

1 AN ACT
2 RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
3 INCREASING FEES TO FUND THE WORKERS' COMPENSATION
4 ADMINISTRATION; INCREASING CERTAIN FEES; PROVIDING FOR THE
5 ENFORCEMENT OF FEES BY THE PUBLIC REGULATION COMMISSION;
6 INCREASING THE 911 EMERGENCY SURCHARGE; INCREASING THE
7 TELECOMMUNICATIONS RELAY SERVICE SURCHARGE AND TRANSFERRING
8 THE MONEY FROM THE INCREASE TO A NEW 988 LIFELINE FUND;
9 ALLOWING THE STATE BUDGET DIVISION OF THE DEPARTMENT OF
10 FINANCE AND ADMINISTRATION TO APPROVE THE EXPENDITURE
11 OF UP TO ONE HUNDRED PERCENT OF THE TELECOMMUNICATIONS
12 ACCESS FUND FOR EXPENSES INCURRED BY THE COMMISSION FOR
13 DEAF AND HARD-OF-HEARING PERSONS IN ADMINISTERING THE
14 TELECOMMUNICATIONS ACCESS ACT; ENACTING THE SUPPORTED
15 DECISION-MAKING ACT; PROVIDING REQUIREMENTS FOR SUPPORTED
16 DECISION-MAKING AGREEMENTS; PROVIDING DUTIES FOR SUPPORTERS;
17 CREATING REPORTING REQUIREMENTS; CREATING A SUPPORTED
18 DECISION-MAKING PROGRAM IN THE OFFICE OF GUARDIANSHIP WITHIN
19 THE DEVELOPMENTAL DISABILITIES COUNCIL; MAKING AN
20 APPROPRIATION.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
23 SECTION 1. Section 52-5-19 NMSA 1978 (being Laws 1987,
24 Chapter 235, Section 52, as amended) is amended to read:

25 "52-5-19. FEE FOR FUNDING ADMINISTRATION—

1 WORKERS' COMPENSATION ADMINISTRATION FUND CREATED.--

2 A. Beginning with the calendar quarter ending
3 September 30, 2004 and for each calendar quarter thereafter,
4 there is assessed against each employer who is required or
5 elects to be covered by the Workers' Compensation Act a fee
6 equal to the following amounts, multiplied by the number
7 of employees covered by the Workers' Compensation Act that
8 the employer has on the last working day of each quarter:

9 (1) prior to July 1, 2025, two dollars
10 thirty cents (\$2.30);

11 (2) beginning July 1, 2025 and prior to
12 July 1, 2028, two dollars fifty-five cents (\$2.55);

13 (3) beginning July 1, 2028 and prior to
14 July 1, 2033, two dollars sixty-eight cents (\$2.68); and

15 (4) beginning July 1, 2033, two dollars
16 eighty cents (\$2.80).

17 B. At the same time the fee pursuant to Subsection
18 A of this section is assessed, there is assessed against each
19 employee covered by the Workers' Compensation Act on the last
20 working day of each quarter a fee in the following amounts,
21 which shall be deducted from the wages of the employee by the
22 employer and remitted along with the fee assessed on the
23 employer:

24 (1) prior to July 1, 2025, two dollars
25 (\$2.00);

1 (2) beginning July 1, 2025 and prior to
2 July 1, 2028, two dollars twenty-five cents (\$2.25);

3 (3) beginning July 1, 2028 and prior to
4 July 1, 2033, two dollars thirty-eight cents (\$2.38); and

5 (4) beginning July 1, 2033, two dollars
6 fifty cents (\$2.50).

7 C. The fees shall be remitted by the last day
8 of the month following the end of the quarter for which they
9 are due.

10 D. The taxation and revenue department may
11 deduct from the gross fees collected an amount not to exceed
12 five percent of the gross fees collected to reimburse the
13 department for costs of administration.

14 E. The taxation and revenue department shall pay
15 over the net fees collected to the state treasurer to be
16 deposited by the treasurer in a fund hereby created and to
17 be known as the "workers' compensation administration fund".
18 Expenditures shall be made from this fund on vouchers signed
19 by the director for the necessary expenses of the workers'
20 compensation administration; provided that an amount equal
21 to thirty cents (\$.30) per employee of the fee assessed
22 against an employer shall be distributed from the workers'
23 compensation administration fund to the uninsured employers'
24 fund.

