

Duplicates/Conflicts with/Companion to/Relates to: HB 136 (with exception of appropriation)
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 383 amends Section 30-6-1 NMSA 1978, regarding abuse of a child, to add that evidence that demonstrates that a child has been knowingly and intentionally exposed to the use of fentanyl shall be deemed prima facie evidence of child abuse.

HB 383 also makes an appropriation of five hundred thousand dollars (\$500,000) from the general fund to the Department of Public Safety for fiscal year 2026 to investigate child abuse and neglect cases involving fentanyl. The bill sets an effective date of July 1, 2025.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

The United States Drug Enforcement Administration has identified illicit fentanyl as the “top drug threat” in Albuquerque. (See <https://www.dea.gov/engage/operation-engage-albuquerque>.) The rapid increase in fentanyl overdoses statewide since 2015 indicates that fentanyl exposure and abuse is a problem statewide, and thus that this bill may find wide application in the state. (See chart “12 Months Running Totals of Overdose Deaths by Drug Class, New Mexico 2015-2020 (Provisional)” available at <https://www.nmhealth.org/about/erd/ibeb/pos/awnm/ff/>.)

Risk of overdose is particularly high in children who are exposed to fentanyl. (See “Accidental Fentanyl Exposure in Children Can be Fatal” here: <https://www.nps.org.au/news/accidental-fentanyl-exposure-in-children-can-be-fatal>.) In 2021, 94% of pediatric deaths caused by opioid overdose in the United States were caused by fentanyl, and the majority of fentanyl poisonings occurred in the child’s own home. (See “Study Shows How the Nation’s Fentanyl Crisis Affects Kids” here: <https://medicine.yale.edu/news-article/new-study-from-yale-shows-how-the-nations-fentanyl-crisis-affects-kids/>.)

As written, HB 383 does not distinguish between exposure to the illicit use of fentanyl and exposure to the legal use of prescribed fentanyl. It is also unclear what would constitute exposure for the purposes of the statute.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplication: HB 383 is a duplicate of HB 136 except for the addition of an appropriation in HB 383.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS