



NMRLD

**NEW MEXICO
REGULATION &
LICENSING DEPARTMENT**



STATE TRIBAL COLLABORATION ACT 2023 REPORT

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EXECUTIVE SUMMARY

OVERVIEW

The New Mexico Regulation and Licensing Department (NMRLD) continuously strives to address the concerns that impact all New Mexicans including the state's Native American population residing both on and off tribal lands. Strengthening collaborative partnerships with Indigenous communities is a priority for NMRLD.

OUR MISSION

NMRLD promotes public confidence in professional, occupational services, trades, and industries by finding innovative solutions for business in the interest of public safety and economic vitality. Our goal is to ensure qualified professional quality care and services to all people in New Mexico.

WHO WE ARE

The New Mexico Regulation and Licensing Department is in the business of ensuring that New Mexicans receive quality care and services from qualified individuals and businesses in different industries, professions, and trades.

WHAT WE DO

NMRLD regulates more than 500,000 individuals and businesses in 35 industries, professions, and trades across the state. From visiting your local dentist to contract workers, cannabis control to social workers, we assist everyday activities of every New Mexican while ensuring fair and prompt administrative processes to help spur economic development that fall into the following Divisions:

Alcoholic Beverage Control Division - regulates the manufacture, transportation, distribution, sales, service, and public consumption of alcoholic beverages by licensing establishments and the alcohol servers who sell or serve alcohol to the public. The goal of ABCD is to protect the health, safety and welfare of the citizens and visitors to New Mexico while allowing for responsible economic growth.

www.rld.state.nm.us/alcoholandgaming

Boards and Commissions Division - oversees more than two dozen profession and specialized trades, from accounting to funeral services. BCD issues licenses, provides for continuing education, inspects licensed premises, and investigates complaints.

www.rld.state.nm.us/boards

Cannabis Control Division - regulates and licenses cannabis producers, manufacturers, retailers, couriers, and testing and research laboratories operating in the medical and adult-use markets to ensure public health and safety. To achieve this, CCD establishes policy and rules pertaining to licensing, promoting social equity, compliance, and enforcement.

www.rld.nm.gov/cannabis/

Construction Industries and Manufactured Housing Division – CID/MHD license contractors and certifies journeymen in the building trades, issue permits for residential and commercial construction; and conducts field inspections to confirm that the work meets state standards. CID/MHD oversees manufacturers, dealers, brokers, salespersons, installers, and repairmen of manufactured housing units.

www.rld.state.nm.us/construction.

Financial Institutions Division - regulates state-chartered banks, savings and loans, credit unions, trust companies, collection agencies, endowed care cemeteries, small loan and motor vehicle finance companies, mortgage lenders and loan brokers.

www.rld.state.nm.us/financialinstitutions.

Securities Division - licenses broker-dealers, financial advisers, and other investment professionals; registers certain securities offered in New Mexico; investigates securities fraud, as well as providing education and training about securities laws and investment issues.

www.rld.state.nm.us/securities-division.

Additional Programs:

Carnival Rides – requires inspection of carnival rides for safety and possession of insurance.

http://www.rld.state.nm.us/superintendent/Carnival_Ride_Insurance_Program.aspx

Crane Operators Safety Program – regulates the crane industry.
<http://www.rld.state.nm.us/superintendent/default.aspx>

Employee Leasing – requires that employee leasing companies be bonded and registered.
www.rld.state.nm.us/construction/Employee_Leasing_Program.aspx

Recycled Metals – regulates the recycled metal industry.
www.rld.state.nm.us/overview.aspx

AGENCY-SPECIFIC & APPLICABLE/RELEVANT STATE OR FEDERAL STATUTES OR MANDATES

Alcoholic Beverage Control Division - The New Mexico Liquor Control Act, respecting Tribal and Pueblo sovereignty, has divested the Alcoholic Beverage Control Division from jurisdiction, regulatory or enforcement authority within New Mexico's sovereign Native American Communities.

Liquor Control Act exemptions specified in §60-3A-5 “nothing in the Liquor Control Act [60-3A-1 NMSA 1978] applies to: ...(D) the sale, service, possession or public consumption of alcoholic beverages by any person within the boundaries of lands over which an Indian nation, tribe or pueblo has jurisdiction, if the alcoholic beverages are purchased from New Mexico wholesalers and if the sale, service, possession or public consumption of alcoholic beverages is authorized by the laws of the Indian nation, tribe or pueblo having jurisdiction over those lands and is consistent with the ordinance of the Indian nation, tribe or pueblo certified by the secretary of the interior and published in the federal register according to the laws of the United States.”

Cannabis Control Division - Cannabis Regulation Act, Tribal Relations specified by the Cannabis Regulation Act, 26-2C-41. Indian Nations, Tribes, and Pueblos; intergovernmental agreements.

