including mineral feeds, pet foods, and specialty pet foods.

A hearing will be held in Roswell, New Mexico, at the Chaves County Extension Office, 200 East Chisum #4 (located in the Chaves County Health Department building), at 1:00 p.m. on Tuesday, July 9, 2013. A second hearing will be held in Albuquerque, New Mexico, at the NMSU Albuquerque Center, 4501 Indian School Road, NE, Suite 100, at 1:00 p.m. on Wednesday, July 10, 2013. A third hearing will be held in Las Cruces, New Mexico, at the NMDA conference room, 3190 South Espina Street (corner of Espina and Gregg), at 1:00 p.m. on Thursday, July 11, 2013.

Written statements in support or opposition and signed by the submitting person will be accepted if received prior to 5:00 p.m. on Thursday, July 11, 2013. Address written statements or inquiries to Tim Darden at NMDA, Feed, Seed and Fertilizer Section, MSC 3150, P.O. Box 30005, Las Cruces, New Mexico 88003-8005 or telephone (575) 646-3107.

A copy of all proposed rules will also be posted on the NMDA website <http://www.nmda.nmsu.edu/>.

NEW MEXICO DEPARTMENT OF AGRICULTURE

Notice of Hearing

New Mexico Department of Agriculture (NMDA) is proposing to amend 21.16.7 NMAC:

* Amendment of 21.16.7 NMAC, New Mexico Chile Labeling, under the New Mexico Chile Advertising Act, Chapter 25, Article 11, Sections 1 through 4, New Mexico Statutes Annotated 1978 Compilation.

NMDA is holding two public hearings. The first will be held in Albuquerque, New Mexico, at the NMSU Albuquerque Center, 4501 Indian School Road, NE, Suite 100, at 4:00 p.m. on Wednesday, July 10, 2013. A second hearing will be held in Las Cruces, New Mexico, at the NMDA conference

room, 3190 South Espina Street (corner of Espina and Gregg), at 4:00 p.m. on Thursday, July 11, 2013.

Written statements in support or opposition and signed by the submitting person will be accepted if received prior to 5:00 p.m. on Thursday, July 11, 2013. Address written statements or inquiries to Joe Gomez at NMDA, Standards and Consumer Services Division, MSC 3170, P.O. Box 30005, Las Cruces, New Mexico 88003-8005 or telephone (575) 646-1616.

A copy of all proposed rules will also be posted on the NMDA website www.nmda.nmsu.edu.

NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT

New Mexico Economic Development Department Notice of Public Hearing

The New Mexico Economic Development Department (NMEDD) will hold a public hearing on the following rules:

Amendment of 3.2.250 NMAC, Deduction - Gross Receipts and Compensating Taxes - Locomotive Fuel, under the Gross Receipts and Compensating Tax Act, Chapter 7, Article 9, Sections 110.1 through 110.3, New Mexico Statutes Annotated, 1978 Compilation.

NMEDD is proposing to amend a provision of the New Mexico Administrative Code that establishes the procedure for obtaining from NMEDD a certificate of eligibility for the locomotive fuel deductions from gross receipts and in computing the compensating tax. The amendment will reflect changes to the tax deductions' eligibility criteria passed in the 2013 legislative session.

A hearing will be held in Santa Fe, New Mexico, at the Joseph Montoya Building's Bid Room, 1100 St. Francis Dr. (Corner of St. Francis and Cordova), at 10:00 a.m. on Monday, July 15, 2013. Interested individuals may testify at the public hearing or submit written comments regarding the proposed rulemaking to Wade Jackson, General Counsel, NMEDD, Joseph Montoya Building, 1100 St. Francis Dr., Santa Fe, New Mexico 87505 or wade.jackson@state.nm.us. Written statements in support or opposition and signed by the submitting person will be accepted if received prior to 5:00 p.m. on Monday, July 15, 2013.

A copy of all proposed rules will also be posted on the NMEDD website, <http://www.gonm.biz>.

**NEW MEXICO
DEPARTMENT OF FINANCE
AND ADMINISTRATION
BOARD OF FINANCE**

NOTICE OF BOARD OF FINANCE
RULE

The State Board of Finance is in the process of revising one of its rules: Procedures for Designating a Fiscal Agent of New Mexico. Copies of the existing rule and proposed changes are available in room 181, Bataan Memorial Building, Santa Fe, NM 87501 and on the Board of Finance website, http://nmdfa.state.nm.us/Board_of_Finance.aspx. The Board will consider adopting the proposed rule at its Tuesday, July 16, 2013 meeting, which takes place at 9:00 am in the Governor's Cabinet Room, State Capitol building. Please mail or deliver written comments on the proposed changes to Stephanie Schardin Clarke, 181 Bataan Memorial building, Santa Fe, NM 87501 by July 14, 2013.

**NEW MEXICO
DEPARTMENT OF FINANCE
AND ADMINISTRATION
BOARD OF FINANCE**

NOTICE OF BOARD OF FINANCE
RULE

The State Board of Finance is in the process of revising one of its rules: Policy on Capital Expenditures by State Educational Institutions. Copies of the existing rule and proposed changes are available in room 181, Bataan Memorial Building, Santa Fe, NM 87501 and on the Board of Finance website, http://nmdfa.state.nm.us/Board_of_Finance.aspx. The Board will consider adopting the proposed rule at its Tuesday, July 16, 2013 meeting, which takes place at 9:00 am in the Governor's Cabinet Room, State Capitol building. Please mail or deliver written comments on the proposed changes to Stephanie Schardin Clarke, 181 Bataan Memorial building, Santa Fe, NM 87501 by July 14, 2013.

**NEW MEXICO GENERAL
SERVICES DEPARTMENT**

Notice of Proposed Rulemaking

The General Services Department ("GSD or Department") hereby gives notice that the Department will conduct a public hearing as indicated to obtain input on amending the following rules:

1.5.3 Administration and Use of State Vehicles

A public hearing regarding the rules will be held on June 21, 2013 in the TSD Conference Room located at 2542 Cerrillos Rd., Building T-187, Santa Fe, New Mexico. The time for the hearing on the proposed rules is 9:00 AM MDT.

Interested individuals may testify at the public hearing or submit written comments regarding the proposed rulemaking relating to the Administration and Use of State Vehicles to Annette Roybal, State Central Fleet Authority, Bureau Chief, New Mexico General Services Department, 2542 Cerrillos Rd., Santa Fe, New Mexico 87505 or Annette.roybal@state.nm.us, (505)231-6299, fax (505)827-1967. Written comments must be received no later than 5:00 PM on May 31, 2013. The proposed rulemaking actions specific to the Transportation Services Division it may be accessed on the Department's website (<http://www.generalservices.state.nm.us/>) or obtained from Annette Roybal at the contact above.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this hearing are asked to contact Annette Roybal as soon as possible. The Department requests at least ten days advanced notice to provide requested special accommodations.

**NEW MEXICO HUMAN
SERVICES DEPARTMENT
MEDICAL ASSISTANCE DIVISION**

The Human Services Department (the Department), thru its Medical Assistance Division (MAD), is proposing to repeal the following rules: 8 NMAC 4.CSM.000 *Cases Closed Wholly or in Part Due to Child Support (CSM), NMAC Identification*; 8 NMAC 4.CSM.600, *Benefit Description*; 8 NMAC 4.IAF.000, *Medicaid Coverage when Deemed Income or Resources Results in AFDC Ineligibility, NMAC Identification*; 8 NMAC 4.IAF.500, *Income and Resource Standards*; 8 NMAC 4.IAF.600, *Benefit Description*; 8 NMAC 4.ISS.000, *SSI Ineligibility Due to Deemed Income or Resources from Stepparent or Alien Sponsor, NMAC Identification*; 8 NMAC 4.ISS.400, *Recipient Policies*; 8 NMAC 4.ISS.500, *Income and Resource Standards*; 8 NMAC 4.ISS.600, *Benefit Description*; 8 NMAC 4.RMO.000, *Refugee Medical Assistance Only, NMAC Identification*; 8 NMAC 4.RMO.400, *Recipient Policies*; 8 NMAC 4.RMO.600, *Benefit Description*; 8 NMAC 4.RSD.000, *Refugee Medical Assistance Spend Down Only, NMAC Identification*; 8 NMAC 4.RSD.600, *Benefit Description*; 8

NMAC 4.TME.000, *Transitional Medicaid, NMAC Identification*; 8 NMAC 4.TME.500, *Income and Resource Standards*; and 8 NMAC 4.TME.600, *Benefit Description*. These rules were in NMAC-1 format and have been incorporated into more current rules. In addition 8.233.400 NMAC, *Medicaid Eligibility - Loss of AFDC - Income or Resources (Category 033), Recipient Policies*; 8.259.400 NMAC, *Medicaid Eligibility - Refugees with Spend Down Provision (Category 059), Recipient Policies*; and 8.259.500 NMAC, *Income and Resource Standards* have been incorporated into more current rules and are being repealed.

A public hearing to receive testimony on these proposed repeals will be held at South Park Plaza on July 15, 2013 at 9 a.m.

This register are available on the Medical Assistance Division web site at www.hsd.state.nm.us/mad. If you do not have Internet access, a copy of the rules may be requested by contacting the Medical Assistance Division at 505-827-3152. Interested persons may submit written comments no later than 5:00 p.m., July 15, 2013 to Sidonie Squier, Secretary, Human Services Department, PO Box 2348, Santa Fe, New Mexico 87504-2348. All written and oral testimony will be considered prior to issuance of the final regulation.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Division toll free at 1-888-997-2583 and ask for extension 7-3152. In Santa Fe call 827-3152. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the Medical Assistance Division upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

**NEW MEXICO HUMAN
SERVICES DEPARTMENT
MEDICAL ASSISTANCE DIVISION**

The Human Services Department (the Department), thru its Medical Assistance Division (MAD), is proposing repeal and replacement to its Medicaid rules in the New Mexico Administrative Code (NMAC) for chapters 400, 500, and 600 for the following Medicaid eligibility categories: 030

Pregnant Women, 035 Pregnancy Related and Family Planning, 032 Children's Medicaid and CHIP, 072 JUL Medicaid, 027 4-month Extension Due to Increased Child and Spousal Support, 028 Transitional Medicaid, 034 Ineligible for Supplemental Security Income (SSI) Due to Alien Sponsor Deeming, 049/059 Refugee Medical Assistance and Spend-Down Refugee Medical Assistance. These proposed rules aim to clarify the July 16, 1996 AFDC income methodology, streamline the rule language, and enhance consistency across Medicaid categories and between Medicaid and the other HSD-administered categories.

A public hearing to receive testimony on these proposed rules will be held at South Park Plaza on July 16, 2013 at 9 a.m.

This register and the proposed rules, including a summary chart, are available on the Medical Assistance Division web site at www.hsd.state.nm.us/mad. If you do not have Internet access, a copy of the rules may be requested by contacting the Medical Assistance Division at 505-827-3152. Interested persons may submit written comments no later than 5:00 p.m., July 16, 2013 to Sidonie Squier, Secretary, Human Services Department, PO Box 2348, Santa Fe, New Mexico 87504-2348. All written and oral testimony will be considered prior to issuance of the final regulation.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Division toll free at 1-888-997-2583 and ask for extension 7-3152. In Santa Fe call 827-3152. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the Medical Assistance Division upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

NEW MEXICO MINING COMMISSION

NOTICE OF PUBLIC MEETING AND HEARING OF THE NEW MEXICO MINING COMMISSION

The New Mexico Mining Commission will hold a regular meeting and a public hearing

at **9:00 A.M. Monday, August 26, 2013** in Porter Hall on the 1st floor of the Wendell Chino Building located at **1220 South Saint Francis Drive** in Santa Fe, NM. If necessary, the hearing will continue in Porter Hall on **Tuesday, August 27, 2013 at 9:00 A.M.**

During the meeting, the Mining Commission will conduct a public hearing on a petition for rulemaking submitted by Mineris Vitae, LLC on March 25, 2013 (13-01). Petition 13-01 requests amendments to Minimal Impact Operations, 19.10.3.303(A) and 19.10.3.304(A) NMAC of the Mining Act Rules. Specifically, the proposed changes include increasing the limit of 10 acres of disturbed land to 60 acres for the mining of humate.

At the conclusion of the hearing, the Mining Commission may deliberate and take action on the petition. The Mining Commission may also consider other items on its agenda or other issues that come before it.

The Commission's Guidelines for Rulemaking can be found at <http://www.emnrd.state.nm.us/MMD/NMMC/documents/guidelinesforrulemaking.pdf>. Any person intending to present technical testimony at the public hearing must submit a notice of intent that identifies the party and the name of the technical witness, summarizes the testimony, includes any recommended modifications to the regulatory proposal and lists and describes all anticipated exhibits. Notices of intent to present technical testimony must be received by John Pfeil, Clerk of the Mining Commission, C/O Mining and Minerals Division, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505 not later than 5 p.m. **Friday, August 16, 2013** and should reference the petition number and the date of the hearing. Any member of the public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any person may submit a written statement at the hearing, or may file the written statement prior to the hearing to the address listed in this notice.

A copy of the petition and the proposed regulatory change can be obtained on the MMD website at <http://www.emnrd.state.nm.us/MMD/NMMC/MineCommProposedRuleChanges.html> or by contacting John Pfeil at 476-3400. A copy of the draft agenda for the meeting/hearing will be available 72 hours before the meeting and may be obtained by contacting John Pfeil at 476-3400. If you need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact John Pfeil at 476-3400 at least 48

hours prior to the hearing. Public documents can be provided in various accessible forms.

NEW MEXICO WATER QUALITY CONTROL COMMISSION

NEW MEXICO WATER QUALITY CONTROL COMMISSION NOTICE OF RE-SCHEDULED PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.6.6 NMAC (DAIRY RULE) WQCC 12-09 (R)

The New Mexico Water Quality Control Commission will hold the public hearing originally scheduled for December 2012 on July 9, 2013 beginning at 9 a.m. at the New Mexico State Capitol Building, Room 307, 409 Old Santa Fe Trail, Santa Fe, New Mexico to consider proposed amendments to the Commission's Dairy Rule, 20.6.6 NMAC, proposed in WQCC Docket Number 12-09 (R) by the Dairy Industry Group for a Clean Environment (DIGCE).

The proposed rule changes would (1) allow alternative backflow prevention devices from those specified in the Dairy Rule; (2) eliminate the requirement to conduct field calibration of flow meters; and (3) modify the Nutrient Management Plan requirements to focus on ground water protection.

The proposed changes may be reviewed during regular business hours at the Commission Administrator's office located in the Harold Runnels Building, 1190 St. Francis Drive, Room N-2150 Santa Fe, New Mexico, 87502. In addition, copies of the proposed amendments are posted on the NMED website at <http://www.nmenv.state.nm.us>.

The hearing will be conducted in accordance with the Guidelines for Water Quality Control Commission Regulation Hearings, the Water Quality Act, Section 74-6-6 NMSA 1978, and other applicable procedures and procedural orders. Written comments regarding the proposed revisions may be addressed to Pam Castañeda, Commission Administrator, at the above address; reference docket number WQCC 12-09 (R).

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of hearing.

Persons wishing to present technical testimony must file with the Commission a written notice of intent to do so. The requirements for a notice of intent can be found in the Commission's Guidelines for Regulation Hearings and have been modified by a procedural order entered in this matter, which may be obtained from the Administrator. Notices of intent for the hearing must be received by in the Office of the Commission Administrator by 5:00 pm on June 27, 2013, and should reference the name of the regulation, the date of the hearing, and docket number WQCC 12-09 (R). Notices of intent already filed in connection with the original hearing setting need not be re-filed.

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact the Personnel Services Bureau by June 17, 2013. The Bureau can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502-5469, and (505) 827-9872. TDD or TDY users may access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.)

The Commission may make a decision on the proposed regulatory changes at the conclusion of the hearing, or may convene a meeting after the hearing to consider action on the proposal.

COMMISSION NOTICE DE CONTROL DE CALIDAD DE AGUA NUEVO MÉXICO REPROGRAMADO AUDIENCIA PÚBLICA PARA CONSIDERAR ENMIENDAS A 20.6.6 NMAC (REGLA DE LÁCTEOS) WQCC 12-09 (R)

La Comisión de Control de Calidad del Agua de Nuevo México celebrará la audiencia pública prevista inicialmente para diciembre de 2012 en el 09 de julio 2013 a las 9 am en el New Mexico State Capitol Building, Room 307, 409 Antiguo Camino de Santa Fe, Santa Fe, New Mexico a considerar propuestas de enmienda a la regla Lácteos de la Comisión, 20.6.6 NMAC, propuestas en WQCC Expediente Número 12-09 (R) por el Grupo de la Industria Lechera para un Ambiente Limpio (DIGCE).

Los cambios en las reglas propuestas serían (1) permitir que los dispositivos de prevención de reflujo alternativas de los especificados en la Regla Dairy, (2) eliminar el requisito de llevar a cabo la calibración en campo de medidores de flujo, y (3) modificar los requisitos del Plan de Manejo de Nutrientes para centrarse en las aguas

subterráneas protección.

Los cambios propuestos pueden ser revisados durante el horario regular en la oficina del administrador de la Comisión, ubicadas en el edificio Harold Runnels, 1190 St. Francis Drive, Room N-2150 Santa Fe, New Mexico, 87502. Además, las copias de las enmiendas propuestas se publican en el sitio web de NMED en <http://www.nmenv.state.nm.us>.

La audiencia se llevará a cabo de conformidad con las Directrices para la Comisión de Control de Calidad del Agua Audiencias Reglamento, la Ley de Calidad del Agua, Sección 74-6-6 NMSA 1978, y otros procedimientos aplicables y las órdenes de procedimiento. Los comentarios por escrito sobre el proyecto de revisiones, puede dirigirse a Pam Castañeda, Administrador Comisión, a la dirección anterior, la referencia número de expediente WQCC 12-09 (R).

Todas las personas interesadas se les dará oportunidad razonable en la audiencia para presentar pruebas pertinentes, los datos, opiniones y argumentos, de forma oral o por escrito, a presentar pruebas, y para interrogar a los testigos. Cualquier persona que desee presentar una declaración de carácter no técnico escrito para el registro en lugar de testimonio oral debe presentar dicha declaración antes del cierre de la audición.

Las personas que deseen presentar testimonio técnico deben presentar a la Comisión una notificación por escrito de su intención de hacerlo. Los requisitos para un aviso de intención se puede encontrar en las Directrices de la Comisión para las audiencias de regulación y se han modificado por una orden de procedimiento consignados en el presente asunto, que se puede obtener del administrador. Las notificaciones de intención para la audiencia debe recibir en la Oficina del Administrador de la Comisión de las 5:00 pm el 27 de junio de 2013, y deben hacer referencia al nombre de dicho Reglamento, la fecha de la audiencia, y el número de expediente WQCC 12-09 (R). Las notificaciones de intención ya presentadas en relación con el ajuste de la audiencia inicial no necesita ser re-presentada.

Si usted es una persona con una discapacidad y necesita ayuda o una ayuda auxiliar, por ejemplo, un intérprete de lenguaje, para participar en cualquier aspecto de este proceso, por favor póngase en contacto con la Oficina de Servicios de Personal el 17 de junio de 2013. La oficina puede ser contactada en el Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Drive, PO Caja 5469, Santa Fe, NM 87502 hasta 5469, y (505) 827-9872. Los

usuarios de TDD o TDY pueden acceder a este número a través de la Red de New Mexico Relay (Albuquerque TDD: (505) 275-7333; fuera de Albuquerque: 1-800-659-1779.)

