

LFC Requester:

Kelly Klundt

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 02/19/2025

*Check all that apply:*

**Bill Number:** HB 465

Original  Correction   
Amendment  Substitute

**Sponsors**  
: Rep. E. Diane  
Torres-Velásquez, Sen.  
Elizabeth "Liz" Stefanics,  
Rep. Pamelya Herndon

**Agency Name and Code Number:** 305 – New Mexico  
Department of Justice

**Person Writing Analysis:** Jane A. Bernstein

**Short Title:** Protections for Safe Harbor  
Nurses

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(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>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

HB 465 proposes to amend that subsection of NMSA 1978, § 61-3A-3, “Safe harbor; health care responsibility,” setting forth the “safe harbor” process as it applies to registered and licensed practical nurses. Specifically, HB 465 proposes to modify existing subsection (C)(4) to include a provision stating that, as part of the statutorily mandated post-occurrence review of a nurse’s safe harbor request, there shall be an inquiry into any perceived retaliation occurring as a result of that invocation. Additionally, current subsection (D), which prohibits retaliation; discrimination; and certain other forms of payback against a nurse making a good-faith request for safe harbor, would be broadened to (1) apply to health care personnel, in addition to the care facility itself, and (2) cover bullying as a prohibited post-invocation action.

**FISCAL IMPLICATIONS**

None to this office.

**SIGNIFICANT ISSUES**

N/A

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None at this time.

**TECHNICAL ISSUES**

Consider defining the term “bully” or “bullying” or incorporating the definition located at NMSA 1978, § 22-35-2.

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

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

Status quo.

**AMENDMENTS**

N/A