

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 01/25/13  
 LAST UPDATED 01/31/13      HB \_\_\_\_\_

SPONSOR Padilla

SHORT TITLE No Differential Pricing Based on Gender      SB 92/aSPAC

ANALYST Chabot

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

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI					

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General’s Office (AGO)

Public Regulation Commission (PRC)

### SUMMARY

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment to Senate Bill 92 adds the phrase “or perceived gender identity” to word “gender” throughout the bill. It provides an exception to the Superintendent of Insurance pursuant to the New Mexico Insurance Code which allows differences in insurance pricing based upon gender.

#### Synopsis of Original Bill

Senate Bill 92 amends the Unfair Practices Act (Section 57-12-1 through 57-12-26 NMSA 1978) by adding Section 19 to Section 57-12-2D NMSA 1978 which defines unfair or deceptive trade practice to include “offering or providing differential pricing or service based on the buyer’s gender.”

### FISCAL IMPLICATIONS

There is no direct fiscal impact.

**SIGNIFICANT ISSUES**

The PRC reports the Insurance Code allows gender-based pricing differentials where actuarially justified and states it is important that the bill does not conflict with this existing lawful practice.

The AGO's response, which is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Opinion, suggests the term "differential pricing" needs to be defined.

**TECHNICAL ISSUES**

PRC suggests page 5, line 7, insert after the word "gender" "unless otherwise allowed by law".

GAC/svb:bm