25 F. The workers' compensation fee authorized in

1 this section shall be administered and enforced by the
2 taxation and revenue department under the provisions of the
3 Tax Administration Act."

4 SECTION 2. Section 62-8-8 NMSA 1978 (being Laws 1967,
5 Chapter 96, Section 6, as amended) is amended to read:

6 "62-8-8. INSPECTION AND SUPERVISION FEE.--

7 A. Each utility doing business in this state and
8 subject to the control and jurisdiction of the commission
9 with respect to its rates or service regulations shall pay
10 annually to the state a fee for the inspection and
11 supervision of such business in an amount equal to five
12 hundred ninety thousandths percent of its gross receipts from
13 business transacted in New Mexico for the preceding calendar
14 year. That sum shall be payable on the last day of July in
15 each year. An inspection and supervision fee shall be paid
16 by utilities in addition to all property, franchise, license,
17 intangible and other taxes, fees and charges provided by law.
18 No similar inspection and supervision fee shall be measured
19 by the amount of the gross receipts of such utility for the
20 calendar year next preceding the date fixed in this section
21 for the payment of the fee. In the case of utilities engaged
22 in interstate business, the inspection and supervision fee
23 shall be measured by the gross receipts of those utilities
24 from intrastate business only for that preceding calendar
25 year and not in any respect upon receipts derived wholly

1 or in part from interstate business. No inspection and
2 supervision fee shall be charged on the gross receipts from
3 the sale of gas, water or electricity to a utility regulated
4 by the commission for resale to the public.

5 B. Prior to July 1, 2031, the fees established
6 pursuant to this section may be adjusted annually by the
7 commission; provided that any increase shall not be greater
8 than the prior year's increase in the employment cost index
9 for state and local government as published by the federal
10 bureau of labor statistics."

11 SECTION 3. Section 62-13-2 NMSA 1978 (being Laws 1957,
12 Chapter 25, Section 2, as amended) is amended to read:

13 "62-13-2. FEES.--The commission shall collect fees for
14 the following, which shall be remitted to the state treasurer
15 not later than the day following receipt; provided that the
16 commission may increase by administrative rule the fees set
17 forth in this section in amounts that do not exceed the cost
18 of administrative proceedings before the commission:

19 A. for filing any rate schedule, service
20 rule or regulation or sample form, or amendment thereto,
21 one dollar (\$1.00);

22 B. for filing each application, petition or
23 complaint, twenty-five dollars (\$25.00);

24 C. for copies of papers, testimony and records,
25 the reasonable cost of such copies as the commission may

1 provide from time to time by rule; and

2 D. for certifying any copy of any paper, testimony
3 or record, two dollars (\$2.00)."

4 SECTION 4. Section 63-7-20 NMSA 1978 (being Laws 1951,
5 Chapter 194, Section 1, as amended) is amended to read:

6 "63-7-20. UTILITY INSPECTION--FEE.--

7 A. Each utility doing business in this state that
8 is subject to the control and jurisdiction of the commission
9 by virtue of the provisions of Article 11 of the constitution
10 of New Mexico with respect to its rates and service shall pay
11 annually to the commission a fee in performance of its duties
12 as now provided by law. The fee for utilities shall not
13 exceed five hundred ninety thousandths percent of its gross
14 receipts from business transacted in New Mexico for the
15 preceding calendar year. This sum shall be payable annually
16 on July 31 in each year. No similar fee shall be imposed
17 upon the utility. In the case of utilities engaged in
18 interstate business, the fees shall be measured by the gross
19 receipts of the utilities from intrastate business only for
20 the preceding calendar year and not in any respect upon
21 receipts derived wholly or in part from interstate business.
22 Prior to July 1, 2031, the fees established pursuant to this
23 section may be adjusted annually by the commission; provided
24 that any increase shall not be greater than the prior year's
25 increase in the employment cost index for state and local

1 government, as published by the federal bureau of labor
2 statistics. As used in this section, "utility" includes
3 telephone companies and transmission companies but does not
4 include public utilities subject to the Public Utility Act.

5 B. When a fee is not paid on the date it is due,
6 interest shall be paid to the state on the amount due. The
7 interest on the amount due shall start to accrue on the day
8 following the due date and shall continue to accrue until the
9 total amount due is paid. The rate of interest on a late fee
10 payment shall be fifteen percent per year, computed at the
11 rate of one and one-fourth percent per month.

