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AN ACT

RELATING TO HEALTH CARE AFFORDABILITY; ADJUSTING THE DISTRIBUTIONS TO THE HEALTH CARE AFFORDABILITY FUND AND THE BEHAVIORAL HEALTH PROGRAM FUND; REQUIRING UNEXPENDED MONEY IN THE BEHAVIORAL HEALTH PROGRAM FUND TO REVERT TO THE HEALTH CARE AFFORDABILITY FUND AT THE END OF A FISCAL YEAR.

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

SECTION 1. Section 7-1-6.69 NMSA 1978 (being Laws 2021, Chapter 136, Section 1, as amended) is amended to read:

"7-1-6.69. DISTRIBUTION--HEALTH INSURANCE PREMIUM SURTAX--HEALTH CARE AFFORDABILITY FUND--BEHAVIORAL HEALTH PROGRAM FUND.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the health care affordability fund in an amount equal to the following amounts of the net receipts attributable to the health insurance premium surtax; provided that if the rate of the health insurance premium surtax is reduced pursuant to Subsection F of Section 7-40-3 NMSA 1978, no distribution pursuant to this section shall be made:

(1) beginning September 1, 2025 and prior to September 1, 2027, fifty-five percent;

(2) beginning September 1, 2027 and prior to September 1, 2028, eighty percent; and

(3) beginning September 1, 2028, ninety-five

1 percent.

2 B. Beginning September 1, 2028, a distribution  
3 pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the  
4 behavioral health program fund in an amount equal to five  
5 percent of the net receipts attributable to the health  
6 insurance premium surtax; provided that if the rate of the  
7 health insurance premium surtax is reduced pursuant to  
8 Subsection F of Section 7-40-3 NMSA 1978, no distribution  
9 pursuant to this section shall be made."

10 SECTION 2. Section 24A-3-6 NMSA 1978 (being Laws 2025,  
11 Chapter 2, Section 2) is amended to read:

12 "24A-3-6. BEHAVIORAL HEALTH PROGRAM FUND.--

13 A. The "behavioral health program fund" is created  
14 in the state treasury. The fund consists of distributions,  
15 appropriations, gifts, grants, donations and income from  
16 investment of the fund. The health care authority shall  
17 administer the fund. Money in the fund is subject to  
18 appropriation by the legislature to provide money for  
19 services and programs related to behavioral health,  
20 including:

21 (1) mental health and substance misuse  
22 treatment, intervention and prevention;

23 (2) necessary infrastructure, technology and  
24 workforce supports that facilitate the delivery of behavioral  
25 health services and programs;

