

2025 LEGISLATIVE SESSION

SB58: Child Care Facility Licensing Act

Sponsor:
Sen. Michael Padilla



Enhancing and Aligning New Mexico's Early Childhood Education and Care System

SB58 strengthens the statutory framework for a universal, high-quality early childhood system, reduces administrative burden for providers, and improves access to services for families through the following:

- Transfers the existing ECECD child care facility licensing authority from the Public Health Act into the Children's Code and makes limited updates.
- Creates an exemption from the Procurement Code to allow ECECD to reduce barriers for providers in expanding infant and toddler care and aligns payment practices with the private market.
- Updates the Pre-Kindergarten Act to codify existing standards for NM PreK educator qualifications, aligns eligibility across public PreK programs, and updates NM PreK application requirements.
- Clarifies through definition that ECECD is the department to which the Early Childhood Care Accountability Act applies.

Impact of SB58 on New Mexico's Early Childhood Education and Care System

Affected Statute: Children's Code

Location in SB58	Proposed Changes	Impact
Sections 1–6 (pgs. 2–10)	Transfers ECECD's licensing authority from the Public Health Act (NMSA Sections 24-1-1 to 24-1-5.2, and 24-1-21) to a new section of the Children's Code called the Child Care Facility Licensing Act.	ECECD's authority for child care licensing will be clearly outlined in the Children's Code. All changes to the existing authority in the Public Health Act are outlined below.
Section 2 (pg. 2)	Provides necessary definitions for the Child Care Facility Licensing Act.	Clarity in definitions to create better understanding.
Section 4 (pgs. 3–4)	Defines the registered home process and provides a statutory definition for license-exempt facilities.	Clarifies existing practice in statute.
Section 4 (pg. 5)	<ul style="list-style-type: none">• Issues a three-year license instead of an annual license.• Licensing fee not to exceed \$1,000 for each three-year licensing period. Increased from \$300 annually.• Implements a tiered fee structure based on the size and type of facility.	<ul style="list-style-type: none">• Reduces administrative burden for small businesses• Codifies existing practice
Section 5 (pgs. 6–10) Sub 2	<ul style="list-style-type: none">• Creates a more defined structure for sanctions following health and safety violations.• Allows for internal administrative review prior to an administrative hearing.	Stronger mechanism to encourage immediate correction of child health and safety issues. Creates guardrails for ECECD in issuing sanctions for noncompliance.
Section 6 (pg. 10) Sub 1	Changes criminal penalties for violations of the act from applying to any violation of rule or the act to applying only to the operation of child care facilities without a license as required by the act.	Reduces criminal liability for licensed providers.

Impact of SB58 on New Mexico's Early Childhood Education and Care System



Affected Statute: Procurement Code

Location in SB58	Proposed Changes	Impact
Section 7 (pg. 16)	Creates an exemption from the Procurement Code for the purchasing of child care by ECECD.	<p>Reduces barriers in the process for funding infant and toddler contracted slots, for children with disabilities, and children in underserved geographic areas.</p> <p>Allows ECECD to pay child care providers for child care assistance in advance, reducing financial burden on providers.</p>

Affected Statute: Pre-Kindergarten Act

Location in SB58	Proposed Changes	Impact
Section 8-9 (pg. 17)	Aligns definition to better match the intent of the New Mexico PreK Program.	Clarifies that New Mexico PreK is a universal, inclusive program for three- and four-year-old children.
Section 9 (pgs. 18-19)	<p>Amends the definition of eligible child in early pre-kindergarten.</p> <p>Amends the definition of eligible provider.</p>	<p>Aligns eligibility with Part B, Section 619 of the federal Individuals with Disabilities Education Act and Head Start and ensures continuity of service.</p> <p>Expands provider eligibility.</p>
Section 10 (pg. 21) Sub 1, Sub 2	Requires rules related to pre-kindergarten be created in consultation with the affected community through an advisory council.	Increased community engagement.
Section 11 (pgs. 22-25)	<p>Sets NM PreK educator qualifications.</p> <p>Updates NM PreK application requirements.</p>	<p>Codifies existing high-quality standards for educators within the NM PreK program.</p> <p>Removes unnecessary application requirements and aligns with current standards.</p>

Affected Statute: Early Childhood Care Accountability Act

Location in SB58	Proposed Changes	Impact
Sections 12-14 (pgs. 25-31)	Defines ECECD as the department responsible for the Early Childhood Care Accountability Act.	This section of the Children's Code was overlooked when ECECD was incorporated into the Children's Code.
Section 14 (pgs. 29-31) Sub 2	Clarifying immunization requirements and exemptions for enrolled children by mirroring the Immunization Act when ensuring that enrolled children are up-to-date with immunizations.	Ensures clear requirements and exemptions for immunizations of children in licensed child care.



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