

**Legislative Update March 10, 2019**  
**Steve Lucero, NMAFP Lobbyist**

Big news last week is the signing of SB 8 into law on Friday. Instant background checks for arms sales will go into effect July 1<sup>st</sup>. The recreational cannabis bill, HB 356, found some daylight and hurdled three steps of the legislative process in a matter of days. The last week of the session will reveal other priority bills.

The Appropriation's Act is a major backdrop to the final week. Forces jockey their positions for the final push. Additional revenues provided funding for each legislator to use for projects in their districts. This is different than the capital outlay appropriations for bricks and mortar projects. Some advocates have been able to get commitments for funding from this new source. Budget negotiators will determine the outcome.

Legislation we've been following:

**SB 8 Fire Arm Sale Background Check (Sens. Martinez, Wirth)**

SB 8 was signed into law by the Governor on March 8<sup>th</sup>. The law goes into effect on July 1, 2019. See the latest version of the bill attached to this update.

**HB 356 Cannabis Regulation Act (Reps. J. Martinez, Maestas, Ely, D. Armstrong, Rubio)**

This bill passed a House Vote on March 7<sup>th</sup> (Y:36, N:34). It was quickly introduced in the Senate and referred to two committees; Senate Public Affairs and Senate Finance. It received a Do Pass in Senate Public Affairs on March 9<sup>th</sup> and is referred to Senate Finance.

Synopsis taken from the bill's Fiscal Impact Report:

House Bill 356 enacts the Cannabis Regulation Act (CRA), which contains a comprehensive plan for regulation and licensing and taxation of cannabis production and distribution, and sale and consumption to and by persons over the age of 21.

**HB 230 Duty to Report Child Abuse (Rep. C. Trujillo)**

HB 230 passed a House Vote on March 6<sup>th</sup>. It's scheduled for its first Senate hearing in Public Affairs Committee on March 10<sup>th</sup>.

This bill amends the mandatory duty to report child abuse statute to clarify that a finding that a pregnant woman has been using or abusing drugs during her pregnancy by itself does not trigger the duty to report child abuse or neglect; such a finding alone is not a sufficient basis for such a report.

**HB 629 Medical Malpractice Changes (Rep. Ely)**

HB 629 was Tabled Indefinitely.

This bill would increase the cap that could be claimed in a malpractice case from the present \$600,000 to \$2,000,000 for individual health care providers, and from \$600,000 to \$25,000,000

for business entities, including hospitals and clinics. The cap would be increased yearly beginning in 2022 on the basis of change in the consumer price index. The bill would also establish an advisory committee to be composed of physicians and attorneys and chaired by the superintendent of insurance to review all matters having to do with the Medical Practice Act and to relate the findings to the governor and the legislature on a yearly basis. OSI would also determine the premium surcharge to be assessed on each medical care provider, hospital and other entity, “based on sound actuarial standards,” in order to continue to adequately fund the Patient’s Compensation Fund (PCF), which would continue to pay any amount between the individual provider’s cap, set at \$200,000, and the award.

**HB 51 Decriminalize Abortion (Reps. Joanne Ferrary, Georgene Louis) (Sen. Linda Lopez)**

This bill continues to wait for a hearing in Senate Judiciary Committee.

This substitute bill would repeal NM laws that criminalize abortion; *Sections 30-5-1 through 30-5-3 NMSA 1978 (being Laws 1969, Chapter 67, Sections 1 through 3)*. The NMAFP supports this bill because it would rescind an outdated bill that was never enforced and was designed to interfere in the practice of medicine.

**HB 416 Medicaid Buy-In Act (Reps. D. Armstrong, Egolf, Small) SB 405 Medicaid Buy-In Act (Sens. Ortiz y Pino, Candelaria)**

HB 416 was Tabled in House Appropriations Committee. Like other bills with appropriations attached, it’s been tabled in consideration of the budget conversations on the Senate side. Advocates are working to get an appropriation amended onto the appropriations bill.

There is a call to action for those in favor of these bills. Call and/or email Senator John Arthur Smith, Chair of the Senate Finance Committee (505 986-4365, [john.smith@nmlegis.gov](mailto:john.smith@nmlegis.gov)) and Representative Patricia Lundstrom, Chair of the House Appropriations and Finance Committee (505 986-4316, [patricia.lundstrom@nmlegis.gov](mailto:patricia.lundstrom@nmlegis.gov)). Ask that they pass these bills in their respective committees.