A. The department may enter into one or more intergovernmental agreements with any tribal government to efficiently coordinate the cross-jurisdictional administration of the laws of this state and the laws of tribal governments relating to the use of cannabis products set forth in the

Cannabis Regulation Act and the Lynn and Erin Compassionate Use Act. The agreements may include, without limitation, provisions relating to:

- (1) criminal and civil law enforcement;
- (2) regulatory issues relating to the possession, delivery, production, processing or use of cannabis products;
- (3) the administration of laws relating to taxation;
- (4) any immunity, preemption or conflict of law relating to the possession, delivery, production, processing, or use of cannabis products; and
- (5) the resolution of any disputes between a tribal government and the state, which may include, without limitation, the use of mediation or other nonjudicial processes.

B. An agreement that is pursuant to this section shall:

- (1) provide for the preservation of public health and safety;
- (2) ensure the security of cannabis establishments and the corresponding facilities on tribal land;
- (3) establish provisions regulating business involving cannabis that passes between tribal land and nontribal land in New Mexico; and
- (4) be negotiated in good faith, which shall respect and protect state and tribal sovereign immunity.

C. As used in this section, "tribal government" means a federally recognized Indian nation, tribe or pueblo located wholly or partially in the state.

Construction Industries Division - Construction Industries Licensing Act (CILA) Section 60-13-1, et seq., NMSA 1978 gives the Construction Industries Division (CID) regulatory authority to license contractors and enforce the New Mexico building codes. These codes do not apply to construction on sovereign Indian Nation, Tribal or Pueblo lands unless the governing authority of a Tribe chooses to come under CID jurisdiction. This is also true for the Manufactured Housing Act at Section 60-14-1, et seq., NMSA 1978.

SIGNIFICANT STATE-TRIBAL ISSUES, RECOMMENDATIONS AND/OR PRIORITIES ADDRESSED IN FY 23

Board of Pharmacy

The Board of Pharmacy continues to provide access to its Prescription Monitoring Program to the Indian Health Services (IHS) Health Care Practitioners in a joint effort to reduce controlled substance abuse. IHS is not required to provide information to the Pharmacy Board.

Cannabis Control Division

NMRLD has assembled the Cannabis Regulation Advisory Committee (CRAC) comprised of various members representing different populations affected by the implementation of cannabis legalization. One of the seats in the Advisory Committee is reserved for a representative of an Indian nation, tribe, or pueblo. The Committee will advise the CCD in its rule promulgation process to ensure concerns by Indigenous communities are considered in the rulemaking process. The CCD is currently seeking a representative of the tribal community to serve on the CRAC. In addition, the CCD is in the process of creating an additional task force made up of tribal members. This task force will explore cannabis related issues that may affect Indian nations. The findings of this task force will be used in rule promulgation, similar in function to the Cannabis Regulatory Advisory Committee. The CCD entered intergovernmental agreements between NMRLD, Picuris, and Pojoaque to ensure appropriate implementation of the Cannabis Regulation Act with these tribes.

Financial Institutions Division

The Financial Institutions Division, in collaboration with an outside consultant, continues to provide financial education outreach. The major components of the financial literacy program center around budgeting, credit development, financial decision making, and understanding different types of financing options. The initial launch of the program was intended to include tangible workbook materials along with online courses and podcasts. Online courses and podcasts continue to be deployed. The objective of the Division is to conduct at least 8 financial literacy sessions in FY23.

Securities Division

Consumer Protection and Investor Education In collaboration with the Financial Institutions Division, the Securities Division continues to educate and prepare Native investors so that they can protect themselves from financial fraud and learn about strategies to grow their assets through sound investments. This is accomplished through seminars, media outreach and presentations made on tribal lands.

MAIN AGENCY ACCOMPLISHMENTS AND CHALLENGES REGARDING TRIBES, AI/AN AND/OR INDIAN ORGANIZATIONS

RLD can offer inspection, regulatory services, and technical advice to the governing authority of an Indian Nation, Tribe or Pueblo, but the agency has no jurisdiction, regulatory or enforcement authority on these sovereign Tribal lands. To find out more about the New Mexico Regulation & Licensing Department and the services we offer, please visit our website at: www.rld.state.nm.us.

Cannabis Control Division - The Cannabis Control Division has entered into individual intergovernmental agreements on cannabis regulation with the Pueblo of Picuris and the Pueblo of Pojoaque and stand ready to work with any other pueblos, tribes or nations in New Mexico who are interested in becoming involved in the cannabis marketplace in our state.