La Comisión podrá adoptar una decisión sobre los cambios normativos propuestos en la conclusión de la audiencia, o podrá convocar una reunión después de la audiencia para considerar la acción sobre la propuesta.

End of Notices and Proposed Rules Section

Adopted Rules

**NEW MEXICO
DEPARTMENT OF FINANCE
AND ADMINISTRATION
BOARD OF FINANCE**

This is an amendment to 2.61.6 NMAC, Sections 9 and 10, effective June 28, 2013.

2.61.6.9 PAYMENT OF CAPITAL PROJECT EXPENSES, DRAW REQUEST PROCEDURES:

A. The recipient of bond proceeds is the governmental entity that will carry-out the completion of the project. In many cases, the agency named to receive the appropriation will also be the entity responsible for the project. In other cases, the named agency will be an intermediate agency that is expected to make a grant to a local government entity to carry out the completion of the project. Either an intermediate agency may make a draw request to the board on behalf of a local government entity as recipient, or an agency itself as recipient may make the request directly to the board, unless otherwise approved by the board director.

(1) Documentation to support draw requests from agency:

(a) one draw request form for each project (1 original and 2 copies);

(b) proof of payment - notarized certification from an authorized signatory that expenditures are valid or actual receipts;

~~[(c) ACH transfer information;]~~

~~[(d)]~~ (c) evidence that conditions have been satisfied if applicable;

~~[(e)]~~ (d) certification that the statements made in the original certification and questionnaire remain true, including use of facility.

(2) Intermediate agencies typically submitting draw requests to the board on behalf of local entity recipients: environment department, department of transportation, Indian affairs department, local government division, public education department, higher education department and aging and long term services department:

(a) one draw request form for each project (1 original and 2 copies);

(b) proof of payment - a notarized certification from an authorized signatory that expenditures are valid or actual receipts;

~~[(c) ACH transfer information;]~~

~~[(d)]~~ (c) evidence that conditions have been satisfied if applicable;

~~[(e)]~~ (d) certification that the statements made in the original certification and questionnaire remain true, including use of facility.

B. Frequency - draw requests are due in the board of finance office by 3:00 p.m. on the ~~[10th and 20th]~~ 1st and

15th day of each month or by 9:00 a.m. the next business day if the ~~[10th or 20th]~~ 1st or 15th falls on a weekend or holiday (the "draw request deadline"). Draw requests submitted on or before the draw request deadline will result in funds available six business days after the draw request deadline.

C. The minimum draw request amount per project shall be \$1,500 unless it is the final draw request or otherwise recommended by the intermediate agency.

D. State executive agencies may request a direct payment to a contractor or other entity.

(1) The agency must submit the payment voucher to department of finance and administration financial control division six business days after the board of finance deadline unless notified by board of finance of processing delay due to additional information or legal review being required.

(2) If a direct payment to a contractor or other entity is requested and the agency mails the payment directly to the payee or transfers the funds electronically via ACH, the agency must send state treasurer's office a copy of the warrant or a copy of the ACH no later than two business days after the payment has been made.

[2.61.6.9 NMAC - N, 02-28-02; A, 01-15-09; A, 10-15-09; A, 06-28-13]

2.61.6.10 ART IN PUBLIC PLACES (AIPP) ACT:

A. A portion of appropriations for construction and major renovations shall be set aside for the acquisition or commissioning of works of art to be used in, upon or around public buildings.

(1) "Appropriations for construction and major renovations" include appropriations for that purpose to any public entity from severance tax bonds, general obligation bonds, or supplemental severance tax bonds, both taxable and tax-exempt.

(2) Under the AIPP Act, all agencies shall set aside the lesser of \$200,000 or one percent of the amount appropriated for new construction or major renovation (exceeding \$100,000) to use for art in, upon or around the building being constructed or renovated. In addition, an amount of money equal to the lesser of \$200,000 or one percent of the amount appropriated for new construction or major renovations of auxiliary buildings, as defined in the AIPP Act, shall be accounted for separately and expended for acquisition and installation of art for existing public buildings, as defined.

B. The board's role in administering the AIPP Act is as follows.

(1) After each bond issue, the board submits a list of approved projects to the arts division of the department of cultural

affairs, which administers the AIPP fund. The arts division determines which projects the AIPP Act applies to and advises the board accordingly. Based on that determination, the board sets aside the requisite amount from each applicable project in a separate AIPP pooled fund for each bond issue.

(2) When the arts division of the department of cultural affairs is ready to purchase or commission art, the office submits a draw request to the board which then makes the disbursement out of the AIPP project.

C. Frequency - Draw requests are due in the board of finance office by 3:00 p.m. on the ~~[10th and 20th]~~ 1st and 15th day of each month or by 9:00 a.m. the next business day if the ~~[10th or 20th]~~ 1st or 15th falls on a weekend or holiday (the "draw request deadline"). Draw requests submitted on or before the draw request deadline will result in funds available six business days after the draw request deadline.

[2.61.6.10 NMAC - N, 02-28-02; A, 01-15-09; A, 10-15-09; A, 06-28-13]

**NEW MEXICO BOARD OF
PHARMACY**

**This is an amendment to 16.19.4 NMAC,
Section 17, effective 06-29-13.**

16.19.4.17 PHARMACIST CLINICIAN:

A. Purpose: The purpose of these regulations is to implement the Pharmacist Prescriptive Authority Act, Sections 61-11B-1 through 61-11B-3 NMSA 1978 by providing minimum standards, terms and conditions for the certification, registration, practice, and supervision of pharmacist clinicians. These regulations are adopted pursuant to Section 61-11B-3 of the Pharmacist Prescriptive Authority Act.

B. Initial certification and registrants.

(1) The board may certify and register a pharmacist as a pharmacist clinician upon completion of an application for certification and satisfaction of the requirements set forth in these regulations.

(2) A pharmacist who applies for certification and registration as a pharmacist clinician shall complete application forms as required by the board and shall pay a fee. The fee shall be set by the board to defray the cost of processing the application, which fee is not returnable.

(3) To obtain initial certification and registration as a pharmacist clinician, she/he must submit the following:

(a) proof of completion of sixty (60) hour board approved physical

assessment course, followed by a 150 hour, 300 patient contact preceptorship supervised by a physician or other practitioner with prescriptive authority, with hours counted only during direct patient interactions;

(b) the applicant will submit a log of patient encounters as part of the application;

(c) patient encounters must be initiated and completed within 2 years of the application;

(d) a pharmacist clinician requesting a controlled substance registration to prescribe controlled substance in Schedule II or Schedule III shall be trained in responsible opioid prescribing practices. Educational programs shall include an understanding of the pharmacology and risks of controlled substances, a basic awareness of the problems of abuse, addiction, and diversion, and awareness of the state and federal regulations of the prescribing of controlled substances.

(4) The board shall register each pharmacist certified as a pharmacist clinician.

(5) Upon certification and registration by the board, the name and address of the pharmacist clinician, (name of the supervising physician if applicable), and other pertinent information shall be enrolled by the board on a roster of pharmacist clinicians.

C. Biennial renewal of registration.

(1) Renewal applications shall be submitted prior to the license expiration.

(2) Applications for renewal must include:

(a) after January 1, 2013, documentation of continuing education hours, including proof of completion of 2.0 CEU twenty (20) contact hours of live CPE or continuing medical education (CME) approved by (ACPE) or AACME (live programs provided by other continuing education providers may be submitted for review and approval to the board), beyond the required hours in 16.19.4.10 NMAC (as amended), as required by the board; and;

(b) effective January 1, 2015, a pharmacist clinician with a controlled substance registration to prescribe controlled substances listed in Schedule II or Schedule III shall complete a minimum of 0.2 CEU (2 contact hours) per renewal period in the subject area of responsible opioid prescribing practices, and;

(c) a current protocol of collaborative practice signed by the supervising physician (if prescriptive authority is sought); and

(d) a copy of the pharmacist clinicians registration with the supervising physicians board (if prescriptive authority is sought); and

(e) other additional information as

requested by the board.

D. Prescriptive authority, guidelines or protocol.

(1) Only a registered pharmacist clinician with current protocols, registered with the New Mexico medical board or the New Mexico board of osteopathic medical examiners, may exercise prescriptive authority.

(2) A pharmacist clinician seeking to exercise prescriptive authority shall submit an application to the board. The application must include the supervising physicians' name and current medical license, protocol of collaborative practice and other information requested by the board. A pharmacist may submit the application with the initial application for certification or as a separate application after becoming certified and registered as a pharmacist clinician.

(3) The protocol will be established and approved by the supervising physician as set forth in these regulations and will be kept on file at each practice site of the pharmacist clinician and with the board.

(4) The protocol must include:

(a) name of the physician(s) authorized to prescribe dangerous drugs and name of the pharmacist clinician;

(b) statement of the types of prescriptive authority decisions the pharmacist clinician is authorized to make, including, but not limited to:

(i) types of diseases, dangerous drugs or dangerous drug categories involved and the type of prescriptive authority authorized in each case;

(ii) ordering lab tests and other tests appropriate for monitoring of drug therapy;

(iii) procedures, decision criteria or plan the pharmacist clinician is to follow when exercising prescriptive authority;

(c) activities to be followed by the pharmacist clinician while exercising prescriptive authority, including documentation of feedback to the authorizing physician concerning specific decisions made; documentation may be made on the prescriptive record, patient profile, patient medical chart or in a separate log book;

(d) description of appropriate mechanisms for consulting with the supervising physician, including a quality assurance program for review of medical services provided by the pharmacist clinician, (this quality assurance program will be available for board review); and

(e) description of the scope of practice of the pharmacist clinician.

(5) Pharmacist clinicians shall not prescribe dangerous drugs including controlled substances for self-treatment or treatment of immediate family members, except under emergency situations. This

will not apply to pharmacist administered vaccinations.

E. Scope of practice.

(1) A pharmacist clinician shall perform only those services that are delineated in the protocol and are within the scope of practice of the supervising physician and/or alternate supervising physician(s).

(2) A pharmacist clinician may practice in a health care institution within the policies of that institution.

(3) A pharmacist clinician may prescribe controlled substances provided that the pharmacist clinician:

(a) has obtained a New Mexico controlled substances registration and a drug enforcement agency registration, and

(b) prescribes controlled substances within the parameters of written guidelines or protocols established under these regulations and Section 3, A. of the Pharmacist Prescriptive Authority Act.

(4) The board may, in its discretion after investigation and evaluation, place limitations on the tasks a pharmacist clinician may perform under the authority and direction of a supervising physician and/or alternate supervising physician(s).

F. Collaborative professional relationship between pharmacist clinicians and supervising physician(s).

(1) The direction and supervision of pharmacist clinicians may be rendered by approved supervising physician/designated alternate supervising physician(s).

(2) This direction may be done by written protocol or by oral consultation. It is the responsibility of the supervising physician to assure that the appropriate directions are given and understood.

(3) The pharmacist clinician must have prompt access to consultation with the physician for advice and direction.

(4) Upon any change in supervising physician between registration renewals, a pharmacist clinician shall submit to the board, within ten (10) working days, the new supervising physician's name, current medical license, and protocol; notification to and completion of requirements for the supervising physicians' board shall be completed per that boards requirements. This notice requirement does not apply to an alternate supervising physician who is designated to cover during the absence of the supervising physician.

G. Complaints and appeals.

(1) The chair of the board will appoint two (2) members of the board, and the president of the supervising physician respective board will appoint (2) members of the respective board to the oversight committee; the oversight committee will review complaints concerning the pharmacist clinician practice; the oversight committee will make a report that may include non-binding recommendations

to both the board and respective board(s) regarding disciplinary action. Each board can accept or reject the recommendations.

(2) Any applicant for certification or any pharmacist clinician may appeal a decision of the board in accordance with the provisions of the Uniform Licensing Act, Sections 61-1-1 to 61-1-33 NMSA 1978. [03-14-98; 16.19.4.17 NMAC - Rn, 16 NMAC 19.4.17, 03-30-02; 16.19.4.17 NMAC - Rn, 16.19.4.18 NMAC, 12-15-02; A, 09-30-03; A, 01-31-07; A, 05-14-10; A, 08-16-10; A, 10-25-12; A, 03-23-13; A, 06-29-13]

NEW MEXICO BOARD OF PHARMACY

This is an amendment to 16.19.22 NMAC, Sections 7, 10 and 14, effective 06-29-13.

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 shelf] **placing prescription drugs on pharmacy shelf, in bin or dispensing technology system.**

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, **in sites that do not utilize a barcode verification, electronic verification or similar verification process to ensure correct selection of medication** 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, 06-27-01; A, 11-15-10; A, 11-27-11; A, 06-29-13]

16.19.22.10 RATIO OF TECHNICIANS TO PHARMACISTS:

A. The permissible ratio of pharmacy technicians to pharmacists on duty is [4-1 Support personnel are not included in this ratio] **to be determined by the pharmacist in charge.**

B. The [ratio may be increased if the pharmacy submits to the Board of Pharmacy a protocol for increased ratios and the Board approves the protocol] **board reserves the right to impose a ratio of pharmacy technicians to pharmacists if circumstances so dictate.**

[16.19.22.10 NMAC - Rp, 16 NMAC 19.22.10, 06-27-01; A, 06-29-13]

16.19.22.14 REGISTRATION OF PHARMACY TECHNICIANS:

A. Application (and required registration fee) shall be submitted to the board prior to performing any technician duties. Non-certified pharmacy technicians must:

(1) Complete requirements for certified pharmacy technician within (1) one year of original application.

(2) Not re-apply with the board of pharmacy as a non-certified pharmacy technician **unless enrolled in a board recognized technician training program.**

(3) Provide the name of the technician training sponsor responsible for training and education with application.

(4) Provide documentation of training and completion of certification exam to be registered as a certified pharmacy technician.

B. Registration for certified pharmacy technicians will expire biennially on the last day of their birth month and must be renewed prior to expiration. Registration renewal applications must include documentation of current national certification.

[16.19.22.14 NMAC - Rp, 16 NMAC 19.22.14, 06-27-01; A, 11-15-10; A, 06-29-13]

NEW MEXICO BOARD OF PHARMACY

This is an amendment to 16.19.30 NMAC, Section 9, effective 06-29-13.

16.19.30.9 OPERATIONAL STANDARDS:

A. General requirements.
(1) Non-sterile drug products may be compounded in licensed pharmacies as a result of a practitioner's prescription order based on the practitioner-patient-pharmacist relationship in the course of professional practice.

(2) Preparing limited quantities of prescription drug orders in anticipation based upon a history of receiving valid prescriptions issued within an established practitioner-patient-pharmacist relationship in the course of professional practice.

(a) The beyond-use date should be based on the criteria outlined in USP Chapter <795>.

(b) Any product compounded in anticipation of future prescription drug or medication orders shall be labeled. Each label shall contain:

(i) name and strength of the compounded medication or list of the

active ingredient and strengths;

- (ii) facility's lot number;
- (iii) beyond-use date;
- (iv) quantity or amount

in the container.

(3) Commercially available product may be compounded for dispensing to individual patients provided the following conditions are met:

(a) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet patient's needs; and

(b) the prescribing practitioner has requested that the drug be compounded; or

(c) if the compounded product is changed to produce for that patient a significant difference, as authorized by the prescriber, between the compounded drug and the comparable commercially available drug product, or if use of the compounded product is in the best interest of the patient; "significant difference" would include the removal of a dye for medical reason such as an allergic reaction; when a compounded product is to be dispensed in place of a commercially available product, the prescriber and patient shall be informed that the product will be compounded.

~~[(4) Compounding for a prescriber's office use.~~

~~(a) Pharmacies may prepare compounding drug products for a duly authorized prescriber's office use.~~

~~(b) An order by the duly authorized prescriber, indicating the formula and quantity ordered will be filed in the pharmacy.~~

~~(c) The product is to be administered in the office.~~

~~(d) A record of the compounded drug product may be kept as a prescription record in the pharmacy computer or by hard-copy record.~~

~~(e) A label may be generated and a number assigned by the pharmacy computer for the compounded drug product.]~~

~~[(5) (4) Compounding veterinarian products.~~

(a) Prescriptions for animals may be compounded based on an order or prescription from a duly authorized veterinarian.

(b) These prescriptions are to be handled and filled the same as the human prescriptions.

~~[(6) (5) Compounding pharmacies/pharmacists may advertise and promote the fact that they provide non-sterile prescription compounding services which may include specific drug products and classes of drugs.~~

B. Environment.

(1) Pharmacies regularly engaging in compounding shall have a designated and adequate area for the safe and orderly compounding of drug products including

the placement of equipment and materials. Pharmacies involved in occasional compounding shall prepare an area prior to each compounding activity, which is adequate for safe and orderly compounding.

(2) Only personnel authorized by the responsible pharmacist shall be in the immediate vicinity of a drug compounding operation.

(3) A sink with hot and cold running water, exclusive of rest room facilities, shall be accessible to the compounding areas and be maintained in a sanitary condition.

(4) When drug products that require special precautions to prevent contamination, such as penicillin, are involved in a compounding operation, appropriate measures, including dedication of equipment for such operations or the meticulous cleaning of contaminated equipment prior to its use for the preparation of other drug products, must be used in order to prevent cross-contamination.

C. Equipment and supplies.

The pharmacy shall:

(1) have a class A prescription balance, or analytical balance and weights when necessary which shall be properly maintained and subject to inspection by the New Mexico board of pharmacy and;

(2) have equipment and utensils necessary for the proper compounding of prescription or medication drug orders; such equipment and utensils used in the compounding process shall be:

(a) of appropriate design and capacity, and be operated within designated operational limits;

(b) of suitable composition so that surfaces that contact components, in-process material or drug products shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality or purity of the drug product beyond the desired result;

(c) cleaned and sanitized appropriately prior to each use and;

(d) routinely inspected, calibrated when necessary or checked to ensure proper performance.

D. Labeling. In addition to the labeling requirements of the pharmacy's specific license classification, the label dispensed or distributed pursuant to a prescription or medication drug order shall contain the following:

(1) the generic name(s) or the designated name and the strength of the compounded preparation;

(2) the quantity dispensed;

(3) the date on which the product was compounded;

(4) a lot or batch number, and;

(5) the beyond-use date after which the compounded preparation should not be used;

(a) in the absence of stability

information applicable for a specific drug in the USP/NF the preparation shall adhere to the following maximum beyond-use date guidelines:

(i) non-aqueous

liquids and solid formulations (where the manufactured drug product is the source of active ingredient) 25% of the time remaining until the manufacturer's product's expiration date or six (6) months, whichever is earlier;

(ii) water-containing formulations (prepared from ingredients in solid form) not later than fourteen (14) days when refrigerated between 2-8 degrees Celsius or 36-46 degrees Fahrenheit;

(iii) all other formulations: intended duration of therapy or 30 days, whichever is earlier;

(b) beyond-use date limits may be exceeded when supported by valid scientific stability information for the specific compounded preparation.

E. Drugs, components and material used in non-sterile compounding.

(1) Drugs used in non-sterile compounding shall preferably be a USP/NF grade substance manufactured in a FDA registered facility.

(2) In the event that USP/NF grade substances are not available, documentation of stability and purity must be established and documented.

(3) A pharmacy may not compound a drug product which has been withdrawn or removed from the market for safety reasons.

