

LFC Requestor: SANCHEZ, Scott

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House

Category: Bill

Number: 107

Type: Introduced

Date (of THIS analysis): 1/24/25

Sponsor(s): Reeb

Short Title: PENALTY FOR DRUG TRAFFICKING & DEATH

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		
\$	\$		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$	\$	\$		

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	\$	\$	\$	\$		

Section III: Relationship to other legislation

Duplicates: none

Conflicts with: none

Companion to: none

Relates to: SB25

Duplicates/Relates to an Appropriation in the General Appropriation Act:

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 107 (HB0107) amends sections of the Controlled Substances Act to include felony convictions of persons guilty of trafficking controlled substances resulting in the death of a human. It adds to the definitions of controlled substances by listing counterfeit analogue substances that were not enumerated previously. It also increases penalties for criminal offenses in certain cases including:

- An increased prison term of nine (9) years for first offenses.
- An increased prison term for first offenses resulting in the death of a person.
- An increased prison term for second and future offenses that result in a death.

This bill is intended to address controlled substances, analogs, narcotics, and counterfeit substances identified as Schedule I – V.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Drug use can result in overdose death and is associated with other societal problems including crime, violence, homelessness, loss of productivity, and spread of blood-borne disease such as HIV and hepatitis. Since 2018, New Mexico has experienced a dramatic increase in drug overdose deaths associated with prescription drug use and, more recently, use of illicit fentanyl. <https://www.nmhealth.org/data/view/substance/2889/>. It is difficult to determine the effect HB107 would have on fatal overdose rates. After years of consistent annual increases of New Mexico's drug overdose death rates, New Mexico is now observing decreases of deaths attributed to drug overdose.

Many epidemiological studies have confirmed that persons with substance use disorders are likely polysubstance users. Nationwide, a general population study found that more than 90% of individuals with an opioid use disorder used more than two other substances within the same year and over 25% had at least two other substance use disorders. In New Mexico, roughly 65% of overdose deaths were found to be polysubstance related in years 2017 – 2021. Substances identified at the time of death due to overdose include combinations of methamphetamine, fentanyl, heroin, prescription pain opioids, benzodiazepines and ethanol (alcohol).” In that time period, Bernalillo County had the largest percentage of opioid overdose related emergency department visits (44% of the state total) followed by Santa Fe County (10.6%). <https://www.nmhealth.org/data/view/substance/2889/>. It can be difficult to determine the exacerbating drug leading to a fatal overdose when drug users have many substances in their system at the time of fatal overdose.

After years of consistent annual increases of New Mexico’s drug overdose death rates, New Mexico is now observing decreases of deaths attributed to drug overdose. When comparing the first quarter (Q1, January-March) of 2023 with the Q1 of 2024, data showed a 22.1% decrease in total drug deaths and a 32.6% decrease in fentanyl-involved overdose deaths. Emergency department visits for the same period show a similar trend with a 13.2% decrease in drug-related visits. While this improvement probably relates to several factors, changes in drug use patterns and supply of illicit substances likely had a large impact. It is hoped that these positive trends will continue. <https://www.nmhealth.org/data/view/substance/2889/>.

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

If there is a strategic plan indicator or an agency performance measure that would be impacted by the bill, include it here.

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

HB107 relates to SB25. SB25 is more limited in scope and seeks only to increase the penalty on individuals who sell or traffic fentanyl which results in death.

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

9. HEALTH IMPACT(S)

It is unclear whether this bill would have health impacts.

10. ALTERNATIVES

None

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

If House Bill 107 (HB0107) is not enacted, there would be no changes to sections of the Controlled Substances Act related to felony convictions of persons guilty of trafficking controlled substances resulting in the death of a human.

12. AMENDMENTS

None