

1 SENATE BILL 166

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Mimi Stewart

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10 AN ACT

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

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

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

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

23 A. Group health coverage, including self-insurance,
24 offered, issued, amended, delivered or renewed under the Health
25 Care Purchasing Act, that offers coverage for preventive care

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1 or treatment of sexually transmitted diseases shall not impose
2 cost sharing on eligible insureds.

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

6 C. For the purposes of this section:

7 (1) "preventive care" means screening,
8 testing, examination or counseling and the administration,
9 dispensing or prescribing of preventive measures or medications
10 incidental to the prevention of a sexually transmitted
11 infection; and

12 (2) "treatment" means medically necessary care
13 as determined by a health care provider for the management of
14 an existing sexually transmitted infection."

15 SECTION 2. A new section of Chapter 59A, Article 23 NMSA
16 1978 is enacted to read:

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

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

25 B. Pursuant to this section, preventive care or

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1 treatment of sexually transmitted infections shall not be
2 conditioned upon the gender identity of the insured.

3 C. For the purposes of this section:

4 (1) "preventive care" means screening,
5 testing, examination or counseling and the administration,
6 dispensing or prescribing of preventive measures or medications
7 incidental to the prevention of a sexually transmitted
8 infection; and

9 (2) "treatment" means medically necessary care
10 as determined by a health care provider for the management of
11 an existing sexually transmitted infection."

12 SECTION 3. A new section of the Health Maintenance
13 Organization Law is enacted to read:

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

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

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

24 C. For the purposes of this section:

25 (1) "preventive care" means screening,

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1 testing, examination or counseling and the administration,
2 dispensing or prescribing of preventive measures or medications
3 incidental to the prevention of a sexually transmitted
4 infection; and

5 (2) "treatment" means medically necessary care
6 as determined by a health care provider for the management of
7 an existing sexually transmitted infection."

8 SECTION 4. A new section of the Nonprofit Health Care
9 Plan Law is enacted to read:

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

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

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

20 C. For the purposes of this section:

21 (1) "preventive care" means screening,
22 testing, examination or counseling and the administration,
23 dispensing or prescribing of preventive measures or medications
24 incidental to the prevention of a sexually transmitted
25 infection; and

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1 (2) "treatment" means medically necessary care
2 as determined by a health care provider for the management of
3 an existing sexually transmitted infection."

4 SECTION 5. Section 24-1-9 NMSA 1978 (being Laws 1973,
5 Chapter 359, Section 9, as amended) is amended to read:

6 "24-1-9. CAPACITY TO CONSENT TO EXAMINATION, PREVENTIVE
7 CARE AND TREATMENT FOR A SEXUALLY TRANSMITTED INFECTION.--Any
8 person regardless of age has the capacity to consent to an
9 examination, preventive care and treatment by a licensed health
10 care provider for any sexually transmitted infection."

11 SECTION 6. APPLICABILITY.--The provisions of this act
12 apply to health insurance policies, health care plans,
13 certificates of health insurance or health maintenance
14 organization contracts that are delivered, issued for delivery
15 or renewed in this state on or after January 1, 2024.