

<b>LFC Requester:</b>	<b>Rachel Mercer-Garcia</b>
-----------------------	-----------------------------

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**  
**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 1/23/2025 *Check all that apply:*  
**Bill Number:** HB 136 Original  Correction   
Amendment  Substitute

**Sponsor:** Andrea Reeb **Agency Name and Code** AOC 218  
**Short Title:** FENTANYL EXPOSURE AS CHILD ABUSE **Number:** \_\_\_\_\_  
**Person Writing** Alison B. Pauk  
**Phone:** 505-470-6558 **Email** aocabp@nmcourts.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	N/A	

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
None	None	None	N/A	

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Unknown	Unknown	Unknown	Unknown	N/A	

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None  
Duplicates/Relates to Appropriation in the General Appropriation Act: None

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

HB 136 seeks to amend Section 30-6-1 NMSA 1978 by adding the words “or fentanyl” to Subsection J.

There is no appropriation listed in this bill.

The effective date for this bill is July 1, 2024.

#### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

#### **SIGNIFICANT ISSUES**

HB 136 seeks to add fentanyl to the enumerated list of substances (drugs) of which knowing and intentional exposure is deemed prima facie evidence of abuse of a child. Subsection J currently only lists one substance - methamphetamine; this bill would add fentanyl to this list.

Although the current statute (Sec. 30-6-1) does not specifically mention fentanyl, prosecutors can already prosecute for exposure to fentanyl under Subsections D(1) [“placed in a situation that may endanger the child's life or health”] and Subsection I [“evidence that demonstrates that a child has been knowingly, intentionally or negligently allowed to enter or remain in a motor vehicle, building or any other premises that contains chemicals and equipment used or intended for use in the manufacture of a controlled substance shall be deemed prima facie evidence of abuse of the child”).

#### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

#### **ADMINISTRATIVE IMPLICATIONS**

Modification of jury instructions and some forms may be required but should not have a

significant impact.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None identified.

## **TECHNICAL ISSUES**

None identified.

## **OTHER SUBSTANTIVE ISSUES**

None identified.

## **ALTERNATIVES**

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The impact of not enacting this bill should be minimal, as the state can already prosecute under the theory of placing the child in a situation that may endanger the child's life or health under this statute.

## **AMENDMENTS**