

SENATE TAX, BUSINESS AND TRANSPORTATION COMMITTEE SUBSTITUTE
FOR SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 132

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56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO HEALTH CARE; ENACTING SECTIONS OF THE HEALTH CARE
PURCHASING ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH
MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN
LAW TO ELIMINATE COST-SHARING REQUIREMENTS FOR PREVENTIVE CARE
AND TREATMENT OF SEXUALLY TRANSMITTED INFECTION; PROVIDING THAT
AGE DOES NOT IMPACT ABILITY TO CONSENT TO PREVENTIVE CARE.

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

SECTION 1. A new section of the Health Care Purchasing
Act is enacted to read:

"~~[NEW MATERIAL]~~ SEXUALLY TRANSMITTED INFECTION CARE--COST
SHARING ELIMINATED.--

A. Group health coverage, including self-insurance,
offered, issued, amended, delivered or renewed under the Health
Care Purchasing Act, that offers coverage for preventive care

1 or treatment of sexually transmitted infections shall not
2 impose cost sharing on eligible insureds.

3 B. Pursuant to this section, preventive care or
4 treatment of sexually transmitted infections shall not be
5 conditioned upon the gender identity of the insured.

6 C. Coverage for treatment of sexually transmitted
7 infections provided pursuant to this section shall be excluded
8 for high-deductible health care plans with health savings
9 accounts until a covered person's deductible has been met,
10 unless such coverage is permitted under federal law.

11 D. For the purposes of this section:

12 (1) "cost sharing" means policy deductibles,
13 copayments or coinsurance;

14 (2) "preventive care" means screening,
15 testing, examination or counseling and the administration,
16 dispensing or prescribing of drugs, devices or supplies
17 incidental to the prevention of a sexually transmitted
18 infection;

19 (3) "sexually transmitted infection" means
20 chlamydia, syphilis, gonorrhea, HIV and relevant types of
21 hepatitis, as well as any other sexually transmitted infection
22 regardless of mode of transportation, as designated by rule
23 upon making a finding that the particular sexually transmitted
24 infection is contagious; and

25 (4) "treatment" means medically necessary care

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1 for the management of an existing sexually transmitted
2 infection."

3 SECTION 2. A new section of Chapter 59A, Article 22 NMSA
4 1978 is enacted to read:

5 "[NEW MATERIAL] SEXUALLY TRANSMITTED INFECTION CARE--COST
6 SHARING ELIMINATED.--

7 A. An individual or group health insurance policy,
8 health care plan or certificate of health insurance that is
9 delivered, issued for delivery or renewed in this state that
10 offers coverage for preventive care or treatment of sexually
11 transmitted infections shall not impose cost sharing on
12 insureds.

13 B. Pursuant to this section, preventive care or
14 treatment of sexually transmitted infections shall not be
15 conditioned upon the gender identity of the insured.

16 C. Coverage for treatment of sexually transmitted
17 infections provided pursuant to this section shall be excluded
18 for high-deductible health care plans with health savings
19 accounts until a covered person's deductible has been met,
20 unless such coverage is permitted under federal law.

21 D. For the purposes of this section:

22 (1) "cost sharing" means policy deductibles,
23 copayments or coinsurance;

24 (2) "preventive care" means screening,
25 testing, examination or counseling and the administration,

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1 dispensing or prescribing of preventive drugs, devices or
2 supplies incidental to the prevention of a sexually transmitted
3 infection;

4 (3) "sexually transmitted infection" means
5 chlamydia, syphilis, gonorrhea, HIV and relevant types of
6 hepatitis, as well as any other sexually transmitted infection
7 regardless of mode of transportation, as designated by rule
8 upon making a finding that the particular sexually transmitted
9 infection is contagious; and

10 (4) "treatment" means medically necessary care
11 for the management of an existing sexually transmitted
12 infection."

13 SECTION 3. A new section of Chapter 59A, Article 23 NMSA
14 1978 is enacted to read:

15 "[NEW MATERIAL] SEXUALLY TRANSMITTED INFECTION CARE--COST
16 SHARING ELIMINATED.--

17 A. A blanket or group health insurance policy,
18 health care plan or certificate of health insurance that is
19 delivered, issued for delivery or renewed in this state that
20 offers coverage for preventive care or treatment of sexually
21 transmitted infections shall not impose cost sharing on
22 eligible insureds.

23 B. Pursuant to this section, preventive care or
24 treatment of sexually transmitted infections shall not be
25 conditioned upon the gender identity of the insured.

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1 C. Coverage for treatment of sexually transmitted
2 infections provided pursuant to this section shall be excluded
3 for high-deductible health care plans with health savings
4 accounts until a covered person's deductible has been met,
5 unless such coverage is permitted under federal law.

