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FISCAL IMPACT REPORT

SPONSOR	<u>HEC</u>	LAST UPDATED	<u>02/20/2023</u>
	Cannabis School Use Prevention Resource	ORIGINAL DATE	<u>02/20/2023</u>
SHORT TITLE	<u>Act</u>	BILL NUMBER	<u>CS/House Bill 156/HECS</u>
		ANALYST	<u>Chilton</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DOH costs	\$38.4	\$65.7	\$65.7	\$191.8	Recurring	General Fund
DOH startup costs	\$9.6				Nonrecurring	General Fund
NM Poison and Drug Information Center costs	\$38.0	\$28.0	\$28.0	\$94.0	Mixed	General Fund
Total	\$86.0	\$93.7	\$93.7	\$273.4	Mixed	General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent version of this legislation.

Sources of Information

LFC Files

Responses Received From
 Department of Health (DOH)
 Regulation and Licensing Department (RLD)
 Public Educations Department (PED)
 University of New Mexico (UNM)

SUMMARY

Synopsis of HEC Substitute for House Bill 156

The House Education Committee Substitute for House Bill 156 (HB156) would require DOH to establish a Cannabis School Use Prevention Resource Program to provide to each school board and charter school governing body by July 1, 2024. The components of the resources to be offered are specified under Section 3 of the act, as noted below.

Section 1 names the act; Section 2 establishes definitions.

Section 3 delineates the main components of such a program:

- 1) Research-based evidence on cannabis use by minors, and
- 2) A targeted advertising campaign regarding juvenile cannabis use.

The program is to be available to every charter school and public school district by January 1, 2024. The section also specifies reporting by the end of each year to the Legislative Education Study Committee and the Legislative Health and Human Service Committee and gives some of the specifics of the report that will be required.

Section 4 discusses aspects of the program, to include education for school personnel and means of dissemination of the program. School personnel are to be taught how to identify cannabis and products containing cannabis and also identifying students who may be impaired by use of cannabis. Information is to be disseminated using a web page developed for the purpose, with a link from the DOH website.

Section 5 requires the New Mexico Poison and Drug Information Center (NMPDIC) to provide information to school personnel on cannabis product identification and effects and on referring students impaired by use of cannabis for treatment. DOH would aid NMPDIC on disseminating this information.

Section 6 requires DOH to publish advertisements regarding school children’s use of cannabis, targeted to school personnel, parents, and students.

Section 7 requires DOH to promulgate rules relevant to the program.

Section 8 amends Section 23-10-3 NMSA 1978 to add to the duties of NMPDIC the provision of materials to school personnel information relative to this act.

According to Section 9, the effective date of this bill is July 1, 2023.

FISCAL IMPLICATIONS

There is no appropriation in House Bill 156. There would be costs to DOH and NMPDIC to implement the program. DOH has estimated it will require 2 FTE health educators and equipment and office set-up at an annual salary cost of \$142,415 and a start-up cost of \$4,842 for each of the two. Costs to the NMPDIC are estimated by UNM as follows: “0.5 FTE health educator for initial evidence-based research to design materials at a cost of \$38,000 (includes fringe), and an additional cost of \$28,000 in recurring annual expenses based on an estimated 280 calls per year from schools to report cases at \$100 per case.”

SIGNIFICANT ISSUES

PED notes that “The National Institute on Drug Abuse indicates that ‘marijuana’s negative effects on attention, memory, and learning can last for days or weeks after the acute effects of the drug wear off, depending on the person’s history with the drug.’” The institute cites a review of 48 studies that found marijuana use to be associated with reduced educational attainment.

According to the Partnership to End Addiction, “schools that implement comprehensive, age-appropriate and research-based prevention programming can have a real impact on reducing youth marijuana use and its adverse effects. It is essential to start at an early age and continue throughout a child’s academic career. The Partnership also emphasizes focusing discussion on health, rather than punishment, and using evidence-based practices to support the development of life skills that decrease risk and help delay the onset of substance use.”

UNM comments that “From January 2022 to December 2022, there were 283 calls to NMPDIC related to Cannabis. Of those, 28 were from exposures that occurred in schools and, 53 calls were from January to March, prior to legalization of recreational use, representing a 45 percent increase after legalization.” UNM continues as follows:

In 2022, research was presented to the American Association of Pediatrics annual meeting regarding the relationship between recreational Cannabis legalization by an adjacent state (Colorado) and the number of unintentional pediatric exposures in a state that had not undergone legalization (New Mexico). We looked at 24 years of NMPDIC calls regarding pediatric Cannabis exposures. We found a 7-fold increase in average number of exposures per year and an odds of exposure involving edible products 21.8 times as high. Severity of medical effects also increased. Seventy seven percent of all cases involved children under 5 years of age. (Chen BE, Fullerton L, Tuuri R, Smolinske SC, Seifert SA. Changes in unintentional poisoning of children in New Mexico: impact of legalized recreational marijuana in a neighboring state. Pediatric Academic Societies meeting. April 25, 2022.

