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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Trujillo</u>	<b>LAST UPDATED</b> _____
	<b>ORIGINAL DATE</b> <u>02/07/2024</u>
<b>SHORT TITLE</b> <u>Nutrition and Dietetics</u>	<b>BILL NUMBER</b> <u>Senate Bill 204</u>
	<b>ANALYST</b> <u>Chilton</u>

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
RLD	No fiscal impact	\$80.0	No fiscal impact	\$80.0	Nonrecurring	General Fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

#### Agency Analysis Received From

Regulation and Licensing Department (RLD)

Department of Health (DOH)

Health Care Authority (HCA)

## SUMMARY

### Synopsis of Senate Bill 204

Senate Bill 204 (SB204) establishes the Nutrition and Dietetics Practice Act and makes changes to the state statute governing medical nutrition and dietetics practice. Dietetics and nutrition practice are among the terms defined in Section 2.

Section 3 prohibits the provision of medical nutrition therapy without being licensed in New Mexico, with the exception of the following, listed in Section 4: health care providers, members of the armed services, or employees of the U.S. Public Health Service or the federal Veterans Affairs Department in the course of their work for those entities. Also excepted are providers of non-medical nutrition information, weight control program employees operating under a licensed person's supervision, those delegated by a licensed nutritionist or health care provider to assist in medical nutrition therapy, students of nutrition or dietetics in an accredited programs, persons recognized as curanderos or medicine men, WIC program employees, and those providing individualized nutrition recommendations for wellness or chronic disease prevention as long as these recommendations do not constitute medical nutrition therapy.

Sections 5 and 6 create the Nutrition and Dietetics Practice Advisory Board attached to the Regulation and Licensing Department (RLD). The board would consist of New Mexico residents, one of which would be an experienced and licensed dietician, one a nutritionist, and

one a health care provider in New Mexico. Duties of the board and the RLD superintendent include setting requirements for applicants' qualifications, issuing licenses, investigating those thought to be violating provisions of the Act, and determining rules and a budget.

Section 7 details licensure procedures and requirements for the granting of a license and the privilege to use the title registered dietician, or R.D., or nutritionist, based on separate lists of educational attainments and qualifications. This section also details the requirements for supervision by a licensed person of another person under her/his supervision and providing aspects of medical nutrition therapy.

Section 8 deals with expedited licensure (within 30 days) of applicants licensed in another state and may require that licensee to pass a New Mexico-required examination. RLD could determine if some states' applicants should not be accepted for expedited licensure, and which foreign countries' applicants would qualify for expedited licensure. Section 9 allows one-year provisional permits to be issued.

Sections 10 and 11 specify fees and continuing education requirements; licenses are to cost no more than \$300 for a two-year license or renewal.

Section 12 creates a "nutrition and dietetics fund" to be administered by RLD, funded initially by the fund of the same name currently existing and subsequent appropriations and fees.

Section 13 provides for license denial, suspension or revocation in the instance of a nutritionist or dietician abusing their office and means for reinstating the license. Section 14 states that violating the provisions of the act is a misdemeanor.

Section 15 establishes a sunset date of July 1, 2031.

Section 16 of the bill includes dieticians among those permitted to practice via telehealth. Section 17 states that dieticians, nutritionists and registered dieticians licensed as of July 1, 2025 will need no satisfy further requirements until expiration of their current licenses. As of that same date, according to Section 18, funds and other property of the Nutrition and Dietetics Fund are transferred to RLD, as well as contracts and references in law.

Sections 61-7A-1 through 61-7A-15 NMSA 1978, entitled Nutrition and Dietetics Practices, which would have been repealed July 1, 2028 as currently written, would be repealed as of the effective date of this bill.

The effective date of this bill is July 1, 2025.

## **FISCAL IMPLICATIONS**

There is no appropriation in Senate Bill 204.

RLD states that "enactment of SB204 would necessitate and administrative rulemaking process to be conducted by the board to adopt rules in accordance with the requirements. A new license type (Qualified Supervisor) requires an enhancement to the current NM Plus online licensing system that is expected to involve contracting expenses of eighty dollars (\$80,000) in FY26."

## SIGNIFICANT ISSUES

DOH points out that:

Obesity is a chronic condition that increases the risk of hypertension, type 2 diabetes, coronary heart disease, stroke, and certain cancers, and obesity rates are often used as an indicator of the health status of a region or state. There may be a correlation between states that require licensure for dietitians and lower obesity rates. States such as Massachusetts and Montana have relatively low obesity rates and require accreditation and licensure of dietitians and nutritionists to legally practice medical nutritional therapy.

Racial and ethnic minorities [in New Mexico] are disproportionately impacted by obesity, 42.5% of American Indian/Alaskan Native individuals, 34.5% of Hispanic [have been recently found to be obese], all of which were above the state average of 31.7%. Individuals living in households earning under \$25,000 were more likely to be obese than those who made above \$25,000 a year.

LC/hj/SL2