F. Compounding process. The safety, quality and performance of compounded prescriptions depend on correct ingredients and calculations, accurate and precise measurements, appropriate formulation conditions and procedures, and prudent pharmaceutical judgment. Each pharmacy shall develop and follow written SOP's based on established compounding procedures as outlined in chapter 795 of the USP/NF concerning pharmacy compounding of non-sterile preparations designed to ensure accountability, accuracy, quality, safety, and uniformity in the compounding process.

G. Quality control.

(1) The safety, quality, and monitoring is used to insure that the output of compounded drug products for uniformity and consistency such as capsule weight variations, adequacy of mixing, clarity or pH of solutions are met. When developing these procedures, pharmacy personnel shall consider the provisions of Chapter 795 of the USP/NF concerning pharmacy compounding of non-sterile preparations, chapter 1075 of the USP/NF concerning good compounding practices, and chapter 1160 of the USP/NF concerning pharmaceutical calculations in prescription compounding. Such procedures shall be documented and be available for inspection.

(2) Compounding procedures that are routinely performed, including batch compounding, shall be completed and verified according to written procedures. The act of verification of a compounding procedure involves checking to ensure that calculations, weighing and measuring, order of mixing, and compounding techniques were appropriate and accurately performed.

(3) Unless otherwise indicated or appropriate, compounded preparations are to be prepared to ensure that each preparation shall contain not less than 90.0 percent and not more than 110.0 percent of the theoretically calculated and labeled quantity of active ingredient per unit volume and not less than 90.0 percent and not more than 110.0 percent of the theoretically calculated weight or volume per unit of the preparation. [16.19.30.9 NMAC - N, 09-15-06; A, 06-29-13]

NEW MEXICO PUBLIC EMPLOYEE LABOR RELATIONS BOARD

This is an amendment to 11.21.2 NMAC, Section 8, effective 6-14-2013.

11.21.2.8 COMMENCEMENT OF CASE: A representation case is commenced by filing a representation petition with the director on a form prescribed by the director. The form shall include, at a minimum, the following information: the petitioner's name, address, phone number, state or national affiliation, if any, and representative, if any; the name, address and phone number of the public employer or public employers whose employees are affected by the petition; a description of the proposed appropriate bargaining unit and any existing recognized or certified bargaining unit; the geographic work locations, occupational groups, and estimated numbers of employees in the proposed unit and any existing bargaining unit; a statement of whether or not there is a collective bargaining agreement in effect covering any of the employees in the proposed or any existing bargaining unit and, if so, the name, address and phone number of the labor organization that is party to such agreement; a statement of what action the petition is requesting. In addition, a petition seeking a certification or [desertification] decertification election, shall be supported by a thirty percent showing of interest in the existing or proposed bargaining unit. A petition shall contain a signed declaration by the person filing the petition that its contents are true and correct to the best of his or her knowledge and, in the case of a decertification petition that he or she is a member of the labor organization to whom the decertification petition applies.

[11.21.2.8 NMAC - N, 3-15-04; A, 2-28-05; A, 6-14-13]

NEW MEXICO PUBLIC EMPLOYEE LABOR RELATIONS BOARD

This is an amendment to 11.21.3 NMAC, Section 17, effective 6-14-2013.

11.21.3.17 BRIEFS: The filing of post-hearing briefs shall be permitted on the same basis as provided by [11.21.1.20] 11.21.2.20 NMAC for briefs in representation cases.

[11.21.3.17 NMAC - N, 3-15-04; A, 6-14-13]

NEW MEXICO PUBLIC REGULATION COMMISSION

This is an amendment to 18.14.2 NMAC, Sections 7, 9, 11, 12 and 13, effective June 14, 2013.

18.14.2.7 DEFINITIONS: In addition to the definitions set out in 49 CFR Parts 200 to 268 and in the AREMA clearances manual, as used in this rule: **commission** means the New Mexico public regulation commission.

[18.14.2.7 NMAC - N, 9/30/11; A, 6/14/13]

18.14.2.9 ADOPTION OF MINIMUM SAFETY REQUIREMENTS BY REFERENCE: The commission adopts by reference as part of this rule, and a railroad shall comply with the safety requirements set forth in:

A. Code of federal regulations. 49 CFR parts 200 to 268; and 23 CFR Part 655, Subpart F;

B. AREMA clearances manual. all new construction commenced on or after September 30, 2011 shall comply with Chapter 28, clearances, of the manual for railway engineering published by the American railway engineering and maintenance-of-way association (AREMA); copies may be obtained from AREMA, 10003 Derekwood Lane, Lanham, Maryland 20706.

[18.14.2.9 NMAC - N, 9/30/11; A, 6/14/13]

18.14.2.11 OPENING AND CLOSING OF PUBLIC CROSSINGS:

A. Railroads are subject to the construction and maintenance requirements set forth in NMSA 1978, Section 63-3-36.

B. Any person who believes that an additional crossing is necessary and in the public interest may petition the commission for a determination

regarding the need for such a crossing. The transportation division director shall promptly notice the pending petition for public comment, and the commission shall, as soon as practicable consistent with due process, hold a hearing, whereupon it may issue an order prohibiting or permitting the additional crossing.

C. Any person who believes that an existing crossing is unnecessary or not in the public interest may petition the commission for a determination regarding the need for such a crossing. The transportation division director shall promptly notice the pending petition for public comment, and the commission shall, as soon as practicable consistent with due process, hold a hearing, whereupon it may issue an order requiring that the existing crossing be closed, kept open, or modified as needed to conform with current applicable safety standards.

D. Any railroad contemplating the closure of an existing crossing of a public highway, city, town or village street at grade, must notify the transportation division director at least sixty (60) days prior to any actual closure of such crossing. The transportation division director shall promptly notice the pending closure for public comment, and the commission shall, as soon as practicable consistent with due process, hold a hearing, whereupon it may issue an order prohibiting or permitting the closure.

E. Railroad [~~DOT and mile post numbers and letters~~] USDOT identifiers shall be posted at each existing railroad crossing in New Mexico.

[18.14.2.11 NMAC - Rp, SCC-85-7, Rule 1, 9/30/11; A, 6/14/13]

18.14.2.12 REPORTS OF ACCIDENTS AND INCIDENTS:

A. Whenever a railroad is required by 49 CFR 225.9 to [~~immediately~~] report an accident/incident promptly by telephone to the federal railroad administration, the railroad shall [~~immediately~~] promptly report the same accident/incident information by telephone to the transportation division of the public regulation commission at (505) 827-4310.

~~**B.** Whenever a railroad learns of the occurrence of an accident/incident involving a railroad car carrying hazardous material as provided in 49 CFR 172, the railroad shall immediately report by telephone to the New Mexico state police, the New Mexico environment department, and the transportation division of the public regulation commission:~~

~~**C.** Each report provided under this section must state:~~

~~(1) the name of the railroad;~~
~~(2) the name, title, and telephone number of the person making the report;~~

(3) the time, date, and location of the accident/incident;

(4) the circumstances of the accident/incident;

(5) the number of fatalities and injuries involved, if any; and

(6) the specific hazardous commodity, if any, involved in the accident/incident.

D. A railroad shall furnish to the transportation division of the public regulation commission a copy of each monthly accident/incident report it files with the federal railroad administration pursuant to 49 CFR 225. The report shall be filed with the transportation division at the same time it is filed with the federal railroad administration.]

B. A railroad must immediately report by telephone to the New Mexico state police at (505) 827-9126 and to the New Mexico environment department at (505) 827-9239 or (505) 827-1557 as well as to local law enforcement authorities and tribal police whenever it learns of the occurrence of an accident/incident involving a railroad car carrying hazardous material as provided in 49 CFR 172. Each report must state:

(1) the name of the railroad;

(2) the name, title, and telephone number of the person making the report;

(3) the time, date, and location of the accident/incident;

(4) the circumstances of the accident/incident;

(5) the number of fatalities and injuries involved, if any; and

(6) the specific hazardous commodity, if any, involved in the accident/incident.

C. A railroad shall furnish to the transportation division of the public regulation commission a copy of each monthly accident/incident report it files with the federal railroad administration pursuant to 49 CFR 225. The report shall be filed with the transportation division at the same time it is filed with the federal railroad administration.

D. Persons affected by railroad crossing safety issues may follow the commission's informal complaint procedures by contacting the commission's consumer relations division. In addition, they may follow the commission's formal complaint procedures as set forth at 1.2.2 NMAC.

E. The furnishing of any report required under Subsections A, B, and C of this section is not intended to constitute a waiver of any evidentiary privilege as to such report provided for by federal or state law.

[18.14.2.12 NMAC - Rp, SCC-85-7, Rule 3, 9/30/11; A, 6/14/13]

18.14.2.13 MAPS AND

PROFILES: A railroad shall file with the commission the first January 15 after this rule takes effect a map showing all showing all lines and grade crossings and a list of all grade crossings the railroad has in New Mexico, and on or before January 15 of each year a map showing any changes to its lines and grade crossings in New Mexico since the previous filing and a list of changes to its grade crossings in New Mexico since the previous filing. The furnishing of this information may be accomplished electronically, through the provision of appropriate access to the national highway-rail crossing inventory, obtainable from the federal railroad administration.

[18.14.2.13 NMAC - Rp, SCC 85-7, Rule 7, 9/30/11; A, 6/14/13]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

14.7.6 NMAC, 2009 New Mexico Energy Conservation Code (filed 06-15-11) repealed and replaced by 14.7.6 NMAC, 2009 New Mexico Energy Conservation Code, effective 6-28-13.

14.8.2 NMAC, 2009 New Mexico Plumbing Code (filed 12-28-10) repealed and replaced by 14.8.2 NMAC, 2009 New Mexico Plumbing Code, effective 6-28-13.

14.8.3 NMAC, 2009 New Mexico Swimming Pool, Spa, and Hot Tub Code (filed 09-27-11) repealed and replaced by 14.8.3 NMAC, 2009 New Mexico Swimming Pool, Spa, and Hot Tub Code, effective 6-28-13.

14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 6-15-11) repealed and replaced by 14.9.2 NMAC, 2009 New Mexico Mechanical Code, effective 6-28-13.

14.10.4 NMAC, 2011 New Mexico Electrical Code (filed 09-27-11) repealed and replaced by 14.10.4 NMAC, 2011 New Mexico Electrical Code, effective 6-28-13.

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

**TITLE 14 HOUSING AND
CONSTRUCTION
CHAPTER 7 BUILDING CODES
GENERAL
PART 6 2009 NEW MEXICO
ENERGY CONSERVATION CODE**

14.7.6.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department. [14.7.6.1 NMAC - Rp, 14.7.6.1 NMAC, 6-28-13]

14.7.6.2 SCOPE: This rule applies to all contracting work performed in New Mexico on or after August 1, 2011, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date. [14.7.6.2 NMAC - Rp, 14.7.6.2 NMAC, 6-28-13]

14.7.6.3 STATUTORY AUTHORITY: NMSA 1978 sections 60-13-9 and 60-13-44. [14.7.6.3 NMAC - Rp, 14.7.6.3 NMAC, 6-28-13]

14.7.6.4 DURATION: Permanent. [14.7.6.4 NMAC - Rp, 14.7.6.4 NMAC, 6-28-13]

14.7.6.5 EFFECTIVE DATE: June 28, 2013 unless a later date is cited at the end of a section. [14.7.6.5 NMAC - Rp, 14.7.6.5 NMAC, 6-28-13]

14.7.6.6 OBJECTIVE: The purpose of this rule is to establish minimum standards for energy conservation in construction in New Mexico. [14.7.6.6 NMAC - Rp, 14.7.6.6 NMAC, 6-28-13]

14.7.6.7 DEFINITIONS: See 14.5.1 NMAC, General Provisions and chapter 2 of the IECC as amended in 14.7.6.10 NMAC. [14.7.6.7 NMAC - Rp, 14.7.6.7 NMAC, 6-28-13]

14.7.6.8 ADOPTION OF THE 2009 NEW MEXICO ENERGY CONSERVATION CODE:
A. This rule adopts by reference the 2009 international energy

conservation code (IECC), as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2009 international energy conservation code.

C. This rule is to be applied in conjunction with each of the other 2009 New Mexico building codes, including the NMCBC, NMRBC, NMPC, NMMC and the NMEC.

[14.7.6.8 NMAC - Rp, 14.7.6.8 NMAC, 6-28-13]

14.7.6.9 CHAPTER 1 - ADMINISTRATION:

A. Section 101 - General.

(1) **101.1 Title.** Delete this section of the IECC and substitute: this rule shall be known as 14.7.6 NMAC, the 2009 New Mexico Energy Conservation Code (NMECC).

(2) **101.2 Scope.** Delete this section of the IECC and see 14.7.6.2 NMAC, Scope.

(3) **101.3 Intent.** Delete this section of the IECC and see 14.7.6.6 NMAC, Objective.

(4) **101.4 Applicability.** See this section of the IECC.

(5) **101.5.1 Compliance materials.** Delete this section of the IECC and substitute the following: the code official shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code, such as ComCheck, ResCheck, and worksheet or trade-off sheets from the *New Mexico energy conservation code residential applications manual*.

B. Section 102 Alternate Materials-Method of Construction, Design for Insulating Systems. See this section of the IECC.

C. Section 103 - Construction Documents. Delete this section of the IECC and see 14.5.2 NMAC, Permits.

D. Section 104 Inspections. Delete this section of the IECC and see 14.5.3 NMAC, Inspections.

E. Section 105 Validity. Delete this section of the IECC and see. 14.5.1 NMAC, General Provisions.

F. Section 106 Reference Standards. All references in the IECC to the international building code shall be deemed references to 14.7.2 NMAC, the 2009 New Mexico Commercial Building Code (NMCBC). All references to the international residential code shall be deemed references to 14.7.3 NMAC, the 2009 New Mexico Residential Building Code (NMRBC). All references to the international plumbing code shall be deemed references to 14.8.2 NMAC, the 2009 New Mexico Plumbing Code (NMPC). All

references to the international mechanical code shall be deemed references to 14.9.2 NMAC, the 2009 New Mexico Mechanical Code (NMMC). All references to the ICC or international electrical code shall be deemed references to 14.10.4 NMAC, the 2008 New Mexico Electrical Code (NMEC). All references to the international energy conservation code shall be deemed references to 14.7.6 NMAC, the 2009 New Mexico Energy Conservation Code (NMECC). All references to the international fuel gas code are deemed references to the NMMC or the LP gas standards found at 19.15.40 NMAC, and NMSA 1978 70-5-1 et seq.

G. Section 107 Fees.

(1) **107.1 Fees.** Delete this section of the IECC and see 14.5.5 NMAC Fees.

(2) **107.2 Schedule of Permit Fees.** Delete this section of the IECC and see 14.5.5.10 NMAC Permit Fees.

(3) **107.3 Work Commencing Before a Permit Issuance.** Delete this section of the IECC and see 14.5.2.16 NMAC Failure to Obtain Permit.

(4) **107.4 Related Fees.** Delete this section of the IECC and see 14.5.5 NMAC Fees.

(5) **107.5 Refunds.** Delete this section of the IECC and See 14.5.5 NMAC Fees.

H. 108 Stop Work Order. Delete this section of the IECC and see 14.5.3 Inspections.

I. 109 Board of Appeals. Delete this section of the IECC and See 14.5.1 General Provisions. [14.7.6.9 NMAC - Rp, 14.7.6.9 NMAC, 6-28-13]

14.7.6.10 CHAPTER 2 - DEFINITIONS: See this chapter of the IECC except as provided below.

A. Section 201.1 Scope. See this section of the IECC and add the following: If the same term is defined in the New Mexico construction codes and in the IECC, the term shall have the meaning given it in the New Mexico construction codes.

B. Section 201.2 Interchangeability. See this chapter of the IECC.

C. Section 201.3 Terms defined in other codes. Delete this section of the IECC and substitute with the following: if a term is not defined in this code but is defined in a New Mexico construction code, the term shall have the meaning given it in the New Mexico construction code.

D. Section 201.4 Terms not defined. See this chapter of the IECC.

E. Section 202 General Definitions. See this section of the IECC except as provided below.

(1) **Conditioned space.** Delete the text of this definition and replace with the following: An area, room or space

within a building that is provided with heating, cooling, or combined heating and cooling by equipment or systems capable of maintaining, through design or heat loss/gain, **50 degrees fahrenheit** (10 degrees celsius) during the heating season and **85 degrees fahrenheit** (29 degrees celsius) during the cooling season, or an area, room or space that communicates directly with a conditioned space.

(2) **Duct installation.** Ducts shall be installed in accordance with Chapter 6 and Chapter 17 of the New Mexico Mechanical Code and current applicable standards.

(3) **Indirectly conditioned space.** Add the following definition. Enclosed space within a building thermal envelope that is not mechanically heated or cooled.

(4) **Multi scene controls.** Systems for controlling power to multiple groups of lights requiring only a few controls.

(5) **Residential building.** Delete the text of this definition and replace with the following: For this code, includes detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures and R-3 buildings, as well as R-2 and R-4 buildings three stories or less in height above grade.

(6) **Unconditioned space.** Add the following definition: Space within a building that is not mechanically heated or cooled and is outside the building thermal envelope.

(7) **Vapor retarder class.** Add the following definition: a measure of a material or assembly's ability to limit the amount of moisture that passes through that material or assembly. Vapor retarder class shall be defined using the desiccant method of ASTM E96 as follows:

(a) **class I:** 0.1 perm or less;

(b) **class II:** > 0.1 perm <1.0 perm;

(c) **class III:** > 1.0 perm <10 perm.

[14.7.6.10 NMAC - Rp, 14.7.6.10 NMAC, 6-28-13]

14.7.6.11 CHAPTER 3 - CLIMATE ZONES: See this Chapter of the IECC except delete the text of section 301.1 General and replace with the following: the table below in conjunction with Table 301.3(2) shall be used to determine the applicable requirements for Chapters 4 & 5. Locations not in the table below shall use either Table 301.1, Section 301.3, or the building official may designate a climate zone consistent with the elevation, HDD & CDD from the table below for the unlisted location.