12 C. In addition to any interest due on a late fee
13 payment, a penalty shall be paid to the state for failure
14 to pay the fee when it is due. The penalty imposed shall be
15 two percent of the amount of the fee due.

16 D. The commission shall bring suit to collect
17 fees, interest and penalties that remain unpaid."

18 SECTION 5. Section 63-9D-5 NMSA 1978 (being Laws 1989,
19 Chapter 25, Section 5, as amended) is amended to read:

20 "63-9D-5. IMPOSITION OF SURCHARGE.--

21 A. A 911 emergency surcharge is imposed in the
22 amount of one dollar (\$1.00) to be billed to each subscriber
23 access line by a communications service provider, on each
24 active number for a commercial mobile radio service
25 subscriber and on the number of VoIP lines for which the VoIP

1 service provider enables the capacity for simultaneous calls,
2 regardless of actual usage, to be connected to the public
3 switched telephone network during the period for which the
4 fixed charge is imposed. The surcharge is imposed on all
5 subscribers whose place of primary use, as defined in the
6 federal Mobile Telecommunications Sourcing Act, is in
7 New Mexico; provided, however, that the surcharge shall not
8 be imposed upon subscribers receiving reduced rates pursuant
9 to the Low Income Telephone Service Assistance Act; and
10 provided further that the surcharge shall not apply to
11 prepaid wireless communication service; and provided further
12 that a 911 emergency surcharge shall not be assessed on
13 the provision of broadband internet access service.

14 B. A communications service provider shall bill
15 and collect the surcharge from subscribers whose places of
16 primary use, as defined in the federal Mobile
17 Telecommunications Sourcing Act, are in New Mexico. The
18 surcharge required to be collected by the communications
19 service provider shall be added to and stated clearly and
20 separately in the billings to the subscriber. The surcharge
21 collected by the communications service provider shall not
22 be considered revenue of the communications service provider.

23 C. A billed subscriber is liable for payment of
24 the 911 emergency surcharge until it has been paid to the
25 communications service provider.

1 D. A communications service provider has no
2 obligation to take legal action to enforce the collection
3 of the surcharge; an action may be brought by or on behalf
4 of the department. A communications service provider, upon
5 request and not more than once a year, shall provide to the
6 department a list of the surcharge amounts uncollected, along
7 with the names and addresses of subscribers who carry a
8 balance that can be determined by the communications service
9 provider to be nonpayment of the surcharge. The
10 communications service provider shall not be held liable for
11 uncollected surcharge amounts."

12 SECTION 6. Section 63-9F-11 NMSA 1978 (being Laws 1993,
13 Chapter 54, Section 11, as amended) is amended to read:

14 "63-9F-11. IMPOSITION OF SURCHARGE.--

15 A. A telecommunications relay service surcharge
16 of one and sixty-six hundredths percent is imposed on the
17 gross amount paid:

18 (1) by customers, except customers whose
19 telephone service rates are reduced as authorized by the
20 Low Income Telephone Service Assistance Act, for intrastate
21 telecommunications services provided in this state;

22 (2) by customers for the intrastate portion
23 of interconnected voice over internet protocol service;

24 (3) by customers for intrastate mobile
25 telecommunications services that originate and terminate

1 in the same state, regardless of where the mobile
2 telecommunications services originate, terminate or pass
3 through, provided by home service providers to customers
4 whose place of primary use is in New Mexico; and

5 (4) by a prepaid consumer in a retail
6 transaction.

7 B. The telecommunications relay service surcharge
8 shall be included on the monthly bill of each customer
9 of a local exchange company or other telecommunications
10 company providing intrastate telecommunications services,
11 interconnected voice over internet protocol services or
12 intrastate mobile telecommunications services and paid at the
13 time of payment of the monthly bill. Receipts from selling
14 those services to any other telecommunications company or
15 provider for resale are not subject to the surcharge. The
16 customer is liable for the payment of the surcharge to the
17 provider of intrastate mobile telecommunications services,
18 the provider of interconnected voice over internet protocol
19 services or the local exchange company or other
20 telecommunications company providing intrastate
21 telecommunications services to the customer.

