

LFC Requestor: Kelly Klundt

2024 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS

Section I: General

Chamber: House

Category: Bill

Number: 63

Type: Introduced

Date (of THIS analysis): January 17, 2024

Sponsor(s): Andrea Reeb

Short Title: Cannabis School Use Prevention Resource Act

Reviewing Agency: Agency 665 - Department of Health

Person Writing Analysis: Arya Lamb

Phone Number: 505 - 470 - 4141

e-Mail: Arya.Lamb@doh.nm.gov

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 24	FY 25		
\$ 0	\$ 0		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 24	FY 25	FY 26		
\$ 0	\$ 0	\$ 0		

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 24	FY 25	FY 26	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$ 140.6	\$ 140.6	\$140.6	\$ 421.8	Recurring	06104

Pay Band 65 -\$23.22/ hour x 2080 hours x 36% benefits	65,683
Office set-up cost	
Computer set-up	2000
Phones and service	460
Cell Phone	780
email	102
IT Cost- enterprise costs Such as subscriptions, help desk	1500
<b>Total Cost Per FTE:</b>	<b>70,525</b>

### Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

### Section IV: Narrative

#### 1. BILL SUMMARY

##### a) Synopsis

House Bill 63 (HB63) proposes that the Department of Health create a cannabis school use prevention resource program and advertising campaign by using evidence and research-based educational materials targeting juveniles.

The program would be available through an online system that would be free and accessible to school personnel by July 1, 2025. The research-based educational program would help school personnel identify cannabis, cannabis products including food products, and whether a student is impaired by the use of cannabis and report any incidents of impairment.

HB63 proposes the department to create and present a report to the legislative education study committee and the legislative health and human services committee before December 31 of each year from 2024 to 2029. The report shall contain information regarding drug assessments, necessary outreach to parent/guardian or emergency services and use of prevention resources at each school district.

HB63 proposes to create advertisements on prevention and identification of cannabis and cannabis products which will target juveniles, guardians, parents, and school personnel.

HB63 proposes the department promulgate rules to implement the Cannabis School Use Prevention Resource Act.

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

b) Significant Issues

Education and awareness about the use of cannabis is important for the adolescent population in New Mexico. According to the 2019 YRRS, 19.6% New Mexico high school students drove a vehicle at least once in the past 30 days when they had been using marijuana in addition this study showed that they were more likely to rarely or never wear a seat belt, drive and drink alcohol, text or email while driving, and ride with a driver who had been drinking alcohol.

In addition, according to YRRS data from 2019, 14.1% of New Mexican high school students first tried marijuana before the age of 13 compared to the overall students in the United States of the same age at only 5.6% (YRRS 2019). However, these values both decreased from 2017 where 20.7% of New Mexican high school students first tried marijuana before the age of 13 compared to the overall students in the United State of the same age at 6.8 % (2017 YRRS). While percentages decreased, this issue continues to negatively affect the youth in New Mexico. (<https://youthrisk.org/publications/>)

Currently, there is no standardized statewide education plan for school officials to use and implement with regard to cannabis use and recognition. This bill provides a standardized set of educational materials and information to improve educators' knowledge and ability to identify cannabis and cannabis products as well as determining signs of a student who is impaired by cannabis. It would provide resources to educators, school officials, parents, and community members to help educate about cannabis and cannabis use prevention issues.

From March 2022 to November 2022, there were a total of 178 Cannabis-Related Calls to the New Mexico Poison Control Center. 50% of the calls (89 calls) were for pediatric cases ages 10 years and younger (New Mexico Poison and Drug Information Center). Additionally, cannabis related calls have increased 340.48%, from 42 calls in 2003 to 185 calls in 2021 (New Mexico Poison and Drug Information Center).

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes  No

This would require additional educational materials to be developed and to train staff to assist school personnel to implement and deliver. This would necessitate two FTE Health Educators to act as resources within the Department of Health to be available for schools.

- Is this proposal related to the NMDOH Strategic Plan?  Yes  No

- Goal 1:** We expand equitable access to services for all New Mexicans
- Goal 2:** We ensure safety in New Mexico healthcare environments
- Goal 3:** We improve health status for all New Mexicans
- Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

HB156 would improve health status and safety for juveniles and school-aged individuals in New Mexico with regard to cannabis and cannabis use.

### 3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?  
 Yes  No  N/A
- If there is an appropriation, is it included in the LFC Budget Request?  
 Yes  No  N/A
- Does this bill have a fiscal impact on NMDOH?  Yes  No

An addition of two FTE Health Educators to ensure information, research, and education is up to date, relevant and beneficial to schools and education staff. NMDOH staff are also needed to support school districts and staff with implementation of program and materials.

### 4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH?  Yes  No

IT resources will be needed to assist with the creating, managing, and maintaining of the website hosting the educational materials and resources for school staff.

Two full-time equivalent Health Educators would be required to help maintain program and support school districts.

Program staff will need to set up and manage a reporting system for incidents of unauthorized use or cannabis impairment.

Program staff will need to create the Cannabis School Use Prevention Resources and promulgate rules related to this act.

### 5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

### 6. TECHNICAL ISSUES

Are there technical issues with the bill?  Yes  No

Section 3 A, states the department shall develop, maintain, and oversee a cannabis school use prevention resource program by July 1<sup>st</sup> 2025, however in 3 B of the bill it requires the department to ensure schools have access the resource program beginning January 01, 2025.

## **7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)**

- Will administrative rules need to be updated or new rules written?  Yes  No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)?  Yes  No
- Does this bill conflict with federal grant requirements or associated regulations?  
 Yes  No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs?  Yes  No

Administrative Rules would need to be created by the Department of Health and promulgated concerning educational materials used and reporting of incidents of unauthorized use or cannabis impairment.

HB63 would require the Department of Health to create school curricula for substance use prevention which may conflict with Public Education Department requirements and regulations. Creation of standardized statewide curricula for schools would be appropriate for the Public Education Department in consult with the Department of Health.

## **8. DISPARITIES ISSUES**

None

## **9. HEALTH IMPACT(S)**

- Children and adolescents may be impacted by this bill through learning about cannabis use and inadvertent exposure.
- There may be a reduction in inadvertent and accidental exposure or ingestion of cannabis products by children and adolescents.
- There may be a reduction in the number of calls to poison control and emergency room visits due to inadvertent and accidental exposure or ingestion of cannabis products by children and adolescents.

## **10. ALTERNATIVES**

The Public Education Department could create a statewide educational curriculum for inclusion in current substance use prevention modules utilized in schools.

## **11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

If HB63 is not enacted, school districts will continue to implement their own curricula and provide their own information and resources on cannabis use and prevention.

## **12. AMENDMENTS**

None