HB156 requires school personnel to report incidents of unauthorized use or cannabis impairment to the Department of Health (HB157 Section 6: 10-15 A), however, the NM Poison and Drug Information Center already has procedures and staffing in place for this type of reporting. This additional reporting will create an added administrative burden for tracking incidents as well as creating confusion or duplicative reports. This could be a report to one entity (NM Poison and Drug Information Center) to maintain a more streamlined reporting mechanism and reduced administrative burden, while minimizing potential errors (HB 157 Section 9; 22-33-5 B).

HB156 defines Cannabis (Section 2) as “all parts of the plant genus Cannabis containing a delta-9-tetra cannabinol concentration of more than three-tenths percent on a dry weight basis...” There are a number of Cannabis-derived products that have significant toxicity in children with ingredients in the “minor cannabinoid” category, such as delta-8 THC, delta-10 THC, HHC, THCO-acetate, and others. NMPDIC had 12 exposures to delta-8 THC in 2022, with 9 of those in children. One medical outcome was major, with a child requiring oxygen for respiratory depression, and 5 children had moderate medical outcomes. There is a recent study suggesting that THCO-acetate vape solutions may produce EVALI (a life-threatening lung injury). In addition, serious pediatric toxicity has been reported in children ingesting edibles that meet the current definition in this bill. For example, ten gummies of a product containing 0.2 percent delta-9 THC has caused life-threatening illness. It would be better to broaden the definition in the bill to include all products labeled to contain Cannabis, regardless of concentration.

DOH provides information from the semi-annual Youth Risk and Resiliency Survey about the cannabis exposure of high school students. The data were gathered in 2019, before legalization of recreational marijuana likely led to greater exposure to cannabis products.

Among New Mexico high school students who drove, grades 9-12, 19.6 percent drove a vehicle at least once in the past 30 days when they had been using marijuana (2019 YRRS). New Mexico high school students who drove when they had been using marijuana were more likely to engage in other unsafe driving behaviors. Compared to students who did not drive and use marijuana, they were more likely to rarely or never wear a seat belt, drive and drink alcohol, text or email while driving, and ride with a

driver who had been drinking alcohol.

In addition, according to YRRS data from 2019, 14.1 percent of New Mexican high school students first tried marijuana before the age of 13 compared to the overall students in the United State of the same age at only 5.6 percent (YRRS 2019). However, these values both decreased from 2017 where 20.7 percent of New Mexican high school students first tried marijuana before the age of 13 compared to the overall students in the United State of the same age at 6.8 percent (2017 YRRS). While percentages decreased, this issue continues to negatively affect the youth in New Mexico. (<https://youthrisk.org/publications/>)

From March 2022 to November 2022, there were a total of 178 Cannabis-Related Calls to the New Mexico Poison Control Center. 50 percent of the calls (89 calls) were for pediatric cases age 10 years and younger (New Mexico Poison and Drug Information Center).

In a large-scale summary of effects of marijuana use and misuse in children, the American Academy of Pediatrics came to the following conclusions¹:

Marijuana is one of the most commonly used psychoactive substances. The literature reveals a number of health concerns associated with marijuana use, from physical health effects to mental health effects, that can occur over the course of development and social consequences associated with use. It is important for providers to be aware of policies and laws around marijuana in their states to provide appropriate and evidenced-based recommendations and to counsel appropriately to prevent exposure and thus harm to developing brains. The health and well-being of children and adolescents should be prioritized when providing this information. More research is needed on the long-term effects of marijuana and should also be focused on prevention of use in adolescents.

The American Academy of Pediatrics would support any initiatives to increase knowledge of cannabis effects among school children, their parents, and school personnel.

RELATIONSHIPS

Related to HB154, Cannabis Use As Child Delinquent Act, which would amend the Delinquency Act and the Cannabis Use, Possession, and Production Act to include cannabis use, possession and production by minors a “delinquent act”; and HB157, Cannabis Packaging Requirements, which would establish standards for packaging cannabis products to make them less attractive to children.

TECHNICAL ISSUES

DOH points out the following technical issues that might require correction in the bill:

- HB156 requires school personnel to report incidents of unauthorized use or cannabis impairment to the Department of Health (HB157 Section 6: 10-15 A),

¹ (<https://publications.aap.org/pediatrics/article/146/2/e20192629/36882/Marijuana-and-the-Pediatric-Population?autologincheck=redirected>)

however, the NM Poison and Drug Information Center already has procedures and staffing in place for this type of reporting. This additional reporting will create an added administrative burden for tracking incidents as well as creating confusion or duplicative reports. This could be a report to one entity (NM Poison and Drug Information Center) to maintain a more streamlined reporting mechanism and reduced administrative burden, while minimizing potential errors (HB 157 Section 9; 22-33-5 B).

- It is unclear what would be required in the report to the Legislative Education Study Committee and Legislative health and Human Services Committee (HB157 Section 3.C).

See notes under “Significant Issues” above regarding UNM’s concerns about excessive reporting requirements, and the possible need to make the definition of cannabis more inclusive.

PED also has recommends that “The sponsor may wish to amend Section 6 of the bill to more clearly articulate to whom reports of student impairment are to be submitted, and whether these reports are the documents from which student personally identifiable information is to be omitted.”

LAC/al/hg/ne