

**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

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

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**SECTION I: GENERAL INFORMATION**

*Check all that apply:*

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

**Date Prepared:** 2024-01-16

**Bill No:** HM3

**Sponsor(s)** Stefani Lord  
:

**Agency Name** ECECD 611  
**and Code**  
**Number:**

**Person Writing** Dr. Janis Gonzales

**Analysis:**

**Phone:** 5054691742

**Short** PRENATAL SUBSTANCE  
**Title:** EXPOSURE TASK FORCE

**Email:** janis.gonzales2@ecccd.nm.gov  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI		NFI
NFI	NFI		NFI

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI		NFI
NFI	NFI	NFI		NFI

**ESTIMATED ADDITIONAL OPERATION BUDGET (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		NFI

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

House Memorial 3 (HM3) requests the Secretary of the Department of Health to convene a task force to study the prevalence, effects, and lifetime fiscal impacts of prenatal substance exposure and adverse neonatal outcomes. Specifically, the task force is requested to study the efficacy and outcomes of the NM 2019 law that was a response to the federal Comprehensive Addiction and Recovery Act (CARA); review rates of use of prenatal services before and after the passage of the 2019 law; conduct a longitudinal study on rates of newborns exposed to substances over the last twenty years; and several other tasks related to prenatal substance use and neonatal exposure. The task force would be required to develop an implementation plan and present its findings to the health and human services committee by August 1, 2025. The task force membership is also specified.

**FISCAL IMPLICATIONS**

There is no funding for the task force.

**SIGNIFICANT ISSUES**

The Children's Code, NMSA 1978 Section 32A-3A-13, requires hospitals to create plans of care for all babies born exposed to substances. Currently plans of care are submitted to a portal run by the Children, Youth and Families Department (CYFD). CYFD and ECECD both employ CARA Navigators to assist these families with connecting to supportive services, including substance use treatment.

Prenatal substance use is a significant problem in New Mexico. The American College of Obstetricians and Gynecologists (ACOG) recommends avoiding the use of

psychoactive substances during pregnancy because substance use during pregnancy can lead to miscarriage, congenital anomalies, fetal alcohol spectrum disorders (FASDs), and neonatal abstinence syndrome (NAS), among others. New Mexico has been facing a substance misuse epidemic since at least the 1990s. NM has had the highest alcohol-related death rates in the United States for decades and has also been, for many years, one of the states with the highest drug overdose death rates.

According to a NM Department of Health Epidemiology Report published March 8, 2023, there were 87,109 infants born in NM to 85,822 NM resident mothers from 2016-2019. Of the infants, 34.9% were found to have been exposed to a psychoactive substance in utero. This percentage remained consistent in each year of the study period. Of the infants exposed in utero, 57.1% were found to have been exposed to drugs, 38.8% to alcohol, and 31.1% to tobacco.

Additionally, the NM Maternal Mortality Review Committee published a report of pregnancy associated and pregnancy related deaths from 2015-2018, which concluded that substance use disorder contributed to 47% of the pregnancy associated deaths and 40% of the pregnancy related deaths.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

None.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to House Bill 97, which creates a similar task force to be led by the Department of Health.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

None.

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

If HM3 is not enacted, the task force described above would not be created.

**AMENDMENTS**

None.