

**AGENCY BILL ANALYSIS  
2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

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**SECTION I: GENERAL INFORMATION**

*Check all that apply:*

**Original**  **Amendment**  
**Correction**  **Substitute**

**Date Prepared:** 2025-01-22  
**Bill No:** HB136

**Sponsor(s)** Andrea Reeb  
:

**Agency Name** CYFD 69000  
**and Code**  
**Number:**  
**Person Writing**  
**Analysis:**  
**Phone:**  
**Email:**

**Short** FENTANYL EXPOSURE  
**Title:** AS CHILD ABUSE

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

**ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

This bill amends the Children’s Code, Section 30-6-1 NMSA 1978 (being Laws 1973, Chapter 360, Section 10, as amended) to declare that evidence of a child being knowingly and intentionally exposed to fentanyl shall be considered prima facie evidence of child abuse.

**FISCAL IMPLICATIONS**

This bill does not include any appropriations for the Children, Youth, and Families Department (CYFD). As of now, CYFD is unable to project the potential fiscal impact. However, it is anticipated that an increase in criminal prosecutions will lead to greater involvement of CYFD caseworkers in court proceedings and may result in a higher volume of abuse and neglect investigations. This increase is expected due to the required cross-reporting between law enforcement and CYFD, which may necessitate additional follow-up investigations.

**SIGNIFICANT ISSUES**

CYFD anticipates that this bill will lead to an increased rate of criminal prosecution for parents, guardians, or legal custodians who have knowingly and intentionally exposed their children to fentanyl. As a result, CYFD expects a higher demand for staff to conduct investigations, perform safety assessments, and develop safety plans, where appropriate, with a support network. Additionally, CYFD will need to make referrals to and ensure families engage with community resources designed to mitigate the risk of repeat maltreatment.

This legislation may also lead to an increase in the number of children entering CYFD custody, particularly if parents are arrested and no relatives or support systems are available to care for the child. In such cases, there may be a need for placement in resource foster homes, and these homes may require specialized training to care for children who are exposed to substances and experiencing

withdrawal symptoms or other adverse medical conditions as a result of the exposure.

## **PERFORMANCE IMPLICATIONS**

CYFD's performance measures concerning permanency (e.g., reunification or adoption) will be affected by this bill as case plans will need to be developed to reunify the family or adopt the child if reunification is not possible. Services will also need to be put in place to meet case plan objectives. As mentioned above, this may result in an increase of children coming into CYFD custody should parents be arrested and no relatives or support system is available to help care for the child. Performance measures in the investigations process will also be impacted as safety assessments and safety planning will need to be conducted as well as referrals to community resources when needed to prevent repeat maltreatment. Increased children in care will also require increased recruitment of resource foster families.

## **ADMINISTRATIVE IMPLICATIONS**

Administrative implications due to an increase in CYFD caseworker involvement in court cases and investigations will need to be considered. There will also need to be revisions to current procedures to align with the proposed change in the Children's Code.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None identified.

## **TECHNICAL ISSUES**

None identified.

## **OTHER SUBSTANTIVE ISSUES**

None identified.

**ALTERNATIVES**

None proposed.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo in CYFD procedures and practices.

**AMENDMENTS**

None

proposed.