

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: Senate

Category: Bill

Number: 246

Type: Introduced

Date (of THIS analysis): 02/04/2025

Sponsor(s): Harold Pope

Short Title: Seizure Safe Schools Act

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	\$0	N/A	N/A

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	Fund Affected
Total	\$ 154.240	\$ 84.620	\$ 84.620	\$ 328.480	\$84.620	General Fund

- **Initial Development**

- **NMDOH Personnel:** Pay Band 90 -\$51.25/hour X 1.4 fringe benefits X 1040 hours for benefits hours for clinical subject matter time for rule promulgating assistance and clinical technical assistance to the NMPED in year 1 = \$74,620

- **NM DOH Personnel:** Pay Band 90 - \$51.25/hour X 1.4 fringe benefits X 1040 hours for the initial curriculum development and training program development assistance to NMPED in year 1 = \$74,620
- **Initial curriculum development for nursing and school employee 5.0-hour training program:** \$5,000
- **Recurring Expense**
 - **NM DOH Personnel:** Pay Band 90 - \$51.25/hour X 1.4 fringe benefits X 1040 hours for the clinical support for training program development assistance to NMPED on a recurring basis = \$74,620
 - **Reoccurring revision to training** \$ 10,000.00/year.

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

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

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 246 (SB246) aims to improve safety for students with seizure disorders by amending the New Mexico Public School Code and mandating the New Mexico Public Education Department (PED), in collaboration with the New Mexico School Nurses Association and the New Mexico Department of Health, to establish rules and regulations for the "Seizure Safe Schools Act" by December 31, 2025. This act would require the governing body of each public school and private school to provide seizure disorder management and care by school personnel and providing limited liability for school personnel.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

As of August 21, 2024, the Centers for Disease Control and Prevention (CDC) reports that approximately 456,000 children and adolescents in the U.S. have epilepsy, most characterized by seizures that are unpredictable in frequency with onset often occurring in childhood and older adulthood [Data and Statistics on Adults with Active Epilepsy | Epilepsy | CDC](#).

For the 2023-2024 school year, the number of children aged 0 to 17 in NM who are estimated to have an epilepsy diagnosis is around 2,227. ([Home - New Mexico Student Health](#))

Seizures can be brief or prolonged, and each can have significant impacts on individuals. Brief seizures are those lasting less than five minutes, while prolonged seizures, known as status epilepticus, last between five and thirty minutes and can lead to permanent neuronal injury. Annually, the United States sees an estimated 50,000 to 150,000 cases of status epilepticus, with mortality rates less than 3% in children but up to 30% in adults. ([Evidence-Based Guideline: Treatment of Convulsive Status Epilepticus in Children and Adults: Report of the Guideline Committee of the American Epilepsy Society](#)).

According to a current study, approximately 53% of children and adolescents with epilepsy feel that epilepsy impacts their learning, particularly in areas such as memory, attention, and concentration, as well as their physical and emotional well-being due to stigma, all of which can lead to increased tiredness and lowered self-confidence ([Impact of epilepsy on learning and behaviour and needed supports: Views of children, parents and school staff - PubMed](#)). Along with the stigma and restrictions associated with epilepsy in school, 85% of the parents surveyed agree that epilepsy affects their child's learning and behavior, with 61% of school staff recognizing its impact on learning and 45% saying it affects student behavior ([Impact of epilepsy on learning and behaviour and needed supports: Views of children, parents and school staff - PubMed](#)).

While 79% of parents believe schools provide appropriate resources to support their child's learning, and 72% are satisfied with the support received, parents of children in special schools report higher satisfaction levels than those with children in mainstream schools. Parents emphasize the need for supportive environments outside the classroom, accommodation during tests and exams, and increased support from trusted staff ([Impact of epilepsy on learning and behaviour and needed supports: Views of children, parents and school staff - PubMed](#)).

