

LFC Requestor: Self Assigned

**2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS**

**Section I: General**

**Chamber:** House

**Category:** Bill

**Number:** 366

**Type:** Introduced

**Date (of THIS analysis):** 02/12/2025

**Sponsor(s):** Gail Armstrong

**Short Title:** Veterinarian as Health Practitioner

**Reviewing Agency:** Agency 665 - Department of Health

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**Section II: Fiscal Impact**

**APPROPRIATION (dollars in thousands)**

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
<b>Total</b>	\$0	\$0	\$0	\$0	N/A	N/A

### Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: Section 24A-4-1 NMSA 1978

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

### Section IV: Narrative

#### 1. BILL SUMMARY

a) Synopsis

House Bill 366 changes “podiatrist” to “podiatric physician” and adds “veterinarian” to the definition of “Health care practitioner” in Section 24A-4-1 NMSA 1978

This bill adds veterinarians to the professions for which non-compete provisions are unenforceable.

This bill adds veterinarians to the professions for which liquidated damages may be provided given that they are not unreasonably large.

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

b) Significant Issues

Veterinarians in New Mexico are currently subject to non-compete clauses in employment contracts. This bill will make these unenforceable.

Veterinarians will remain subject to non-compete clauses in employment contracts and will not be able to work nearby the location of their prior employment. Veterinarians subject to a non-compete clause could relocate and that could lead to reduction of available veterinarian services.

#### 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?  
 Yes  No
- Is this proposal related to the NMDOH Strategic Plan?  Yes  No

- Goal 1:** We expand equitable access to services for all New Mexicans
- Goal 2:** We ensure safety in New Mexico healthcare environments
- Goal 3:** We improve health status for all New Mexicans
- Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

### 3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?  
 Yes  No  N/A
- If there is an appropriation, is it included in the LFC Budget Request?  
 Yes  No  N/A
- Does this bill have a fiscal impact on NMDOH?  Yes  No

### 4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH?  Yes  No

### 5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

HB366 amends Section 24A-4-1 NMSA 1978

### 6. TECHNICAL ISSUES

Are there technical issues with the bill?  Yes  No

### 7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written?  Yes  No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)?  Yes  No
- Does this bill conflict with federal grant requirements or associated regulations?  
 Yes  No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs?  Yes  No

### 8. DISPARITIES ISSUES

None

### 9. HEALTH IMPACT(S)

New Mexico could attract more veterinarians and become more competitive since non-compete clauses are unenforceable. Veterinary clinics could lose clients to other clinics if their clients follow a veterinarian to a different nearby clinic.

**10. ALTERNATIVES**

None

**11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

Veterinarians will remain subject to non-compete clauses in employment contracts and will not be able to work nearby the location of their prior employment. Veterinarians subject of a non-compete clause could relocate and that could lead to reduction of available veterinarian services.

**12. AMENDMENTS**

None