22 C. For the purposes of the surcharge imposed on a
23 retail transaction pursuant to Paragraph (4) of Subsection A
24 of this section:

25 (1) the surcharge shall be collected by the

1 seller from the prepaid consumer with respect to each retail
2 transaction occurring in this state. The amount of the
3 surcharge shall be either separately stated on an invoice,
4 receipt or other similar document that is provided to the
5 prepaid consumer by the seller or otherwise disclosed to the
6 prepaid consumer;

7 (2) for the purposes of Paragraph (1) of
8 this subsection, a retail transaction that is effected in
9 person by a prepaid consumer at a business location of the
10 seller shall be treated as occurring in this state if that
11 business location is in this state, and any other retail
12 transaction is treated as occurring in this state if the
13 retail transaction is treated as occurring in this state
14 for purposes of the Gross Receipts and Compensating Tax Act;

15 (3) the surcharge is the liability of
16 the prepaid consumer and not of the seller or any provider,
17 except that the seller shall be liable to remit all
18 surcharges collected from the prepaid consumer as provided
19 in this subsection, including all such surcharges that the
20 seller is deemed to collect where the amount of the surcharge
21 has not been separately stated on an invoice, receipt or
22 other similar document provided to the prepaid consumer by
23 the seller;

24 (4) the amount of the surcharge that is
25 collected by a seller from a prepaid consumer, if such amount

1 is separately stated on an invoice, receipt or other similar
2 document provided to the prepaid consumer by the seller,
3 shall not be included in the base for measuring any tax, fee,
4 surcharge or other charge that is imposed by this state, any
5 political subdivision of this state or any intergovernmental
6 agency;

7 (5) when prepaid wireless communications
8 service is sold with one or more other products or services
9 for a single, non-itemized price, the percentage specified
10 in Subsection A of this section shall apply to the entire
11 non-itemized price unless the seller elects to apply such
12 percentage to:

13 (a) if the amount of the prepaid
14 wireless communications service is disclosed to the prepaid
15 consumer as a dollar amount, such dollar amount; or

16 (b) if the seller can identify the
17 portion of the price that is attributable to the prepaid
18 wireless communications service by reasonable and verifiable
19 standards from its books and records that are kept in the
20 regular course of business for other purposes, including
21 non-tax purposes, such portion;

22 (6) if a minimal amount of prepaid wireless
23 communications service is sold with a prepaid wireless device
24 for a single, non-itemized price, the seller may elect not
25 to apply the percentage specified in Subsection A of this

1 section to such transaction. For the purposes of this
2 paragraph, an amount of service denominated as ten minutes
3 or less, or five dollars (\$5.00) or less, is minimal;

4 (7) surcharges collected by sellers shall be
5 remitted to the taxation and revenue department at the times
6 and in the manner provided with respect to the Gross Receipts
7 and Compensating Tax Act. The department shall establish
8 registration and payment procedures that substantially
9 coincide with the registration and payment procedures that
10 apply to the Gross Receipts and Compensating Tax Act. A
11 seller shall be permitted to deduct and retain three percent
12 of surcharges that are collected by the seller from the
13 prepaid consumer;

14 (8) the audit and appeal procedures
15 applicable to the Gross Receipts and Compensating Tax Act
16 shall apply to the surcharge;

17 (9) the taxation and revenue department
18 shall establish procedures by which a seller of prepaid
19 wireless communications services may document that a sale
20 is not a retail transaction, which procedures shall
21 substantially coincide with the procedures for documenting
22 sale for resale transactions for the Gross Receipts and
23 Compensating Tax Act; and

24 (10) notwithstanding Paragraph (1) of this
25 subsection, if a 911 surcharge is imposed on prepaid wireless

1 communications service pursuant to the Enhanced 911 Act,
2 the taxation and revenue department shall promulgate rules
3 to permit sellers to combine the surcharge imposed pursuant
4 to this section and the surcharge imposed pursuant to the
5 Enhanced 911 Act into a single surcharge on the invoice,
6 receipt or other similar document that is provided to
7 the prepaid consumer. The department shall ensure that
8 appropriate surcharge revenues are directed proportionately
9 to the respective 911 and telecommunications relay service
10 funds.

11 D. A telecommunications company providing
12 intrastate telecommunications services, a home service
13 provider providing intrastate mobile telecommunications
14 services and a seller of interconnected voice over internet
15 protocol services shall, on sales subject to the
16 telecommunications relay service surcharge, assess and
17 collect the surcharge and remit the surcharge collected
18 monthly to the taxation and revenue department on or before
19 the twenty-fifth day of the month following collection. The
20 department shall administer and enforce the collection of
21 the surcharge in accordance with the Tax Administration Act.

