

LFC Requester: SUNNY LIU

AGENCY BILL ANALYSIS  
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

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**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 02FEB2024

Bill No: SB 265

Sponsor: Sen. George Munoz

Agency Name and Code 790 Department of Public Safety  
Number:

Person Writing KELLY MILLER

Short Title: Drug Related Incident Response Act

Email

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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

(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

(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	N/A	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**

Relates to public schools. Creates the Drug-Related Incident Response Act within the Public School Code. Makes a \$1 million GF appropriation to the Public Education Department for use in FY2025 to carry out provisions of the act which is effective July 1, 2024. Authorizes creation of a grant program for the purpose of funding supplemental training at the school district level; the hiring of additional personnel or other resources needed by a school district; and the sharing of information on existing grant opportunities at the federal or state level that might support school districts in meeting requirements of the act.

Requires school districts and governing bodies of charter schools to develop and implement school-based drug-related incident response plans for nonviolent drug-related incidents involving students. Details minimum criteria.

Each school district shall provide training as determined appropriate by PED and aligned with provisions of the act. Training for key school administration and personnel, including response team members, counselors, and nurses, shall include a copy of the response plan and any related supplemental attachments or information. Also details minimum criteria.

Requires the Public Education Department to commence a study and tailor the response plan requirements and training to the needs and abilities of school districts and charter schools. At the time of the study, PED may collaborate with the Legislative Education Study Committee or contract with an appropriate entity to conduct the study. Includes base guidelines for the study and the elements to incorporate in the study to comply with provisions of existing applicable laws or rules. PED shall review the study and issue guidelines every three to five years and update both as deemed appropriate.

Requires data collection, reporting and data use restrictions. PED is responsible for establishing guidelines for data collection that distinguish drug-related incidents from other incidents on school grounds or at school-sanctioned activities. Specifies student-level data collection criteria. In addition to student data, data collection shall include identification of the agency overseeing collection, the number of drug-related incidents reported, number of drug-related incidents per student, the action taken in response to drug-related incidents, the number of referrals to police, a state agency or to juvenile probation services offices, the instances of reporting to the U.S. Department of health and Human Services' Office for Civil Rights, and any other information

required by PED rule.

Provides for data reporting by school districts to PED on a quarterly basis or as determined by PED. Aggregated reports shall be public records within the meaning of the Inspection of Public Records Act and shall be open to inspection, with the exception of any portion of a report that is privileged or protected under state or federal law or pursuant to the privacy guidelines provided in Sec. 8 of the Drug-Related Incident Response Act. While student-level data shall be accessible for research purposes, it shall be allowed for use only at the discretion of PED and subject to a proposal review process established by PED. Student-level data shall be stored at a public repository approved by the PED.

Requires certain data to be de-identified. Provides for confidentiality agreements. Contains a confidentiality section stating that all information and statements gathered by response teams while applying a response plan to a drug-related incident are private and confidential; not subject to IPRA; and not discoverable in civil or criminal litigation, absent both a valid subpoena or other compulsory process and an order of a court of competent jurisdiction.

Establishes a process for the student and where necessary, the student's parent or guardian to be provided a department-approved confidentiality agreement for review and execution (specifies content to be included in agreement).

#### **FISCAL IMPLICATIONS**

No fiscal implications to DPS.

#### **SIGNIFICANT ISSUES**

No significant issues to DPS.

#### **PERFORMANCE IMPLICATIONS**

No performance implications to DPS.

#### **ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS.

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

No conflict, duplication, companionship or relationship 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.