

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to 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: 2/5/25 *Check all that apply:*
Bill Number: SB250 Original Correction
 Amendment Substitute

Sponsor: Sen Maestas **Agency Name and Code** HCA-630
Short Title: Sanctuary State Law **Number:** _____
Person Writing Reynolds
Phone: 505-476-7048 **Email** Mark.reynolds@hca.n

SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0.0	\$00	NA	NA

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NA	NA	NA	NA	NA

(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	NA	NA	NA	NA	NA	NA

(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:

Except for County and Municipal jails, prevents the use of any public resources for the purpose of identifying, detecting, apprehending, arresting, detaining or prolonging the detention of a person for entering or residing in the United States in violation of federal immigration laws or for the purpose of assisting federal agents in any such activity.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Previously with the Public Charge rule there were notable impacts on public assistance participation. Many immigrants were deterred from applying for or receiving benefit for the eligible members in their household. This caused a 35.6% decrease in SNAP participation among immigrant families. [SNAP-Participation-Among-U.S.-Citizen-Children.pdf](#)

TABLE 1: National Change in SNAP Participation Among U.S. Citizen Children Living With a Non-Citizen and U.S. Citizen Children Living With Only Citizens in an Average Month, Fiscal Years 2016–2019

Fiscal Year	U.S. Citizen Children Living With Only Citizens		U.S. Citizen Children Living With Any Non-citizen*	
	Number	Percent Change From Previous Fiscal Year	Number	Percent Change From Previous Fiscal Year
2016	14,942,489		3,836,729	
2017	14,295,253	-4.3	3,418,499	-10.9
2018	13,706,843	-4.1	3,188,012	-6.7
2019	13,099,824	-4.4	2,469,652	-22.5
Net Change (2016–2019)	-1,842,665	-12.3	-1,367,077	-35.6

*Non-citizen may be inside or outside of the SNAP household.

Source: FRAC's analysis of U.S. Department of Agriculture SNAP Quality Control data

During this time as a result of the decline in SNAP participation among eligible immigrant populations, many individuals and families faced increased food insecurity. Those who stopped using SNAP were often left to seek assistance from local food banks or other charitable sources, which may not be as reliable or sufficient for meeting long-term food security needs.

PERFORMANCE IMPLICATIONS

7 CFR 272.1 provides policy on the use or disclosure of information obtained from SNAP applicant or recipient households shall be restricted to those individuals that are recipients of the benefits. HCA is bound by federal law to keep information secure and confidential. Additionally, 7 CFR 273.4 (b) provides guidance on how state agencies may meet the reporting requirements by conforming to interagency notice with guidance in the PRWORA section 404 published on September 28, 2000 (65 FR 58301). This section outlines the following, “This notice is not meant to suggest that a benefit granting agency is required to make a determination as to an applicant's lawful presence if that determination is not otherwise necessary in order to determine whether the applicant is eligible for the benefit. Nor is it meant to suggest that a finding or conclusion as to immigration status made by a benefit granting agency has any weight outside the context of the

alien's eligibility for that particular benefit. Determinations of status for purposes of the Immigration and Nationality Act are the responsibility of the Department of Justice, not of any other agency.”

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

HCA IT systems containing Personally Identifiable Information (PHI) and Protected Health Information (PHI) are covered by the Health Insurance Portability and Accountability Act (HIPAA); specifically, the Privacy Rule. The Privacy Rule protects all "individually identifiable health information" held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral.

"Individually identifiable health information" is information, including demographic data, that relates to:

- the individual's past, present or future physical or mental health or condition,
- the provision of health care to the individual, or
- the past, present, or future payment for the provision of health care to the individual,

and that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual. Individually identifiable health information includes many common identifiers (such as, name, address, birth date, Social Security Number).

A major purpose of the Privacy Rule is to define and limit the circumstances in which an individual's protected health information may be used or disclosed by covered entities. A covered entity may not use or disclose protected health information, except either: (1) as the Privacy Rule permits or requires; or (2) as the individual who is the subject of the information (or the individual's personal representative) authorizes in writing.

