

SENATE TAX, BUSINESS AND TRANSPORTATION COMMITTEE SUBSTITUTE
FOR SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 132

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HEALTH CARE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO ELIMINATE COST-SHARING REQUIREMENTS FOR PREVENTIVE CARE AND TREATMENT OF SEXUALLY TRANSMITTED INFECTION; PROVIDING THAT AGE DOES NOT IMPACT ABILITY TO CONSENT TO PREVENTIVE CARE.

.225328.1AIC March 1, 2023 (7:57pm)

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"[NEW MATERIAL] SEXUALLY TRANSMITTED INFECTION CARE--COST SHARING ELIMINATED.--

A. Group health coverage, including self-insurance, offered, issued, amended, delivered or renewed under the Health Care Purchasing Act, that offers coverage for preventive care or treatment of sexually transmitted infections shall not impose cost sharing on eligible insureds.

B. Pursuant to this section, preventive care or treatment of sexually transmitted infections shall not be conditioned upon the gender identity of the insured.

C. Sfl1→Coverage for treatment of sexually transmitted infections provided pursuant to this section shall be excluded for←Sfl1 Sfl1→The provisions of Subsection A of this section do not apply to←Sfl1 high-deductible health care plans with health savings accounts until Sfl1→a covered person's←Sfl1 Sfl1→an eligible insured's←Sfl1 deductible has been met, unless Sfl1→such coverage is permitted under←Sfl1 Sfl1→otherwise allowed pursuant to←Sfl1 federal law.

D. For the purposes of this section:

(1) "cost sharing" means policy deductibles, copayments or coinsurance;

(2) "preventive care" means screening,

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testing, examination or counseling and the administration, dispensing or prescribing of drugs, devices or supplies incidental to the prevention of a sexually transmitted infection;

(3) "sexually transmitted infection" means chlamydia, syphilis, gonorrhea, HIV and relevant types of hepatitis, as well as any other sexually transmitted infection regardless of mode of transportation, as designated by rule upon making a finding that the particular sexually transmitted infection is contagious; and

(4) "treatment" means medically necessary care for the management of an existing sexually transmitted infection."

SECTION 2. A new section of Chapter 59A, Article 22 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SEXUALLY TRANSMITTED INFECTION CARE--COST SHARING ELIMINATED.--

A. An individual or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in this state that offers coverage for preventive care or treatment of sexually transmitted infections shall not impose cost sharing on insureds.

B. Pursuant to this section, preventive care or treatment of sexually transmitted infections shall not be conditioned upon the gender identity of the insured.

C. Sfl1→~~Coverage for treatment of sexually transmitted infections provided pursuant to this section shall~~

~~be excluded for~~ Sfl1 Sfl1 **The provisions of Subsection A of this section do not apply to** Sfl1 high-deductible health care plans with health savings accounts until Sfl1 ~~a covered person's~~ Sfl1 Sfl1 **an eligible insured's** Sfl1 deductible has been met, unless Sfl1 ~~such coverage is permitted under~~ Sfl1 Sfl1 **otherwise allowed pursuant to** Sfl1 federal law.

D. For the purposes of this section:

(1) "cost sharing" means policy deductibles, copayments or coinsurance;

(2) "preventive care" means screening, testing, examination or counseling and the administration, dispensing or prescribing of preventive drugs, devices or supplies incidental to the prevention of a sexually transmitted infection;

(3) "sexually transmitted infection" means chlamydia, syphilis, gonorrhea, HIV and relevant types of hepatitis, as well as any other sexually transmitted infection regardless of mode of transportation, as designated by rule upon making a finding that the particular sexually transmitted infection is contagious; and

(4) "treatment" means medically necessary care for the management of an existing sexually transmitted infection."

SECTION 3. A new section of Chapter 59A, Article 23 NMSA 1978 is enacted to read:

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"[NEW MATERIAL] SEXUALLY TRANSMITTED INFECTION CARE--COST

SHARING ELIMINATED.--

A. A blanket or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in this state that offers coverage for preventive care or treatment of sexually transmitted infections shall not impose cost sharing on eligible insureds.

B. Pursuant to this section, preventive care or treatment of sexually transmitted infections shall not be conditioned upon the gender identity of the insured.

C. Sfl1→~~Coverage for treatment of sexually transmitted infections provided pursuant to this section shall be excluded for~~←Sfl1 Sfl1→The provisions of Subsection A of this section do not apply to←Sfl1 high-deductible health care plans with health savings accounts until Sfl1→~~a covered person's~~←Sfl1 Sfl1→~~an eligible insured's~~←Sfl1 deductible has been met, unless Sfl1→~~such coverage is permitted under~~←Sfl1 Sfl1→~~otherwise allowed pursuant to~~←Sfl1 federal law.

