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SENATE BILL 339

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING A SECTION OF THE PUBLIC ASSISTANCE ACT TO REQUIRE MINIMUM TOBACCO USE CESSATION COVERAGE FOR MEDICAID RECIPIENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public Assistance Act is enacted to read:

"[NEW MATERIAL] MEDICAID--TOBACCO USE CESSATION COVERAGE.--

A. Medical assistance coverage shall include the following tobacco use cessation benefits:

(1) any medication that has been:

(a) approved by the United States food and drug administration for tobacco use cessation treatment;

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(b) prescribed to a recipient for tobacco use cessation treatment; and

(2) individual or group counseling, provided in person, through telemedicine services or by telephone, of at least ten minutes per counseling session per week.

B. The tobacco use cessation coverage provided pursuant to the provisions of Subsection A of this section shall not be:

(1) limited in the number of tobacco use cessation attempts for which the coverage is available;

(2) subject to prior authorization requirements; or

(3) subject to any copayment, coinsurance or deductible."