22 E. The taxation and revenue department shall
23 transfer the following amounts of the net receipts of the
24 telecommunications relay service surcharge collected, less
25 any amount deducted in accordance with Subsection F of this

1 section, within the month following the month in which the
2 surcharge is collected:

3 (1) twenty percent to the telecommunications
4 access fund; and

5 (2) eighty percent to the 988 lifeline fund.

6 F. The taxation and revenue department may
7 deduct an amount not to exceed three percent of the
8 telecommunications relay service surcharge collected as a
9 charge for the administrative costs of collection and shall
10 remit that amount to the state treasurer for deposit in the
11 general fund each month.

12 G. The commission and the health care authority
13 shall report to the revenue stabilization and tax policy
14 committee annually by September 30 the following information
15 with respect to the prior fiscal year:

16 (1) the amount and source of revenue
17 received by the telecommunications access fund and the
18 988 lifeline fund;

19 (2) the amount and category of expenditures
20 from the funds; and

21 (3) the balance of the funds on that
22 June 30."

23 SECTION 7. Section 63-9F-12 NMSA 1978 (being Laws 1993,
24 Chapter 54, Section 12, as amended) is amended to read:

25 "63-9F-12. TELECOMMUNICATIONS ACCESS FUND--

1 ESTABLISHED.--There is created in the state treasury the
2 "telecommunications access fund". Money appropriated to
3 the fund or accruing to it through gifts, grants, fees,
4 surcharges, penalties or bequests shall be delivered to the
5 state treasurer for deposit in the fund. The fund shall be
6 invested as other state funds are invested. Disbursements
7 from the fund shall be made upon warrants drawn by the
8 secretary of finance and administration pursuant to vouchers
9 signed by the executive director of the commission. The
10 commission shall administer the fund. Money in the fund is
11 appropriated to the commission for the purpose of carrying
12 out the provisions of the Telecommunications Access Act.
13 The commission may request the state budget division of
14 the department of finance and administration to approve the
15 expenditure of funds deposited in the telecommunications
16 access fund for the purpose of defraying salary and other
17 necessary expenses incurred by the commission in the
18 administration of the provisions of the Telecommunications
19 Access Act. The state budget division may approve the
20 expenditure of up to one hundred percent of the amount
21 deposited in the telecommunications access fund during any
22 fiscal year for expenses incurred by the commission in
23 administering that act. In addition, money in the fund is
24 subject to appropriation by the legislature to the commission
25 for the performance of its duties pursuant to Chapter 28,

1 Article 11B NMSA 1978 and to the signed language interpreting
2 practices fund for the purpose of defraying salary and
3 other necessary expenses incurred by the signed language
4 interpreting practices board. Any unexpended or unencumbered
5 balance remaining in the fund at the end of any fiscal year
6 shall not revert."

7 SECTION 8. 988 LIFELINE FUND.--The "988 lifeline fund"
8 is created as a nonreverting fund in the state treasury.
9 The fund consists of distributions, appropriations, gifts,
10 grants, donations and income from investment of the fund.
11 The health care authority shall administer the fund, and
12 money in the fund is appropriated to the authority to
13 administer a confidential telecommunication service for
14 emotional, mental or alcohol and drug use support made
15 available to the public by the authority. Expenditures from
16 the fund shall be by warrant of the secretary of finance and
17 administration pursuant to vouchers signed by the secretary
18 of health care authority or the secretary's authorized
19 representative.

20 SECTION 9. SHORT TITLE.--Sections 9 through 22 of
21 this act may be cited as the "Supported Decision-Making Act".

22 SECTION 10. DEFINITIONS.--As used in the Supported
23 Decision-Making Act:

24 A. "adult" means a person who is at least eighteen
25 years of age;

1 B. "decision-maker" means an adult who seeks
2 to enter, or has entered, into a supported decision-making
3 agreement with one or more supporters pursuant to the
4 Supported Decision-Making Act;

5 C. "decision-making support" means assistance in
6 understanding the options, responsibilities and consequences
7 of a decision-maker's life decisions without making those
8 decisions on behalf of the decision-maker;

9 D. "supported decision-making agreement" means
10 an agreement entered into between a decision-maker and a
11 supporter pursuant to the provisions of the Supported
12 Decision-Making Act; and

13 E. "supporter" means an adult who has entered into
14 a supported decision-making agreement with a decision-maker
15 pursuant to the Supported Decision-Making Act.

