

LFC Requester:**RubyAnn Esquibel****AGENCY BILL ANALYSIS - 2025 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov*****(Analysis must be uploaded as a PDF)*****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: 01/31/2025 *Check all that apply:*
Bill Number: HB171 Original Correction
 Amendment Substitute

Sponsor: Jennifer Jones, Elizabeth Thompson & Cathryn Brown
 Pharmacy Custodial Care Facilities
Short Title: _____

Agency Name and Code Number: 770-NMCD
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 171 would amend the Pharmacy Act to provide that certain licensed custodial care facilities may acquire and possess dangerous drugs, including controlled substances, to be used for addiction withdrawal management purposes.

The proposal would apply to licensed custodial care facilities that are authorized to provide medically monitored withdrawal management that is under supervision of consulting pharmacists and has nursing staff on-site 24 hours per day, 365 days per year.

“Controlled substance” means a drug, substance or immediate precursor enumerated in Schedules III and IV of the Controlled Substances Act.

FISCAL IMPLICATIONS

If the New Mexico Corrections Department (NMCD) is required to comply, there would be an unspecified expected cost of licensing. Additionally, NMCD may be expected to comply with associated pharmacy regulations. These may require independent audits and the acquisition of B-rated storage equipment at each facility. The cost of acquiring such equipment is unspecified at this time.

SIGNIFICANT ISSUES

None for the Corrections Department.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

The current definition of a “licensed custodial care facility” under NMAC 16.19.11.7(B) describes it as any facility or business, including nonprofit entities, that provides retirement care, mental health care, or extended healthcare to patients. However, this definition does not explicitly mention prisons or jails, making it unclear whether it applies to New Mexico

Corrections Department (NMCD) facilities.

Under the Pharmacy Act, a “custodial care facility” is defined as a nursing home, retirement care facility, mental health care facility or any other facility offering extended healthcare.

To clarify whether this definition should apply to NMCD facilities, the legislature may need to amend the definition. Notably, the New Mexico Court of Appeals held that the New Mexico Boys and Girls Ranch and El Ranchito de Los Ninos do not meet the definition. *See New Mexico Boys & Girls Ranch v. New Mexico Bd. of Pharmacy*, 2022-NMCA-047, ¶ 34, 517 P.3d 248.

OTHER SUBSTANTIVE ISSUES

None for the Corrections Department.

ALTERNATIVES

None for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed by the Corrections Department.