



2013 Legislation Tracked by ACS CAN during NM Regular Session
Updated as of 4/5/13 - FINAL

Budget

HB 2 (Saavedra), General Appropriation Act of 2013 - Passed House 2/21. Passed Senate 3/12. House concurred. **Governor signed.**

Includes level funding for the following cancer-related programs from the Tobacco Settlement Fund:

Indian Affairs Department tobacco control = \$249,300

Human Services Department breast and cervical cancer treatment through Medicaid = \$1,312,400

Department of Health Tobacco Use Prevention and Control Program = \$5,682,000

Department of Health Breast and Cervical Cancer Early Detection Program = \$128,600

Total cancer related appropriation in HB 2 = \$7,372,300

Bills ACS CAN supported:

HB 168 (Stewart), Health Insurance Exchange Action – Introduced 1/22. Substitute passed 2/12 in HHGIAC. New substitute passed HJC 2/19. **Defeated in House by vote of 30 to 39. Motion to reconsider adopted but never acted on.**

HB 412 (J. Trujillo), General Fund Dollars to Tobacco Fund - Introduced 2/4. Restores \$150M to the Tobacco Settlement Permanent Fund from the General Fund operating reserve. Passed HJC 2/13. Passed HAFC 2/25. Passed House 66:0 on 2/26. Passed SPAC 3/9.

HB 428 (Stewart), Tobacco Products Tax Rate & Distribution – Introduced 2/5. Increases price of tobacco products other than cigarettes to 53% of product value. Passed HHGIAC 2/23 with our amendments. **Tabled in HTRC by vote of 8:7 on 3/4.**

SB 156 (Candelaria), Formulary Changes in Health Laws – Introduced 1/21. Limits the number of times insurance companies can raise out-of-pocket costs on prescriptions to 3 times per contract year. Passed SPAC 2/4. Passed SCORC 2/27. Passed Senate 3/4. Passed HBIC 3/10. Passed House 3/13. **Signed by Governor.**

SB 296 (Papen), Requirements for Review of Prior Authorization for Prescription Drug Coverage – Introduced 1/28. Passed SCORC 2/11 with amendments. Passed SPAC 2/20. Passed Senate 2/21 by vote of 38:0. Passed HHGIAC 3/4. Passed HBIC 3/14. Passed House 3/16. **Signed by Governor.**

SB 516 (Lopez), Cigarette Tax Stamps & Penalties – Introduced 2/12. Requiring that cigarette packs stamped with tax-credit stamps are “units sold” for purpose of determining escrow payments due pursuant to MSA, increasing penalties for violations of the Cigarette Tax Act and the Tobacco Escrow Fund Act. Passed SJC 3/10.

Bills ACS CAN monitored (no official position):

HB 341 (Taylor), No Tobacco Settlement Fund as Reserve Fund – Introduced 1/30. Would not include the Tobacco Settlement Permanent Fund in an estimate of state reserves or consider it a reserve fund of the state. **Pulled by sponsor.**

HB 343 (Dodge), Authority for Nonprofits to Participate in State Group Health Insurance Plan - Introduced 1/30. Applies to 501(c)3's. Passed HHGIAC 2/21. Passed House 65:0 on 2/26. Passed SPAC 3/12. Passed SCROC 3/14. Passed Senate 3/15. **Sent to Governor, pocket vetoed (no action taken).**

HB 366 (Steinborn), Health Insurance Requirements - Introduced 1/31. Amends section of Health Care Purchasing Act to provide coverage for individuals under 26 under their parent's coverage, and amending the NM Insurance Code to provide for guaranteed issue, banning preexisting condition exclusion, providing smoking and tobacco cessation and colorectal cancer screening coverage, and more. Reported out HHGIAC with no recommendation 2/25.

HB 369 (Taylor), Reform Tax Code – Introduced 1/31. SB368 mirror bill (Sharer). Reported out of HBIC with no recommendation 2/16 and referred to HTRC. Reported out of HTRC with no recommendation 2/20 and referred to HCPAC. Reported out HTPWC with no recommendation 3/12.

HB 563 (Taylor), NM Health Insurance Exchange Act – Introduced 2/11. Reported out HHGIAC without recommendation 2/28.

HB 564 (Taylor), Insurance Navigator Licensing Act – Introduced 2/11. Proposes the Insurance Navigator Licensing Act; requires licensing and continuing education for insurance navigators; provides for rulemaking and reporting to the Superintendent of Insurance.

HB 580 (R. Martinez), NMFA Bonds for Hospitals – Introduced 2/13. Authorizing the NM Finance Authority to issue additional revenue bonds for the regional cancer treatment center at Gila Regional Medical Center in Grant County and the Nor-Lea general hospital in Lea County. Passed HTRC 2/19. Passed HAFC 2/21. Passed House 3/1 with amendments. Passed SPAC 3/8. Passed Senate 3/11. **Signed by Governor.**

HB 624 (MacMillan), Overdose Prevention & Pain Management Council – Introduced 2/14. Mirrors SB 641.

