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FISCAL IMPACT REPORT

ORIGINAL DATE 1/29/15
 SPONSOR Trujillo, J LAST UPDATED 3/4/15 HB 215
 SHORT TITLE DWI Grant Fund Substance Abuse Treatment SB _____
 ANALYST Malone

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)

Human Services Department (HSD)

SUMMARY

Synopsis of Bill

House Bill 215 amends several sections of the Local DWI Grand Fund Program in NMSA 1978 to incorporate substance abuse treatment services into the current statute, which presently only references alcohol abuse treatment. The bill makes the following amendments to this end:

- Section 1 - Amends 11-6A-3 to clarify the distributions from the fund are designated for treatment services that include substances other than alcohol.
- Section 2 - Amends 43-3-10 to include in the definition of "screening program" drug addiction in addition to alcoholism.
- Section 3 - Amends 43-3-14 to include substance abuse counselors and therapist in the membership of the county councils.
- Section 4 - Amends 43-3-15 to clarify the name of the "plan from a "statewide alcoholism services plan" to "statewide substance abuse services plan" prepared by each county.

FISCAL IMPLICATIONS

None noted.

SIGNIFICANT ISSUES

The changes contained in this bill appear consistent with the intent of the overall act and would clarify that legislative intent. In fact, Section 11-6A-3 (A-1) outlines that the LDWI Grant Fund Program make grants for “services or activities to prevent or reduce the incidence of DWI, alcoholism, alcohol abuse, *drug addiction or drug abuse*” although only alcohol abuse is reference later in the statute.

The bill aligns with the performance measures for the local DWI program and their coordination of treatment services. All county DWI programs screen and assess using substance abuse assessment tools for substance abuse treatment needs on convicted DWI offenders. Each DWI program refers convicted DWI and other offenders to treatment programs, based on their needs in addressing their substance abuse addictions. Treatment programs employ licensed specialists who develop treatment plans for their clients. Local DWI programs are required to spend 65% of the grant funds on treatment.

The state allocates approximately \$18 million annually through the local DWI program, with most of this money going to county-based programs. Funding can be used to fund eight different program components. Between FY09 and FY14, over half of all local DWI funding went into two funding components, treatment (40 percent) and prevention (18 percent).

A 2014 program evaluation done by the LFC, *Human Services Department and Department of Finance and Administration County-Financed Health Care and the Local DWI Grant Program*¹, found that, although one of the strongest evidence-based uses for the money is drug courts, no counties currently use distributions for that purpose. However, the General Appropriations Act authorizes a fund transfer from the LDWI fund to the Administrative Office of the Courts (AOC) for drug courts. In FY14 and FY15, \$500 thousand was transferred to AOC and for the FY16 budget, the House Appropriations and Finance Committee included a \$750 thousand transfer (using new money from 2014 legislation).

PERFORMANCE IMPLICATIONS

DFA observes that the bill will not change treatment services provided by local DWI programs. All local DWI programs screen DWI offenders, linking clients to alcohol and substance abuse treatment.

ADMINISTRATIVE IMPLICATIONS

HB 215 does not change the administration of the local DWI program referrals to alcohol and substance abuse treatment providers.

OTHER SUBSTANTIVE ISSUES

Industry professionals have expressed concern about expanding the use of local DWI funding to include non-alcohol related substance abuse due to concern that expanding uses could lead to an

¹ The full report can be found on the LFC website.

<http://www.nmlegis.gov/lcs/lfc/lfcdocs/perfaudit/Human%20Services%20Department%20and%20Department%20of%20Finance%20and%20Administration%20-%20County-Financed%20Health%20Care%20and%20the%20Local%20DWI%20Grant%20Program.pdf>

increased demand for funding in the future and, consequently, increased liquor excise taxes to fund non-alcohol related substance abuse. However, according to the National Institute on Alcohol Abuse and Alcoholism, drug and alcohol dependence often go hand in hand, and individuals with co-occurring alcohol and other drug use disorders are more likely to have more severe dependence-related problems. Consequently, attempting to disaggregate treatment for the two is often untenable.

CONFLICT

Conflicts with SB 463 and SB 265, which also amend the Local DWI Grant Fund Program.

CEM/bb/aml