

**LFC Requester:****Rachel Mercer-Garcia**

**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

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

**Analysis.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** 19 JAN 24

**Bill No:** HB 103

**Sponsor:** Stefani Lord, Harlan Vincent  
**Short Title:** CHILD EXPOSURE TO  
CONTROLLED SUBSTANCE

**Agency Name and Code**    790-Department of Public Safety  
**Number:** \_\_\_\_\_  
**Person Writing**    Dale R. Wagoner  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A
NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	N/A	N/A
NFI	NFI	NFI	N/A	N/A

(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>	NFI	NFI	NFI	NFI	N/A	N/A

(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**

This bill, if passed, would amend the child abuse and neglect criminal statute to include within the definition of child abuse the exposure of a child to a Schedule I or II controlled substance to the definition of abuse of a child and would not require a court order for a newborn child exhibiting substance abuse or withdrawal symptoms from prenatal exposure to a listed controlled substance to be taken into temporary protective custody.

Exposure to a controlled substance is defined by a positive test result at birth and excludes positive results when the mother is lawfully prescribed and taking the controlled substance in accordance with the prescription. The bill further defines exposure when a child is allowed to enter or remain in a building or vehicle which contains chemicals and equipment used to manufacture a controlled substance. Further, the bill disallows the “did not know the child was present” defense when a child has been exposed to methamphetamine.

The bill sets forth the strict requirements for certain licensed medical personnel to identify the exposure and symptoms as related to substance abuse prior to taking a newborn child less than 72 hours old or a child subject to exposure from a controlled substance manufacturing environment into temporary protective custody without a court order. The temporary taking of the exposed child is not considered to be an arrest or constitute a police record.

**FISCAL IMPLICATIONS**

No Fiscal Impact.

**SIGNIFICANT ISSUES**

No significant issues to DPS.

**PERFORMANCE IMPLICATIONS**

No performance implications to DPS.

**ADMINISTRATIVE IMPLICATIONS**

No administrative implications.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship, or relationship issues to DPS

**TECHNICAL ISSUES**

No technical issues to DPS.

**OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

**ALTERNATIVES**

Not applicable as no impact to DPS.

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

Status quo.

**AMENDMENTS**

None at this time.