

<b>LFC Requester:</b>	<b>HELEN GAUSSOIN</b>
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**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 Prepared:** 28 JAN 25 *Check all that apply:*  
**Bill Number:** SB 118 Original  Correction   
 Amendment  Substitute

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<b>Short Title:</b>	ORGAN DONOR LICENSE BOX & REGISTRY	<b>Number:</b>	
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**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)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	\$250.0	\$50.0	\$300.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Identical to 2023 SB500 as substituted by SHPAC  
 Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Requires state agencies to provide a space on license application and renewal forms for the applicant to state a desire to make an anatomical gift. Directs the agency to transfer that information to the Motor Vehicle Division of TRD for incorporation into the donor registry it maintains under Section 66-5-10, NMSA 1978. Amends 43 sections to accomplish this. The bill is essentially identical to 2023 SB500 as substituted by SHPAC, ensuring consistency in organ donation registration across state agencies.

### **FISCAL IMPLICATIONS**

This legislation presents a logical and beneficial expansion of New Mexico's donor registry process but requires careful planning and coordination to ensure cost-effective and efficient implementation.

The fiscal impact of this bill is primarily associated with modifications to existing application systems and the development of an automated reporting mechanism to NM TRD. Minor adjustments to the DPS Law Enforcement Records Bureau (LERB) Concealed Carry application forms will require limited development effort for UI, database, and API updates.

However, the data reporting process to TRD introduces significant complexity. If a simple batch-processing approach using a Secure File Transfer Protocol (SFTP) transfer of flat files is adopted, costs remain low. However, a real-time Application Programming Interfaces (APIs) integration with TRD's system would require a web service, possible firewall modifications, and inter-agency coordination, increasing costs and potentially requiring contractor support. This could extend development time from two weeks to several months, impacting the agency's budget and resources.

The initial implementation cost for FY 2026, including data transfer, technical development, and contractor support, is estimated at \$250,000, with a recurring annual operational cost of \$50,000 in subsequent years.

### **SIGNIFICANT ISSUES**

A key concern is the data-sharing mechanism between agencies. If TRD does not already have an adaptable system in place, additional funding and resources will be needed to establish a secure and efficient transmission method. Additionally, there may be privacy and security considerations related to storing and transferring donor designation information. Agencies must also ensure compliance with the Uniform Anatomical Gift Act (UAGA) and relevant state privacy laws.

Section 29-19-6(B), NMSA 1978 of the New Mexico Concealed Handgun Carry Act provides that the "information relating to an applicant", which would include the application, "is confidential and exempt from public disclosure unless an order to disclose information is issued by a court of competent jurisdiction." The only exception for sharing an applicant's information, in the absence of a court order, is if it is requested by "a state or local law enforcement agency." Therefore, if this bill is enacted, Section 29-19-6(B), NMSA 1978 would need to be amended to indicate further exceptions from the confidentiality of the information regarding the applicant if a donor statement is completed. In that case, the application would be provided to MVD and, MVD would then provide both the application and verification of the donor's status if requested by "[a]uthorized hospital or organ and tissue donor program personnel, immediately prior to or after a donor's death."

If there is a desire to have the organ donor status appear on the license, Section 29-19-6(C), NMSA 1978, which sets forth what the license is to contain would need to be amended to add the licensee's organ donor status per the authorization completed as part of the application.

## **PERFORMANCE IMPLICATIONS**

The bill will enhance the efficiency of organ donor registration by expanding the reach of donor sign-ups beyond MVD to additional state licensing agencies. This may increase organ donor participation rates in New Mexico, aligning with federal organ donation initiatives. However, the bill's effectiveness will depend on how seamlessly agencies can modify their systems to integrate with TRD's donor registry.

## **ADMINISTRATIVE IMPLICATIONS**

State agencies must update application forms, UI, databases, and reporting mechanisms. The administrative burden varies based on the complexity of TRD's preferred data integration method. If a batch process is allowed, administrative adjustments will be minimal. If a real-time API system is required, agencies will need IT staff or external contractors to complete development. Additionally, staff training may be needed to ensure proper implementation.

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

The bill closely mirrors 2023 SB500 as substituted by SHPAC and aligns with Section 66-5-10, NMSA 1978, reinforcing existing organ donor registry laws. However, it may overlap with any ongoing IT modernization efforts at TRD, requiring coordination to avoid redundant expenditures.

## **TECHNICAL ISSUES**

Modifying license applications to include a donor designation field is a straightforward process that primarily involves updates to the user interface (UI), application programming interface (API), and database. However, the more complex challenge lies in the data transmission to the Taxation and Revenue Department (TRD).

A real-time data-sharing system using a web service with API calls is the preferred solution, but this approach requires strict security protocols and inter-agency coordination to ensure compliance and efficiency. Additionally, implementing such a system may necessitate modifications to firewalls on both agency networks, requiring thorough IT security assessments to prevent vulnerabilities and maintain data integrity.

## **OTHER SUBSTANTIVE ISSUES**

This legislation aligns with national and state efforts to increase organ donor enrollment, potentially expanding the pool of registered donors in New Mexico. To maximize the bill's impact, public awareness campaigns may be necessary to inform applicants of the new registration option and encourage participation. Furthermore, agencies must consider the user experience when modifying application forms, ensuring that the donor designation process is clear, intuitive, and seamlessly integrated to promote ease of registration.

## **ALTERNATIVES**

At this time, no alternative solutions have been identified. However, ongoing discussions and evaluations may provide additional options as the implementation process progresses.

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

If this bill is not enacted, organ donor registration will continue to be limited primarily to MVD interactions, missing an opportunity to increase participation through other licensing agencies. This could result in fewer registered donors, potentially impacting life-saving organ transplants in New Mexico.

## **AMENDMENTS**

None at this time.