Table 301.2
New Mexico Climate Zones Based on Heating and Cooling Degree Days

City	County	Elev. (feet)	Heating Degree Days (HDD) 65°F	Cooling Degree Days (CDD) 50°F day	Climate Zone
Abiquiu Dam	Rio Arriba	6380	5872		5B
Angel Fire	Colfax	8406	9769	195	7B
Alamogordo	Otero	4350	3053	5309	3B
Albuquerque	Bernalillo	5312	4332	4462	4B
Artesia	Eddy	3380	3366	5374	3B
Aztec Ruins	San Juan	5644	5757		5B
Belen	Valencia	4800	4432	5012	3B
Bernalillo	Sandoval	5052	4782	4138	4B
Bloomfield	San Juan	5456	5490		5B
Bosque del Apache	Socorro	4520	3916	5012	3B
Carlsbad	Eddy	3295	2813	5997	3B
Carrizozo	Lincoln	5438	4234	3631	4B
Cedar Crest	Bernalillo	6581	5703		5B
Chaco Canyon	San Juan	6200	6137		5B
Chama	Rio Arriba	7871	8254		6B
Clayton	Union	5056	5150	3170	4B
Cloudcroft	Otero	8801	7205		6B
Clovis	Curry	4268	4033	4252	4B
Corona	Valencia	6690	5389	3631	4B
Cuba	Sandoval	7035	7122		5B
Deming	Luna	4305	3347	5292	3B
Dulce	Rio Arriba	6793	7979		6B
Eagle Nest	Colfax	8262	9254		7B
Edgewood	Santa Fe	6649	6146		5B
Espanola	Rio Arriba	5643	5641		5B
Farmington	San Juan	5395	5747		5B
Fence Lake	Cibola	7055	6396		5B
Fort Sumner	De Baca	4032	3799	4616	3B
Gallup	McKinley	6465	6207		5B
Glenwood	Catron	4725	3632	4427	4B
Grants	Cibola	6460	6143		5B
Hatch	Dona Ana	4052	3270	5904	3B
Hobbs	Lea	3622	2954	5181	3B
Jemez Springs	Sandoval	6198	5260	2059	4B
Las Cruces	Dona Ana	4000	3223	5904	3B
Las Vegas	San Miguel	6424	5738		5B
Lordsburg	Hidalgo	4250	3213	5210	3B
Los Alamos	Los Alamos	7320	6381		5B
Los Lunas	Valencia	4856	4725	4462	4B
Magdalena	Socorro	6572	5074	2093	4B
Mescalero	Otero	6611	5540		5B
Moriarty	Torrance	6220	4735	3786	4B
Mosquero	Harding	5485	5209	3631	4B
Mountainair	Torrance	6520	5558		5B
Organ	Dona Ana	5245	3215	4919	3B
Placitas	Sandoval	5955	4917	3701	4B

Portales	Roosevelt	4006	3845	4347	4B
Raton	Colfax	6680	6001		5B
Red River	Taos	8671	8742	179	7B
Reserve	Catron	5847	5483		5B
Rio Rancho	Sandoval	5282	4880	3949	4B
Roswell	Chaves	3573	3565	5505	3B
Ruidoso	Lincoln	6920	6309		5B
Sandia Crest	Bernalillo	10680	10034		7B
Sandia Park	Bernalillo	7077	7510		6B
Santa Fe	Santa Fe	7260	6001		5B
Santa Rosa	Guadalupe	4620	3749	4714	3B
Shiprock	San Juan	4892	5475		5B
Silver City	Grant	5895	4438	3975	4B
Socorro	Socorro	4603	3984	5147	3B
Springer	Colfax	5797	5653		5B
Taos	Taos	6967	6827		5B
Taos Ski Valley	Taos	9321	9769		7B
Tatum	Lea	3999	3680	4721	3B
Thoreau	McKinley	7200	5789		5B
Tierra Amarilla	Rio Arriba	7425	7901		6B
Tijeras	Bernalillo	6322	6338		5B
Tohatchi	McKinley	6447	5418		5B
Truth or Consequences	Sierra	4245	3394	5103	3B
Tucumcari	Quay	4096	3767	4429	4B
Tularosa	Otero	4508	3056	5130	3B
Zuni	McKinley	6293	5742		5B

[14.7.6.11 NMAC - Rp, 14.7.6.11 NMAC, 6-28-13]

14.7.6.12 CHAPTER 4 - RESIDENTIAL ENERGY EFFICIENCY: See this Chapter of the IECC except for the following:

A. 401.2 Compliance. Delete the text of this section and replace with the following: projects shall comply with sections 401, 402.4, 403.1, 403.2.2, 403.2 through 403.9, and 404.1 (referred to as the mandatory provisions), and one of the following:

- (1) sections 402.1 through 402.3, 402.5, and 403.2.1 (prescriptive); or
- (2) specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code, such as ResCheck, RemRate, and worksheet trade-off sheets from the New Mexico energy conservation code residential applications manual; or
- (3) performance path to compliance;
- (a) section 405, simulated performance alternative or;
- (b) a home energy rating system (HERS) index of 83 or less in climate zone 3, or a HERS index of 89 or less in climate zones 4-7, confirmed in writing by a ResNet-certified energy rater. Compliance may be demonstrated by use of the ResNet sampling protocols (see chapter 6 of the national standard for home energy ratings).

(4) above code programs see IECC section 102.1.1.

B. 402.4.3 Fireplaces. See this section of the IECC and add the following **exception:** one wood burning masonry fireplace without a gas log igniter per residence is allowed without gasketed doors providing:

- (1) the residence being constructed exceeds compliance of this code by 20 percent or better with compliance demonstrated by either section 401.2(2) or (3) with a HERS index of 70, and
- (2) the fireplaces have outdoor combustion air supplied directly to the fireboxes.

[14.7.6.12 NMAC - Rp, 14.7.6.12 NMAC, 6-28-13]

14.7.6.13 CHAPTER 5 - COMMERCIAL ENERGY EFFICIENCY: See this Chapter of the IECC.

[14.7.6.13 NMAC - Rp 14.7.6.13 NMAC, 6-28-13]

14.7.6.14 CHAPTER 6 - REFERENCED STANDARDS: See this Chapter of the IECC.

[14.7.6.14 NMAC - Rp 14.7.6.14 NMAC, 6-28-13]

HISTORY OF 14.7.6 NMAC:

Pre NMAC History: None.

History of Repealed Material:

14.7.6 NMAC, 2003 New Mexico Energy Conservation Code (filed 5-27-04) repealed 1-7-04.

14.7.6 NMAC, 2006 New Mexico Energy Conservation Code (filed 8-16-2007) repealed 1-28-11.

14.7.6 NMAC, 2009 New Mexico Energy Conservation Code (filed 12-28-2010) repealed 8-1-11.

14.7.6 NMAC, 2009 New Mexico Energy Conservation Code (filed 6-15-2011) repealed 6-28-13.

NMAC History:

14.7.6 NMAC, 2003 New Mexico Energy Conservation Code (filed 5-27-04) replaced by 14.7.6 NMAC, 2006 New Mexico Energy Conservation Code, effective 1-1-08.

14.7.6 NMAC, 2006 New Mexico Energy Conservation Code (filed 8-16-2007) replaced by 14.7.6 NMAC, 2009 New Mexico Energy Conservation Code, effective 1-28-11.

14.7.6 NMAC, 2009 New Mexico Energy Conservation Code (filed 12-28-2010) replaced by 14.7.6 NMAC, 2009 New Mexico Energy Conservation Code, effective 8-1-11.

14.7.6 NMAC, 2009 New Mexico Energy Conservation Code (filed 6-15-2011) replaced by 14.7.6 NMAC, 2009 New Mexico Energy Conservation Code, effective 6-28-13.

NEW MEXICO REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

TITLE 14 HOUSING AND CONSTRUCTION CHAPTER 8 PLUMBING CODES PART 2 2009 NEW MEXICO PLUMBING CODE

14.8.2.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department.
[14.8.2.1 NMAC - Rp, 14.8.2.1 NMAC, 6-28-13]

14.8.2.2 SCOPE: This rule applies to all contracting work performed in New Mexico on or after January 28, 2011, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.
[14.8.2.2 NMAC - Rp, 14.8.2.2 NMAC, 6-28-13]

14.8.2.3 STATUTORY AUTHORITY: NMSA 1978 Section 60-13-9 and 60-13-44.
[14.8.2.3 NMAC - Rp, 14.8.2.3 NMAC, 6-28-13]

14.8.2.4 D U R A T I O N : Permanent.

[14.8.2.4 NMAC - Rp, 14.8.2.4 NMAC, 6-28-13]

14.8.2.5 EFFECTIVE DATE: June 28, 2013, unless a later date is cited at the end of a section.

[14.8.2.5 NMAC - Rp, 14.8.2.5 NMAC, 6-28-13]

14.8.2.6 OBJECTIVE: The purpose of this rule is to establish minimum standards for all plumbing, as defined in CILA Section 60-12-32, in New Mexico.

[14.8.2.6 NMAC - Rp, 14.8.2.6 NMAC, 6-28-13]

14.8.2.7 DEFINITIONS: See 14.5.1 NMAC, General Provisions and chapter 2 of the 2009 uniform plumbing code (UPC) as amended in 14.8.2.10 NMAC.

[14.8.2.7 NMAC - Rp, 14.8.2.7 NMAC, 6-28-13]

14.8.2.8 ADOPTION OF THE 2009 UNIFORM PLUMBING CODE:

A. This rule adopts by reference the 2009 uniform plumbing code and all appendices, as amended by this rule.

B. In this rule, the internal numbering of each provision corresponds with the numbering of the 2009 uniform plumbing code.

C. This rule is to be applied in conjunction with 14.7.6 NMAC, the 2009 New Mexico energy conservation code.

[14.8.2.8 NMAC - Rp, 14.8.2.8 NMAC, 6-28-13]

14.8.2.9 CHAPTER 1 ADMINISTRATION:

A. 101.0 - Title, Scope and General.

(1) 101.1 Title. Delete this section of the UPC and substitute: This code shall be known as the 2009 New Mexico plumbing code (NMPC).

(2) 101.2 Purpose. Delete this section of the UPC and see 14.8.2.6 NMAC.

(3) 101.3 Plans required. Delete this section of the UPC except as provided in 14.5.2 NMAC, Permits.

(4) 101.4 Scope.

(a) 101.4.1 Delete this section of the UPC and see 14.8.2.2 NMAC.

(i) 101.4.1.1 Repairs and alterations. See this section of the UPC.

(ii) 101.4.1.2 Maintenance. Delete this section of the UPC.

(iii) 101.4.1.3 Existing construction. Delete this section of the UPC.

(iv) 101.4.1.4 Conflicts between codes. Delete this section of the

UPC and see 14.5.1 General Provisions.

(b) 101.4.2 See this section of the UPC.

(c) 101.4.3 Appendices. Delete this section of the UPC except as provided in 14.8.2.27 NMAC, below.

(5) 101.5 Application to existing plumbing system. See this section of the UPC.

B. 102.0 - Organization and Enforcement.

(1) 102.1 Authority having jurisdiction. Delete this section of the UPC.

(2) 102.2 Duties and powers of the authority having jurisdiction.

(a) 102.2.1 Appointments. Delete this section of the UPC and see CILA Section 60-13-8 through 60-13-41 and NMSA 1978 Section 9-16-7.

(b) 102.2.2 Right of entry. Delete this section of the UPC and see CILA Section 60-13-42.

(c) 102.2.3 Stop orders. Delete this section of the UPC and see 14.5.2 NMAC, Permits.

(d) 102.2.4 Authority to disconnect utilities in emergencies. Delete this section of the UPC and see CILA Section 60-13-42.

(e) 102.2.5 Authority to condemn. Delete this section of the UPC and see 14.5.1 NMAC, General Provisions.

(f) 102.2.6 Liability. Delete this section of the UPC and see CILA Section 60-13-26.

(3) 102.3 Violations and penalties. Delete this section of the UPC and see CILA Section 60-13-1 et seq., and 14.5.3, Inspections.

C. 103.0 - Permits and inspections.

(1) 103.1 Permits. Delete this section of the UPC except as provided in 14.5.2 NMAC, Permits.

(2) 103.2 Application for permit. Delete this section of the UPC except as provided in 14.5.2 NMAC, Permits.

(3) 103.3 Permit issuance. Delete this section of the UPC except as provided in 14.5.2 NMAC, Permits

(4) 103.4 Fees. Delete this section of the UPC and see 14.5.5 NMAC, Fees.

(5) 103.5 Inspections. Delete this section except as provided in 14.5.3 NMAC, Inspections.

(6) 103.6 Connection approval. Delete this section of the UPC and see 14.5.3 NMAC, Inspections.

(7) 103.7 Unconstitutional. Delete this section of the UPC and see 14.5.1 NMAC, General Provisions.

(8) 103.8 Validity. Delete this section of the UPC and see 14.5.1 NMAC, General Provisions.

(9) Table 1.1 Plumbing permit fees. Delete plumbing permit fees, table 1-1, from the UPC.

[14.8.2.9 NMAC - Rp, 14.8.2.9, NMAC 6-28-13]

14.8.2.10 CHAPTER 2
DEFINITIONS: See this chapter of the UPC, except as provided below.

A. 203.0 Authority having jurisdiction. Delete the text of this definition and substitute: The authority having jurisdiction is the construction industries division (CID) and the bureau chief of the mechanical and plumbing bureau of CID.

B. 206.0 Design flood elevation. See this definition of the UPC and add the following text at the end of the definition: In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet (610 mm).

C. 214.0 Listing agency. See this definition in the UPC and section 60-13-44.B. of the CILA.
[14.8.2.10 NMAC - Rp, 14.8.2.10 NMAC, 6-28-13]

14.8.2.11 CHAPTER 3
GENERAL REGULATIONS: See this chapter of the UPC except as provided below.

A. 301.2 Alternate materials and methods of construction equivalency. Delete this section of the UPC and see 14.5.1 NMAC.

B. 301.3 Flood hazard resistance. See this section of the UPC.

C. 301.4 Alternative engineered design. See this section of the UPC except as provided below.

(1) 301.4.1 Design criteria. See this section of the UPC and 14.5.2 NMAC permits.

(2) 301.4.2 Permit application. Delete this section of the UPC and see 14.5.2 NMAC permits.

(3) 301.4.3 Technical data. See this section of the UPC.

(4) 301.4.4 Design documents. See this section of the UPC and 14.5.2 NMAC permits.

(5) 301.4.5 Design approval. Delete this section of the UPC and see 14.5.2 NMAC permits.

(6) 301.4.6 Design review. Delete this section of the UPC and see 14.5.2 NMAC permits.

(7) 301.4.7 Inspection and testing. Delete this section of the UPC and see 14.5.2 NMAC permits and 14.5.3 NMAC inspections.

D. 313. Protection of piping, materials and structures. See this section of the UPC except add the following

section: **313.13 Protection against damage.** Plastic materials for water service piping outside underground shall have a blue insulated copper tracer wire or other approved conductor installed adjacent to the piping. Access shall be provided to the tracer wire or the tracer wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire shall be not less than 18 AWG and the insulation type shall be suitable for direct burial.

[14.8.2.11 NMAC - Rp, 14.8.2.11 NMAC, 6-28-13]

14.8.2.12 CHAPTER 4
PLUMBING FIXTURES AND FIXTURE FITTINGS: See this chapter of the UPC except as provided below.

A. 402.3.1 Nonwater urinals. Delete the text of this section and replace with the following: Nonwater urinals shall be listed and comply with the applicable standards in Table 14-1 and manufacturer's specifications. Nonwater urinals shall have a barrier liquid sealant to maintain a trap seal. Nonwater urinals shall be located on the downstream side of a frequently used water-using fixture. Nonwater urinals shall permit the uninhibited flow of waste through the urinal to the sanitary drainage system. Nonwater urinals shall be cleaned and maintained in accordance with the manufacturer's instructions after installation. Where nonwater urinals are installed they shall have a water distribution line rough-in to the urinal location to allow for the installation of an approved backflow prevention device in the event of a retrofit.

B. 405.0 Prohibited fixtures.

(1) 405.1 See this section of the UPC.

(2) 405.2 See this section of the UPC.

(3) 405.3 See this section of the UPC and add the following: "the authority having jurisdiction reserves the right to require the contractor to install water and drain lines to be used for installation of a flush-type toilet should the chemical-dry toilet fail.

C. 411.2.3 Solar-ready stub outs. Water piping stub outs, sufficient for the installation and operation of a solar water heating system, shall be installed in the building mechanical room or designated solar equipment location. Such stub outs shall not be less than three-quarter inch (3-4") in diameter.

D. 412.0 Minimum number of required fixtures. See this section of the UPC except as provided below.

(1) Section 412.1 Fixture count. See this section of the UPC except delete the reference to "Table 4.1" and substitute: the 2009 New Mexico building code, Subsection B of 14.7.2.37 NMAC: Minimum Plumbing

Facilities.

(2) Section 412.2 Access to fixtures. Delete this section of the UPC.

(3) Section 412.3 Separate facilities. Delete this section of the UPC.

(4) Section 412.4. Fixture requirements for special occupancies. See this section of the UPC except delete section 412.4.3.

(5) Section 412.5 Facilities in mercantile and business occupancies serving customers. Delete this section of the UPC.

(6) Section 412.6 Toilet facilities for workers. Delete this section of the UPC

E. Section 413.0 Fixtures and fixture fittings for persons with disabilities. Delete this section of the UPC.

F. Table A Occupant load factor. Delete this table of the UPC.

[14.8.2.12 NMAC - Rp, 14.8.2.12 NMAC, 6-28-13]

14.8.2.13 CHAPTER 5 WATER HEATERS PART I: See this chapter of the UPC except as provided below.

A. Section 501.0 General. See this section of the UPC except delete the following sentence: "The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 5-1."

B. Section 508.14 Installation in residential garages. At the end of the last sentence in subsection (1) delete the following text: "unless listed as flammable vapor ignition resistant".

C. Section 509.3 Access to equipment on roofs.

(1) 509.3.1 See this section of the UPC.

(2) 509.3.2 See this section of the UPC except after the words "in height" add the following: except those designated as R-3 occupancies.

(3) 509.3.3 See this section of the UPC.

[14.8.2.13 NMAC - Rp, 14.8.2.13 NMAC, 6-28-13]

14.8.2.14 CHAPTER 5 WATER HEATERS PART II - SIZING OF VENTING SYSTEMS SERVING APPLIANCES EQUIPPED WITH DRAFT HOODS, CATEGORY I APPLIANCES, AND APPLIANCES LISTED FOR USE WITH TYPE B VENTS: See this chapter of the UPC.

[14.8.2.14 NMAC - Rp, 14.8.2.14 NMAC, 6-28-13]

14.8.2.15 CHAPTER 6 WATER SUPPLY AND DISTRIBUTION: See this chapter of the UPC except as provided below. **604.8** See this section of the UPC except delete the following text from the exception: "Plastic materials for water service piping outside underground shall

have a blue insulated copper tracer wire or other approved conductor installed adjacent to the piping. Access shall be provided to the tracer wire or the tracer wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire shall be not less than 18 AWG and the insulation type shall be suitable for direct burial”.

[14.8.2.15 NMAC - Rp, 14.8.2.15 NMAC, 6-28-13]

**14.8.2.16 CHAPTER 7
SANITARY DRAINAGE PART I -
DRAINAGE SYSTEMS:** See this chapter of the UPC except as provided below.

A. Section 704.0 Fixture connections (drainage).

(1) **704.1.** See this section of the UPC.

(2) **704.2.** See this section of the UPC.

(3) **704.3.** Delete the text this section of the UPC and substitute with the following: pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware washing machines, and other similar fixtures shall not be connected directly to the drainage system. Such equipment or fixtures shall be drained by means of indirect waste pipes, as defined in chapter 2 of the UPC, and all wastes drained by them shall discharge through an airgap into an open floor sink or other approved type receptor that is properly connected to the drainage system. Food waste disposal units shall be connected directly to the drainage system. A floor drain shall be provided adjacent to the disposal unit, and the disposal unit shall be connected on the sewer side of the floor drain trap, provided that no other drainage line is connected between the floor drain waste connection and the disposal unit drain. The floor drain shall be trapped and vented as required in this code.

B. 712.2 Media. See this section of the UPC except add the following text to the end: When testing during weather conditions that could result in damage to piping, adequate provisions shall be made to protect such piping from freezing.