D. For the purposes of this section:

(1) "cost sharing" means policy deductibles, copayments or coinsurance;

(2) "preventive care" means screening, testing, examination or counseling and the administration, dispensing or prescribing of preventive drugs, devices or supplies incidental to the prevention of a sexually transmitted infection;

(3) "sexually transmitted infection" means

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chlamydia, syphilis, gonorrhea, HIV and relevant types of hepatitis, as well as any other sexually transmitted infection regardless of mode of transportation, as designated by rule upon making a finding that the particular sexually transmitted infection is contagious; and

(4) "treatment" means medically necessary care for the management of an existing sexually transmitted infection."

SECTION 4. A new section of the Health Maintenance Organization Law is enacted to read:

"[NEW MATERIAL] SEXUALLY TRANSMITTED INFECTION CARE--COST SHARING ELIMINATED.--

A. An individual or group health maintenance organization contract that is delivered, issued for delivery or renewed in this state that offers coverage for preventive care or treatment of sexually transmitted infections shall not impose cost sharing on eligible enrollees.

B. Pursuant to this section, preventive care or treatment of sexually transmitted infections shall not be conditioned upon the gender identity of the insured.

C. Sfl1→~~Coverage for treatment of sexually transmitted infections provided pursuant to this section shall be excluded for~~←Sfl1 Sfl1→The provisions of Subsection A of this section do not apply to←Sfl1 high-deductible health care plans with health savings accounts until Sfl1→~~a covered~~

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~~person's~~ Sfl1 Sfl1 **an eligible enrollee's** Sfl1 deductible has been met, unless Sfl1 ~~such coverage is permitted under~~ Sfl1 Sfl1 **otherwise allowed pursuant to** Sfl1 federal law.

D. For the purposes of this section:

(1) "cost sharing" means policy deductibles, copayments or coinsurance;

(2) "preventive care" means screening, testing, examination or counseling and the administration, dispensing or prescribing of preventive drugs, devices or supplies incidental to the prevention of a sexually transmitted infection;

(3) "sexually transmitted infection" means chlamydia, syphilis, gonorrhea, HIV and relevant types of hepatitis, as well as any other sexually transmitted infection regardless of mode of transportation, as designated by rule upon making a finding that the particular sexually transmitted infection is contagious; and

(4) "treatment" means medically necessary care for the management of an existing sexually transmitted infection."

SECTION 5. A new section of the Nonprofit Health Care Plan Law is enacted to read:

"[NEW MATERIAL] SEXUALLY TRANSMITTED INFECTION CARE--COST SHARING ELIMINATED.--

A. An individual or group health care plan that is delivered, issued for delivery or renewed in this state that offers coverage for preventive care or treatment of sexually transmitted infections shall not impose cost sharing on

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eligible subscribers.

B. Pursuant to this section, preventive care or treatment of sexually transmitted infections shall not be conditioned upon the gender identity of the insured.

C. Sfl1→~~Coverage for treatment of sexually transmitted infections provided pursuant to this section shall be excluded for~~←Sfl1 Sfl1→The provisions of Subsection A of this section do not apply to←Sfl1 high-deductible health care plans with health savings accounts until Sfl1→~~a covered person's~~←Sfl1 Sfl1→~~an eligible subscriber's~~←Sfl1 deductible has been met, unless Sfl1→~~such coverage is permitted under~~←Sfl1 Sfl1→~~otherwise allowed pursuant to~~←Sfl1 federal law.

D. For the purposes of this section:

(1) "cost sharing" means policy deductibles, copayments or coinsurance;

(2) "preventive care" means screening, testing, examination or counseling and the administration, dispensing or prescribing of preventive drugs, devices or supplies incidental to the prevention of a sexually transmitted infection;

(3) "sexually transmitted infection" means chlamydia, syphilis, gonorrhea, HIV and relevant types of hepatitis, as well as any other sexually transmitted infection regardless of mode of transportation, as designated by rule

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upon making a finding that the particular sexually transmitted infection is contagious; and

(4) "treatment" means medically necessary care for the management of an existing sexually transmitted infection."

SECTION 6. Section 24-1-9 NMSA 1978 (being Laws 1973, Chapter 359, Section 9, as amended) is amended to read:

"24-1-9. CAPACITY TO CONSENT TO EXAMINATION, PREVENTIVE CARE AND TREATMENT FOR A SEXUALLY TRANSMITTED INFECTION.--Any person regardless of age has the capacity to consent to an examination, preventive care and treatment by a licensed health care provider for any sexually transmitted infection."

SECTION 7. APPLICABILITY.--The provisions of this act apply to health insurance policies, health care plans, certificates of health insurance or health maintenance organization contracts that are delivered, issued for delivery or renewed in this state on or after January 1, 2024.