



New Mexico State Senate

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SENATOR GABRIEL RAMOS

R-Grant, Hidalgo & Luna-28

502 Silver Heights Blvd.
Silver City, NM 88061

Phone: (575) 313-2077
E-mail: gabriel.ramos@nmlegis.gov

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RLD NM/ Funeral Board
2550 Cerillos Road
Santa Fe, NM 87505
New Mexico Funeral Board,

To Whom it May Concern,

After reviewing the proposed rule changes to the “FUNERAL HOMES AND DISPOSERS PROFESSIONAL LICENSING REQUIREMENTS” (16.64.4.9 and 16.64.4.10), I am concerned that the Board would consider removing the room size requirements for a Funeral Establishment (specifically for the Chapel, the Casket Display Room, and the Preparation Room) and strip the definition of what constitutes the equipment and supplies necessary for a Preparation Room. I am also concerned over the proposed rule changes to the Licensee in Charge and Separate Establishments regulations, the acceptable travel distance allowed to be a Licensee in Charge, and the potential issues this change could create.

I would like to remind the Board that the primary reason funeral establishments exist is for the purpose of disinfection and containment of contagious diseases, which protect our community’s health and safety. These proposed changes greatly undermine our primary responsibility for public welfare; instead, these proposed changes seem to favor profit over public health. In this post-Covid, social distancing era, it is imperative that we maintain the minimum threshold of a 600-square-foot chapel to meet minimum social distancing requirements that could be necessary again at any time. 600 square feet is approximately the size of a two-car garage.

In the Casket Display Room, many times we deal with the elderly and the emotionally distressed. Families need adequate space to view merchandise, and the funeral establishment needs to have space to display or inventory caskets. The purchasing of a casket is a major financial decision for many. At minimum, they should be able to touch and physically see the merchandise they are selecting for their loved one. I would like to remind the board that this rule has already been compromised to include models in lieu of full burial caskets. The minimum requirement of having twelve caskets within a fifty-mile radius is a very low threshold already. The proposed change would not require inventory. What do you do when a family wants to schedule a funeral immediately and you have no merchandise on hand? Many of us who are in rural New Mexico only receive delivery once a week. These are the challenges of being in a state where some of us are hundreds of miles away from distribution centers.

Most concerning is the removal of the required room size, equipment, instrumentation, and supplies that define a functioning preparation room. The current minimum size requirement is 150 square feet—about the size of an average bedroom, 12' x 12-1/2'. How would the removal of the language that certifies a true, working preparation room help ensure that the necessary equipment is available to disinfect and contain any contagious disease? We just experienced how important it is for us to have the proper equipment, supplies, and training to handle a pandemic! As we know, there are many highly contagious diseases that we deal with daily. I would consider this the most important room in a funeral home regarding public health. This is where we neutralize and disinfect contagious diseases to protect the public. Even the language that requires hot and cold running water was eliminated.

Many of these changes will cause confusion and issues when inspections occur. They open the door for unregulated and possibly homemade equipment and instruments to be used. Future funeral establishments will lack the adequate space to handle multiple remains at one time. We have all seen and heard the horror stories of our neighbor, Colorado, where they have no direction, few standards, and allow funeral establishments to operate without reasonable public health and safety regulations. Now, Arizona has sunsetted their board and is beginning to face similar issues. New Mexico has long prided itself for formulating rules, statutes, and oversight to protect the health, safety, and environment of our friends and neighbors.

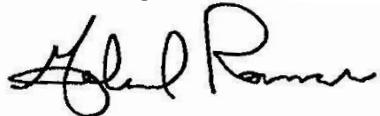
Another concerning issue is the proposed changes to the Licensee in Charge and Separate Establishment regulations (16.64.4.10). Under this proposal, there could be one licensee in charge of an unlimited number of funeral establishments. Having the licensee in charge not live near the funeral establishment means little to no oversight. This language may also create controversy on how apprentices that are under direct supervision status are to receive direct hands-on training as currently required. If the intent of these changes is to cover the death of a sole licensee for a funeral home, I would support a temporary emergency licensee in charge for a period of up to one year. This provision is not to be used to open the door to resolve staffing shortages. This type of provision would only be used in the event of an emergency until a new licensee is hired.

Over time, and little by little, we keep diluting requirements that make our profession healthy and safe. We should be more cognizant of disease containment after experiencing the Covid pandemic, but we are letting our guard down. Within a few years, death numbers will rival those during the pandemic due to the aging Baby Boomers. If funeral establishments open under these proposed rules, many may not be equipped to handle the volume or have the proper equipment, instrumentation, or supplies to deal with another pandemic situation. As the current rule stands, we are cumulatively only required to have 1200 square feet of space between the chapel, preparation room, and casket room. This space is about the size of a small apartment.

Lastly, the issue I have with General Provision 16.64.6.8 is that the Board should be required to maintain a list of approved continuing educational opportunities, since the Board approves which continued education programs are acceptable. For these reasons, I am strongly recommending and asking this Board to vote NO to the changes that have been proposed.

Thank you for your attention to this matter.

Best Regards,



Gabrial Ramos
State Senator, District 28

cc. Brett Kasten, DLA District 28