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AN ACT

RELATING TO HEALTH CARE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO ELIMINATE COST-SHARING REQUIREMENTS FOR PREVENTIVE CARE AND TREATMENT OF SEXUALLY TRANSMITTED INFECTION; PROVIDING THAT AGE DOES NOT IMPACT ABILITY TO CONSENT TO PREVENTIVE CARE.

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

SECTION 1. A new section of the Health Care

Purchasing Act is enacted to read:

"SEXUALLY TRANSMITTED INFECTION CARE--COST SHARING ELIMINATED.--

A. Group health coverage, including self-insurance, offered, issued, amended, delivered or renewed under the Health Care Purchasing Act, that offers coverage for preventive care or treatment of sexually transmitted infections shall not impose cost sharing on eligible insureds.

B. Pursuant to this section, preventive care or treatment of sexually transmitted infections shall not be conditioned upon the gender identity of the insured.

C. The provisions of Subsection A of this section do not apply to high-deductible health care plans with health

1 savings accounts until an eligible insured's deductible has  
2 been met, unless otherwise allowed pursuant to federal law.

3 D. For the purposes of this section:

4 (1) "cost sharing" means policy deductibles,  
5 copayments or coinsurance;

6 (2) "preventive care" means screening,  
7 testing, examination or counseling and the administration,  
8 dispensing or prescribing of drugs, devices or supplies  
9 incidental to the prevention of a sexually transmitted  
10 infection;

11 (3) "sexually transmitted infection" means  
12 chlamydia, syphilis, gonorrhea, HIV and relevant types of  
13 hepatitis, as well as any other sexually transmitted  
14 infection regardless of mode of transportation, as designated  
15 by rule upon making a finding that the particular sexually  
16 transmitted infection is contagious; and

17 (4) "treatment" means medically necessary  
18 care for the management of an existing sexually transmitted  
19 infection."

20 SECTION 2. A new section of Chapter 59A,  
21 Article 22 NMSA 1978 is enacted to read:

22 "SEXUALLY TRANSMITTED INFECTION CARE--COST SHARING  
23 ELIMINATED.--

24 A. An individual or group health insurance policy,  
25 health care plan or certificate of health insurance that is

1 delivered, issued for delivery or renewed in this state that  
2 offers coverage for preventive care or treatment of sexually  
3 transmitted infections shall not impose cost sharing on  
4 insureds.

5 B. Pursuant to this section, preventive care or  
6 treatment of sexually transmitted infections shall not be  
7 conditioned upon the gender identity of the insured.

8 C. The provisions of Subsection A of this section  
9 do not apply to high-deductible health care plans with health  
10 savings accounts until an eligible insured's deductible has  
11 been met, unless otherwise allowed pursuant to federal law.

12 D. For the purposes of this section:

13 (1) "cost sharing" means policy deductibles,  
14 copayments or coinsurance;

15 (2) "preventive care" means screening,  
16 testing, examination or counseling and the administration,  
17 dispensing or prescribing of preventive drugs, devices or  
18 supplies incidental to the prevention of a sexually  
19 transmitted infection;

20 (3) "sexually transmitted infection" means  
21 chlamydia, syphilis, gonorrhea, HIV and relevant types of  
22 hepatitis, as well as any other sexually transmitted  
23 infection regardless of mode of transportation, as designated  
24 by rule upon making a finding that the particular sexually  
25 transmitted infection is contagious; and

1 (4) "treatment" means medically necessary  
2 care for the management of an existing sexually transmitted  
3 infection."

4 SECTION 3. A new section of Chapter 59A,  
5 Article 23 NMSA 1978 is enacted to read:

6 "SEXUALLY TRANSMITTED INFECTION CARE--COST SHARING  
7 ELIMINATED.--

8 A. A blanket or group health insurance policy,  
9 health care plan or certificate of health insurance that is  
10 delivered, issued for delivery or renewed in this state that  
11 offers coverage for preventive care or treatment of sexually  
12 transmitted infections shall not impose cost sharing on  
13 eligible insureds.

14 B. Pursuant to this section, preventive care or  
15 treatment of sexually transmitted infections shall not be  
16 conditioned upon the gender identity of the insured.

17 C. The provisions of Subsection A of this section  
18 do not apply to high-deductible health care plans with health  
19 savings accounts until an eligible insured's deductible has  
20 been met, unless otherwise allowed pursuant to federal law.

