

<b>LFC Requester:</b>	<b>RubyAnn Esquibel</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:** 1/22/2025 *Check all that apply:*  
**Bill Number:** HB 78 Original  Correction   
 Amendment  Substitute

**Sponsor:** Thomson **Agency Name and Code:** NM Hospital Association  
**Short Title:** PROHIBIT DISCRIMINATION AGAINST **Number:** \_\_\_\_\_  
**Person Writing:** Julia Ruetten  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

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

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

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

(Parenthesis ( ) Indicate Expenditure Decreases)

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

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Comments from the New Mexico Hospital Association:

- This bill addresses PBMs and insurers implementing discriminatory reimbursement that negatively impacts 340B entities by setting lower reimbursement for medications due to their participation in the 340B program. This means pharmaceutical manufacturers keep the savings meant for 340B entities for themselves, which limits the investments in access to care that 340B entities would otherwise be able to make.
- Passage of HB 78 would be as a significant alignment in state law to protect the 340B program for the 19 hospitals, dozens of federally funded health centers, public health offices, and Urban Indian Health Centers that are covered entities in New Mexico under the program.
- Utilizing the program allows participating providers to stretch limited federal resources to reduce the price of outpatient pharmaceuticals for patients, especially vulnerable patients and patients in underserved areas, and to reinvest the savings into services that are vital to meeting the needs of underserved communities across our state.
- HB 78 will prohibit interference with the program via changes to the New Mexico Insurance Code, an important step in protecting access to care in our state.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

#### **PERFORMANCE IMPLICATIONS**

#### **ADMINISTRATIVE IMPLICATIONS**

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

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

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

#### **AMENDMENTS**