16 SECTION 11. SUPPORTED DECISION-MAKING AGREEMENTS--
17 SCOPE OF AGREEMENTS.--A decision-maker may voluntarily,
18 without undue influence or coercion, enter into a supported
19 decision-making agreement with one or more supporters under
20 which the decision-maker authorizes the supporter to do any
21 or all of the following:

22 A. provide decision-making support;
23 B. assist the decision-maker in accessing,
24 collecting and obtaining information that is relevant to
25 a given life decision, including medical, psychological,

1 financial, educational or treatment records, from any person;

2 C. assist the decision-maker in understanding the
3 information described in Subsection B of this section; and

4 D. assist the decision-maker in communicating
5 the decision-maker's decisions to appropriate persons.

6 SECTION 12. SUPPORTED DECISION-MAKING AGREEMENT
7 REQUIREMENTS.--

8 A. A supported decision-making agreement shall
9 be in a form promulgated by the supreme court that shall:

10 (1) be in writing;

11 (2) be dated;

12 (3) be signed voluntarily, without coercion
13 or undue influence, by the decision-maker and the supporter;

14 (4) designate a supporter;

15 (5) list the types of decisions with which
16 the supporter is authorized to assist the decision-maker;

17 (6) list the types of decisions, if any,
18 with which the supporter is not authorized to assist the
19 decision-maker; and

20 (7) contain a consent signed by the
21 supporter indicating the supporter's:

22 (a) relationship to the decision-maker;

23 (b) willingness to act as a supporter;

24 and

25 (c) acknowledgment of the duties of

1 a supporter.

2 B. Each party to a supported decision-making
3 agreement shall sign the agreement in the presence of at
4 least two adult witnesses whose signatures shall be
5 acknowledged by a notary public.

6 SECTION 13. PRESUMPTION OF CAPACITY.--

7 A. All decision-makers are presumed to have
8 capacity until such time as the decision-maker's primary care
9 practitioner and one other qualified health professional
10 with training and experience in the assessment of functional
11 impairment, or a court, determine that the decision-maker
12 is unable to make the decision-maker's own decisions. A
13 diagnosis of mental illness, intellectual disability or
14 developmental disability, of itself, does not void the
15 presumption of capacity.

16 B. The manner in which a decision-maker
17 communicates with others is not grounds for determining
18 that the decision-maker is incapable of managing the
19 decision-maker's own affairs.

20 C. The execution of a supported decision-making
21 agreement may not be used as evidence of capacity or
22 incapacity in any civil or criminal proceeding and does not
23 preclude the ability of the decision-maker who has entered
24 into a supported decision-making agreement to act
25 independently of the agreement.

1 SECTION 14. SUPPORTER DUTIES AND AUTHORITY--
2 SUPPORTER PROHIBITIONS.--

3 A. A supporter shall:

- 4 (1) act in good faith;
5 (2) act with the care, competence and
6 diligence ordinarily exercised by a reasonable person in
7 similar circumstances;
8 (3) act only within the scope of authority
9 granted in the supported decision-making agreement;
10 (4) not engage in self-dealing;
11 (5) support the will and preference of the
12 decision-maker rather than the supporter's opinion of the
13 decision-maker's best interests;
14 (6) not receive compensation as a result
15 of the supporter's duties under a supported decision-making
16 agreement; and
17 (7) stop serving as a supporter if the
18 supporter questions the capacity of the decision-maker to
19 continue making decisions.

20 B. In the absence of an applicable power of
21 attorney a supporter is prohibited from:

- 22 (1) making decisions on behalf of the
23 decision-maker;
24 (2) signing legal documents on behalf of
25 the decision-maker;

1 (3) binding the decision-maker to a legal
2 agreement;

3 (4) obtaining, without the consent of the
4 decision-maker, information that is not reasonably related
5 to matters with which the supporter is authorized to assist
6 pursuant to the supported decision-making agreement; and

7 (5) using, without the consent of the
8 decision-maker, information acquired for a purpose other than
9 assisting the decision-maker to make a decision under the
10 supported decision-making agreement.

