

1 SENATE BILL 425

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

3 INTRODUCED BY

4 Gerald Ortiz y Pino and Andrea Romero and Dayan Hochman-Vigil

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10 AN ACT

11 RELATING TO HEALTH; REQUIRING THE ESTABLISHMENT AND OPERATION
12 OF MEDICATION-ASSISTED TREATMENT PROGRAMS IN COUNTY DETENTION
13 FACILITIES; EXPANDING MEDICATION-ASSISTED TREATMENT PROGRAMS IN
14 STATE CORRECTIONS FACILITIES; CREATING A FUND; MAKING
15 APPROPRIATIONS.

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

18 SECTION 1. [NEW MATERIAL] MEDICATION-ASSISTED TREATMENT
19 FOR THE INCARCERATED PROGRAM FUND--PURPOSE.--

20 A. The "medication-assisted treatment for the
21 incarcerated program fund" is created as a nonreverting fund in
22 the state treasury. The fund consists of appropriations,
23 gifts, grants and donations. The human services department
24 shall administer the fund, and money in the fund is
25 appropriated to the human services department to assist all

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1 counties that operate detention facilities to establish and
2 operate medication-assisted treatment programs for people who
3 are incarcerated in county detention facilities. Disbursements
4 from the fund shall be made by warrants of the secretary of
5 finance and administration pursuant to vouchers signed by the
6 secretary of human services.

7 B. The human services department shall promulgate
8 rules for the operation of medication-assisted treatment
9 programs in county detention facilities in consultation with
10 county corrections administrators and providers who specialize
11 in substance use disorder treatment and have experience working
12 in corrections settings.

13 C. All detention facilities operated by counties
14 shall offer medication-assisted treatment to inmates in need of
15 such treatment no later than July 1, 2024.

16 SECTION 2. [NEW MATERIAL] REPORTING.--Beginning October
17 1, 2023 and annually thereafter, the human services department
18 shall report to the interim legislative health and human
19 services committee and the legislative finance committee on the
20 establishment and operation of medication-assisted treatment
21 programs in county detention facilities.

22 SECTION 3. APPROPRIATIONS.--

23 A. Ten million dollars (\$10,000,000) is
24 appropriated from the office of the attorney general's opioid
25 settlement fund to the medication-assisted treatment for the

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1 incarcerated program fund in fiscal year 2024 and subsequent
2 fiscal years to carry out the purposes of the fund. Any
3 unexpended or unencumbered balance remaining at the end of a
4 fiscal year shall not revert to the attorney general's opioid
5 settlement fund.

6 B. Two million dollars (\$2,000,000) is appropriated
7 from the general fund to the corrections department for
8 expenditure in fiscal year 2024 and subsequent fiscal years,
9 and any unexpended or unencumbered balance remaining at the end
10 of a fiscal year shall not revert to the general fund, to:

11 (1) expand and continue to operate currently
12 existing medication-assisted treatment programs for people who
13 are incarcerated in a state corrections facility; and

14 (2) by the end of fiscal year 2024, establish
15 and operate a new medication-assisted treatment program in at
16 least one of the state corrections facilities currently without
17 a medication-assisted treatment program, and by the end of
18 fiscal year 2025, establish and operate such programs in all
19 state corrections facilities.