SB 178 (Beffort), Cancer Prevention, Research & Services – Introduced 1/21. Appropriates \$200,000 from the General Fund to NMDOH for expenditure in FY 2014 to provide coordinated cancer prevention, research and education services, including access to clinical trials in rural areas. Passed SPAC 1/30.

SB 221 (Ortiz y Pino/Shendo), NM Health Insurance Exchange Act – Introduced 1/22. SPAC substitute with no recommendation 2/27. SCORC committee substitute 3/9. **Combined with SB 589. Amended and passed Senate 3/11. Passed House 3/15. Signed by Governor.**

SB 360 (Ortiz y Pino), Pharmacy Benefits Manager Regulation Act – Introduced 1/31. Passed SCORC 2/25. Passed Senate 3/15.

SB 366 (Ivey-Soto), Pharmacist Authority to Dispense 90-day Prescription Supplies – Introduced 1/31. SPAC committee substitute passed 2/8. Passed SCORC 2/25. Passed Senate 2/26.

SB 495 (Morales), NMFA Bonds for Hospitals – Introduced 2/11. Mirror bill for HB 580. Passed SPAC 2/25. See HB 580 above. Passed House on 3/11. Sent to Governor. **Same as HB 580, signed by Governor.**

SB 583 (Martinez), Controlled Substance Schedules & Packaging – Introduced 2/14. Proposes a number of changes in regulation of controlled substances, including reclassifying dihydrocodeine as a schedule II controlled substance.

SB 589 (Shendo), NM Health Insurance Exchange Act – Introduced 2/14. SPAC committee substitute 3/9. **Combined with SB 221. See above.**

SB 641 (Ivey-Soto), Overdose Prevention & Pain Management Council – Introduced 2/14. Requires health care provider boards to create rules about prescription pain medications. Specifically exempts “the provision of palliative, hospice or other end-of-life care” from the rules that boards create.

SM 22 (Ortiz y Pino), Study Tobacco Use and Employer Costs – Introduced 1/28. Passed SRC 2/11, amended to add 2 members of tobacco industry to study committee. ACS also has seat. Unfortunately, tobacco industry is also looking at this as an opportunity to promote the use of non-cigarette products as a “harm reduction” strategy. Passed SPAC 2/14 with amendments. **Passed 3/13.**

SM 63 (Cervantes), Tobacco-Free Campus – Requests the governing bodies of each public post-secondary educational institution in New Mexico join UNM in adopting a tobacco-free campus policy, effective July 1, 2013. Any such governing bodies that do not have a tobacco-free campus policy in place by that date are requested to report the reasons for the lack thereof to the Legislative Health and Human Services Committee and the Tobacco Settlement Revenue Oversight Committee by July 1, 2013. Passed SRC 3/7. Passed SEC 3/14. **Passed 3/15.**

Bills ACS CAN opposed:

SB 15 (Wirth), Campaign Finance Reporting – Introduced 12/18. Requires reporting of campaign and advertising independent expenditures and donors by nonprofit organizations. Substitute passed SRC 2/13. Senate passed 40:0 on 2/28. Passed HVEC 3/14.

SB 113 (Smith), Tobacco Fund for CYFD Programs – Introduced 1/16. Making major appropriation from Tobacco Settlement fund for CYFD programs beginning FY 2014 through 2018. Passed SEC 2/13. Merged with SB 392 in SFC 3/4. 25% of Tobacco Settlement Permanent Fund would go to fund CYFD from 2014-2018 and 25% to Lottery Tuition Fund beginning 2014 and all future years. Passed Senate on 3/6 by vote of 40:0. Withdrawn from HCPAC referral on 3/12. Amended and passed HJC on 3/14 to include one-time appropriation for NM Lottery Scholarship and transfer of \$40 million from operating reserves to replenish Tobacco Settlement Permanent Fund. Senate failed to concur. **Conference committee compromise for one-time appropriation for NM Lottery Scholarship Fund and CYFD programs, with \$50 million transfer from state operating reserves to Tobacco Settlement Permanent Fund (compromise supported by ACS CAN for this reason) was adopted by both House and Senate on 3/15. Governor signed – but line item vetoed the \$50 million transfer from state Operating Reserves that would have replenished Tobacco Settlement Permanent Fund.**

SB 392 (M. Sanchez), Lottery Tuition Fund Distributions - Introduced 2/1. Starting in FY 2014 would make distribution of 25% of Tobacco Settlement Permanent Fund to the Lottery Tuition Fund. Substitute passed SEC 2/15. **See above (combined with SB 113).**

Committee abbreviations:

SCC = Senate Committee’s Committee (determines whether bill is germane)

SEC = Senate Education Committee

SFC = Senate Finance Committee

SRC = Senate Rules Committee

SPAC = Senate Public Affairs Committee

SJC = Senate Judiciary Committee

SCORC = Senate Corporations Committee

HAFC = House Appropriations & Finance Committee

HCPAC = House Consumer & Public Affairs Committee

HHGIAC = House Health, Government & Indian Affairs Committee

HTRC = House Taxation & Revenue Committee

HVEC = House Voter & Elections Committee

Passed and signed (Memorials do not require Governor’s signature).