[14.8.2.16 NMAC - Rp, 14.8.2.16 NMAC, 6-28-13]

**14.8.2.17 CHAPTER 7
SANITARY DRAINAGE PART II -
BUILDING SEWERS:** See this chapter of the UPC.

[14.8.2.17 NMAC - Rp, 14.8.2.17 NMAC, 6-28-13]

**14.8.2.18 CHAPTER 8
INDIRECT WASTES:** See this chapter of the UPC.

[14.8.2.18 NMAC - Rp, 14.8.2.18 NMAC, 6-28-13]

14.8.2.19 CHAPTER 9 VENTS: See this chapter of the UPC.

[14.8.2.19 NMAC - Rp, 14.8.2.19 NMAC, 6-28-13]

**14.8.2.20 CHAPTER 10 TRAPS
AND INTERCEPTORS:** See this chapter of the UPC.

[14.8.2.20 NMAC - Rp, 14.8.2.20 NMAC, 6-28-13]

**14.8.2.21 CHAPTER 11
STORM DRAINAGE:** See this chapter of the UPC except as provided below. **1101.5**

Subsoil drains. 1101.5.1 See this section of the UPC except after the words “Subsoil drains shall be provided” in the first sentence add the following text: “as required by the NMCBC, 14.7.2 NMAC”.

[14.8.2.21 NMAC - Rp, 14.8.2.21 NMAC, 6-28-13]

**14.8.2.22 CHAPTER 12 FUEL
PIPING:** See this chapter of the UPC except as provided below.

A. 1209.5.2.3 Delete this section of the UPC and substitute: Copper and brass pipe shall not be used. Threaded aluminum alloy pipe shall not be used with gases corrosive to such material.

B. 1209.5.3.2 Delete this section of the UPC and substitute: Copper and brass pipe shall not be used.

C. 1211.1.2 Protection against damage. Delete Subsection A of this section of the UPC and substitute the following: Underground piping systems shall be installed with a minimum of 18 inches (460 mm) of cover. Where a minimum of 18 inches (460 mm) of cover cannot be provided, the pipe shall be installed in conduit or bridged (shielded).

D. 1211.11.3 Emergency shutoff valves. See this section of the UPC except delete the following: “The emergency shutoff valves shall be plainly marked as such and their locations posted as required by the authority having jurisdiction” and replace with the following text: For purposes of isolation and safety, an additional gas shut off shall be installed downstream of the serving supplier gas meter prior to any distribution of gas into the gas piping system.

E. 1211.15 Electrical bonding and grounding. Delete this section of the UPC and see 14.10.4 NMAC the New Mexico electrical code (NMEC).

F. 1213.0 Liquefied petroleum gas facilities and piping. Delete this section of the UPC and substitute the following: Liquefied petroleum gas facilities shall comply with 19.15.40 NMAC, Liquefied Petroleum Gas Standards, and NMSA 1978 70-5-1 et seq., liquefied and compressed gasses.

[14.8.2.22 NMAC - Rp, 14.8.2.22 NMAC, 6-28-13]

**14.8.2.23 CHAPTER 13
HEALTH CARE FACILITIES AND
MEDICAL GAS AND VACUUM
SYSTEMS PART I - SPECIAL
REQUIREMENTS FOR HEALTH
CARE FACILITIES:** [Reserved]

[14.8.2.23 NMAC - Rp, 14.8.2.23 NMAC, 6-28-13]

**14.8.2.24 CHAPTER 13
HEALTH CARE FACILITIES AND
MEDICAL GAS AND VACUUM
SYSTEMS PART II - MEDICAL GAS
AND VACUUM SYSTEMS:** See this

chapter of the UPC except as provided below: **1320.3** Delete the text of this section of the UPC and replace with the following text: Shutoff valves shall be provided for the connection of future piping, and shall meet the following requirements:

A. be locked in a restricted area;

B. be locked, closed, and capped;

C. be identified in accordance with section 1323.0 (NFPA 99:5.1.4.10).

[14.8.2.24 NMAC - Rp, 14.8.2.24 NMAC, 6-28-13]

**14.8.2.25 CHAPTER 14
MANDATORY REFERENCED**

STANDARDS: See this chapter of the UPC and add the following referenced standard: ARCSA - American rain catchment systems association.

[14.8.2.25 NMAC - Rp, 14.8.2.25 NMAC, 6-28-13]

**14.8.2.26 CHAPTER 15
FIRESTOP PROTECTION:** See this chapter of the UPC.

[14.8.2.26 NMAC - Rp, 14.8.2.26 NMAC, 6-28-13]

**14.8.2.27 CHAPTER 16
NONPOTABLE WATER REUSE
SYSTEMS PART I - GRAY WATER
SYSTEMS.** See this chapter of the UPC except as provided below.

A. 1601.0 Gray water systems - general. Delete this section of the UPC.

B. 1602.0 Definition. See this section of the UPC.

C. 1603.0 Permits. Delete this section of the UPC and see NMAC 14.5.2 permits and add the following: For permitting gray water systems outside the structure, see NMAC 20.7.3.810 and 20.7.3.811.

D. 1605.0 Inspection and testing. Delete this section of the UPC.

E. 1606.0 Procedure for

estimating gray water discharge. Delete this section of the UPC.

F. 1607.0 Required area of subsurface irrigation-disposal fields. Delete this section of the UPC.

G. 1608.0 Determination of maximum absorption capacity. Delete this section of the UPC.

H. 1609.0 Holding tank construction. Delete this section of the UPC.

I. 1610.0 Gray water systems. See this section of the UPC.

J. 1611.0 Irrigation-disposal field construction. Delete this section of the UPC.

K. Table 16-1 Location of gray water system. Delete this section of the UPC.

L. Table 16-2 Design criteria of six typical soils. Delete this section of the UPC.

M. Table 16-3 (Metric) design criteria of typical soils. Delete this section of the UPC.

[14.8.2.27 NMAC - Rp, 14.8.2.27 NMAC, 6-28-13]

14.8.2.28 CHAPTER 16 NONPOTABLE WATER REUSE SYSTEMS PART II - RECLAIMED WATER SYSTEMS. See this chapter of the UPC.

[14.8.2.28 NMAC - Rp, 14.8.2.28 NMAC, 6-28-13]

14.8.2.29 APPENDICIES.

See this chapter of the UPC and add the following to appendix L.1.3: All alternate plumbing systems must be pre-approved in writing by the authority having jurisdiction. [14.8.2.29 NMAC - Rp, 14.8.2.29 NMAC, 6-28-13]

HISTORY OF 14.8.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with state records center and archives under: CIC MB 68-2, 1964 New Mexico Plumbing Code, filed 1-23-68.

CIC MB 70-8, 1970 Plumbing Code of New Mexico, filed 4-29-70.

CIC MB 71-4, 1970 Plumbing Code of New Mexico, filed 6-8-71.

CIC MB 74-9, 1973 Uniform Plumbing Code, filed 11-20-74.

CIC 76-1, 1976 Uniform Plumbing Code, filed 5-4-76.

CIC MB 80-5, 1979 Uniform Plumbing Code, filed 4-24-80.

MB-UPC-82-1, 1982 Uniform Plumbing Code, filed 11-4-82.

MB-UPC-85-1, 1985 Uniform Plumbing Code, filed 10-1-85.

MB-UPC-88-1, 1988 Uniform Plumbing Code, filed 12-15-88.

MB-UPC-91-1, 1991 Uniform Plumbing

Code, filed 7-28-92.

CIC MB 68-3, 1966 New Mexico Gas Code, filed 1-23-68.

CIC MB 70-7, 1970 Natural Gas Code of New Mexico, filed 4-29-70.

CIC MB 71-3, 1970 Natural Gas Code of New Mexico, filed 6-8-71.

CIC-74-8, 1973 Uniform Mechanical Code, filed 11-20-74.

CIC 76-4, 1976 Uniform Mechanical Code, filed 11-24-76.

CID MB 80-3, 1979 Uniform Mechanical Code, filed 4-23-80.

MB-UMC-82-1, 1982 Uniform Mechanical Code, filed 11-4-82.

MB-UMC-85-1, 1985 Uniform Mechanical Code, filed 10-1-85.

MB-UMC-88-1, 1988 Uniform Mechanical Code, filed 12-15-88.

MB-UMC-91-1, 1991 Uniform Mechanical Code, filed 7-28-92.

CIC 77-3, 1976 New Mexico Uniform Solar Energy Code, 2-26-77.

CID MB-80-6, 1979 Uniform Solar Energy Code, 4-24-80.

MB-USEC-82-1, 1982 Uniform Solar Energy Code, filed 11-4-82.

MB-USEC-85-1, 1985 Uniform Solar Energy Code, 12-23-85.

MB-USEC-88-1, 1988 Uniform Solar Energy Code, 12-15-88.

MB-USEC-91-1, 1991 Uniform Solar Energy Code, 7-28-92.

CIC-75-1, 1973 Uniform Swimming Pool Code, Section 1.7, 10-31-75.

CIC-76-3, 1976 Uniform Swimming Pool Code, 7-27-76.

CIC MB 80-4, 1979 Uniform Swimming Pool Code, filed 4-23-80.

MB-USPC-82-1, 1982 Uniform Swimming Pool Code, 11-4-82.

MB-USPS and HTC-85-1, 1985 Uniform Swimming Pool, Spa and Hot Tub Code, 12-23-85.

MB-USPS and HTC-88-1; 1988 Uniform Swimming Pool, Spa and Hot Tub Code, 12-15-88.

MB-USPS and HTC-91-1, 1991 Uniform Swimming Pool, Spa and Hot Tub Code, 7-28-92.

CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, 7-7-92.

CIC MB 68-2, 1964 New Mexico Plumbing Code, filed 1-23-68.

CIC MB 70-8, 1970 Plumbing Code of New Mexico, filed 4-29-70.

CIC MB 71-4, 1970 New Mexico Plumbing Code, filed 6-8-71.

CIC 74-9, 1973 Uniform Plumbing Code, filed 11-20-74.

CIC 76-1, 1976 Uniform Plumbing Code, filed 5-4-76.

CIC MB 80-5, 1979 Uniform Plumbing Code, filed 4-24-80.

MB-UPC-82-1, 1982 Uniform Plumbing Code, filed 11-4-82.

MB-UPC-85-1, 1985 Uniform Plumbing

Code, filed 10-1-85.

MB-UPC-88-1, 1988 Uniform Plumbing Code, filed 12-15-88.

MB-UPC-91-1, 1991 Uniform Plumbing Code, filed 7-28-92.

History of Repealed Material:

14.8.2 NMAC, 2003 New Mexico Plumbing Code (filed 5-27-04) repealed 1-7-04.

14.8.2 NMAC, 2006 New Mexico Plumbing Code (filed 8-16-07) repealed 1-28-11.

14.8.2 NMAC, 2009 New Mexico Plumbing Code (filed 12-28-10) repealed 6-28-13.

Other History:

CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, (filed 7-7-92), replaced by 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code, effective 12-31-98.

14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code (filed 10-30-98) and MB-UPC-91-1, 1991 Uniform Plumbing Code, filed 7-28-92 both replaced by 14.8.2 NMAC, 2003 New Mexico Plumbing Code, effective 7-1-04.

14.8.2 NMAC, 2003 New Mexico Plumbing Code (filed 5-27-04) replaced by 14.8.2 NMAC, 2006 New Mexico Plumbing Code, effective 1-1-08.

14.8.2 NMAC, 2006 New Mexico Plumbing Code (filed 8-16-07) replaced by 14.8.2 NMAC, 2009 New Mexico Plumbing Code, effective 1-28-11.

14.8.2 NMAC, 2009 New Mexico Plumbing Code (filed 12-28-10) replaced by 14.8.2 NMAC, 2009 New Mexico Plumbing Code, effective 6-28-13.

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

**TITLE 14 HOUSING AND
CONSTRUCTION
CHAPTER 8 PLUMBING CODES
PART 3 2009 NEW MEXICO
SWIMMING POOL, SPA AND HOT
TUB CODE**

14.8.3.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department. [14.8.3.1 NMAC - Rp, 14.8.3.1 NMAC, 6-28-13]

14.8.3.2 SCOPE: This rule applies to all contracting work performed on swimming pools, spas, and hot tubs in New Mexico on or after November 1, 2011, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.

[14.8.3.2 NMAC - Rp, 14.8.3.2 NMAC,

6-28-13]

14.8.3.3 STATUTORY**AUTHORITY:** NMSA 1978 Section 60-13-9.

[14.8.3.3 NMAC - Rp, 14.8.3.3 NMAC, 6-28-13]

14.8.3.4 DURATION:

Permanent.

[14.8.3.4 NMAC - Rp, 14.8.3.4 NMAC, 6-28-13]

14.8.3.5 EFFECTIVE DATE:

June 28, 2013, unless a later date is cited at the end of a section.

[14.8.3.5 NMAC - Rp, 14.8.3.5 NMAC, 6-28-13]

14.8.3.6 OBJECTIVE:

The purpose of this rule is to establish minimum standards for the construction of swimming pools, spas and hot tubs in New Mexico.

[14.8.3.6 NMAC - Rp, 14.8.3.6 NMAC, 6-28-13]

14.8.3.7 DEFINITIONS:

See 14.5.1 NMAC, General Provisions and chapter 2 of the 2009 uniform swimming pool, spa, and hot tub code (USPSHTC) as amended by this part.

[14.8.3.7 NMAC - Rp, 14.8.3.7 NMAC, 6-28-13]

14.8.3.8 ADOPTION OF THE 2009 UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE:**A.** This rule adopts, by reference, the 2009 uniform swimming pool, spa, and hot tub code, as amended by this rule.**B.** In this rule, each provision is numbered to correspond with the numbering of the USPSHTC.

[14.8.3.8 NMAC - Rp, 14.8.3.8 NMAC, 6-28-13]

14.8.3.9 CHAPTER 1 ADMINISTRATION:**A. 101.0 - Title, purpose and scope.****(1) 101.1 Title.** Delete this section of the USPC and substitute: This code shall be known as the 2009 New Mexico swimming pool, spa, and hot tub code (NMSPSHTC).**(2) 101.2 Purpose.** Delete this section of the USPSHTC and substitute: The purpose of this code is to establish minimum standards for all swimming pools, spas and hot tub construction in New Mexico.**(3) 101.3 Plans required.** Delete this section of the USPSHTCC and see 14.5.2 NMAC, Permits.**(4) 101.4 Scope.****(a) 101.4.1** See this section of the USPSHTC, except as provided below.**(i) 101.4.1.1 Repairs and alterations.** See this section of the USPSHTC.**(ii) 101.4.1.2 Maintenance.** Delete this section of the USPSHTC.**(iii) 101.4.1.3 Existing construction.** Delete this section of the USPSHTC.**(iv) 101.4.1.4 Conflicts between codes.** Delete this section of the USPSHTC and see 14.5.1 NMAC General Provisions.**(b) 101.4.2 Additions, alterations, repairs and replacement.** See this section of the USPSHTC.**(5) 101.5 Application to existing swimming pool, spa, or hot tub plumbing system.** See this section of the USPSHTC, except delete subsection 101.5.5 Maintenance without replacement.**B. 102.0 Organization and enforcement.****(1) 102.1 Authority having jurisdiction.** Delete this section of the USPSHTC.**(2) 102.2 Duties and powers of the authority having jurisdiction.****(a) 102.2.1** Delete this section of the USPSHTC and see Section CILA 60-13-8.**(b) 102.2.2 Right of entry.** Delete this section of the USPSHTC and see CILA Section 60-13-42.**(c) 102.2.3 Stop orders.** Delete this section of the USPSHTC and see 14.5.2 NMAC, Permits.**(d) 102.2.4 Authority to disconnect utilities in emergencies.** Delete this section of the USPSHTC and see CILA Section 60-13-42.**(e) 102.2.5 Authority to condemn.** Delete this section of the USPSHTC and see 14.5.1, General Provisions.**(f) 102.2.6 Liability.** Delete this section of the USPSHTC and see CILA Section 60-13-26.**(3) 102.3 Violations and penalties.** Delete this section of the USPSHTC and see CILA Section 60-13-1 et seq., and 14.5.3 NMAC, Inspections.**C. 103.0 Permits and inspections.****(1) 103.1 Permits.****(a) 103.1.1 Permits required.** Delete this section of the USPSHTC and see 14.5.2 NMAC, Permits.**(b) 103.1.2 Exempt work.** Delete this section of the USPSHTC and see 14.5.2 NMAC, Permits.**(c) 103.1.3 Licensing.** Delete this section of the USPSHTC and see 14.6.2 NMAC Licensing.**(2) 103.2 Application of permit.**

Delete this section of the USPSHTC and see 14.5.2.NMAC, Permits.

(3) 103.3. Permit issuance.

Delete this section of the USPSHTC and see 14.5.2 NMAC, Permits.

(4) 103.4 Fees. Delete this section of the USPSHTC and see 14.5.5 NMAC, Fees.**(5) 103.5 Inspections.** Delete this section of the USPSHTC and see 14.5.3 NMAC, Inspections, except for subsection 103.5.6 Reinspections see 14.5.5 NMAC, Fees.**(6) 103.6 Connection approval.** Delete this section of the USPSHTC and see 14.5.3 NMAC, Inspections.**(7) 103.7 Unconstitutionality.** Delete this section of the USPSHTC and see 14.5.1 NMAC, General Provisions.**(8) 103.8 Validity.** Delete this section of the USPSHTC and see 14.5.1 NMAC, General Provisions.**(9) Table 1-1 Swimming pool, spa, and hot tub permit fees.** Delete this section of the USPSHTC and see 14.5.5 NMAC, Fees

[14.8.3.9 NMAC - Rp, 14.8.3.9 NMAC, 6-28-13]

14.8.3.10 CHAPTER 2**DEFINITIONS:** See this chapter of the USPSHTC, except as provided below.**A. 203.0 - Authority having jurisdiction -** Delete the text of this definition and substitute: The authority having jurisdiction is the construction industries division (CID) and the bureau chief of the mechanical and plumbing bureau of CID.**B. 204.0 - Beginner's area -** Delete the text of this definition without replacement.**C. 204.0 - Break in grade -** Delete the test of this definition and substitute with the following: A place in the pool floor where the slope changes.**D. 204.0 -**Add the following definition: **Bromine feeder** - a device used to deliver bromine sanitizer at a controlled rate.**E. 214.0 - Listing agency -** See this definition in the UPC and Section 60-13-44 of the CILA.**F. 215.0 -** Add the following definition: **Main drain** - see main outlet.**G. 215.0 - Main outlet.** Change the definition in the USPSHTC to read as follows: The outlet fittings at bottom of a swimming pool, spa or hot tub to transfer water to the recirculating pump (often referred to as the "main drain").**H. 221.0 - Shall -** Delete this text of this definition and see Section 221.0 of the UPC.

[14.8.3.10 NMAC - Rp, 14.8.3.10 NMAC, 6-28-13]

14.8.3.11 CHAPTER 3**GENERAL REQUIREMENTS:** See this

chapter of the USPSHTC except as provided below.

A. 302.2 Alternate materials and methods equivalency. Delete this section and see 14.8.2.11, NMAC, New Mexico Plumbing Code, and 14.5.1.11, NMAC, General Provisions.

B. 303.0 Turnover time. See this section of the USPSHTC except as provided below.

(1) Delete the text of item (3) and replace with the following: **Public wading pools** – one (1) hour or less.

(2) Add item (4) as follows: Private wading pools – two (2) hours or less.

(3) Change the number of item (4) to read (5) and change the number of item (5) to read (6).

C. 304.0 Pumps. See this section of the USPSHTC except as follows: **304.2 Pumps** shall be mounted on a substantial rigid baseplate securely attached to a concrete floor, housekeeping pad, or per manufacturer's recommendations in a manner that will eliminate strain on the piping.

