

1 SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 425

3 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**
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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.
16

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

18 SECTION 1. [NEW MATERIAL] DEFINITION.--As used in this
19 2023 act, "medication-assisted treatment" means the use of
20 federal food and drug administration-approved prescription
21 drugs for the treatment of substance use disorder.

22 SECTION 2. [NEW MATERIAL] MEDICATION-ASSISTED TREATMENT
23 FOR THE INCARCERATED PROGRAM FUND--PURPOSE.--

24 A. The "medication-assisted treatment for the
25 incarcerated program fund" is created as a nonreverting fund in
.225737.2

underscored material = new
[bracketed material] = delete

1 the state treasury. The fund consists of appropriations,
2 gifts, grants and donations. The human services department
3 shall administer the fund, and money in the fund is
4 appropriated to the human services department to assist all
5 counties that operate detention facilities to establish and
6 operate medication-assisted treatment programs for people who
7 are incarcerated in county detention facilities. Disbursements
8 from the fund shall be made by warrants of the secretary of
9 finance and administration pursuant to vouchers signed by the
10 secretary of human services.

11 B. No later than December 1, 2023, the human
12 services department shall promulgate rules for the operation of
13 medication-assisted treatment programs in county detention
14 facilities in consultation with county corrections
15 administrators and providers who specialize in substance use
16 disorder treatment and have experience working in corrections
17 settings.

18 C. All detention facilities operated by counties
19 shall:

20 (1) continue medication-assisted treatment for
21 people who:

22 (a) are booked into a county detention
23 facility after July 1, 2024; and

24 (b) have a current prescription for a
25 federal food and drug administration-approved prescription drug

.225737.2

1 for the treatment of substance use disorder at the time of
2 booking; and

3 (2) offer medication-assisted treatment to
4 incarcerated people in need of such treatment by no later than
5 July 1, 2025.

6 SECTION 3. ~~[NEW MATERIAL]~~ REPORTING.--Beginning October
7 1, 2023 and annually thereafter, the human services department
8 shall report to the interim legislative health and human
9 services committee and the legislative finance committee on the
10 establishment and operation of medication-assisted treatment
11 programs in county detention facilities.

12 SECTION 4. APPROPRIATIONS.--

13 A. Ten million dollars (\$10,000,000) is
14 appropriated from the office of the attorney general's opioid
15 settlement fund to the medication-assisted treatment for the
16 incarcerated program fund for expenditure in fiscal year 2024
17 and subsequent fiscal years to carry out the purposes of the
18 fund. Any unexpended or unencumbered balance remaining at the
19 end of a fiscal year shall not revert to the attorney general's
20 opioid settlement fund.

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

.225737.2

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

4 (2) by the end of fiscal year 2024, establish
5 and operate a medication-assisted treatment program to:

6 (a) continue medication-assisted
7 treatment for incarcerated people with a prescription for a
8 federal food and drug administration-approved drug for the
9 treatment of substance use disorder who are booked into a state
10 corrections facility; and

11 (b) by the end of fiscal year 2025,
12 offer medication-assisted treatment to all incarcerated people
13 in need of such treatment.