

1 HOUSE BILL 495

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PUBLIC SAFETY; PROVIDING DISBURSEMENTS TO
12 FIREFIGHTERS FOR OUT-OF-POCKET HEALTH CARE COSTS; CREATING A
13 FUND.
14

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

16 SECTION 1. [NEW MATERIAL] FIREFIGHTER HEALTH CARE
17 ASSISTANCE FUND CREATED--HEALTH CARE ASSISTANCE STIPEND
18 DISBURSEMENT--REPORTING.--

19 A. The "firefighter health care assistance fund" is
20 created in the state treasury. The fund consists of money
21 appropriated by the legislature, federal money granted to the
22 state for purposes of the fund, income from investment of the
23 fund and money otherwise accruing to the fund. Money in the
24 fund shall not revert to any other fund at the end of a fiscal
25 year. The homeland security and emergency management

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1 department shall administer the fund to provide:

2 (1) health care assistance disbursements for
3 cost sharing for firefighters working at a fire department; and

4 (2) support for disbursement administration,
5 processes and reporting compliance.

6 B. Money in the fund shall be disbursed on warrants
7 signed by the secretary of finance and administration pursuant
8 to vouchers signed by the secretary of homeland security and
9 emergency management or the secretary's authorized
10 representative.

11 C. Contingent on the completion of reporting
12 requirements provided in Subsection E of this section, the
13 homeland security and emergency management department shall
14 determine and distribute annually to a fire department the
15 amount necessary to provide health care assistance
16 disbursements to firefighters. A fire department shall expend
17 funding received for no other purpose than allowed by this
18 section, and any unexpended balance received by a fire
19 department pursuant to this section at the end of a fiscal year
20 shall revert to the firefighter health care assistance fund.
21 The homeland security and emergency management department shall
22 monitor the use of funding and ensure the proper reversion to
23 the firefighter health care assistance fund.

24 D. A firefighter shall receive reimbursement of up
25 to five thousand dollars (\$5,000) per year for cost-sharing

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1 expenses; provided that the firefighter submits documentation
2 of the firefighter's eligible cost-sharing expenses.

3 E. To receive funding pursuant to Subsection C of
4 this section, a fire department shall make a request to the
5 homeland security and emergency management department prior to
6 June 1 of each year, and in that request, the fire department
7 shall report the following:

8 (1) the number of firefighters employed by the
9 department in the last fiscal year; and

10 (2) relevant information about each type of
11 health coverage plan offered by the fire department, including
12 cost-sharing information and eligible expenses.

13 F. The homeland security and emergency management
14 department shall:

15 (1) provide forms, standards, procedures and
16 related training to fire departments as necessary for the fire
17 department to report information about firefighter cost-sharing
18 expenses;

19 (2) maintain the privacy and security of
20 information in accordance with applicable state and federal
21 laws; and

22 (3) adopt and promulgate rules as necessary to
23 implement the provisions of this section.

24 G. The homeland security and emergency management
25 department may waive reporting pursuant to Subsection E of this

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1 section; provided that the department provides an explanation
2 of its decision in writing.

3 H. The homeland security and emergency management
4 department shall submit an annual report providing information
5 collected pursuant to Subsection E of this section to the
6 governor and the legislature no later than December 15 of each
7 year.

8 I. As used in this section:

9 (1) "cost sharing" means a copayment,
10 coinsurance, deductible or any other form of financial
11 obligation of a covered person other than a premium or a share
12 of a premium, or any combination of any of these financial
13 obligations, as defined by the terms of a group or blanket
14 health insurance policy, health care plan or certificate of
15 health insurance;

16 (2) "fire department" means an organization of
17 a county or municipality that employs firefighters that is
18 entitled to distribution from the fire protection fund and is
19 capable of providing fire suppression and related activities;
20 and

21 (3) "firefighter" means a person who is a
22 full-time salaried public employee of a fire department who
23 provides fire suppression services involved in controlling and
24 suppressing fires and who is exposed to the dangers of heat,
25 flames, smoke and other products of combustion, explosion or

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1 structural collapse in the person's employment with the fire
2 department.

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