

LFC Requestor: CHENIER, Eric

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: Senate
Number: 405

Category: Bill
Type: Introduced

Date (of THIS analysis): 02/17/2025
Sponsor(s): Linda M. Lopez
Short Title: BEHAVIORAL HEALTH REVIEW COMMITTEE

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		
\$	\$300	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: None.

Conflicts with: None.

Companion to: None.

Relates to: SB1, SB2, and SB3

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

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 405 (SB405) proposes to create a bipartisan blue ribbon behavioral health statutory review committee from the date of its appointment until June 30, 2027 to evaluate current New Mexico (NM) policies and practices to support recommendations and enhancements ensuring that marginalized populations receive appropriate behavioral health care and support. SB 405 also directs the committee to appoint a “criminal justice policy collaborative task force”.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

SB405 proposes to establish a bipartisan committee of subject matter experts to propose policies and practices related to juvenile treatment and behavioral health law reform in New Mexico, aiming to address the state's ongoing behavioral health challenges. In addition to the main committee, SB405 creates a subcommittee to develop recommendations for improvements in criminal justice-related practices, presumably in connection to behavioral health. Mental and behavioral health concerns are common in New Mexico and often go untreated. In 2023, 28% of high school students reported experiencing anxiety symptoms, while 25% reported symptoms of depression. Students with either condition were approximately five times more likely to have attempted suicide than those without (*2023 Youth Risk and Resiliency Survey, NMDOH*). Among adults in New Mexico, 14% reported anxiety symptoms, 12% experienced depression symptoms, and 5% seriously considered suicide (*2023 NM Behavioral Risk Factor Surveillance System, NMDOH*).

Suicide, drug overdose, and alcohol-related deaths have been persistent public health concerns in the state. In 2023, the CDC estimated that suicide was the ninth leading cause of death in New Mexico. That same year, unintentional injuries—which include drug overdoses—were the third leading cause of death, with 955 recorded overdose fatalities ([CDC Wonder](#)).

While SB405 aims to address these issues, the proposed language does not specify the organizational structure of the committee, leaving the extent of NMDOH’s involvement in the development of these recommendations unclear. Given the role of many executive agencies, including NMDOH, as key stakeholders in behavioral health, the bill leaves unclear what if any input agencies will have during the recommendation process. NMDOH operates several facilities that treat behavioral health issues, various programs addressing behavioral health needs, and public health offices which provide treatment for opioid use

disorder. The recommendations resulting from SB405 could have a significant impact on behavioral health services statewide.

2. PERFORMANCE IMPLICATIONS

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

Yes No

If yes, describe how.

- 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 bill seeks to evaluate policies to ensure that marginalized populations receive appropriate behavioral health care and support.

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

SB405 is related to the following proposed legislation:

- SB1 would create a “behavioral health trust fund” and a “behavioral health program fund” which would establish an initial \$1 billion investment and recurring funds for behavioral health program activities each year after.
- SB2 which appropriates funds to address behavioral health in New Mexico
- SB3 which creates the Behavioral Health Executive Committee and Behavioral Health Regions to develop behavioral health plans, monitoring expenditures from the behavioral health trust fund, and prioritize projects.

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

Behavioral health issues are common and impact all populations. Significant disparities do exist including:

- In 2023, New Mexico males were nearly six times as likely to die of suicide than females and two and half times as likely to die of drug overdose ([CDC Wonder](#))
- In 2023, New Mexico adult females were significantly more likely to have symptoms of an anxiety disorder than males (Source: 2023 Behavioral Risk Factor Surveillance System, data analyzed by NMDOH)
- In 2023, New Mexico non-White adults with depression or anxiety disorder symptoms were significantly less likely to have received treatment than White adults (Source: 2023 Behavioral Risk Factor Surveillance System, data analyzed by NMDOH)
- In 2023, New Mexico high school girls were significantly more likely to have anxiety, depression symptoms, or report a past year suicide attempt than high school boys (Source: 2023 Youth Risk and Resiliency Survey, data analyzed by NMDOH).
- In 2023, the age-adjusted rate of alcohol-related death was two and a half times higher among males compared to the age-adjusted rate among females (Source: 2023 NMDOH Bureau of Vital Records death files, data analyzed by NMDOH).
- In 2023, most overdose deaths (84%) occurred among New Mexicans aged 25-64 years (working age population), with 26% of overdose deaths occurring in the 35-44 years age group (Source: 2023 NMDOH Bureau of Vital Records death files, data analyzed by NMDOH-Center for health Protection for this analysis).
- People who go to correctional facilities are disproportionately more likely to have a substance use disorder, mental health issues, and lack health insurance ([How many people in your state go to local jails every year? | Prison Policy Initiative](#)).
- Men are disproportionately represented among incarcerated populations, as are American Indian and Alaska Native, Black or African American, and Hispanic populations ([profile-of-new-mexico-prison-population-fy-2023.pdf](#)). American Indian and Alaska Native women are also overrepresented among New Mexico's incarcerated population.

9. HEALTH IMPACT(S)

Fentanyl was involved in 65% of overdose deaths in 2023 and methamphetamine was involved in 51% of deaths, and 30.7% of overdoses involve both substances. Counties that had both a high number of overdose deaths (>20 deaths) and an overdose death rate greater than the statewide age-adjusted rate (46.3 deaths per 100,000 persons) in 2023 include Bernalillo, Santa Fe, Rio Arriba, and San Miguel ([NMDOH – Overdose deaths Declined in New Mexico Again](#)). In addition, 1,896 New Mexicans died from alcohol-related causes in 2023, and New Mexico has historically led the nation in alcohol-related deaths (Source: 2023 NMDOH Bureau of Vital Records death files).

If the recommendations made by the proposed task force are implemented, access to behavioral healthcare services, including mental health and substance use treatment, could improve significantly. Expanding substance use disorder treatment services may lead to positive economic outcomes, reduced criminal justice costs, and lower rates of criminal activity ([Economic Benefits of Substance Use Disorder Treatment: A Systemic Literature Review](#)). Between 2020 and 2021, the number of individuals needing or seeking treatment in New

Mexico remained relatively stable. In 2021, approximately one in fourteen residents required treatment services, and of those, only one in seven sought care, according to data from the National Survey on Drug Use and Health (NSDUH) conducted by the Substance Abuse and Mental Health Services Administration (SAMHSA). Barriers such as stigma, limited access, program eligibility requirements, and other systemic challenges may prevent individuals from seeking necessary treatment.

If these recommendations are adopted, greater utilization of evidence-based treatments, including medications for Opioid Use Disorder and Alcohol Use Disorder, could be promoted as the standard of care. A 2023 Legislative Finance Committee report found that despite the effectiveness of these treatments, they remain underutilized given the prevalence of substance use disorders in New Mexico ([Addressing Substance Use Disorder, Program Evaluation Unit, Legislative Finance Committee Progress Report](#)). According to NMDOH estimates, approximately 73,000 New Mexicans have an untreated substance use disorder.

10. ALTERNATIVES

None

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

If SB405 is not enacted, then a bipartisan blue ribbon behavioral health statutory review committee will not be created to evaluate current NM policies and practices for recommendations and enhancements to ensure that marginalized populations receive appropriate behavioral health care and support.

12. AMENDMENTS

None