Although the literature highlights the implications of epilepsy for students and underscores the need for increased school-related support, the passage of SB246 could have significant cost-related impact to the PreK through 12 schools and districts, since this bill does not contain an appropriation for schools to cover the cost of equipment and training. New Mexico schools would likely incur increased costs for the required training of personnel, purchasing medical supplies and training equipment, controlled substance storage, medication disposal, handling registration and storage equipment, and potentially hiring additional staff to include school nurses for program management and training ([Controlled Substance Waste: Concerns, Controversies, Solutions - PMC](#)).

Despite the act proposing limited liability protection for school personnel, legal implications may still arise if a seizure incident is not properly managed, specifically around the handling and security of HIPAA related information. Emergency seizure medications are typically controlled substances having special inventory, storage, handling, and disposal requirements per the Drug Enforcement Agency (DEA) and are a group of highly regulated medications with a known potential for abuse, dependence, and related harm.

The Controlled Substances Act directs the federal DEA oversight of rules and regulations that must be followed when prescribing, dispensing, administering, transporting, and storing controlled substances, placing risk management demands on the schools or districts. Any organization that stores and administers controlled substances are required to register with the DEA ([Diversion Control Division | Registration Q&A](#).) Therefore, a licensed healthcare provider, such as a registered nurse, may be needed for the

management of the program to reduce risk associated with the administration, storage, handing, and disposal of a controlled substance.

Emergency response medication for prolonged seizures is different from the medications covered under other school-based emergency response medication acts, such as the New Mexico Emergency Medication Act in Schools. Albuterol and epinephrine, for example, are not controlled substances; therefore, they do not have the strict requirements that must be followed under the Controlled Substances Act.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes No

The NM PED does not employ the licensed clinical personnel to promulgate rules and regulations or develop clinically driven curriculum and training programing; thus, PED relies on licensed clinical NM DOH staff to assist in the initiatives. This assistance offered to the NM PED has costs related to recruitment and hiring of licensed clinical staff and other personnel related costs. Historically, clinical training has been funded through the NM DOH.

- Is this proposal related to the NM DOH 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

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

See description above of NM DOH associated costs.

4. ADMINISTRATIVE IMPLICATIONS

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

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None.

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

In 2017, the Protecting Patient Access to Emergency Medications Act (PPAEMA)

- 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

Possible conflict with the New Mexico Pharmacy Act. Emergency medications used in emergency response for prolonged seizures are controlled substances and considered dangerous drugs.

8. DISPARITIES ISSUES

The populations served by this bill are school nurses and school-aged children. Research indicates that highly qualified and well-trained school nurses increase access to healthcare and positively affect educational outcomes. ([Role of the School Nurse in Providing School Health Services | Pediatrics | American Academy of Pediatrics](#))

In New Mexico, there is not a requirement for schools or school districts to employ school nurses. Additionally, school nurses employed by schools or school districts are not on the same tiered salary system as school counselors. This may result in disparities between well-funded and less well-funded districts in their ability to hire and retain nurses.

9. HEALTH IMPACT(S)

Research suggests that SB246 may have positive health impacts by increasing the knowledge among school staff, leading to better management of acute seizures in school settings ([Management of epileptic seizures in school-age children: Educational project dedicated to school staff - PubMed](#)). This increased understanding and capability could reduce anxiety among staff and increase their willingness to administer rescue medications during seizures ([Management of epileptic seizures in school-age children: Educational project dedicated to school staff - PubMed](#)).

Additionally, with better management of seizures at school, there could be a potential reduction in hospital admissions for students with epilepsy ([Management of epileptic seizures in school-age children: Educational project dedicated to school staff - PubMed](#)). The act could also help in addressing and reducing stigma and prejudices against children with epilepsy through increased awareness and education.

10. ALTERNATIVES

None.

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

If SB 246 is not enacted, the governing body of each public school and private school would not be required to provide seizure disorder management and care by school personnel and provide limited liability for school personnel.

12. AMENDMENTS

None.