

LFC Requester:

Noah Montano

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

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SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 1/31/2025

Bill No: SB 204

Sponsor: Sen. Linda M. Trujillo
Short Title: Nutrition and Dietetics

Agency Name and Code Regulation and Licensing Department - 420
Number: _____
Person Writing Jen Rodriguez
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	80.0	0.0	80.0	N/A	Nutrition and Dietetics Practice Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 204 (SB204)

SB204 replaces the provisions of the current Nutrition and Dietetics Practice Act, §§ 61-7A-1 to 15, NMSA 1978 (Act) which is repealed effective July 1, 2028, with new provisions regulating the licensure and scope of practice of a dietitian or nutritionist. The current Nutrition and Dietetics Practice Board (Board), is administratively attached to the Regulation and Licensing Department (RLD). Under SB204 the existing Board would effectively be replaced with an Advisory Board and Fund. SB204 provides for the repeal of the new act effective July 1, 2028, and continuing to operate until July 1, 2029.

Key Sections that are changes to the current Act are Summarized below:

Section 2. Definitions: Adds definitions for accreditation council, advisory board, commission, department, dietetics practice, medical nutrition therapy, patient, provisional permit, registered dietitian, superintendent, telehealth, and therapeutic diet to the list of terms in the Act.

Section 3. License Required: Requires a license to provide medical nutrition therapy and prohibits presenting as a nutritionist or dietician without a license.

Section 4. Licensing Exemptions: The following exemptions from licensure are provided:

- (1) A health care provider giving medical nutrition therapy within the scope of practice;
- (2) a member of the Armed Forces or U.S. Public Health Service if medical nutrition therapy is related to service;
- (3) a person who disseminates non-individualized, written, general non-medical nutrition information connected to marketing of dietary supplements, food, or herbs if the information does not constitute medical nutrition therapy;
- (4) a person providing weight control services for treatment of obesity as part of a program or plan of care approved by a licensed dietitian or nutritionist or a licensed health care provider;
- (5) a person delegated to assist in providing medical nutrition therapy services if directly supervised by a licensed dietitian, nutritionist, or health care provider;
- (6) a student, intern, or trainee of an approved dietetics or nutrition education program under supervision;

(7) a curandero or medicine man who advises community members according to traditional community practices;

(8) a person employed by a state or local agency to provide nutrition care services for the Women, Infants and Children (WIC) Program; and (9) a provider of nutrition recommendations for wellness and prevention of chronic disease that do not constitute medical nutrition therapy.

Section 5. Advisory Board Created: The Nutrition and Dietetics Practice Advisory Board (Advisory Board) replaces the existing administratively attached Board. The Advisory Board is appointed by the Superintendent of (RLD) to advise and assist in matters deemed appropriate by the Superintendent. Instead of 5 members (3 professional and 2 public members) the Advisory Board will consist of 3 members: one dietician, one nutritionist, and one other health professional. The Advisory Board would be terminated on July 1, 2031, pursuant to the Sunset Act.

Section 6. Department Duties and Powers; Rule Promulgation: The Superintendent of the RLD may consult with the Advisory Board or delegate certain authority to the Advisory Board including the following: (1) provide for administration of licensing examinations; (2) evaluate qualifications of applicants for licensure; (3) issue licenses; (4) investigate violations; (5) revoke, suspend, or deny licenses; and (6) adopt an annual budget.

Section 7. Licensure Requirements, Qualified Supervisor; Term of License: This section lists the requirements for licenses under the Act. For dietician licenses, in addition to the current credentialing pathway, a new education pathway is created allowing a dietician to practice with a qualifying Master's or Doctorate degree, participate in an approved supervised program providing practice experience, and pass a national exam. For nutritionist licenses, the requisite education is provided in more detail than in the previous Act, practice experience is added and proof of passing a national exam is required. Qualified Supervisor is a new license type created by SB204. A qualified supervisor will be able to provide supervision of the practice experience programs described for dieticians and nutritionists as described above. It removes the nutritionist associate as a license type. Section 7 also changes the licensing term to two (2) years, instead of the one (1) year licensure under the current law.

Section 8. Expedited Licensure: Provides for expedited licensure for a licensed dietitian or nutritionist from another jurisdiction.

Section 9. Provisional Permit: Allows applicants who have met all of the education and supervised practice requirements to practice for one (1) year while taking and passing the national exam. No additional fee is charged beyond the application and license fee. A provisional permit holder must act under the supervision under a licensed dietitian or nutritionist

Section 10. License renewals are changed to biennial instead of the current annual renewal.

Section 11. Fees: Changes the initial and renewal licensure fee from \$150.00 to \$300.00, in accord with the biennial renewal.

Sections 12, 13, and 14 do not change substantially from those in the current Act.

Section 15. Termination of Agency Life. The new Nutrition and Dietetics Practice Advisory Board is terminated on July 1, 2031, pursuant to the Sunset Act. The Advisory Board would continue to function through July 1, 2032, when the new Nutrition and Dietetics Practice Act would be repealed.

Section 16. Amends the New Mexico Telehealth Act §24-25-3 to include dietitians as health care providers, allowing them to practice telehealth.

Section 17. Temporary Provision; License Status: Provides a “grandfather” clause which allows a person licensed as a dietitian, nutritionist, or dietitian with a registered dietitian credential under the current Nutrition and Dietetics and Practice Act to remain licensed until the expiration of the license without meeting additional requirements.

Section 18. Temporary Provisions: Transfers the assets of the current Nutrition and Dietetics Fund and property of the Nutrition and Dietetics Practice Board to RLD effective July 1, 2025.

Section 19 repeals Sections 61-7A-1 through 61-7A-15, NMSA 1978, of the current Nutrition and Dietetics Practice Act as of the enactment of SB204.

Section 20. The effective date of the legislation is July 1, 2025.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

The Board supports SB204 as written. In particular, it supports the changes to the nutritionist licensure requirement. They believe it will modernize the nutritionist qualifications to align with the current education and training pathway applicants follow, which will allow for more qualified nutritionists to become licensed in New Mexico.

SB204 will clarify that a license is required to provide medical nutrition therapy while allowing for the provision of general non-medical nutrition services without a license. The bill also modernizes definitions of dietetics practice, nutrition care services, and nutrition practice to allow licensees to practice at the height of their scope.

ADMINISTRATIVE IMPLICATIONS

As noted in the “Fiscal Implications” section (above) enactment of SB204 would necessitate and administrative rulemaking process to be conducted by the Board to adopt rules in accordance with the requirements. A new license type (Qualified Supervisor) requires an enhancement to the current NM Plus online licensing system that is expected to involve contracting expenses of eighty dollars (\$80,000) in FY26.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

There will continue to be the potential for fewer qualified licensed medical nutrition therapy providers in the State of New Mexico. Authority for licensed dietitians to provide advanced

services such as ordering therapeutic diets will remain unclear.

AMENDMENTS