AGENCY POLICY PROMOTING STATE-TRIBAL RELATIONS

Policy Timeline - Recommendation

The NMRLD timeline for the development, review and adoption of the agency policy is subject to the cluster approach of the policy template. The agencies involved in the cluster of Commerce and Industry include EDD, TD, DOT, DWS, NMRLD and EXPO. The agency liaison or representative will communicate with these agencies in order to conduct a meeting of the liaisons to review, make recommendations and draft a template policy for the cluster. This cluster approach seeks to identify a generic policy covering appropriate agencies with some consistency and general commonalities.

AGENCY EFFORTS TO IMPLEMENT POLICY

Every division of NMRLD stands ready and available to collaborate with the governing authority of a Nation, Tribe and Pueblo or appropriate Tribal liaisons in order to allow for government-to-government cooperation. Since the agency has no jurisdiction on these sovereign Tribal lands, collaboration will occur upon request of a Tribal leader.

GOALS RELATING TO TRIBES, AI/AN AND/OR NATIVE AMERICAN ORGANIZATIONS FOR FY23

Alcoholic Beverage Control Division

Recommendation #1: Opportunities for Collaboration

Over the years the Alcoholic Beverage Control Division has offered technical advice and assistance to Tribes and Pueblos who administer alcohol to strive for increased consistency in the regulatory environment. ABC staff regularly communicates with their counterparts in Tribal and Pueblo communities on a variety of alcohol related issues.

Boards and Commissions Division

Recommendation #1. Expand Opportunities for Collaboration

NMRLD currently has a Memorandums of Understanding between Boards and Commissions Division's Athletic Commission and four tribes, including Isleta, Mescalero Apache, Laguna, and Tesuque. NMRLD would look to expand opportunities for collaboration with other Indian Nations, tribes or pueblos. The Boards and Commissions Division's goal would be to ensure that a Memorandum of Understanding is in place for any event held on tribal land that would otherwise be regulated by the Athletic Commission.

Cannabis Control Division

Recommendation #1: In addition to the seat on the Cannabis Regulatory Advisory Committee reserved for a member of an Indian nation, tribe or pueblo, the Division seeks to engage Indian Country by creating an additional task force made up of tribal members. This task force will look in-

depth into cannabis related issues that may affect Indian nations. The findings of this task force will be used in rule promulgation, similar in function to the Cannabis Regulatory Advisory Committee.

Construction Industries Division and Manufactured Housing Division

Recommendation #1: Tribal Building Programs

Tribal governments intending to form building programs are encouraged and welcome to collaborate with the state Construction Industries Division and the Manufactured Housing Division. Such programs could be designed to comprise the Tribal Housing Authority for federal HUD construction, a traditional construction component, and a component to administer modern commercial and non-HUD residential construction as well as manufactured housing. Such a program would be administered by Tribal personnel, including one or more inspectors, and such inspectors would be eligible to attend CID and MHD-sponsored trainings.

Financial Institutions Division

Recommendation #1: Full-Service Banking Centers

In the event a Tribal government decides to increase the availability of banking services within the boundaries of an Indian Nation, Tribe or Pueblo, the state Financial Institutions Division is available to advise or assist with regulatory issues such as the availability of deposit insurance. If a Tribal governing authority expresses interest in opening a branch of a state bank on Tribal lands or opening a bank, the Financial Institutions Division is ready and willing to offer guidance on state compliance matters.

Recommendation #2: Reduce Predatory Lending

Statistics reflect that Native Americans are frequent victims of predatory lending in the form of payday, car title, tax refund and installment loans. In part, this is due to the scarcity of traditional lending institutions on and around Tribal land. FID has supported numerous efforts to enhance the statutory prohibitions on predatory lending practices and will continue to do so in the future.

Securities Division

Recommendation #1: Consumer Protection and Investor Education Bureau

If Tribal governments are interested and willing to continue having the Securities Division offer investor awareness and education, the Division is always pleased to do so.

TRAINING AND EMPLOYEE NOTIFICATION

Pursuant to the State-Tribal Collaboration Act, the State Personnel Office also partners with the [Indian Affairs Department](#) to provide the training course that is mandatory for state managers and employees who have ongoing communication with Indian nations, tribes, or pueblos. In this course, titled 'Building Cultural Equity with Native Nations', participants will develop a better understanding of how to engage and collaborate with Native communities in New Mexico. Participants will learn the omitted history of Native Nations in this country and its impact, as well as best practices of New Mexico Tribes and Pueblos. Through the duration of the course, participants will engage in interactive exercises to grow their awareness and knowledge of what it means to work more collaboratively with Native Peoples.

A. STCA TRAINING CERTIFICATION

Per the State Personnel office data, 3 NMRLD employees completed the class 'Building Cultural Equity with Native Nations' for FY23.

B. EMPLOYEE NOTIFICATION ABOUT STCA

Employee notification will occur via interagency memorandum to RLD personnel through the Office of the Superintendent.

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Board of Pharmacy
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Cannabis Control Division
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Construction Industries and Manufactured Housing Division
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Financial Institutions Division
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