

LFC Requestor: Choose an item.

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: House

Category: Bill

Number: 106

Type: Introduced

Date (of THIS analysis): 01/21/2025

Sponsor(s): Andrea Reeb

Short Title: DWI Blood Testing

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$	\$		

None

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$	\$	\$		

None

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or non-recurring	Fund Affected
	-	\$317,591.30	\$317,591.30	\$635,182.60	Recurring	General Fund
		\$600,000.00	-	\$600,000.00	Non-recurring	General Fund
Total		\$917,591.30	\$317,591.30	\$1,235,182.60		

With the probable cause requirement lowered from felony to felony or misdemeanor, there would be an expected increase in the number of cases received by the Toxicology Bureau of the Scientific Laboratory. This increase in required testing would necessitate the addition of two new FTE capable of performing testing and testifying in court. Additionally, new instrumentation would be needed to handle a higher caseload. This new instrumentation would need to be a mass spectrometer with high-throughput capabilities to maintain industry standards for drug analysis. Further, there would be up to 400 manhours spent developing and validating methodologies for new instrumentation.

Pay Band 75 - \$38.46/hr. x 2080 hours x 1.36 = \$108,795.65. For two FTEs: \$217,591.30.
 Total cost of high-throughput mass spectrometer: approx. \$600,000.00.
 Annual cost of analytical testing reagents \$100,000.

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

- House Bill 106 would likely increase the number of blood draws which occur in New Mexico, thereby increasing the caseload for the Scientific Laboratory, by changing the probable cause threshold for a blood draw from “felony” to “felony or misdemeanor”.

- House Bill 106 intends to modify language from “alcohol or a controlled substance” to “alcohol, cannabis or a controlled substance”. This is seemingly redundant as cannabis is a scheduled substance according to the United States Drug Enforcement Administration. A change to “alcohol or a potentially impairing substance” would remove the specificities of requiring a scheduled substance.
- Further, House Bill 106 intends to provide a definition for cannabis as it applies to cases involving driving while under the influence. Providing a specific definition for cannabis in this context may result in increased difficulty in testing and testimony for Scientific Laboratory staff, as there are metabolites and synthetic derivatives of tetrahydrocannabinol (THC) which are analyzed for and not included in the proposed definition. These metabolites and synthetic cannabinoids may be equally impairing or more impairing than THC.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes No

If yes, describe how.

- Is this proposal related to the NMDOH Strategic Plan? Yes No

Goal 1: We expand equitable access to services for all New Mexicans

Goal 2: We ensure safety in New Mexico healthcare environments

Goal 3: We improve health status for all New Mexicans

Goal 4: We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?

Yes No N/A

- If there is an appropriation, is it included in the LFC Budget Request?

Yes No N/A

- Does this bill have a fiscal impact on NMDOH? Yes No

The annual re-occurring cost to the Scientific Laboratory would be \$317,591.30. A onetime cost of \$600,000 to the Scientific Laboratory is for new analytical instrument.

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

The Scientific Laboratory would have to hire two new FTEs, purchasing one analytical instrument and laboratory testing reagents.

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes
 No

Please describe the legal or regulatory impact; write "None" if there is no impact.

8. DISPARITIES ISSUES

None

9. HEALTH IMPACT(S)

None

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If House Bill 106 is not enacted, then testing will continue unchanged for the Scientific Laboratory.

12. AMENDMENTS

None