



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 02/21 /25

Bill No: HB517

Agency Name and Code: PED - 924

Sponsor: Herndon

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Short Title: FREE CONDOMS FOR CERTAIN STUDENTS

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$150.0	\$150.0	\$150.0	\$450.0	Recurring	GF

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 517 (HB517) would create a new section in each of Chapter 21 of the New Mexico Statutes Annotated, 1978, [State and Private Education Institutions](#), and the Public School Code to require secondary schools and post-secondary educational institutions provide free condoms for students, making them available in safe and readily accessible locations. Local school boards and charter school governing bodies would be directed to adopt policies to make condoms available for high school students, for no charge.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

The cost of providing free condoms in schools as required by HB517 would have an impact on the operational budget of school districts and charter schools.

School districts and charter schools may opt to purchase condoms in bulk, with one thousand condoms for under \$200 available online, supplying about 200 students with an average of 4.6 condoms for the year. At an estimated cost of \$1 per student per year, the overall cost for all 150 thousand secondary students statewide would be \$150 thousand.

SIGNIFICANT ISSUES

The number of condoms obtained by students from school-based condom-availability programs (CAPs) was determined to be an average of 4.6 per student per year, according to the [Journal of Global Health Reports](#). The study also concluded that the large numbers of condoms obtained were not associated with increases in sexual activity.

The [Society for Adolescent Health and Medicine](#) (SAHM) supports free condom availability at secondary schools in school health clinics, nurses' offices, bathrooms, or other unobtrusive locations. In a [2017 position](#) paper, SAHM summarized the following findings:

- An 80 percent decrease in sexually transmitted infections (STIs) has been found to be associated with consistent use of condoms.
- STI rates declined significantly among adolescent males in schools with a CAP, whereas rates of STIs increased among those in schools without such a program.
- Although critics of CAPs suggest that increased availability of condoms may lead to an increase in sexual activity, studies have shown that they may be associated with a decrease in recent sexual activity or delayed onset of sexual activity.
- Making condoms available in schools may lead to condom use with sexual activity being a socially normative behavior among adolescents in that school.

[Statistics](#) collected in 2023 by the Center for Disease Control and Prevention (CDC) show that the age groups addressed by HB517 are most affected by sexually transmitted infections (STIs)

in the United States, with substantially higher risk for Black or African American young people due to systemic root causes. The [CDC Youth Risk Behavior Surveillance System](#) for high school indicates for 2021, in New Mexico:

- 4.2 percent of students had sex for the first time before age 13;
- 7.5 percent had sex with four or more persons in their lifetime;
- 21.9 percent were currently sexually active;
- 48.9 percent did not use a condom during their last sexual encounter;
- 82 percent did not use birth control pills before their last sexual encounter with opposite sex partners;
- 93.1 percent did not use an IUD or implant before their last sexual encounter with opposite sex partners;
- 13.6 percent did not use any birth control during their last sexual encounter with an opposite sex partner;
- 20 percent used alcohol or drugs prior to their last sexual encounter; and
- 94 percent were never tested for human immunodeficiency virus (HIV).

College-based and public-school-based CAPs, such as HB517 proposes, have been the subject of extensive analysis from a public health perspective. A highly selective [2018 literature review](#) synthesized findings from eight program evaluations of secondary-school-based CAPs in California, Colorado, Massachusetts, New York, Pennsylvania, and Washington. An included [study](#) at Seattle Public Schools investigated programs that made condoms available through vending machines, baskets in school clinics, and both. The researchers reported that “current sexual activity decreased significantly, and the percentage of sexually experienced students who used a condom the last time they had sex decreased significantly, particularly in the five schools with baskets of condoms in clinics.”

PERFORMANCE IMPLICATIONS

CAPs in secondary schools and postsecondary institutions would improve the health of student populations by contributing to safer sexual behaviors, reducing incidence rates of HIV and other STIs and reducing unintended pregnancies among adolescents, leading to improved educational outcomes for many.

A 2017 [study](#) by the CDC has shown an association between sexual risk behaviors and academic performance. Additionally, a 2019 [data brief](#) from the Prevention Research Center for Healthy Neighborhoods examined the relationship between sexual risk behaviors and academic achievement among middle and high school students in Ohio. The analysis revealed that students with higher grades were less likely to engage in sexual risk behaviors than their peers with lower grades. Middle school students with low grades were 4.5 times more likely to have had four or more sexual partners than students with high grades. Although no causative relationship is assumed, and the association is not fully explained, policy initiatives to reduce the prevalence of sexual risk behaviors such as unprotected sex by providing free condoms may contribute to student success in school.

ADMINISTRATIVE IMPLICATIONS

None for PED.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to Senate Bill 258 (SB258), which would require human sexuality content in required health courses in middle school and high school. As noted above, SAHM recommends CAPs, as provide for in HB517, to be accompanied by comprehensive sexuality education as would be provide for in SB258.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.