

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)**

*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

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

**Date** 2/07/2025 *Check all that apply:*  
**Prepared:** \_\_\_\_\_  
**Bill** SB 56 Original  Correct  
**Number:** \_\_\_\_\_ ion \_\_\_\_\_  
 Amend \_\_\_\_\_ Substit  
 ment \_\_\_\_\_ ute \_\_\_\_\_

**Spons** \_\_\_\_\_ **Agency**  
**or:** Pat Woods **Name and**  
**Code**  
**Number:** NMDA - 199  
**Person Writing**  
**Analysis:** Jeff Witte  
**Short** Livestock Info **Pho** \_\_\_\_\_ **ema** Jheitz@nmda.nm  
**Title:** During Epidemic **ne:** 575-294-3817 **il:** su.edu

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

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

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	<b>NFI</b>	<b>NFI</b>	<b>NFI</b>	<b>NFI</b>	<b>N/A</b>	<b>N/A</b>

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

Senate Bill 56 (SB 56) authorizes the New Mexico livestock board or any of its authorized representatives to restrict access to certain information while an investigation is proceeding regarding the livestock industry due to the discovery of a disease enumerated in 77-3-13 NMSA 1978. The decision to restrict access to information would be made on the premise that to release the information would cause harm to an individual or would be contrary to the public interest.

SB 56 specifies that information shall not be denied if an investigation by the board has concluded and the person being investigated is found to have violated any provision of the livestock code.

SB 56 also sets forth how restricted information is to be handled and stipulates that a person shall not be denied access to their own information, third party entities shall not be denied access to restricted information for testing purposes as long as they agree to maintain confidentiality, and the NMLB may release information if it determines it is necessary to prevent or address an immediate threat to the health and safety of a person or animal.

**FISCAL IMPLICATIONS**

None to the New Mexico department of agriculture

**SIGNIFICANT ISSUES**

The New Mexico department of agriculture (NMDA) is the coordinating agency for emergency support function #11 - agriculture and natural resources, under the New Mexico all hazards emergency operations plan. In this capacity, NMDA works closely with the NMLB and other state agencies in the prevention of and response to emergencies including animal disease outbreaks. Information security and integrity are key components of preventing, detecting, and eradicating diseases that pose a threat to the economic base of rural communities, the food supply, or public health. SB 56 could encourage voluntary participation from producers in animal disease preparedness and response efforts by protecting access by the NMLB to proprietary information necessary for a successful response.

Emergency preparedness and biosecurity plans contain information about vulnerabilities in livestock operations that could intentionally be exploited by persons of malintent.

Other states including Colorado (C.R.S. 35-57.9-103) and Texas (Tex. Agriculture Code Sec.

161.009) have enacted similar provisions protecting sensitive operational details of livestock operations.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

The term “all-hazards security system” on line 13 and 14 of page 2 is undefined. NMDA suggests the following be added as a definition;

“The all-hazards security system is a system developed and administered by livestock owners, in consultation with their veterinarian, in order to prevent, detect, respond to, mitigate, and manage the recovery of any livestock health and safety issues including, but not limited to, outbreaks of disease and injury sustained as a result of natural disasters.”

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If SB 56 is not enacted, the way the NMLB is allowed to disclose information will not change and engaging private entities prior to and during an animal disease response will continue to be a challenge.

## **AMENDMENTS**

SB 56 creates a new section of livestock code under Section 77-3-13 NMSA 1978. This section primarily deals with NMLB’s authority to promulgate emergency rules to prohibit the importation of animals or animal products into the state. Under this construction, SB 56 would be applicable only if NMLB issues an emergency rule regarding the prohibition of imports. The inability to protect critical information until after an emergency rule is adopted would hamper the ability to work with livestock operations on preparedness efforts prior to a disease outbreak because of the possibility that personally identifiable information, including security information would not be protected. Therefore, it is recommended that SB 56 be structured under 77-3-1.1 to enhance efforts to mitigate diseases before they happen.

The use of the phrase “epidemic or exists in a locality in a country, state or territory beyond the limits of this state,” in Section 1.A may hamper the agility and timeliness of a response to an animal disease emergency. An epidemic implies the active spreading of disease. For some diseases, such as foot and mouth disease, one single detection regardless of spread would have significant food security, economic, and trade implications. For the NMLB to consider foreign animal diseases, emerging diseases or zoonotic diseases it is recommended that lines 20 thru 23 be struck and replaced with “When the board or any of its authorized representatives finds that a disease, the nature of which is known to have a significant economic impact, or be zoonotic, fatal

or highly injurious to livestock, pigeons or fowl of any kind....”