

1 SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
2 SENATE BILL 132

3 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

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10 AN ACT

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

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

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

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

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

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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. 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 drugs, devices or supplies  
12 incidental to the prevention of a sexually transmitted  
13 infection;

14 (3) "sexually transmitted infection" means  
15 chlamydia, syphilis, gonorrhoea, 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 as determined by a health care provider for the management of  
22 an existing sexually transmitted infection."

23 SECTION 2. A new section of Chapter 59A, Article 22 NMSA  
24 1978 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 insurance policy,  
 3 health care plan or certificate of health insurance that is  
 4 delivered, issued for delivery or renewed in this state that  
 5 offers coverage for preventive care or treatment of sexually  
 6 transmitted infections shall not impose cost sharing on  
 7 insureds.

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

11 C. 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 preventive drugs, devices or  
 17 supplies incidental to the prevention of a sexually transmitted  
 18 infection;

19 (3) "sexually transmitted infection" means  
 20 chlamydia, syphilis, gonorrhoea, 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 as determined by a health care provider for the management of  
2 an existing sexually transmitted infection."

3 SECTION 3. A new section of Chapter 59A, Article 23 NMSA  
4 1978 is enacted to read:

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

7 A. A blanket 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 eligible 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. For the purposes of this section:

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

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

24 (3) "sexually transmitted infection" means  
25 chlamydia, syphilis, gonorrhoea, HIV and relevant types of

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

5 (4) "treatment" means medically necessary care  
6 as determined by a health care provider for the management of  
7 an existing sexually transmitted infection."

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

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

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

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

20 C. For the purposes of this section:

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

23 (2) "preventive care" means screening,  
24 testing, examination or counseling and the administration,  
25 dispensing or prescribing of preventive drugs, devices or

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1 supplies incidental to the prevention of a sexually transmitted  
2 infection;

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

9 (4) "treatment" means medically necessary care  
10 as determined by a health care provider for the management of  
11 an existing sexually transmitted infection."

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

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

16 A. An individual or group health care plan that is  
17 delivered, issued for delivery or renewed in this state that  
18 offers coverage for preventive care or treatment of sexually  
19 transmitted infections shall not impose cost sharing on  
20 eligible subscribers.

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

24 C. For the purposes of this section:

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

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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 as determined by a health care provider for the management of  
 15 an existing sexually transmitted 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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