21 D. For the purposes of this section:

22 (1) "cost sharing" means policy deductibles,  
23 copayments or coinsurance;

24 (2) "preventive care" means screening,  
25 testing, examination or counseling and the administration,

1 dispensing or prescribing of preventive drugs, devices or  
2 supplies incidental to the prevention of a sexually  
3 transmitted infection;

4 (3) "sexually transmitted infection" means  
5 chlamydia, syphilis, gonorrhea, HIV and relevant types of  
6 hepatitis, as well as any other sexually transmitted  
7 infection regardless of mode of transportation, as designated  
8 by rule upon making a finding that the particular sexually  
9 transmitted infection is contagious; and

10 (4) "treatment" means medically necessary  
11 care for the management of an existing sexually transmitted  
12 infection."

13 SECTION 4. A new section of the Health Maintenance  
14 Organization Law is enacted to read:

15 "SEXUALLY TRANSMITTED INFECTION CARE--COST SHARING  
16 ELIMINATED.--

17 A. An individual or group health maintenance  
18 organization contract that is delivered, issued for delivery  
19 or renewed in this state that offers coverage for preventive  
20 care or treatment of sexually transmitted infections shall  
21 not impose cost sharing on eligible enrollees.

22 B. Pursuant to this section, preventive care or  
23 treatment of sexually transmitted infections shall not be  
24 conditioned upon the gender identity of the insured.

25 C. The provisions of Subsection A of this section

1 do not apply to high-deductible health care plans with health  
2 savings accounts until an eligible enrollee's deductible has  
3 been met, unless otherwise allowed pursuant to federal law.

4 D. For the purposes of this section:

5 (1) "cost sharing" means policy deductibles,  
6 copayments or coinsurance;

7 (2) "preventive care" means screening,  
8 testing, examination or counseling and the administration,  
9 dispensing or prescribing of preventive drugs, devices or  
10 supplies incidental to the prevention of a sexually  
11 transmitted infection;

12 (3) "sexually transmitted infection" means  
13 chlamydia, syphilis, gonorrhea, HIV and relevant types of  
14 hepatitis, as well as any other sexually transmitted  
15 infection regardless of mode of transportation, as designated  
16 by rule upon making a finding that the particular sexually  
17 transmitted infection is contagious; and

18 (4) "treatment" means medically necessary  
19 care for the management of an existing sexually transmitted  
20 infection."

21 SECTION 5. A new section of the Nonprofit Health Care  
22 Plan Law is enacted to read:

23 "SEXUALLY TRANSMITTED INFECTION CARE--COST SHARING  
24 ELIMINATED.--

25 A. An individual or group health care plan that is

1 delivered, issued for delivery or renewed in this state that  
2 offers coverage for preventive care or treatment of sexually  
3 transmitted infections shall not impose cost sharing on  
4 eligible subscribers.

5 B. Pursuant to this section, preventive care or  
6 treatment of sexually transmitted infections shall not be  
7 conditioned upon the gender identity of the insured.

8 C. The provisions of Subsection A of this section  
9 do not apply to high-deductible health care plans with  
10 health savings accounts until an eligible subscriber's  
11 deductible has been met, unless otherwise allowed pursuant to  
12 federal law.

13 D. For the purposes of this section:

14 (1) "cost sharing" means policy deductibles,  
15 copayments or coinsurance;

16 (2) "preventive care" means screening,  
17 testing, examination or counseling and the administration,  
18 dispensing or prescribing of preventive drugs, devices or  
19 supplies incidental to the prevention of a sexually  
20 transmitted infection;

21 (3) "sexually transmitted infection" means  
22 chlamydia, syphilis, gonorrhea, HIV and relevant types of  
23 hepatitis, as well as any other sexually transmitted  
24 infection regardless of mode of transportation, as designated  
25 by rule upon making a finding that the particular sexually

1 transmitted infection is contagious; and

2 (4) "treatment" means medically necessary  
3 care for the management of an existing sexually transmitted  
4 infection."

5 SECTION 6. Section 24-1-9 NMSA 1978 (being Laws 1973,  
6 Chapter 359, Section 9, as amended) is amended to read:

7 "24-1-9. CAPACITY TO CONSENT TO EXAMINATION, PREVENTIVE  
8 CARE AND TREATMENT FOR A SEXUALLY TRANSMITTED INFECTION.--Any  
9 person regardless of age has the capacity to consent to an  
10 examination, preventive care and treatment by a licensed  
11 health care provider for any sexually transmitted infection."

12 SECTION 7. APPLICABILITY.--The provisions of this act  
13 apply to health insurance policies, health care plans,  
14 certificates of health insurance or health maintenance  
15 organization contracts that are delivered, issued for  
16 delivery or renewed in this state on or after  
17 January 1, 2024.

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