11 SECTION 15. SUPPORTER DISQUALIFICATIONS.--The following
12 persons are disqualified from acting as a supporter:

13 A. an individual who is the subject of a civil or
14 criminal order prohibiting contact with the decision-maker;

15 B. an individual who has been placed on the
16 state's employee abuse registry;

17 C. an individual who has been convicted of a crime
18 involving violence or dishonesty within the preceding ten
19 years; and

20 D. an individual who is currently incarcerated.

21 SECTION 16. ACCESS TO PERSONAL INFORMATION.--If a
22 supporter assists a decision-maker in accessing, collecting
23 or obtaining personal information, including financial
24 information, protected health information under the federal
25 Health Insurance Portability and Accountability Act of 1996

1 or educational records under the federal Family Educational
2 Rights and Privacy Act of 1974, the supporter shall ensure
3 that the information is kept privileged and confidential, as
4 applicable, and is not subject to unauthorized access, use
5 or disclosure.

6 SECTION 17. DECISION-MAKER ACCESS TO PERSONAL
7 INFORMATION.--The existence of a supported decision-making
8 agreement does not preclude a decision-maker from seeking
9 personal information without the assistance of the supporter.

10 SECTION 18. THIRD PARTY RELIANCE ON SUPPORTED
11 DECISION-MAKING AGREEMENT.--A person who receives an original
12 or a copy of a supported decision-making agreement shall
13 rely on the agreement, unless the person suspects abuse,
14 neglect or exploitation and makes a report pursuant to
15 Section 21 of this 2025 act.

16 SECTION 19. RECOGNITION OF DECISIONS MADE WITH
17 ASSISTANCE OF SUPPORTER.--A decision or request made or
18 communicated with the assistance of a supporter in conformity
19 with the Supported Decision-Making Act shall be recognized
20 for the purposes of any provision of law as the decision or
21 request of the decision-maker.

22 SECTION 20. TERM OF SUPPORTED DECISION-MAKING
23 AGREEMENT--TERMINATION OR REVOCATION OF AGREEMENT.--

24 A. Except as provided by Subsection B of this
25 section, the supported decision-making agreement extends

1 until terminated by either party or by the terms of the
2 agreement.

3 B. The supported decision-making agreement is
4 terminated as to a particular supporter if:

5 (1) the adult protective services division
6 of the aging and long-term services department finds that
7 the decision-maker has been abused, neglected or exploited
8 by the supporter;

9 (2) the supporter is the subject of a
10 civil or criminal order prohibiting contact with the
11 decision-maker;

12 (3) the supporter has been placed on the
13 state's employee abuse registry;

14 (4) the supporter has been convicted of a
15 crime involving violence or dishonesty;

16 (5) the supporter is incarcerated;

17 (6) the decision-maker gives notice to the
18 supporter orally, in writing, through an assistive technology
19 device or by any other means or act showing a specific intent
20 to terminate the agreement; or

21 (7) the supporter provides written notice
22 of the supporter's resignation to the decision-maker.

23 SECTION 21. REPORTING OF SUSPECTED ABUSE, NEGLECT OR
24 EXPLOITATION.--If a person who receives a copy of a supported
25 decision-making agreement or is aware of the existence of a

1 supported decision-making agreement has cause to believe that
2 the decision-maker is being abused, neglected or exploited
3 by the supporter, the person shall report the alleged abuse,
4 neglect or exploitation to the aging and long-term services
5 department's adult protective services division's statewide
6 intake hotline.

7 SECTION 22. SUPPORTED DECISION-MAKING PROGRAM--
8 CREATED--PROGRAM DUTIES.--

9 A. The "supported decision-making program" is
10 created within the office of guardianship in the
11 developmental disabilities council.

12 B. The supported decision-making program may:

13 (1) provide information to adults interested
14 in entering into supported decision-making agreements;

15 (2) facilitate adults in forming, executing
16 and terminating supported decision-making agreements;

17 (3) monitor supported decision-making
18 agreements to determine if the agreement meets statutory
19 requirements;

20 (4) provide resources and assistance for
21 a decision-maker who believes a supporter is acting outside
22 the scope of the supported decision-making agreement; and

23 (5) provide resources to any individual who
24 is seeking information on reporting suspected abuse, neglect
25 or exploitation of the decision-maker.

1 SECTION 23. EFFECTIVE DATE.--The effective date of the
2 provisions of this act is July 1, 2025. _____
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