

1 SENATE BILL 35

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

4 Gerald Ortiz y Pino and Kathleen Cates

5  
6  
7  
8 FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

9  
10 AN ACT

11 RELATING TO HEALTH; PREVENTING THE RESTRICTION OF MEDICATION-  
12 ASSISTED TREATMENT FOR MINORS IN INPATIENT AND OUTPATIENT  
13 SUBSTANCE ABUSE TREATMENT FACILITIES AND PROGRAMS THAT ARE  
14 OPERATED OR FUNDED BY THE STATE; CREATING THE EVIDENCE-BASED  
15 ADDICTION TREATMENT FOR MINORS FUND; MAKING AN APPROPRIATION.

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. [NEW MATERIAL] DEFINITIONS.--As used in  
19 Sections 1 through 3 of this act:

20 A. "evidence-based" means a course of treatment  
21 that is supported by research, clinical expertise and the needs  
22 of a patient;

23 B. "inpatient substance abuse treatment facility"  
24 means a residential facility that operates twenty-four hours  
25 per day and provides intensive management of symptoms related

.226756.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
~~[bracketed material] = delete~~

1 to addiction and monitoring of the physical and mental  
2 complications resulting from substance use;

3 C. "medication-assisted treatment" means the use of  
4 federal-food-and-drug-administration-approved prescription  
5 drugs for the treatment of substance use disorder;

6 D. "minor" means an individual who is under  
7 eighteen years of age; and

8 E. "outpatient substance abuse treatment program"  
9 means a program that offers resources, counseling and substance  
10 abuse treatment on an outpatient basis.

11 SECTION 2. ~~[NEW MATERIAL]~~ MEDICATION-ASSISTED TREATMENT  
12 FOR MINORS IN INPATIENT SUBSTANCE ABUSE TREATMENT FACILITIES  
13 AND OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAMS.--

14 A. By the end of fiscal year 2025, the department  
15 of health and the children, youth and families department shall  
16 not operate or contract with an inpatient substance abuse  
17 treatment facility or outpatient substance abuse treatment  
18 program that has policies or procedures that restrict the use  
19 of medication-assisted treatment for the treatment of substance  
20 use disorder in minor patients.

21 B. Beginning July 1, 2026, an inpatient substance  
22 abuse treatment facility or outpatient substance abuse  
23 treatment program that has policies or procedures that restrict  
24 the use of medication-assisted treatment for the treatment of  
25 substance use disorder in minor patients shall not be eligible

.226756.1

underscoring material = new  
[bracketed material] = delete

1 for reimbursement from the state's medicaid program for  
2 services rendered to minors.

3 C. No later than December 1, 2024, the health care  
4 authority department shall promulgate rules for the operation  
5 of medication-assisted treatment programs in inpatient  
6 substance abuse treatment facilities and outpatient substance  
7 abuse treatment programs in consultation with the department of  
8 health, the children, youth and families department, inpatient  
9 substance abuse treatment facility administrators, outpatient  
10 substance abuse treatment program administrators and health  
11 care providers with experience treating substance use disorder  
12 among minor patients.

13 D. Beginning October 1, 2024 and annually  
14 thereafter, the health care authority department shall report  
15 to the interim legislative health and human services committee  
16 on the availability of medication-assisted treatment for minor  
17 patients at inpatient substance abuse treatment facilities and  
18 outpatient substance abuse treatment programs.

19 SECTION 3. [NEW MATERIAL] EVIDENCE-BASED ADDICTION  
20 TREATMENT FOR MINORS FUND--CREATED.--

21 A. The "evidence-based addiction treatment for  
22 minors fund" is created as a nonreverting fund in the state  
23 treasury. The fund consists of appropriations, gifts, grants  
24 and donations. The health care authority department shall  
25 administer the fund, and money in the fund is appropriated to

.226756.1

underscoring material = new  
~~[bracketed material] = delete~~

1 the health care authority department to assist the children,  
2 youth and families department, the department of health and  
3 licensed substance abuse treatment providers to establish and  
4 operate medication-assisted treatment programs for minors.  
5 Disbursements from the fund shall be made by warrants of the  
6 secretary of finance and administration pursuant to vouchers  
7 signed by the secretary of health care authority.

8 B. No later than December 1, 2024, the health care  
9 authority department shall promulgate rules for the  
10 disbursement of money from the fund, including eligibility  
11 criteria for receiving money from the fund.