

LFC Requester:	Rachel Mercer-Garcia
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

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 1/19/24
Bill No: HB103

Sponsor: Rep. Stefani Lord
Short Title: CHILD EXPOSURE TO CONTROLLED SUBSTANCE

Agency Name and Code HCA-630
Number: _____
Person Writing Alicia Salazar
Phone: 505-795-3920 **Email** Alicia.salazar2@hsd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
TBD as HCA/BHSD not named in the bill	TBD as HCA/BHSD not named in the bill	Recurring	SGF

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0	\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$TBD as HCA/BHSD not named in the bill	\$TBD as HCA/BHSD not named in the bill	\$TBD as HCA/BHSD not named in the bill	\$TBD as HCA/BHSD not named in the bill	Recurring	SGF

(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:

HB103 is an Act that adds exposure of a child to a Schedule I or II controlled substance to the definition of abuse of a child. Amends the Abuse and Neglect Act to provide for the taking of a newborn child into temporary protective custody without a court order when the child is identified as affected by substance abuse or demonstrating withdrawal symptoms from prenatal drug exposure or when the child is subject to an environment exposing the child to a laboratory for manufacturing-controlled substances. Appropriates \$7 million (GF) for use in FY2025 to carry out the purposes of the act to CYFD (\$3 million), Corrections (\$1 million) and Courts (\$3 million).

FISCAL IMPLICATIONS

HCA/BHSD could be affected if the bill adds behavioral health and substance use services and supports to be provided as the result of an assessment administered to those parents, guardians or custodians who exposed a child or newborn to controlled substance resulting in the child being taken into temporary custody.

SIGNIFICANT ISSUES

In NM, the rate of NAS increased 324% between 2008 (3.3 per 1,000 livebirths) and 2017 (14.0). In the US, the rate increased by 207% between 2008 (2.8) and 2016 (8.6) (Figure 1). Between 2008-2017, 2,072 NAS cases were identified in NM through HIDD. 53.1% of NAS cases were male infants.

Amidst the opioid epidemic in the US, the term neonatal opioid withdrawal syndrome (NOWS) has been coined to refer to NAS due specifically to opioids, 5 either illegal or prescribed. Methadone and buprenorphine are medications used to treat opioid addiction, with the latter being found to show better results in reducing abstinence symptoms in newborns. 6,7 Data from the aforementioned March of Dimes NAS study found that 39.0% of mothers of NAS cases were on either methadone or buprenorphine treatment. The percent was 69.3% among those with a confirmed NAS diagnosis.

[https://www.nmhealth.org/data/view/report/2194/#:~:text=In%20NM%2C%20the%20rate%20of,were%20male%20infants%20\(Table\).](https://www.nmhealth.org/data/view/report/2194/#:~:text=In%20NM%2C%20the%20rate%20of,were%20male%20infants%20(Table).)

According to 2014 NSDUH data, approximately 20.2 million adults aged 18 or older had a past year SUD, including 16.3 million with an alcohol use disorder and 6.2 million with an illicit drug

use disorder; however, only 7.6 percent of adults with past year SUD received substance use treatment in the past year (data not shown). When a parent has an SUD, the whole family may be part of the recovery process, and each household member may need support.

https://www.samhsa.gov/data/sites/default/files/report_3223/ShortReport-3223.html

Increasing access to behavioral health and substance use services and support for those parents, guardians, or custodians could assist with ensuring the parent, as well as the whole family receive support in the recovery process.

PERFORMANCE IMPLICATIONS

HCA/BHSD may be impacted if behavioral health and substance use services and support are offered to parent, guardians, custodians whose children are removed due to being exposed to a controlled substance outlined in the bill.

ADMINISTRATIVE IMPLICATIONS

None

No IT impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

None