D. 309.0 Pool, spa and hot tub fittings. See this section of the USPSHTC except as provided below.

(1) **309.2 Surface skimmers.** Delete the text of this section of the USPSHTC and replace with the following: Listed surface skimmers, where used in lieu of perimeter overflow system, shall be installed in strict accordance with the manufacturer's installation instructions. For public pools, there shall be not less than one (1) surface skimmer for each five-hundred (500) square feet (46.45m²) of surface area with a minimum of two (2) surface skimmers. For public spas and hot tubs, there shall be a minimum of one (1) skimmer for each one hundred fifty (150) square feet of surface area, or fraction thereof. For private pools, spas and hot tubs, there shall be not less than one (1) skimmer for each nine-hundred (900) square feet (84m²) of surface area or fraction thereof. In public pools, spas and hot tubs, not less than eighty (80) percent of the turnover rate through the surface skimmers shall be provided.

(2) **309.4 Pool, spa and hot tub outlets.** Delete the text of this section of the USPSHTC and replace with the following: Pool, spa or hot tub outlets and their covers shall be listed to the entrapment protection of the ASME/ANSI A112.19.8 performance standard.

(a) **309.4.2** See this section of the USPSHTC and add the following subsections:

(i) **309.4.2.1** Public pools shall have, for each pump suction line, a minimum of two (2) hydraulically balanced, fully submerged suction outlets located at the lowest point of the floor and separated by a minimum of three (3) feet

measured from center to center of the suction pipes.

(ii) **309.4.2.2** Public spas and hot tubs shall have a minimum of two (2) fully submerged suction outlets. The outlets shall be separated by a minimum of three (3) feet measured from center to center of the suction pipes or located on two (2) separate planes; i.e., one (1) on the floor and one (1) on a vertical wall. The outlet located on the vertical wall shall be located below the seating bench of the spa or hot tub.

(b) **309.4.3** Delete the text of this section of the USPSHTC and replace with the following: Suction cleaner device outlets shall be of a self-closing type and remain covered when not in use so as not to pose an entrapment hazard.

(c) **309.4.4 Safety vacuum release systems.** See this section of the USPSHTC except add the following text to the beginning of the sentence: "Manufactured safety vacuum release systems for"

(3) **309.6** Add this new section and sub-sections to the USPSHTC. **Inlets. Public pool, spa and hot tub inlets.** Pool, spa or hot tub inlets shall be sized, arranged, and be of an adjustable type to provide uniform circulation of water and effective distribution of disinfectant residual.

(a) **309.6.1** Inlets shall not protrude from the wall in a manner that poses a hazard.

(b) **309.6.2** At a minimum, there shall be one (1) inlet per five-hundred (500) hundred square feet of surface area or per fifteen thousand (15,000) gallons of water, whichever results in a greater number of inlets.

(c) **309.6.3** For pools, spas or hot tubs wider than thirty (30) feet, multiple inlets shall be provided on opposite ends.

E. 310.0 Materials. See this section of the USPSHTC except as follows: **310.8** See this section of the USPSHTC except delete the following text from the exception: "Plastic materials for water service piping outside underground shall have a blue insulated copper tracer wire or other approved conductor installed adjacent to the piping. Access shall be provided to the tracer wire or the tracer wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire shall be not less than 18 AWG and the insulation type shall be suitable for direct burial".

F. 312.0 - Wastewater disposal. See this section and add the following new section: 313.8 - Sand interceptors may be omitted as in sections 1009.1 and 1016.0 UPC 2006, if the disposal of waste water from a pool is filtered or reclaimed and it can be proven to the **authority having jurisdiction** that it will not introduce levels of sand or solids, or other ingredients that may be harmful to the building drainage system, the public or

private sewer, or to public or private sewage disposal.

G. 317.0 Electrical systems. See this section of the USPSHTC and add the following text to the end of this section: "and the New Mexico electrical code (NMEC)".

H. 320.0 Protection of piping, materials and structures. See this section of the USPSHTC except as follows:

(1) **320.9.3** See this section of the USPSHTC except change the first sentence to read as follows: In exterior walls and where piping passes through concrete floors in interior spaces, the annular space between sleeves and pipes shall be sealed and made watertight, as approved by the authority having jurisdiction.

(2) Add the following new section: **320.12 Protection against damage.** Plastic materials for water service piping outside underground shall have a blue insulated copper tracer wire or other approved conductor installed adjacent to the piping. Access shall be provided to the tracer wire or the tracer wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire shall be not less than 18 AWG and the insulation type shall be suitable for direct burial.

[14.8.3.11 NMAC - Rp, 14.8.3.11 NMAC, 6-28-13]

14.8.3.12 CHAPTER 4 WATER HEATERS AND VENTS. See this section of the USPSHTC except as provided below.

A. 410.9 Installation in residential garages.

(1) **410.9(1)** See this section of the USPSHTC except delete the words "unless listed as flammable vapor ignition resistant" at the end of the section.

(2) **410.9(2)** See this section of the USPSHTC.

(3) **410.9(3)** See this section of the USPSHTC.

B. 411.3 Access to equipment on roofs.

(1) **411.3.1** See this section of the USPSHTC.

(2) **411.3.2** See this section of the USPSHTC except after the words in "in height" add the following: except those designated as R-3 occupancies.

(3) **411.3.3** See this section of the USPSHTC.

(4) **411.3.4** See this section of the USPSHTC.

[14.8.3.12 NMAC - Rp, 14.8.3.12 NMAC, 6-28-13]

14.8.3.13 CHAPTER 5 FUEL GAS PIPING. See this section of the USPSHTC except as provided below.

A. 503.0 Plans required. Delete this section of the USPSHTC except as provided in 14.5.2, NMAC, Permits.

B. 510.5.2.3 Copper and brass. Delete this section of the USPSHTC and substitute: Copper and brass pipe shall not be used.

C. 510.5.3.2 Copper and brass. Delete the text of this section of the USPSHTC and substitute with the following: Copper and brass pipe shall not be used.

D. 511.1.2 Protection against damage.

(1) 511.1.2.1 Cover requirements. Delete this section and substitute: Underground piping systems shall be installed with a minimum of 18 inches (460 mm) of cover. Where a minimum of 18 inches (460 mm) cannot be provided, the pipe shall be installed in conduit or bridged (shielded).

(2) 511.1.2.2 Trenches. See this section of the USPSHTC.

(3) 511.1.2.3 Backfilling. See this section of the USPSHTC.

E. 511.12 Electrical bonding and grounding. Delete this section of the USPSHTC and see 14.10.4 NMAC, New Mexico Electrical Code (NMEC).

F. 511.13 Electrical circuits. Delete this section of the USPSHTC and see 14.10.4, NMAC, New Mexico Electrical Code (NMEC).

G. 511.14 Electrical connections. Delete this section of the USPSHTC and 14.10.4, NMAC, New Mexico Electrical Code (NMEC).

H. 512.5 Sediment trap. See this section of the USPSHTC except delete the first sentence and substitute: If a sediment trap, which is not incorporated as part of the gas utilization equipment, is installed, it shall be installed at the time the equipment is installed and as close to the inlet of the equipment as is practical.

I. 513.0 Liquefied petroleum gas facilities and piping. Delete this section of the USPSHTC and substitute the following: Liquefied Petroleum gas facilities shall comply with Section 19.15.40, NMAC, Liquefied Petroleum Gas Standards, and NMSA 1978, 70-5-1 et seq., liquefied and compressed gases.

[14.8.3.13 NMAC - Rp, 14.8.3.13 NMAC, 6-28-13]

14.8.3.14 CHAPTER 6 PRODUCT AND MATERIALS STANDARDS. See this section of the USPSHTC.

[14.8.3.14 NMAC - Rp, 14.8.3.14 NMAC, 6-28-13]

14.8.3.15 APPENDICES. See this chapter of the USPSHTC.

[14.8.3.15 NMAC - Rp, 14.8.3.15 NMAC, 6-28-13]

HISTORY OF 14.8.3 NMAC:
History of Repealed Material:

14.8.3 NMAC, 2006 New Mexico Swimming Pool, Spa and Hot Tub Code (filed 10-27-08), repealed 11-1-2011.

14.8.3 NMAC, 2009 New Mexico Swimming Pool, Spa and Hot Tub Code (filed 09-27-11), repealed 6-28-2013.

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

**TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 9 M E C H A N I C A L CODES**

PART 2 2009 NEW MEXICO MECHANICAL CODE

14.9.2.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department.

[14.9.2.1 NMAC - Rp, 14.9.2.1 NMAC, 6-28-13]

14.9.2.2 SCOPE: This rule applies to all contracting work performed in New Mexico on or after August 1, 2011, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.

[14.9.2.2 NMAC - Rp, 14.9.2.2 NMAC, 6-28-13]

14.9.2.3 S T A T U T O R Y AUTHORITY: NMSA 1978 Sections 60-13-9 and 60-13-44.

[14.9.2.3 NMAC - Rp, 14.9.2.3 NMAC, 6-28-13]

14.9.2.4 D U R A T I O N : Permanent.

[14.9.2.4 NMAC - Rp, 14.9.2.4 NMAC, 6-28-13]

14.9.2.5 EFFECTIVE DATE: June 28, 2013, unless a later date is cited at the end of a section.

[14.9.2.5 NMAC - Rp, 14.9.2.5 NMAC, 6-28-13]

14.9.2.6 OBJECTIVE: The purpose of this rule is to establish minimum standards for the installation, repair, and replacement of mechanical systems including equipment, appliances, fixtures, fittings and appurtenances including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy related systems in New Mexico.

[14.9.2.6 NMAC - Rp, 14.9.2.6 NMAC, 6-28-13]

14.9.2.7 DEFINITIONS: See

14.5.1 NMAC, General Provisions and chapter 2 of the 2009 uniform mechanical code (UMC) as amended in 14.9.2.10 NMAC.

[14.9.2.7 NMAC - Rp, 14.9.2.7 NMAC, 6-28-13]

14.9.2.8 ADOPTION OF THE 2009 UNIFORM MECHANICAL CODE:

A. This rule adopts by reference the 2009 uniform mechanical code, as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2009 uniform mechanical code.

C. This rule is to be applied in conjunction with 14.7.6 NMAC, the 2009 New Mexico Energy Conservation Code.

[14.9.2.8 NMAC - Rp, 14.9.2.8 NMAC, 6-28-13]

14.9.2.9 CHAPTER 1 ADMINISTRATION:

A. Part 1 - General.

(1) 101.0 Title. Delete this section of the UMC and substitute: This code shall be known as 14.9.2 NMAC, the 2009 New Mexico Mechanical Code (NMMC).

(2) 102.0 Purpose. Delete this section of the UMC and see 14.9.2.6 NMAC.

(3) 103.0 Scope. Delete this section of the UMC and see 14.9.2.2 NMAC.

(4) 104.0 Application to existing mechanical systems. See this section of the UMC.

(5) 105.0 Alternate materials and methods of construction. Delete this section of the UMC and see 14.5.1 NMAC, General Provisions.

(6) 106.0 Modifications. Delete this section of the UMC and see 14.5.1 NMAC, General Provisions.

(7) 107.0 Tests. See this section of the UMC.

B. Part II - Organization and enforcement.

(1) 108.0 Powers and duties of the authority having jurisdiction.

(a) 108.1 General. Delete this section of the UMC and see CILA.

(b) 108.2 Deputies. Delete this section of the UMC and see CILA Sections 60-13-8 and 60-13-41 and NMSA 1978 Section 9-16-7.

(c) 108.3 Right of entry. Delete this section of the UMC and see CILA Section 60-13-42.

(d) 108.4 Stop orders. Delete this section of the UMC and see 14.5.2 NMAC, Permits.

(e) 108.5 Authority to disconnect utilities in emergencies. Delete this section of the UMC and see CILA Section 60-13-42.

(f) 108.6 Authority to condemn equipment. Delete this section of the UMC and see 14.5.1 NMAC, General Provisions.

(g) **108.7 Connection after order to disconnect.** Delete this section of the UMC and see 14.5.1 NMAC, General Provisions.

(h) **108.8 Liability.** Delete this section of the UMC and see CILA Section 60-13-26.

(i) **108.9 Cooperation of other officials and officers.** Delete this section of the UMC.

(2) **109.0 Unsafe equipment.** Delete this section of the UMC and see 14.5.1 NMAC, General Provisions.

(3) **110.0 Board of appeals.** Delete this section of the UMC and see 14.5.1 NMAC, General Provisions.

(4) **111.0 Violations.** Delete this section of the UMC and see CILA Section 60-13-1 et seq., and 14.5.3 NMAC, Inspections.

C. Part III - Permits and inspections.

(1) **112.0 Permits.** See 14.5.2 NMAC, Permits.

(2) **113.0 Application for permit.** Delete this section of the UMC and see 14.5.2 NMAC, Permits.

(3) **114.0 Permit issuance.** Delete this section of the UMC and see 14.5.2 NMAC, Permits.

(4) **115.0 Fees.** Delete this section of the UMC and see 14.5.5 NMAC, Fees.

(5) **116.0 Inspections.** Delete this section of the UMC and see 14.5.3 NMAC, Inspections.

(6) **117.0 Connection approval.** Delete this section of the UMC and see 14.5.2 NMAC, Permits.

(7) **Table 1.1 Mechanical permit fees.** Delete this table from the UMC and see 14.5.5 NMAC, Fees.

D. 116.6 Reinspection. Delete this section of the UMC and see 14.5.5.14 (G) NMAC.

[14.9.2.9 NMAC - Rp, 14.9.2.9 NMAC, 6-28-13]

14.9.2.10 CHAPTER 2 DEFINITIONS: See this chapter of the UMC except as provided below.

A. 203.0 Authority having jurisdiction. Delete the text of this definition and substitute: The authority having jurisdiction is the construction industries division (CID) and the bureau chief of the mechanical and plumbing bureau of CID.

B. 214.0 Listed and listing. See this definition in the UPC and add the following provision at the end of the definition: A manufacturer may select the independent certification organization of its choice to certify its products, provided that the certification organization has been accredited by the American national standards institute (ANSI), or another certification organization that CID has

approved in writing.

[14.9.2.10 NMAC - Rp, 14.9.2.10 NMAC, 6-28-13]

14.9.2.11 CHAPTER 3 GENERAL REQUIREMENTS: See this chapter of the UMC except as provided below.

A. 305.0 Automatic control devices. See this section of the UMC and 14.7.6 NMAC.

B. 311.0 Heating and cooling air system. See this section of the UMC except as provided below.

(1) **311.1 Source.** See this section of the UMC

(2) **311.2 Air filters.** See this section of the UMC except delete the exception.

(3) **311.3 Prohibited source.** See this section of the UMC except delete the text of location (5) and replace with the following: a closet, bathroom, laundry room, toilet room or kitchen and add location (7) to read as follows: where it will pick up objectionable odors, fumes, or flammable vapors.

[14.9.2.11 NMAC - Rp, 14.9.2.11 NMAC, 6-28-13]

14.9.2.12 CHAPTER 4 VENTILATION AIR SUPPLY: See this chapter of the UMC and add the following material to section 405.0 Evaporative cooling systems: "Barometric relief dampers shall be installed on all new residential evaporative cooling systems to allow conditioned air from occupied spaces to exit the occupied space through a discreet opening in the ceiling, allowing the required air change to pass through the attic space to the outdoors. The authority having jurisdiction shall determine whether relief dampers shall be required on retrofits. Barometric relief dampers shall not be required on flat roof construction. Water saving or water management pumps shall be installed on all new and replaced evaporative coolers."

[14.9.2.12 NMAC - Rp, 14.9.2.12 NMAC, 6-28-13]

14.9.2.13 CHAPTER 5 EXHAUST SYSTEMS: See this chapter of the UMC except as provided below. **511.3 Replacement air.** See this section of the UMC except add the following: windows and doors shall not be used for the purpose of providing replacement air. The exhaust and replacement air systems shall be connected by an electrical interlocking switch. When using equipment that is not listed for make-up air, a device to sense continued air movement within the replacement air plenum shall be installed initiating a complete system shut-down if air-flow is interrupted.

[14.9.2.13 NMAC - Rp, 14.9.2.13 NMAC, 6-28-13]

14.9.2.14 CHAPTER 6 DUCT SYSTEMS: See this chapter of the UMC except as follows.

A. Section 604.7. Location of ducts. Duct work shall not be installed in exterior walls or exterior to the thermal envelope unless the insulation of the duct work meets or exceeds the insulation requirement applicable to the exterior walls of the building.

B. Section 604.3 Factory-made air ducts. See this section of the UMC.

C. Section 605.0 Insulation of ducts. See this section of the UMC except as follows: Delete **Tables 6, 6A, and 6B. Minimum duct insulation R values,** and replace with the following:

(1) Residential duct:

(a) Supply ducts in attics shall be insulated to a minimum of R-8.

(b) All other ducts shall be insulated to a minimum R-6.

(2) Commercial duct:

(a) All supply and return air ducts and plenums located in unconditioned spaces shall be insulated to a minimum of R-5.

(b) All supply and return air ducts and plenums located outside the building shall be insulated to a minimum of R-8.

(c) All supply and return air ducts and plenums located within a building envelope assembly shall be separated from the building exterior or unconditioned or exempt spaces by a minimum of R-8 insulation.

(3) Exceptions:

(a) Buried ducts for combination systems will be required to be insulated to a minimum of R-3.5.

(b) On commercial ducts: when located within the equipment.

(c) On commercial ducts: when the design temperature difference between the interior and exterior of the duct or plenum does not exceed 15 degrees F (8C).

D. Section 604.2. Metal ducts. See this section of the UMC and add the following to the last sentence of the second paragraph, "and be installed so as to support the weight of the concrete during encasement."

E. Section 609.0 Automatic shutoffs: See this section of the UMC and add the following to the exception: (6) Automatic shutoffs are not required on evaporative coolers that derive all of their air from outside the building.

[14.9.2.14 NMAC - Rp, 14.9.2.14 NMAC, 6-28-13]

14.9.2.15 CHAPTER 7 COMBUSTION AIR: See this chapter of the UMC.

[14.9.2.15 NMAC - Rp, 14.9.2.15 NMAC, 6-28-13]

14.9.2.16 CHAPTER 8
CHIMNEYS AND VENTS: See this chapter of the UMC.
[14.9.2.16 NMAC - Rp, 14.9.2.16 NMAC, 6-28-13]

14.9.2.17 CHAPTER 9
INSTALLATION OF SPECIFIC EQUIPMENT: See this chapter of the UMC except as provided below.
A. Section 904.10.3 Access to equipment on roofs.

(1) **904.10.1** See this section of the UMC.

(2) **904.10.2** See this section of the UMC except after the words "in height" add the following: except those designated as R-3 occupancies.

B. 907.2 Installation. See this section of the UMC except add the following: Installation of gas logs in solid fuel burning fireplaces. Approved gas logs may be installed in solid fuel burning fireplaces, provided.

(1) The gas log is installed in accordance with the manufacturer's installation instructions.

(2) If the fireplace is equipped with a damper, it shall be permanently blocked open by welding or cutting a hole of sufficient size to prevent spillage of combustion products into the room. On eight (8) inch and smaller flues, the damper shall be removed.

(3) The minimum flue passageway shall not be less than 1 square inch per 2000 Btu-h input.

(4) Gas logs shall be equipped with a pilot and listed safely shutoff valve.

(5) The use of flexible gas connections shall not be permitted within a firebox, unless it is part of the listed gas log assembly.

