



STATE OF NEW MEXICO
Human Services Department
Governor Michelle Lujan Grisham
David R. Scrase, M.D., Cabinet Secretary
Angela Medrano, Deputy Cabinet Secretary
Kari Armijo, Deputy Cabinet Secretary

March 25, 2020

Dwight Crudup
Regional Director
Southwest Region US DA/FNS
110 Commerce Street, Room 5-C- 30
Dallas, Texas 75242

Dear Mr. Crudup:

New Mexico is requesting a waiver to allow hot foods and hot food products prepared for immediate consumption to be considered “eligible foods” if they are purchased in FNS-authorized retail food stores for the state of New Mexico. On March 13, 2020 President Trump declared a national state of emergency due to the spread of the COVID-19 virus.

Waiving the Act and regulation language that excludes the purchase of hot foods and hot food products prepared for immediate consumption will ensure that SNAP households most adversely affected by the COVID-19 virus can have access to hot meals.

If additional information is needed, your staff may contact Gavino Archuleta, SNAP Program Manager, at 505-827-7244 or via e-mail at Gavino.Archuleta@state.nm.us.

Thank you for your assistance in processing this request.

A handwritten signature in black ink that reads "Karmela Martinez".

Karmela Martinez, Division Director
New Mexico Human Services Department
Income Support Division

WAIVER REQUEST

Hot Foods

1. **Type of Request:** Initial
2. **Primary Citation:** Section 3(k)(1) of the Food and Nutrition Act of 2008, as amended
3. **Secondary Regulation Citation:** 7 CFR 271.2
4. **State:** New Mexico
5. **FNS Region:** SWRO
6. **Act and Regulatory Requirements:** Section 3(k)(1) of the Food and Nutrition Act of 2008 and Federal regulation define “food” as, “...any food or food product for home consumption except alcoholic beverages, tobacco, and hot foods or hot food products ready for immediate consumption...”
7. **Proposed Alternative Procedures:** New Mexico is requesting a waiver to allow hot foods and hot food products prepared for immediate consumption to be considered “eligible foods” as long as they are purchased in FNS-authorized retail food stores for the entire State. On March 13, 2020 President Donald Trump declared a national state of emergency due to the spread of the COVID-19 virus.
8. **Justification for Request:** As of March 24, 2020, there are 100 confirmed cases of COVID-19. The spread of the COVID-19 virus has resulted in numerous retailers reducing hours of operation or temporarily ceasing business until the end of April 10, 2020 or until further notice. In addition, the widespread panic has caused many retailers to experience extreme shortage of goods for purchase. These shortages are not limited to non-food items and have impacted the SNAP recipient's ability to purchase food for home preparation. This shortage is also causing SNAP recipients to have to spend more on items that they wouldn't necessarily buy because their normal items and brands are not available. In addition, the Governor's executive order has banned mass gatherings of more than 10 people and closed all K-12 public schools statewide through April 6, 2020, or until further notice, causing food insecurities to school age children.

Waiving the Act and regulation language that excludes “the purchase of hot foods and hot food products prepared for immediate consumption” will ensure that SNAP households most adversely affected by the COVID-19 virus can have access to hot meals and lessen the food insecurity for the household.
9. **Anticipated Impact on Households:** Allowing the purchase of hot foods will assist and provide critical relief to SNAP households most adversely affected by the COVID-19 virus who are temporarily unable to prepare hot meals due to shortage of goods.
10. **Affected Caseload:** This waiver affects any SNAP recipient wanting to purchase hot food in the entire State. New Mexico as of February 2020 has 218,839 cases which represents 444,727 participants.
11. **Anticipated Implementation Date:** The state anticipates as soon as the waiver is approved and EBT systems will allow purchase of the hot foods. Households will be able to purchase hot foods and hot food products from FNS-authorized retailers from the approval date of this waiver until health emergency is lifted.

HSD will utilize media press releases along with social media to provide awareness to recipients of SNAP of the approved waiver.

12. Proposed Quality Control Procedures: The proposal does not affect quality control sampling or procedures.

13. Signature and Title of Requesting Official:

A handwritten signature in black ink, appearing to read "Karmela Martinez". The signature is written in a cursive style with a large, looping initial "K".

Karmela Martinez, Director of Income Support Division

14. Date of Request: March 23, 2020.