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HOUSE BILL 280

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Donald L. Whitaker

AN ACT

**RELATING TO LICENSING; PROVIDING AN EXEMPTION FROM THE
COUNSELING AND THERAPY PRACTICE ACT FOR INDIVIDUALS WHO SERVE
AS PEER COUNSELORS FOR TWELVE-STEP RECOVERY PROGRAMS.**

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

**Section 1. Section 61-9A-6 NMSA 1978 (being Laws 1993,
Chapter 49, Section 6, as amended) is amended to read:**

"61-9A-6. EXEMPTIONS. - -

**A. Nothing in the Counseling and Therapy Practice
Act shall be construed to prevent:**

**(1) a person who is licensed, certified or
regulated under the laws of this state from engaging in
activities consistent with the standards and ethics of his
profession or practice; or**

(2) an alternative, metaphysical or holistic

underscored material = new
[bracketed material] = delete

1 practitioner from engaging in nonclinical activities
2 consistent with the standards and codes of ethics of that
3 practice.

4 B. Specifically exempted from the Counseling and
5 Therapy Practice Act are:

6 (1) elementary and secondary school
7 counselors acting on behalf of their employer who are
8 otherwise regulated;

9 (2) peer counselors of domestic violence or
10 independent-living peer counselors working under appropriate
11 supervision in a nonprofit corporation, association or similar
12 entity;

13 (3) duly ordained, commissioned or licensed
14 ministers of a church or lay pastoral-care assistants
15 providing pastoral services on behalf of a church;

16 (4) a person who is enrolled in an internship
17 or practicum under appropriate supervision and is in the
18 internship or practicum for the sole purpose of acquiring an
19 advanced degree in mental health counseling, marriage and
20 family therapy or art therapy or a degree in substance abuse
21 counseling; [~~and~~]

22 (5) practitioners of Native American healing
23 arts; and

24 (6) individuals who serve as peer counselors
25 for a twelve-step recovery program or a similar self-help

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chemical dependency recovery program that:

(a) does not offer chemical dependency treatment;

(b) does not charge program participants; and

(c) allows program participants to maintain anonymity. "

Section 2. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 2002.