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HOUSE BILL 152

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Eleanor Chávez and Marianna Anaya

AN ACT

RELATING TO HEALTH; PREVENTING THE RESTRICTION OF MEDICATION-
ASSISTED TREATMENT FOR MINORS IN INPATIENT, OUTPATIENT,
JUVENILE CORRECTION AND JUVENILE DETENTION FACILITIES AND
PROGRAMS THAT HOUSE OR TREAT ADOLESCENTS WITH SUBSTANCE USE
DISORDERS AND ARE OPERATED OR FUNDED BY THE STATE; CREATING THE
EVIDENCE-BASED SUBSTANCE USE DISORDER TREATMENT FOR MINORS
FUND; MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] DEFINITIONS.--As used in
Sections 1 through 3 of this act:

A. "evidence-based" means a course of treatment
that is supported by research, clinical expertise and the needs
of a patient;

B. "inpatient substance use treatment facility"

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1 means a residential facility that operates twenty-four hours
2 per day and provides intensive management of symptoms related
3 to substance use disorder and monitoring of the physical and
4 mental complications resulting from substance use;

5 C. "juvenile correction facility" means the
6 physical plant and buildings operated by or on behalf of the
7 juvenile justice division of the children, youth and families
8 department or any other facility or location designated by the
9 juvenile justice division's director to house or provide care
10 to clients committed to the custody of the children, youth and
11 families department;

12 D. "juvenile detention facility" means a place
13 where a child may be detained under the Children's Code pending
14 a court hearing and does not include a facility for the care
15 and rehabilitation of an adjudicated delinquent child;

16 E. "medication-assisted treatment" means the use of
17 federal-food-and-drug-administration-approved prescription
18 drugs, in combination with counseling and behavioral therapies,
19 to provide a whole-patient approach to the treatment of
20 substance use disorders;

21 F. "minor" means an individual who is under
22 eighteen years of age; and

23 G. "outpatient substance use treatment program"
24 means a program that offers resources, counseling and substance
25 use treatment on an outpatient basis.

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1 SECTION 2. ~~[NEW MATERIAL]~~ MEDICATION-ASSISTED TREATMENT
2 FOR MINORS IN INPATIENT SUBSTANCE USE TREATMENT FACILITIES,
3 OUTPATIENT SUBSTANCE USE TREATMENT PROGRAMS, JUVENILE
4 CORRECTION FACILITIES AND JUVENILE DETENTION FACILITIES.--

5 A. By the end of fiscal year 2026, the department
6 of health, the health care authority and the children, youth
7 and families department shall not operate or contract with an
8 inpatient substance use treatment facility, an outpatient
9 substance use treatment program, a juvenile correction facility
10 or a juvenile detention facility that has policies or
11 procedures that restrict the use of medication-assisted
12 treatment for the treatment of substance use disorder in minor
13 patients.

14 B. Beginning July 1, 2026, an inpatient substance
15 use treatment facility, an outpatient substance use treatment
16 program, a juvenile correction facility or a juvenile detention
17 facility that has policies or procedures that restrict the use
18 of medication-assisted treatment for the treatment of substance
19 use disorder in minor patients shall not be eligible for
20 reimbursement from the state's medicaid program for services
21 rendered to minors.

22 C. No later than December 1, 2025, the health care
23 authority shall promulgate rules for the operation of
24 medication-assisted treatment programs in inpatient substance
25 use treatment facilities, outpatient substance use treatment

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1 programs, juvenile correction facilities and juvenile detention
2 facilities in consultation with the department of health, the
3 children, youth and families department, inpatient substance
4 use treatment facility administrators, outpatient substance use
5 treatment program administrators and health care providers with
6 experience treating substance use disorder among minor
7 patients.

8 D. Beginning October 1, 2025 and annually
9 thereafter, the health care authority shall report to the
10 interim legislative health and human services committee on the
11 availability of medication-assisted treatment for minor
12 patients at inpatient substance use treatment facilities,
13 outpatient substance use treatment programs, juvenile
14 correction facilities and juvenile detention facilities.

15 SECTION 3. [NEW MATERIAL] EVIDENCE-BASED SUBSTANCE USE
16 DISORDER TREATMENT FOR MINORS FUND--CREATED.--

17 A. The "evidence-based substance use disorder
18 treatment for minors fund" is created as a nonreverting fund in
19 the state treasury. The fund consists of appropriations,
20 gifts, grants and donations. The health care authority shall
21 administer the fund, and money in the fund is appropriated to
22 the health care authority to assist the children, youth and
23 families department, the department of health and licensed
24 substance use treatment providers to establish and operate
25 medication-assisted treatment programs for minors.

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1 Disbursements from the fund shall be made by warrants of the
2 secretary of finance and administration pursuant to vouchers
3 signed by the secretary of health care authority.

4 B. No later than December 1, 2025, the health care
5 authority shall promulgate rules for the disbursement of money
6 from the fund, including eligibility criteria for receiving
7 money from the fund.