

LFC Requestor: SANCHEZ, Scott

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House

Category: Bill

Number: 162

Type: Introduced

Date (of THIS analysis): 1/29/25

Sponsor(s): Jimmy G. Mason and Randall T. Pettigrew and Jack Chatfield and Joseph L. Sanchez and John Block

Short Title: REPEAL FIREARM SALE WAITING PERIOD

Reviewing Agency: Center for Health Protection

Analysis Contact Person: Richard Spano

Phone Number: (505) 827-2768

e-Mail: richard.spano@doh.nm.gov

Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	n/a	n/a

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	n/a	n/a

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	n/a	n/a

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: n/a

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 162 (HB162) proposes to repeal the 7-day waiting period for the sale of a firearm.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

The Impact of Background Checks and Waiting Periods for Purchase of Firearms on Firearm Deaths

Several recent studies have examined the impact of mandatory waiting periods and background checks on firearm fatalities including:

- Anestis et al (2017) who examined differences in statewide suicide rate changes in 2013 and 2014 in all 50 states and DC with and without mandatory waiting periods and universal background checks and found that (<https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2016.303650>).
 - states with mandatory waiting periods and universal background checks have significantly lower suicide rates compared to states with neither.
- Kawano et al. (2022) used data from CDC Wide-Ranging Online Data for Epidemiologic Research (CDC WONDER). They examined the impact of restrictive firearm laws on firearm-related suicide for adults 18+ between 2009 and 2021 (https://journals.lww.com/journalacs/abstract/2023/01000/restrictive_firearm_laws_and_firearm_related.8.aspx) and found that:

- States with background checks and mandatory waiting periods had lower suicide rates by handgun and large firearms (p<.05)
- Dunton et al. (2022) examined the impact of the repeal of the 48-hour mandatory waiting period [June 2015] on handgun purchases on suicide rates in Wisconsin by comparing suicide rates from 2012-2014 [before the law was repealed] to 2016-2018 [after the law was repealed] (<https://www.tandfonline.com/doi/abs/10.1080/13811118.2021.1886209>) and found that:
 - There were significant increases in suicide rates for people of color and urban residents after the 48-hour mandatory waiting period was repealed.
 - Suicide attempts are often impulsive and studies suggest that most suicide survivors contemplated their actions for less than 24 hours before making the attempt (<http://www.hsph.harvard.edu/means-matter/means-matter/impulsivity>).

Waiting periods can also give law enforcement agencies additional time to complete background checks. Each year approximately 3,800 ineligible people acquire firearms through “default proceed” sales in which a dealer completes a sale without a completed background check after three business days, as allowed under federal law. As a result, FBI experts have recommended extending the time to complete background checks to reduce the number of purchased firearms by default proceeds (<https://www.fbi.gov/services/cjis/nics>).

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

4. ADMINISTRATIVE IMPLICATIONS

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

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

House Bill 162 (HB162) is in conflict with 2024 [House Bill 129](#) (Firearm Sales Waiting Period), which was chaptered, passed in the house, and was signed by the Governor on March 4, 2024

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

House Bill 162 (HB162) is in conflict with 2024 House Bill 129 (Firearm Sales Waiting Period), which was chaptered, passed in the house, and was signed by the Governor on March 4, 2024

8. DISPARITIES ISSUES

Firearm Deaths for Children and by Race/Ethnicity in New Mexico

- In 2020, firearms surpassed motor vehicle accidents as the leading cause of death for children in the US (under 19 years old). In 2021, firearms has remained the leading cause of death for children ([Gun Violence: The Impact on Society \(nihcm.org\)](#)).
- In NM, between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](#)).
- In NM, between 2019 and 2023, firearm deaths increased by 114% among American Indian and Alaska Natives residents, by almost 40% among Hispanics, and decreased by 11% among non-Hispanic Whites

9. HEALTH IMPACT(S)

Firearm deaths in New Mexico

New Mexico (NM) has had one of the highest age-adjusted firearm death rates in the United States (US) over the past two decades. Over the past decade (2011-2022):

- the age-adjusted firearm death rate in NM increased by 84% (from 14.8 per 100,000 population in 2011 to 27.3 per 100,000 population in 2022).
- NM's rank for age-adjusted firearm death rates went from the 10th highest to 3rd highest in the U.S.
- the gap in the age-adjusted firearm death rate between NM and the US has also widened. In 2011, NM's age-adjusted firearm death rate was 45% higher than the US. In 2022, it was 90% higher.

More recent trends in firearm deaths in NM (2019-2023) indicate that:

- The number of firearm deaths has increased by 7%, between 2019 and 2023. The number of firearm deaths peaked at 562 firearm deaths (in 2021), representing a 19% increase between 2019 and 2021.
- Suicide with a firearm has remained relatively stable between 2019 (285 deaths) and 2023 (273 deaths).
- Homicide with a firearm increased by 29% from 158 (in 2019) to 204 (in 2023). The number of homicides with a firearm also peaked in 2021 (224 firearm deaths), a 42% increase between 2019 and 2021.
 - In 2022, there were a total of 550 firearm-related deaths in NM that included 214 homicides, which represents 39% of all firearm deaths in NM (Unpublished data, [NM BVRHS](#)).
 - In 2022, 77.0% (or 214 out of 278) of homicides involved a firearm (Unpublished data, [NM BVRHS](#)).

Over the past several years, firearms have become the leading cause of death for children and adolescents in the US ([Gun Violence: The Impact on Public Health \(nihcm.org\)](#)).

10. ALTERNATIVES

None

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

If HB162 is not enacted, then there will be a 7 day waiting period for the purchase of a firearm.

12. AMENDMENTS

None