

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: February 2, 2025

Check all that apply:

Bill Number: SB56

Original Correction
Amendment Substitute

Sponsor: Sen. Pat Woods

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Person Writing

Short Title: Livestock Info During
Epidemic

Analysis: Isabelle D. Lopez

Phone: 505-537-7676

Email: legisfir@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: Senate Bill 56 (“SB56”) seeks to add a new section to the “Livestock Code,” NMSA 1978, Section 77-3-1 to -18 (the “Code”), to restrict access to certain information during an epidemic.

Subsection A proposes that the board, or any of its authorized representatives, upon finding pursuant to NMSA 1978, Section 77-3-13 that a disease has become epidemic or exists in a locality outside of New Mexico, to deny access to certain information regarding persons involved with the livestock industry if disclosure of information would cause harm to the person or be against the public interest. The following information may be denied:

- Paragraph 1: Specific operational details such as (a) ownership, numbers, locations, movements of livestock, (b) financial information, (c) purchase and sale of livestock, (d) government-issued or private entities account numbers and identifiers, (e) operational protocols, and (f) participation in an all-hazards security system; and
- Paragraph 2: Disease or injury information that (a) would identify a person or location, (b) contains confidential veterinarian-patient-client privilege under 16.25.3.8(S) NMAC, and (c) records of ongoing livestock investigations.

Subsection B proposes the board shall not withhold any information, pursuant to Subsection A, if an investigation by the board has concluded and found a violation of the Code.

Subsection C proposes that if any information is withheld, pursuant to Subsection A, that the board shall redact confidential details and make the remaining information available for disclosure.

Subsection D proposes clarification that the section does not grant the board, or any of its authorized representatives, to obtain information beyond what is permitted by law.

Subsection E proposes the section shall not:

- Paragraph 1: Prevent a person in interest from accessing their own information;
- Paragraph 2: Prevent the release of biological livestock samples for scientific testing, so long as confidentiality is agreed to; and
- Paragraph 3: Apply when the board or its authorized representatives determine that disclosure is necessary to prevent or address an immediate threat to human or animal health and safety.

Subsection F proposes that when information is disclosed pursuant to Subsection E, the disclosure shall be limited to only as much information is necessary to address the situation.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Subsection A terms that allow the board the authority to withhold information if the disclosure would “cause harm” or be “contrary to public interest” are undefined, and in turn could leave the statute open to challenges for vagueness. It would support the purpose and intent of the new section to include definitions of what constitutes harm, how such harm would be caused, or how public interest is determined.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

Nothing in this bill specifically conflicts with IPRA, but the bill would create an exception to public disclosure “as otherwise provided by law.” NMSA 1978, § 14-2-1(L). Due to the potential expansive interpretation of “cause harm” or “contrary to public interest,” noted above, increased litigation in the IPRA-context may arise.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

See “Significant Issues” above.