

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.gov**

*{Analysis must be uploaded as a PDF}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** January 19, 2024  
**Bill No:** HB 106

**Sponsor:** Reeb  
**Short Title:** Fentanyl Exposure as Child Abuse

**Agency Name and Code Number:** NM Sentencing Commission – 354  
**Person Writing:** Keri Thiel  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

HB 106 amends Section 30-6-1 NMSA 1978, regarding abuse of a child, to add that evidence that demonstrates that a child has been knowingly and intentionally exposed to the use of fentanyl shall be deemed prima facie evidence of child abuse.

HB 106 also appropriates five hundred thousand dollars (\$500,000) from the general fund to the Department of Public Safety for fiscal year 2025 to investigate child abuse and neglect cases involving fentanyl. The bill sets an effective date of July 1, 2024.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

The United States Drug Enforcement Administration has identified fentanyl as the “top drug threat” in Albuquerque. (See <https://www.dea.gov/engage/operation-engage-albuquerque>.) The rapid increase in fentanyl overdoses statewide since 2015 indicates that fentanyl exposure and abuse is a problem statewide, and thus that this bill may find wide application in the state. (See chart “12 Months Running Totals of Overdose Deaths by Drug Class, New Mexico 2015-2020 (Provisional)” available at <https://www.anotherwaynm.org/fentanyl-facts>.)

Risk of overdose is particularly high in children who are exposed to fentanyl. (See “Accidental Fentanyl Exposure in Children Can be Fatal” here: <https://www.nps.org.au/news/accidental-fentanyl-exposure-in-children-can-be-fatal>.) In 2021, 94% of pediatric deaths caused by opioid overdose in the United States were caused by fentanyl, and the majority of fentanyl poisonings occurred in the child’s own home. (See “Study Shows How the Nation’s Fentanyl Crisis Affects Kids” here: <https://medicine.yale.edu/news-article/new-study-from-yale-shows-how-the-nations-fentanyl-crisis-affects-kids/>.)

As written, HB 106 does not distinguish between exposure to the illicit use of fentanyl and

exposure to the legal use of prescribed fentanyl. It is also unclear what would constitute exposure for the purposes of the statute.

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**