A covered entity is permitted, but not required, to use and disclose protected health information, without an individual's authorization, for the following purposes or situations: (1) To the Individual (unless required for access or accounting of disclosures); (2) Treatment, Payment, and Health Care Operations; (3) Opportunity to Agree or Object; (4) Incident to an otherwise permitted use and disclosure; (5) Public Interest and Benefit Activities; and (6) Limited Data Set for the purposes of research, public health or health care operations. Covered entities may rely on professional ethics and best judgments in deciding which of these permissive uses and disclosures to make.

Covered entities may disclose protected health information to law enforcement officials for law enforcement purposes under the following six circumstances, and subject to specified conditions: (1) as required by law (including court orders, court-ordered warrants, subpoenas) and administrative requests; (2) to identify or locate a suspect, fugitive, material witness, or missing person; (3) in response to a law enforcement official's request for information about a victim or suspected victim of a crime; (4) to alert law enforcement of a person's death, if the covered entity suspects that criminal activity caused the death; (5) when a covered entity believes that protected health information is evidence of a crime that occurred on its premises; and (6) by a covered health care provider in a medical emergency not occurring on its premises, when necessary to inform law enforcement about the commission and nature of a crime, the location of the crime or crime victims, and the perpetrator of the crime.

The Privacy Rule permits use and disclosure of protected health information, without an individual's authorization or permission, for 12 national priority purposes. These disclosures are permitted, although not required, by the Rule in recognition of the important uses made of health information outside of the health care context. Specific conditions or limitations apply to each public interest purpose, striking the balance between the individual privacy interest and the public interest need for this information. More information about the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule can be found at [Summary of the HIPAA Privacy Rule | HHS.gov](#).

OTHER SUBSTANTIVE ISSUES

Judicial decisions from other jurisdictions generally indicate that sanctuary jurisdictions are operating within their constitutionally-prescribed bounds when they refuse to cooperate with federal immigration authorities. *City of Chicago v. Sessions*, 321 F. Supp. 3d 855, 890 (N.D. Ill. 2018); *United States v. California*, 314 F. Supp. 3d 1077, 1101, (E.D. Cal. 2018); *City of Philadelphia v. Sessions*, 309 F. Supp. 3d 289, 328–331 (E.D. Pa. 2018).

If a federal agent has a *judicially* issued warrant to enter the premises of or obtain information from a state or local government agency, the agency is legally obligated to comply.

State Statue Article 52 Human Trafficking statute outlines that an individual can apply for assistance regardless of immigration status.

The Center for Medicare and Medicaid Services (CMS) has not released any guidance for health care facilities or providers regarding how the Federal rescindment of guidelines previously barring immigration arrests at hospitals and other health care facilities may potentially impact health care provider's obligations to CMS Conditions of Participation. The provider community, such as America's Essential Hospitals, has shared concern publicly that this may result in individuals delaying much needed health care and additionally makes healthcare providers feel unsafe.

According to the American Immigration Council, New Mexico has a sizable immigrant community. Approximately 9.1% of the state's residents—about 192,400 people—are foreign-born, while 5.9% of its U.S.-born residents live with at least one immigrant parent. Immigrants contribute significantly to the state's economy, making up 11.3% of New Mexico's labor force. They also account for 15.4% of entrepreneurs and 22.1% of the construction workforce. As neighbors, business owners, taxpayers, and workers, immigrants are an essential part of New Mexico's communities.

A significant portion of New Mexico's immigrant population lives in mixed-status families, which include undocumented immigrants alongside U.S. citizens or documented family members, especially cases of undocumented parents with U.S. born children. Mixed-status families face unique challenges in accessing public services and healthcare. In New Mexico, these families are particularly vulnerable given the state's proximity to the border. If SB87 were implemented, mixed-status families might experience heightened fear of accessing public services due to the risk of immigration enforcement at government facilities, including HCA offices. This fear could deter families from seeking essential benefits like Medicaid, SNAP, and TANF, which would harm U.S. born children and other eligible household members further perpetuating poverty.

ALTERNATIVES

Suggest adding the language "To the extent allowed by state and federal law" to the first sentence

of Section 1 to account for the legal requirement to comply with judicially issued warrants and orders and to ensure public agencies and employees do not unintentionally violate federal law by attempting to comply with this bill.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

There would be no prohibition in state law to prevent using public funds for the purpose enforcing federal immigration laws.

AMENDMENTS

N/A