6 D. For the purposes of this section:

7 (1) "cost sharing" means policy deductibles,
8 copayments or coinsurance;

9 (2) "preventive care" means screening,
10 testing, examination or counseling and the administration,
11 dispensing or prescribing of preventive drugs, devices or
12 supplies incidental to the prevention of a sexually transmitted
13 infection;

14 (3) "sexually transmitted infection" means
15 chlamydia, syphilis, gonorrhea, HIV and relevant types of
16 hepatitis, as well as any other sexually transmitted infection
17 regardless of mode of transportation, as designated by rule
18 upon making a finding that the particular sexually transmitted
19 infection is contagious; and

20 (4) "treatment" means medically necessary care
21 for the management of an existing sexually transmitted
22 infection."

23 SECTION 4. A new section of the Health Maintenance
24 Organization Law is enacted to read:

25 "[NEW MATERIAL] SEXUALLY TRANSMITTED INFECTION CARE--COST

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1 SHARING ELIMINATED.--

2 A. An individual or group health maintenance
3 organization contract that is delivered, issued for delivery or
4 renewed in this state that offers coverage for preventive care
5 or treatment of sexually transmitted infections shall not
6 impose cost sharing on eligible enrollees.

7 B. Pursuant to this section, preventive care or
8 treatment of sexually transmitted infections shall not be
9 conditioned upon the gender identity of the insured.

10 C. Coverage for treatment of sexually transmitted
11 infections provided pursuant to this section shall be excluded
12 for high-deductible health care plans with health savings
13 accounts until a covered person's deductible has been met,
14 unless such coverage is permitted under federal law.

15 D. For the purposes of this section:

16 (1) "cost sharing" means policy deductibles,
17 copayments or coinsurance;

18 (2) "preventive care" means screening,
19 testing, examination or counseling and the administration,
20 dispensing or prescribing of preventive drugs, devices or
21 supplies incidental to the prevention of a sexually transmitted
22 infection;

23 (3) "sexually transmitted infection" means
24 chlamydia, syphilis, gonorrhoea, HIV and relevant types of
25 hepatitis, as well as any other sexually transmitted infection

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1 regardless of mode of transportation, as designated by rule
2 upon making a finding that the particular sexually transmitted
3 infection is contagious; and

4 (4) "treatment" means medically necessary care
5 for the management of an existing sexually transmitted
6 infection."

7 SECTION 5. A new section of the Nonprofit Health Care
8 Plan Law is enacted to read:

9 "[NEW MATERIAL] SEXUALLY TRANSMITTED INFECTION CARE--COST
10 SHARING ELIMINATED.--

11 A. An individual or group health care plan that is
12 delivered, issued for delivery or renewed in this state that
13 offers coverage for preventive care or treatment of sexually
14 transmitted infections shall not impose cost sharing on
15 eligible subscribers.

16 B. Pursuant to this section, preventive care or
17 treatment of sexually transmitted infections shall not be
18 conditioned upon the gender identity of the insured.

19 C. Coverage for treatment of sexually transmitted
20 infections provided pursuant to this section shall be excluded
21 for high-deductible health care plans with health savings
22 accounts until a covered person's deductible has been met,
23 unless such coverage is permitted under federal law.

24 D. For the purposes of this section:

25 (1) "cost sharing" means policy deductibles,

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underscored material = new
~~[bracketed material] = delete~~

1 copayments or coinsurance;

2 (2) "preventive care" means screening,
3 testing, examination or counseling and the administration,
4 dispensing or prescribing of preventive drugs, devices or
5 supplies incidental to the prevention of a sexually transmitted
6 infection;

7 (3) "sexually transmitted infection" means
8 chlamydia, syphilis, gonorrhoea, HIV and relevant types of
9 hepatitis, as well as any other sexually transmitted infection
10 regardless of mode of transportation, as designated by rule
11 upon making a finding that the particular sexually transmitted
12 infection is contagious; and

13 (4) "treatment" means medically necessary care
14 for the management of an existing sexually transmitted
15 infection."

16 SECTION 6. Section 24-1-9 NMSA 1978 (being Laws 1973,
17 Chapter 359, Section 9, as amended) is amended to read:

18 "24-1-9. CAPACITY TO CONSENT TO EXAMINATION, PREVENTIVE
19 CARE AND TREATMENT FOR A SEXUALLY TRANSMITTED INFECTION.--Any
20 person regardless of age has the capacity to consent to an
21 examination, preventive care and treatment by a licensed health
22 care provider for any sexually transmitted infection."

23 SECTION 7. APPLICABILITY.--The provisions of this act
24 apply to health insurance policies, health care plans,
25 certificates of health insurance or health maintenance

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1 organization contracts that are delivered, issued for delivery
2 or renewed in this state on or after January 1, 2024.

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underscoring material = new
[bracketed material] = delete