(6) Factory built fireplaces shall be approved for installation of gas logs and provided with a means of installing the gas piping.

(7) All gas outlets located in a barbecue or fireplace shall be controlled by an approved separating valve located in the same room and outside the hearth, but not less than six (6) feet from such outlets.

C. Section 928.2 Location. See this section of the UMC except add the following to the end: unlisted wall furnaces shall be installed with clearances to combustible material of not less than eighteen (18) inches (460 mm).
[14.9.2.17 NMAC - Rp, 14.9.2.17 NMAC, 6-28-13]

14.9.2.18 CHAPTER 10 STEAM AND HOT WATER BOILERS: See this chapter of the UMC.
[14.9.2.18 NMAC - Rp, 14.9.2.18 NMAC, 6-28-13]

14.9.2.19 CHAPTER 11
REFRIGERATION: See this chapter of the UMC.
[14.9.2.19 NMAC - Rp, 14.9.2.19 NMAC, 6-28-13]

14.9.2.20 CHAPTER 12
HYDRONICS: See this chapter of the UMC except as provided below.

A. 1201.2.8.3 Pressure test. See this section of the UMC except delete the first sentence and substitute: piping shall be tested with a hydrostatic pressure or an air test of not less than 1.5 times operating pressure.

B. 1201.3.1.1. PEX tubing. See this section of the UMC except add the following: tubing shall be manufactured with an approved oxygen diffusion barrier.
[14.9.2.20 NMAC - Rp, 14.9.2.20 NMAC, 6-28-13]

14.9.2.21 CHAPTER 13 FUEL PIPING: See this chapter of the UMC except as provided below.

A. 1309.5.2.3 Copper and brass pipe shall not be used. Aluminum alloy pipe shall not be used with gases corrosive to such material.

B. 1312.1.2 Protection against damage. Delete the text of subsection (A) of this section of the UMC, cover requirements, and substitute: Underground piping systems shall be installed with a minimum of 18 inches (460 mm) of cover. Where 18 inches (460 mm) of cover cannot be provided, the pipe shall be installed in conduit or bridged (shielded).

C. 1312.9.3 Emergency shutoff valves. See this section of the UMC except delete the following: the emergency shutoff valves shall be plainly marked as such and their locations posted as required by the authority having jurisdiction. See this is section of the UMC except add the following to the end: For purposes of isolation and safety, an additional gas shut off shall be installed downstream of the serving supplier gas meter prior to any distribution of gas into the gas piping system

D. 1312.13 Electrical bonding and grounding. Delete this section of the UMC and see the New Mexico Electrical Code (NMEC).

E. 1315.0 Liquefied petroleum gas facilities and piping. Delete this section of the UPC and substitute the following: Liquefied petroleum gas facilities shall comply with 19.15.40 NMAC, liquefied petroleum gas standards, and NMSA 1978 70-5-1 et seq., liquefied and compressed gasses.

[14.9.2.21 NMAC - Rp, 14.9.2.21 NMAC, 6-28-13]

14.9.2.22 CHAPTER 14

PROCESS PIPING: See this chapter of the UMC.
[14.9.2.22 NMAC - Rp, 14.9.2.22 NMAC, 6-28-13]

14.9.2.23 CHAPTER 15 SOLAR SYSTEMS: See this chapter of the UMC.
[14.9.2.23 NMAC - Rp, 14.9.2.23 NMAC, 6-28-13]

14.9.2.24 CHAPTER 16 STATIONARY POWER PLANTS: See this chapter of the UMC.
[14.9.2.24 NMAC - Rp, 14.9.2.24 NMAC, 6-28-13]

14.9.2.25 RESIDENTIAL ENERGY EFFICIENCY: See this Chapter of the 2009 IECC.
[14.9.2.25 NMAC - Rp, 14.9.2.25 NMAC, 6-28-13]

14.9.2.26 COMMERCIAL ENERGY EFFICIENCY: See this Chapter of the 2009 IECC.
[14.9.2.26 NMAC - Rp, 14.9.2.26 NMAC, 6-28-13]

14.9.2.27 CHAPTER 17 STANDARDS: See this chapter of the UMC and add the following: ACCA manual S - 2003.
[14.9.2.27 NMAC - Rp, 14.9.2.27 NMAC, 6-28-13]

14.9.2.28 APPENDICIES: See this section of the UMC.
[14.9.2.28 NMAC - Rp, 14.9.2.28 NMAC, 6-28-13]

HISTORY OF 14.9.2 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with state records center and archives under: CIC MB 68-2, 1964 New Mexico Plumbing Code, filed 1-23-68. CIC MB 70-8, 1970 Plumbing Code of New Mexico, filed 4-29-70. CIC MB 71-4, 1970 Plumbing Code of New Mexico, filed 6-8-71. CIC MB 74-9, 1973 Uniform Plumbing Code, filed 11-20-74. CIC 76-1, 1976 Uniform Plumbing Code, filed 5-4-76. CIC MB 80-5, 1979 Uniform Plumbing Code, filed 4-24-80. MB-UPC-82-1, 1982 Uniform Plumbing Code, filed 11-4-82. MB-UPC-85-1, 1985 Uniform Plumbing Code, filed 10-1-85. MB-UPC-88-1, 1988 Uniform Plumbing Code, filed 12-15-88. MB-UPC-91-1, 1991 Uniform Plumbing Code, filed 7-28-92. CIC MB 68-3, 1966 New Mexico Gas Code, filed 1-23-68. CIC MB 70-7, 1970 Natural Gas Code of

New Mexico, filed 4-29-70.
 CIC MB 71-3, 1970 Natural Gas Code of New Mexico, filed 6-8-71.
 CIC-74-8, 1973 Uniform Mechanical Code, filed 11-20-74.
 CIC 76-4, 1976 Uniform Mechanical Code, filed 11-24-76.
 CID MB 80-3, 1979 Uniform Mechanical Code, filed 4-23-80.
 MB-UMC-82-1, 1982 Uniform Mechanical Code, filed 11-4-82.
 MB-UMC-85-1, 1985 Uniform Mechanical Code, filed 10-1-85.
 MB-UMC-88-1, 1988 Uniform Mechanical Code, filed 12-15-88.
 MB-UMC-91-1, 1991 Uniform Mechanical Code, filed 7-28-92.
 CIC 77-3, 1976 New Mexico Uniform Solar Energy Code, 2-26-77.
 CID MB-80-6, 1979 Uniform Solar Energy Code, 4-24-80.
 MB-USEC-82-1, 1982 Uniform Solar Energy Code, filed 11-4-82.
 MB-USEC-85-1, 1985 Uniform Solar Energy Code, 12-23-85.
 MB-USEC-88-1, 1988 Uniform Solar Energy Code, 12-15-88.
 MB-USEC-91-1, 1991 Uniform Solar Energy Code, 7-28-92.
 CIC-75-1, 1973 Uniform Swimming Pool Code, Section 1.7, 10-31-75.
 CIC-76-3, 1976 Uniform Swimming Pool Code, 7-27-76.
 CIC MB 80-4, 1979 Uniform Swimming Pool Code, filed 4-23-80.
 MB-USPC-82-1, 1982 Uniform Swimming Pool Code, 11-4-82.
 MB-USPS and HTC-85-1, 1985 Uniform Swimming Pool, Spa and Hot Tub Code, 12-23-85.
 MB-USPS and HTC-88-1; 1988 Uniform Swimming Pool, Spa and Hot Tub Code, 12-15-88.
 MB-USPS and HTC-91-1, 1991 Uniform Swimming Pool, Spa and Hot Tub Code, 7-28-92.
 CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, 7-7-92.

History of Repealed Material: 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code (filed 10-30-98), repealed 7-1-04.
 14.9.2 NMAC, 2003 New Mexico Mechanical Code (filed 5-27-04), repealed 1-7-04.
 14.9.2 NMAC, 2006 New Mexico Mechanical Code (filed 08-16-07), repealed 1-28-11.
 14.9.2 NMAC, 2006 New Mexico Mechanical Code (filed 12-28-10), repealed 8-1-11
 14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 06-15-11), repealed 6-28-13.

Other History:

CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, (filed 7-7-92), replaced by 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code, effective 12-31-98.
 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code (filed 10-30-98) (that applicable portion) replaced by 14.9.2 NMAC, 2003 New Mexico Mechanical Code, effective 7-1-04.
 14.9.2 NMAC, 2003 New Mexico Mechanical Code (filed 5-27-04) replaced by 14.9.2 NMAC, 2006 New Mexico Mechanical Code, effective 1-1-08.
 14.9.2 NMAC, 2006 New Mexico Mechanical Code (filed 08-16-07) replaced by 14.9.2 NMAC, 2009 New Mexico Mechanical Code, effective 1-28-11.
 14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 12-28-10) replaced by 14.9.2 NMAC, 2009 New Mexico Mechanical Code, effective 8-1-11.
 14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 06-15-11) replaced by 14.9.2 NMAC, 2009 New Mexico Mechanical Code, effective 6-28-13.

**NEW MEXICO
 REGULATION AND
 LICENSING DEPARTMENT
 CONSTRUCTION INDUSTRIES
 DIVISION**

**TITLE 14 HOUSING AND
 CONSTRUCTION
 CHAPTER 10 ELECTRICAL
 CODES
 PART 4 2011 NEW MEXICO
 ELECTRICAL CODE**

14.10.4.1 ISSUING AGENCY: The Construction Industries Division of the Regulation and Licensing Department.
 [14.10.4.1 NMAC - Rp, 14.10.4.1 NMAC, 6-28-13]

14.10.4.2 SCOPE: This rule applies to all contracting work performed in New Mexico on or after November 1, 2011, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.
 [14.10.4.2 NMAC - Rp, 14.10.4.2 NMAC, 6-28-13]

14.10.4.3 STATUTORY AUTHORITY: NMSA 1978 Section 60-13-9.
 [14.10.4.3 NMAC - Rp, 14.10.4.3 NMAC, 6-28-13]

14.10.4.4 DURATION: Permanent.
 [14.10.4.4 NMAC - Rp, 14.10.4.4 NMAC,

6-28-13]

14.10.4.5 EFFECTIVE DATE: June 28, 2013, unless a later date is cited at the end of a section.
 [14.10.4.5 NMAC - Rp, 14.10.4.5 NMAC, 6-28-13]

14.10.4.6 OBJECTIVE: The purpose of this rule is to establish minimum standards for electrical wiring, as defined in CILA Section 60-13-32, in New Mexico.
 [14.10.4.6 NMAC - Rp, 14.10.4.6 NMAC, 6-28-13]

14.10.4.7 DEFINITIONS:
 [Reserved]

14.10.4.8 ADOPTION OF THE 2011 NATIONAL ELECTRICAL CODE:

A. This rule adopts by reference the 2011 national electrical code (NEC), as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2011 national electrical code.

C. This rule is to be applied in conjunction with 14.7.6 NMAC, the 2009 New Mexico Energy Conservation Code.
 [14.10.4.8 NMAC - Rp, 14.10.3.8 NMAC, 6-28-13]

14.10.4.9 ADMINISTRATION AND ENFORCEMENT:

A. Inspectors. See 14.6.5 NMAC, Inspectors.

B. Disconnect orders. See CILA Section 60-13-42.

C. Stop orders. See 14.5.3 NMAC, Inspections.

D. Unsafe wiring. See 14.5.1 NMAC, General Provisions.

E. Electrical plan review. See 14.5.2 NMAC, Permits.

F. Electrical permit. See 14.5.2 NMAC, Permits.

G. Electrical inspections.
(1) Inspections required: See 14.5.3 NMAC, Inspections.

(2) Electrical customer-owned distribution system requirements. See 14.5.3 NMAC, Inspections.
 [14.10.4.9 NMAC - Rp, 14.10.4.9 NMAC, 6-28-13]

14.10.4.10 ARTICLE 90 INTRODUCTION. See this article of the NEC.
 [14.10.4.10 NMAC - Rp, 14.10.4.10 NMAC, 6-28-13]

14.10.4.11 CHAPTER 1 General.
A. Article 100 - Definitions. See this article of the NEC
B. Article 110 - Requirements for electrical installations.

See this article of the NEC except as provided below.

(1) Section 110.2 Approval.

See this section of the NEC and add the following:

(a) product listing and labeling - electrical wiring, equipment or material approval shall be based on listing and labeling by a nationally recognized testing laboratory recognized by the federal occupational safety and health administration;

(b) field evaluation - electrical wiring, equipment or material that is not listed and labeled, but for which a (UL) safety standard exists may be approved upon certification by a nationally recognized testing laboratory recognized by the federal occupational safety and health administration or by a field evaluation body accredited by the international accreditation service, inc.;

(c) engineer certification - electrical wiring, equipment or material for which a (UL) safety standard does not exist may be approved upon certification by an electrical engineer licensed to practice in New Mexico; such a certification will not be valid unless based on a verification of the manufacturer's safety and performance test data for the product.

(2) Section 110.21. Marking.

See this section of the NEC and add: all equipment used on circuits over 300 volts between conductors shall have a warning sign either on or adjacent to the equipment. Warning signs shall be made in accordance with ANSI Z535 environmental and safety signs. The language shall read:

(a) for voltages over 300 volts but less than 600 volts: "480 VOLTS". (Label dimensions shall be 1" x 4"); and

(b) for voltages over 600 volts and there are exposed parts: "DANGER - HIGH VOLTAGE - KEEP OUT".

(3) Section 110.26 Spaces about electrical equipment.

(a) 110.26 (A) Working space.

See this section of the NEC and add the following exception: Disconnects that do not provide over-current, overload, short circuit, or ground fault protection are not required to maintain the dimensions of 110.26(A) (1), (A)(2) and (A)(3) where adequate space is not readily available and the disconnect is permanently labeled "INADEQUATE WORKING SPACE-DO NOT WORK ON WHILE ENERGIZED". The label shall be readily visible on the exterior of the disconnect.

(b) 110.26 (A) (3) Height of working space. See this section of the NEC and add: Exception No. 3: In underground water well pump enclosures, service equipment or panel boards that do not exceed 200 amperes, operating at 250 volts or less and only feeding equipment associated with the water well enclosure, shall be permitted in spaces where the headroom is less than

six and one half feet (6 1/2 ft.) but greater than five feet (5 ft.) provided the enclosure is supplied with a removable lid, that when removed would allow a minimum of six and one half feet (6 1/2 ft.) headroom.

C. Article 210. Branch circuits. See this article of the NEC except as provided below.

(1) Section 210.11 Branch circuits required.

(a) 210.11 (A) Number of branch circuits. See this section of the NEC and add: In dwelling units, branch circuits for 125-volt, 15- and 20- ampere general purpose lighting and receptacles outlets shall be limited to a maximum of ten (10) lighting and/or receptacle outlets per branch circuit. Single and duplex receptacle outlets are considered to be one receptacle outlet. Exception: Branch circuits serving only lighting loads may be calculated per article 220 of the national electrical code.

(b) 210.11 (C) Dwelling units. See this section of the NEC except as provided below.

(i) (1) Small appliance branch circuits. See this section of the NEC and add: not more than four (4) 20 ampere 125 volt receptacle outlets shall be connected to these circuits. Single and duplex receptacle outlets are considered to be one receptacle outlet. Exception: small appliance circuits that supply only dining area receptacles may serve not more than six (6) receptacle outlets.

(ii) (2) Laundry branch circuits. Delete the text of this section of the NEC and substitute: in addition to the number of branch circuits required by other parts of this section, at least one additional 20-ampere branch circuit shall be provided to supply the laundry receptacle outlet. Such circuits shall have no other outlets.

(2) Section 210.19 Conductors - minimum ampacity and size. See this section of the NEC and add the following to subsection (A) Branch circuits not more than 600 volts: (1) General: add: conductors for branch circuits shall be sized to prevent excessive voltage drop. (2) General purpose branch circuits with more than one receptacle. Conductors of general purpose branch circuits supplying more than one receptacle outlet for cord-and-plug connected portable loads shall have an ampacity of not less than the rating of the branch circuit and shall be not less than 12 AWG.

(3) Section 210.52 Dwelling unit receptacle outlets.

(a) 210.52 (A) General provisions. (2) Wall space. See this section of the NEC and add: exception: free-standing cabinets designed to be used as an eating or drinking bar where stools or chairs are pulled up to a counter top which extends at least one (1) foot from the front of

the cabinet, shall not be considered as wall space.

(b) 210.52 (G) Basement, garages and accessory buildings. See this section of the NEC and add: receptacle outlets must be installed a minimum of eighteen (18) inches above finished floor, in attached or detached garages.

(4) Section 210.70 Lighting outlets required.

(a) 210.70 (A) (2) Dwelling units - additional locations. See this section of the NEC and add a new subsection as follows: (d) on single family dwellings at least one wall switch, located within five (5) feet from each entrance or exit or automatic lighting control such as a motion detector shall be installed to control exterior illumination.

(b) 210.70 (A) (3) Dwelling units - storage or equipment spaces. See this section of the NEC and add: at least one (1) switched lighting outlet shall be installed in all accessible attics and crawl spaces adjacent to the usual point of entry.

(c) 210.70 (C) Other than dwelling units. See this section of the NEC and add: at least one (1) switched lighting outlet shall be installed in all accessible attics and crawl spaces adjacent to the usual point of entry.

D. Article 215. Feeders. Section 215.1. Scope. See this section of the NEC and add: approved wiring methods for feeders: nonmetallic-sheathed cable types NM, NMC and NMS (Article 334) , and service entrance cable type SER (Article 338), shall be permitted to be used for feeders in dwelling units providing that the cables shall not pass through or under any other dwelling unit(s). Underground feeder and branch circuit cable type UF cable (Article 340) shall be permitted to be used underground for any occupancy, and indoors only in accordance with nonmetallic-sheathed cable (Article 334) providing that the cable shall not pass through or under any other dwelling unit(s).

E. Article 225. Outside branch circuits and feeders. See this article of the NEC except as follows.

(1) Section 225.19 Clearance from buildings for conductors of not over 600 volts nominal-above roofs. (A) Above roofs. See this section of the NEC but delete exception no. 2 in its entirety.

(2) Section 225.32 Location. See this section of the NEC except as follows.

(a) Add the following provision: the disconnecting means shall be installed at a readily accessible location. Where the disconnecting means is located outside the building or structure served, the disconnecting means enclosure shall be installed within ten (10) feet from the building or structure and visible, or on the exterior wall of the building or structure served. Where the disconnecting means

is installed inside the building or structure served, the disconnecting means enclosure shall be located within forty eight (48) inches from where the feeder conductor raceway enters the building or structure.

(b) Delete the text of exception no. 1 and substitute: for industrial installations under single management, where documented safe switching procedures are established and maintained for disconnection, the disconnecting means shall be permitted to be located elsewhere on the premises.

F. Article 230. Services.

See this article of the NEC except as provided below.

(1) Section 230.24 Clearances.

(A) Above roofs. Delete exception no. 2 in its entirety.

(2) Section 230.28. Service masts as supports. See this section of the NEC and add: where a service mast is used for the support of service drop conductors, it shall be a minimum two inch (2") rigid metal conduit, intermediate metal conduit or comply with local utility requirements.

(3) Section 230.31 Size and rating. (A) General. See this section of the NEC and add: where the underground service lateral is customer owned, the service lateral conductors shall be sized to prevent excessive voltage drop. The maximum voltage drop on the service lateral conductors shall not exceed five percent (5%). For the purpose of this calculation, the ampacity shall be based on the calculated demand load of the building or structure served. Customer owned includes all non-utility owned or operated service lateral conductors.