These bills would establish a state public option for New Mexico residents to purchase health insurance utilizing a Medicaid Buy-In option. The option would be available to residents that are non-eligible for Medicaid, Medicare, tax credits under the Affordable Care Act, or whose employer has not dis-enrolled them from company health plans. The bill would prohibit employers from dis-enrolling or denying enrollment to a resident covered under the employer’s sponsored health coverage on the basis that the employer believes that the resident would qualify for Medicaid buy-in plan coverage.

**SB 188 Health Insurance Prior Authorization Act (Sens. Gay Kernan, Liz Stefanics)**

SB 188 received a Do Pass in House Health Committee on February 8<sup>th</sup>. It currently sits on the House calendar awaiting debate and a floor vote.

This bill would charge the Office of the Superintendent of Insurance to set requirements for insurance companies and their pharmacy benefits managers to standardize and streamline the prior authorization process for non-emergency medical care.

### **HB 89 Health Coverage for Contraception (Rep. Deborah Armstrong)**

This bill is scheduled for a hearing in Senate Judiciary Committee on March 11<sup>th</sup>.

This bill would require health plans to cover medications and clinical services related to contraceptive health.

### **HB 90 Elizabeth Whitfield End of Life Options Act (Rep. Deborah Armstrong)**

HB 90 sit on the House Table calendar.

This bill creates an Act to establish rights, procedures and protections relating to medical aid in dying. It removes criminal liability for providing assistance pursuant to the Elizabeth Whitfield End of Life Options Act. The Act requires a health care provider to determine that a patient has capacity, a terminal illness, voluntarily made the request for medical aid in dying, and the ability to self-administer the medical aid in dying medication.

### **SB 279 Health Security Act (Sens. Cisneros, Ortiz y Pino, Soules, Martinez)**

### **HB 295 Health Security Act (Reps. D. Armstrong, Gonzales, Chasey, Roybal-Caballero, Ferrary)**

HB 295 sits in House Appropriations and Finance Committee while budget negotiations continue. SB 279 is scheduled for a hearing in Senate Judiciary Committee on Monday March 11<sup>th</sup>.

According to the bill's Fiscal Impact Report, the bill "proposes to enact the Health Security Act (HSA) to create a program that ensures health care coverage to virtually all New Mexicans through a combination of public and private financing, control escalating health care costs, and improve the health care of New Mexicans". If enacted, a commission formed by the HSA would determine the feasibility of such "universal" coverage and provide a plan to the legislature for approval by the 2021 Legislature. If the Legislature does not approve the plan, the HSA would be automatically repealed.

### **HB 207 Surprise Billing Protection Act (Rep. Nathan Small)**

### **SB 337 Surprise Billing Protection Act (Sen. Lopez)**

HB 207 continues to await a hearing in Senate Judiciary. Of the two bills, HB 207 is the farthest along and sits in its last assigned committee. According to Rep. Small, HB 207 now represents the input provided by the NMMS. SB 337 received a Do Pass in Senate Judiciary Committee on March 8<sup>th</sup> and currently sits on the Senate Calendar.

The overall desire of the effort is to eliminate balance billing/surprise billing to the patient and also to keep the patient out of the "squabble" between out-of-network providers and the health plans. The new bill would establish the Surprise Billing Protection Act.

### **HJR 1 Permanent Funds for Early Childhood, CA (Reps. Maestas, J. Martinez)**

This bill was Tabled in Senate Rules Committee on March 4<sup>th</sup>. It's unclear whether it will stay tabled or be resuscitated. There's talk that the Governor was asking for a ½ percent use of the fund instead of the 1 percent in the bill. Theoretically the bill could be revived as a substitute reflecting the ½ percent.

House Joint Resolution 1 seeks to amend the New Mexico Constitution to provide an additional 1% annual distribution from the Land Grant Permanent Fund to be earmarked for early childhood educational services. The amendment defines “early childhood educational services” as nonsectarian and nondenominational services for children until they are eligible for kindergarten.

**SB 290 Medicaid Home Visiting Services and Council (Sen. Ortiz y Pino)**

SB 290 continues to wait for a hearing in Senate Finance Committee.

This bill would require the Secretary of Human Services to establish an advisory council to establish and monitor Medicaid home visiting services to improve the health and development of New Mexico children and families.