

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Funeral Services will hold a rule hearing on Wednesday, December 15, 2021, at 10:00 a.m. Following the rule hearing, the Board will convene a regular board meeting to consider and adopt the rules and take care of regular Board business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, NM, in the Rio Grande Conference Room for those desiring to attend in person. Please refer to the Governors Public Health Ordinances for any changes for in-person meetings.

Face masks are required to be worn in the Toney Anaya Building for all in-person attendees.

The meeting will also be held via Cisco Webex Meetings for those desiring to attend virtually.
<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=ef2100fa54c453f98a3de46641b71d29e>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2498 608 0043

The purpose of the rule hearing is to consider proposed amendments to the following rules:

16.64.3 NMAC – Requirements for Licensure

16.64.7 NMAC – License Renewal

16.64.11 NMAC – Complaints

16.64.13 NMAC – Licensure for Military Service Members, Spouses and Veterans

To obtain and review copies of the proposed changes and public comments, you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/funeral-services-overview/fs-board-information/fs-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Jennie James, Board Administrator, via electronic mail at: Funeral.Board@state.nm.us or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Tuesday, December 14, 2021. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/funeral-services-overview/fs-laws-rules-and-policies/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/funeral-services-overview/fs-board-information/fs-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Jennie James, Board Administrator at (505) 476-4622.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Jennie James, Board Administrator (505) 476-4622.

Statutory Authority: The Board is engaged in this rulemaking activity pursuant to NMSA 1978, Section§ 61-32-6(A) (2021) and NMSA 1978, Section§ 61-32-7 (2012) of the Funeral Services Act, NMSA 1978, Sections§§ 61-32-1 to -31 (1993, as amended through 2021).

Purpose of the Proposed Rules:

The Board is engaged in this rulemaking activity to amend, or repeal and replace, existing rule language in certain parts of the current Funeral Homes and Disposers rules because of legislative bills signed into law by New Mexico Governor Michelle Lujan Grisham after the 2021 Regular and Special Sessions of the New Mexico Legislature ("Legislature").

Summary of Proposed Changes:

16.64.3 NMAC – Requirements for Licensure

This part was amended to provide clarification to the statutory authority and objective. This part also added the requirement to reference the list of disqualifying criminal convictions pursuant to the requirements in Senate Bill 2, enacted by the Legislature and signed into law in 2021.

16.64.7 NMAC – License Renewal

The amendment to this part provide clarification changes to the statutory authority and objective. The new section 16.64.7.10 provides the requirements for license renewal pursuant to Section 61-32-21 NMSA 1978 of the Funeral Services Act.

16.64.11 NMAC – Complaints

The amendment to this part adds a list of disqualifying criminal convictions to comply with 2021 legislative changes in Senate Bill 2 signed into law by the Governor Lujan Grisham on April 12, 2021. Additional amendments were made for clarification purposes to definitions, objective, and statutory authority.

16.64.13 NMAC –Licensure for Military Service Members, Spouses and Veterans

The amendments to this part were made to comply with 2021 legislative changes made during the regular session in House Bill 120 signed into law by Governor Lujan Grisham on April 6, 2021. Additional amendments were made to clarify the definitions, objective, and statutory authority.