(4) Section 230.43. Wiring methods for 600 volts, nominal, or less. See this section of the NEC but delete subsection (1) open wiring on insulators, and subsection (6), Electrical nonmetallic tubing (ENT).

(5) Section 230.54 Overhead service locations. See this section of the NEC and add a new section as follows: (H) overhead service support shall comply with the serving utility requirements or be at least six inch by six inch (6" x 6") pressure-treated timber or equivalent round poles (minimum 6" diameter crown) installed to a depth not less than four (4) feet below finish grade.

(6) Section 230.70 Service equipment - disconnecting means.

(a) 230.70 General. (A) Location. See this section of the NEC and add: the disconnecting means for each occupant of a multiple occupancy building shall be grouped at a common location.

(b) 230.70 General. (A) Location. (1) Readily accessible location. Delete the text of this section of the NEC and substitute: (1) service disconnects located outside the building or structure.

Where the service disconnect is located outside of the building or structure it shall be located in a readily accessible location within 48 inches of the metering equipment. Remote service disconnects that are located not more than 10 feet from the building or structure shall be considered to be located on the building or structure. Exception: Where metering equipment is installed at the utility transformer, the disconnecting means on the outside of the building shall be installed within 48 inches from where the service conductors emerge from the earth. (2) Service disconnects located inside the building or structure. Where the service disconnect is located inside of a building or structure it shall be located in a readily accessible location within 48 inches from the metering equipment or the service equipment enclosure shall be installed within 48 inches of where the service conductors penetrate the building or structure.

(7) Section 230.72 Grouping of service disconnects. (A) General. See this section of the NEC and add: all building or structure disconnects of each service shall be grouped at one location and shall be separated by the least practical distance, not to exceed an overall distance of twenty (20) feet.

G. Article 250 - Grounding and bonding. See this article of the NEC except as provided below.

(1) Section 250.50 Grounding electrode system. See this section of the NEC and add: on new construction, a concrete encased electrode shall be considered available and installed in compliance with NEC 250.52(A) (3). If a concrete encased electrode is not present, then at least 20 feet of 2 AWG bare copper in direct contact with the earth at a depth below the earth's surface of not less than thirty (30) inches shall be installed in a continuous trench that is at least twenty (20) feet in length, augmented with a minimum of two (2), eight (8) foot grounds rods one at each end of the 2 AWG conductor.

(2) Section 250.52 (A) Grounding electrodes. (5) Rod and pipe electrodes. See this section of the NEC but delete subsection (a) in its entirety.

(3) Section 250.52 Grounding electrodes. (B) (1) Not permitted for use as grounding electrodes. Delete the text of this section of the NEC and substitute: Gas piping shall not be used as a grounding conductor or electrode. This does not preclude the bonding of metallic piping to a grounding system.

(4) Section 250.53 Grounding electrode system installation. (C) Bonding jumper. See this section of the NEC and add: Grounding electrode bonding jumpers shall be protected from physical damage. When a bonding jumper conductor is buried to provide physical protection, a minimum

cover of 24 inches shall be provided in accordance with NEC Table 300.5 column 1 all locations not specified below.

(5) Section 250.56 Resistance of rod, pipe and plate electrodes. Delete the text of this section of the NEC and substitute: a single electrode consisting of a rod or plate shall be augmented by one additional electrode of any of the types specified by 250.52 (A) (2) through (A) (7). Where multiple rod or plate electrodes are installed to meet the requirements of this section, they shall be not less than six (6) feet apart. Exception: A single electrode consisting of a rod or plate may be used on temporary construction services rated 200 amperes or less.

(6) Section 250.66 Size of alternating-current grounding electrode conductor. (B) Connections to concrete-encased electrodes. See this section of the NEC and add: the grounding electrode conductor shall not be smaller than 4 AWG copper.

(7) Section 250.104. Bonding of piping systems and exposed structural steel. (B) Other metal piping. See this section of the NEC and add: CSST gas piping systems shall be bonded to the electrical service grounding electrode system at the point where the gas service enters the building. The bonding jumper shall not be smaller than (6) AWG copper wire.

(8) Section 250.106. Lightning protection systems. See this section of the NEC and add: Where a lightning protection system is installed, the bonding of the gas piping system shall be in accordance with NFPA 780, standard for installation of lightning protection systems.

(9) Section 250.118. Types of equipment grounding conductors. See this section of the NEC and add the following new subsection: (15) an equipment grounding conductor shall be installed in all branch circuit and feeder raceways on or above a roof. The equipment grounding conductor shall be sized in accordance with table 250.122.

H. Article 300. Wiring methods. See this article of the NEC except as provided below.

(1) Section 300.11 Securing and supporting. See this section of the NEC except as provided below.

(a) 300.11(A) Secured in place. See this section of the NEC and add: independent support wires shall be limited to support of flexible wiring methods from the last means of support or junction box for connections within an accessible ceiling to luminaire(s) or equipment served.

(b) 300.11 (A) (1). Fire rated assemblies. Delete the text of this section of the NEC and substitute: the ceiling support system shall be permitted to support listed junction boxes and/or support brackets

that have been tested as part of a fire-rated assembly.

(c) **300.11 (A) (2). Non-fire rated assemblies.** Delete the text of the exception and substitute: the ceiling support system shall be permitted to support listed junction boxes and/or support brackets where installed in accordance with the ceiling system manufacturer's instructions.

(2) **Section 300.14. Length of free conductors at outlets, junctions, and switch points.** Delete the text of this section of the NEC and substitute: at least six (6) inches of free conductor, measured from the point in the box where it emerges from its raceway or cable sheath, shall be left at each outlet, junction, and switch point for splices or the connection of luminaire (fixtures) or devices. Where the opening of an outlet, junction, or switch point is less than eight (8) inches in any dimension, each conductor shall be long enough to extend at least six (6) inches outside of the opening.

I. Article 310. Conductors for general wiring. See this article of the NEC and add the following new subsection 310.10 (J) **Conductor material.** The use of aluminum current carrying conductors shall be of the AA-8000 series or equivalent and shall be limited to size 8 AWG or larger. Exception: the equipment-grounding conductor shall be limited to size 10 AWG or larger if in a listed cable assembly.

J. Article 314. Outlet, device, pull, and junction boxes; conduit bodies; fittings; and handhole enclosures. See this article of the NEC except delete the exception from subsection 314.27(A) (1) wall outlets- boxes at luminaire (lighting fixture) outlets.

K. Article 334. Nonmetallic-sheathed cable: Types NM, NMC and NMS.

(1) **Section 334.10 Uses permitted.** See this section of the NEC but delete subsection (4) and (5) in its entirety.

(2) **Section 334.12 Uses not permitted.** (A) **Types NM, NMC, and NMS.** See this section of the NEC and add the following subsection: (11) type NM, NMC, or NMS shall not be installed in buildings, or structures such as stores, professional offices, motels, hotels, and other occupancies classified as R-1, R-4, commercial or industrial.

L. Article 340. Underground feeder and branch circuit cable: type UF. See this article of the NEC except as provided below.

(1) **Section 340.10 Installation - uses permitted.** See this section of the NEC and add the following new subsections:

(a) (8) type UF cable shall be permitted to be imbedded in adobe construction;

(b) (9) type UF cable, or an

approved electrical raceway shall be installed on straw bale residential construction.

(2) **Section 340.12 Installation - uses not permitted.** See this section of the NEC and add the following new subsection: (12) Type UF cable shall not be installed in buildings or structures such as stores, professional offices, motels, hotels, or other occupancies classified as commercial or industrial.

M. Article 352 Rigid polyvinyl chloride conduit : Type PVC. See this article of the NEC and add the following to section 352.10 uses permitted. (F) Exposed: PVC conduit, type schedule 40 shall not be used where the raceway is exposed and under eight (8) feet from finished floor or grade.

N. Article 358 Electrical metallic tubing: Type EMT. See this article of the NEC and add the following section to 358.12 uses not permitted: (7) electrical metallic tubing shall not be permitted to be installed underground or in concrete slabs or walls which are in contact with the earth.

O. Article 394 Concealed knob and tube wiring. See this article of the NEC and add the following to section 394.12 uses not permitted: concealed knob and tube wiring shall not be permitted to be installed except by special written permission from the electrical bureau.

P. Article 422. Appliances. See this article of the NEC and add the following to section 422.19. evaporative cooling units: where an evaporative cooler is installed, a listed raceway shall be installed during rough-in from the control point to the evaporative cooler location. The raceway shall contain an equipment-grounding conductor from the control point outlet box to the junction box at the unit. The equipment grounding conductor shall be sized in accordance with table 250.122.

Q. Article 550. Mobile homes, manufactured homes and mobile home parks. See this article of the NEC except as provided below.

(1) **Section 550.32 Service equipment. (A) Mobile home service equipment.** Delete the text of this section of the NEC and substitute the following: the mobile home service equipment shall be located adjacent to the mobile home and not mounted in or on the mobile home. The service equipment shall be located in sight from and not more than one hundred (100) feet from the exterior wall of the mobile home it serves. The service equipment shall be permitted to be located elsewhere on the premises, provided that a disconnecting means marked "suitable for use as service equipment" is located in sight from and not more than thirty (30) feet from the exterior wall of the mobile home it serves. Grounding at the disconnecting means shall

be in accordance with 250.32.

(2) **Section 550.32 Service equipment.** See this section of the NEC and add the following new subsections.

(a) **(H) Required receptacle.** A 125 volt 15 or 20 amp receptacle outlet shall be installed with ground fault circuit interruption protection at each remote mobile home or manufactured home service equipment, or the local external disconnecting means permitted in 550.32 (A).

(b) **(I) Overhead services.** Overhead service support shall comply with the serving utility requirements or be at least six inch by six inch (6" x 6") pressure-treated timber or equivalent round poles (minimum 6" diameter crown) installed to a depth not less than four (4) feet below finish grade.

R. Article 800. Communications circuits. See this article of the NEC and add the following to Section 800.156: Any exterior wall penetration shall be installed in a listed raceway. [14.10.4.11 NMAC - Rp, 14.10.4.11 NMAC, 6-28-13]

14.10.4.12 S M O K E DETECTORS. For smoke detectors, refer to the latest adopted edition of the building code. Smoke detectors installed in new single family dwellings shall be served by a single source. When two (2) or more smoke detectors are required in a dwelling unit, they shall be interconnected with a multi-conductor cable assembly. Location and power back-up requirement shall be in accordance with the latest adopted edition of the building code.

[14.10.4.12 NMAC - Rp, 14.10.4.12 NMAC, 6-28-13]

14.10.4.13 ACCESSIBILITY REQUIREMENTS FOR PERSONS WITH DISABILITIES. Add: Electrical device installation shall comply with accessibility codes adopted for New Mexico. [14.10.4.13 NMAC - Rp, 14.10.4.13 NMAC, 6-28-13]

14.10.4.14 NIGHT SKY PROTECTION ACT. Outdoor lighting shall comply with the Night Sky Protection Act. [14.10.4.14 NMAC - Rp, 14.10.4.14 NMAC, 6-28-13]

14.10.4.15 RESIDENTIAL ENERGY EFFICIENCY. See 14.7.6 NMAC, the 2009 New Mexico Energy Conservation Code. [14.10.4.15 NMAC - Rp, 14.10.4.15 NMAC, 6-28-13]

14.10.4.16 COMMERCIAL ENERGY EFFICIENCY. See 14.7.6 NMAC, the 2009 New Mexico Energy

Conservation Code.

[14.10.4.16 NMAC - Rp, 14.10.4.16 NMAC, 6-28-13]

HISTORY OF 14.10.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records, state records center and archives under:

CIC 71-1, 1971 National Electrical Code, filed 12-01-71

CIC71-2, 1972 New Mexico Electrical Code, filed 12-1-71

CID 78-1, 1978 New Mexico Electrical Code, filed 01-31-78

CID EB 81-3, State of New Mexico Electrical Code Revised to July 24, 1981, Technical Provision based on the 1981 National Electrical Code and Related Codes and Standards, filed 11-24-81

CID EB 84-1, State of New Mexico Electrical Code, filed 05-11-84

CID NMEB 93-1, State of New Mexico Electrical Code 1993, filed 02-25-93.

History of Repealed Material:

14 NMAC 10.4, Housing and Construction, Electrical Codes, State of New Mexico Electric Code (filed 01-15-97), repealed 07-01-99.

14 NMAC 10.4, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code (filed 06-01-99), repealed 12-01-00.

14.10.4 NMAC, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code (filed 10-16-00), repealed 7-30-02.

14.10.4 NMAC, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code (filed 7-30-02) repealed 7-1-04.

14.10.4 NMAC, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code (filed 05-27-04) - part name later changed to 2002 State of New Mexico Electrical Code (filed 10-18-04) both repealed 07-01-05.

14.10.4 NMAC, Housing and Construction, Electrical Codes, 2005 New Mexico Electrical Code (filed 05-04-05) repealed 7-1-08.

14.10.4 NMAC, Housing and Construction, Electrical Codes, 2008 New Mexico Electrical Code (filed 01-24-08) repealed 8-1-11.

14.10.4 NMAC, Housing and Construction, Electrical Codes, 2008 New Mexico Electrical Code (filed 06-15-11) repealed 11-1-11.

14.10.4 NMAC, Housing and Construction, Electrical Codes, 2011 New Mexico Electrical Code (filed 09-27-11) repealed 6-28-13.

Other History:

CID NMEB, State of New Mexico Electric

Code (filed 2-25-93) replaced by 14 NMAC 10.4, Housing and Construction, Electrical Codes, State of New Mexico Electric Code, effective 01-31-97.

14 NMAC 10.4, Housing and Construction, Electrical Codes, State of New Mexico Electric Code (filed 01-15-97) replaced by 14 NMAC 10.4, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code, effective 07-01-99.

14 NMAC 10.4, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code (filed 06-01-99) replaced by 14.10.4 NMAC, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code, effective 12-01-00.

14.10.4 NMAC, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code (filed 10-16-00) replaced by 14.10.4 NMAC, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code, effective 07-30-02.

14.10.4 NMAC, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code (filed 07-01-02) replaced by 14.10.4 NMAC, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code, effective 07-01-04.

14.10.4 NMAC, Housing and Construction, Electrical Codes, State of New Mexico Electrical Code (filed 05-27-04) and part name later changed to "2002 State of New Mexico Electrical Code" (filed 10-18-04) replaced by 14.10.4 NMAC, Housing and Construction, Electrical Codes, 2005 New Mexico Electrical Code, effective 07-01-05.

14.10.4 NMAC, Housing and Construction, Electrical Codes, 2005 New Mexico Electrical Code (filed 05-04-05) was replaced by 14.10.4 NMAC, Housing and Construction, Electrical Codes, 2008 New Mexico Electrical Code, effective 7-1-08.

14.10.4 NMAC, Housing and Construction, Electrical Codes, 2008 New Mexico Electrical Code (filed 01-24-08) was replaced by 14.10.4 NMAC, Housing and Construction, Electrical Codes, 2008 New Mexico Electrical Code, effective 8-1-11.

14.10.4 NMAC, Housing and Construction, Electrical Codes, 2008 New Mexico Electrical Code (filed 06-15-11) was replaced by 14.10.4 NMAC, Housing and Construction, Electrical Codes, 2011 New Mexico Electrical Code, effective 11-1-11.

14.10.4 NMAC, Housing and Construction, Electrical Codes, 2011 New Mexico Electrical Code (filed 09-27-11) was replaced by 14.10.4 NMAC, Housing and Construction, Electrical Codes, 2011 New Mexico Electrical Code, effective 6-28-13.

End of Adopted Rules Section

This page intentionally left blank

Other Material Related to Administrative Law

NEW MEXICO DEPARTMENT OF AGRICULTURE

Public Meeting Notice

A meeting of the Acequia and Community Ditch Fund Committee will be held to determine distribution of the 2013 Acequia and Community Ditch Fund. The meeting will be held on Thursday, June 27, 2013, at 9:00 a.m. in Santa Fe, New Mexico, Room 326, State Capitol Building.

Copies of the agenda may be obtained by contacting the New Mexico Department of Agriculture, at (575) 646-1091, or by writing New Mexico Department of Agriculture, Agricultural Programs and Resources, MSC-APR, P O Box 30005, Las Cruces, New Mexico 88003-8005.

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the New Mexico Department of Agriculture at least three (3) days prior to the meeting, at (575) 646-1091. Disabled persons who need documents such as agendas or minutes in accessible form should contact the New Mexico Department of Agriculture.

NEW MEXICO HUMAN SERVICES DEPARTMENT

MEDICAL ASSISTANCE DIVISION

NMAC Chapter Name Changes

By request of the Human Services Department, the State Records Administrator considered and approved to change the names of the following chapters of Title 8, Social Services. The name changes will take effect on July 1, 2013.

- CHAPTER 202 MEDICAID ELIGIBILITY - JUL MEDICAID (CATEGORY 072)
CHAPTER 227 TRANSITIONAL MEDICAID ELIGIBILITY - LOSS OF JUL FAMILY MEDICAID DUE TO CHILD OR SPOUSAL SUPPORT (CATEGORY 027)
- CHAPTER 228 TRANSITIONAL MEDICAID ELIGIBILITY - LOSS OF JUL FAMILY MEDICAID (CATEGORY 028)
- CHAPTER 234 MEDICAID ELIGIBILITY - SSI INELIGIBILITY - DUE TO INCOME OR RESOURCES FROM AN ALIEN SPONSOR (CATEGORY 034)
- CHAPTER 249 MEDICAID ELIGIBILITY - REFUGEE MEDICAL ASSISTANCE (RMA) PROGRAM (CATEGORIES 049 AND 059)

Chapters 233 and 259 will be RESERVED.

- CHAPTER 233 MEDICAID ELIGIBILITY - LOSS OF AFDC - INCOME OR RESOURCES (CATEGORY 033) [RESERVED]
CHAPTER 259 MEDICAID ELIGIBILITY - REFUGEES WITH SPEND DOWN PROVISION (CATEGORY 059) [RESERVED]
-

End of Other Related Material Section

Submittal Deadlines and Publication Dates 2013

Volume XXIV	Submittal Deadline	Publication Date
Issue Number 1	January 2	January 15
Issue Number 2	January 16	January 31
Issue Number 3	February 1	February 14
Issue Number 4	February 15	February 28
Issue Number 5	March 1	March 15
Issue Number 6	March 18	March 29
Issue Number 7	April 1	April 15
Issue Number 8	April 16	April 30
Issue Number 9	May 1	May 15
Issue Number 10	May 16	May 31
Issue Number 11	June 3	June 14
Issue Number 12	June 17	June 28
Issue Number 13	July 1	July 15
Issue Number 14	July 16	July 31
Issue Number 15	August 1	August 15
Issue Number 16	August 16	August 30
Issue Number 17	September 3	September 16
Issue Number 18	September 17	September 30
Issue Number 19	October 1	October 15
Issue Number 20	October 16	October 31
Issue Number 21	November 1	November 14
Issue Number 22	November 15	November 27
Issue Number 23	December 2	December 13
Issue Number 24	December 16	December 30

The *New Mexico Register* is the official publication for all notices of rule making, proposed rules, adopted rules, emergency rules, and other material related to administrative law. The Commission of Public Records, Administrative Law Division publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978.

The New Mexico Register is available free online at <http://www.nmcpr.state.nm.us/nmregister>.

For further information, call (505) 476-7907.