

LFC Requester:	
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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}

Check all that apply:

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

Date Prepared: 2025-02-13
Bill No: HB383

Sponsor(s) Stefani Lord
: John Block

Agency Name and Code CYFD 69000
Number:
Person Writing Aaron Salas
Analysis:
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Short Title: EXPOSURE TO
FENTANYL USE AS
CHILD ABUSE

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		
0	0		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		
0	0	0		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

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

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

This bill amends 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.

Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the department of public safety for expenditure in fiscal year 2026 to expand its investigation of child abuse and neglect cases to include those cases involving fentanyl. Any unexpended or unencumbered balance remaining at the end of fiscal year 2026 shall revert to the general fund.

FISCAL IMPLICATIONS

This bill appropriates \$500,000 from the general fund to the department of public safety for expenditure in fiscal year 2026 to expand its investigation of child abuse and neglect cases to include those cases involving fentanyl. Any unexpended or unencumbered balance remaining at the end of fiscal year 2026 shall revert to the general fund.

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 PS investigations to assess for possible abuse/neglect.

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 changes.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill is similar to HB136.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo for CYFD regarding children exposed to substances as we investigate most cases already.

AMENDMENTS

None.