

LFC Requestor: SANCHEZ, Scott

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House

Category: Bill

Number: 383

Type: Introduced

Date (of THIS analysis): 2/13/2025

Sponsor(s): Stefani Lord and John Block

Short Title: Exposure to Fentanyl Use as Child Abuse

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$500	Non-Recurring	General Fund

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: House Bill 136 (HB136)

Conflicts with: None

Companion to: None

Relates to: HB343

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 383 (HB383) proposes to amend Section 30-6-1 NMSA 1978, relating to the abandonment or abuse of a child, by adding exposure to the use of fentanyl as prima facie evidence of child abuse.

HB383 also appropriates \$500,000 from the general fund to the Department of Public Safety for fiscal year 2026 to expand investigations of child abuse and neglect cases involving fentanyl.

Any unexpended funds will revert to the general fund. If enacted, the provisions of HB383 would take effect on July 1, 2025.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

HB383 is designed at protecting children from potential fentanyl exposure, which has been associated with risks such as overdose, developmental concerns, and other long-term health effects. Reports from national poison control centers indicate a rise in cases, with New Mexico cited as having one of the higher rates in the country (https://hsc.unm.edu/news/2024/_media/research-cste-fentanyl-exposure-kk-final.pdf).

Fentanyl exposure has been on the rise. Annual reported cases of illicit fentanyl exposure increased from 5 in 2013 to 539 in 2023 based on the National Poison Data System (NPDS). ([Temple & Hendrickson, 2024](#)). Data also shows that fentanyl was linked to 37.5% of fatal pediatric opioid poisonings between 1999 and 2021. Among all age groups, 43.8% of deaths occurred at home, and 87.5% were deemed unintentional. ([Gaither, 2023](#)).

Increasing criminal penalties should correspond with investments in rehabilitation. Additionally, punitive measures targeting pregnant women who use substances could discourage them from seeking prenatal care, which research suggests may lead to worse health outcomes ([State Policies That Treat Prenatal Substance Use As Child Abuse Or Neglect Fail To Achieve Their Intended Goals | Health Affairs](#)).

Several states have enacted or are considering legislation addressing child exposure to fentanyl. For instance, [Washington State](#) passed a law clarifying statutes on emergency child removal in situations involving synthetic opioids like fentanyl. Additionally, [24 states and the District of Columbia](#) classify substance use during pregnancy as reportable child abuse, reflecting a trend toward stricter measures against prenatal drug exposure.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

This proposal may reduce rather than expand equitable access to services, as New Mexico families may be more reluctant to engage with services if a household member uses fentanyl and fears that a charge of child abuse may be brought.

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

HB383 duplicates language found in HB136, however HB383 includes an appropriation that is not in HB136

HB383 is related to House Bill 343 which updates statute for Children, Families and Youth Department to investigate cases of prenatal exposure to substances and develop plans of care.

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

HB383 could impact parents and families in which one or more adults use substances, specifically fentanyl. Its impacts may be most pronounced where child supervision options are limited, particularly among communities in rural areas or of lower socioeconomic status.

In 2019, a study by the National Center for Health Statistics showed that the percentage of children aged 5–17 years who had ever lived with someone who had a problem with alcohol or drugs was highest among non-Hispanic White children, and highest among non-metro, or rural areas for all groups ([CDC Data Briefs - Number 416 - September 2021 - Disparities in Stressful Life Events Among Children Aged 5–17 Years: United States, 2019](#)). As a result, House Bill 383 (HB383) may disproportionately affect non-Hispanic White and rural persons.

9. HEALTH IMPACT(S)

House Bill 383 could lead to increased separation of children which is known to increase negative mental health consequences in children ([Lander, L., Howsare, J. & Byrne, M. 2013, Soc Work Public Health. 2013; 28\(0\): 194–205](#)).

10. ALTERNATIVES

None.

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If HB0383 is not enacted child exposure to fentanyl will not be held as prima facie evidence of child abuse, and \$500,000 will not be appropriated to the Department of Public Safety.

12. AMENDMENTS

None.