

LFC Requester:	Scott Sanchez
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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: 01/23/2025 *Check all that apply:*
Bill Number: SB 56 Original Correction
 Amendment Substitute

Sponsor: Pat Woods **Agency Name and Code:** New Mexico Livestock Board
Short Title: Livestock Info During Epidemic **Number:** 50800
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
	\$0		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
	\$0	\$0		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Software Purchase	\$0	\$50k - \$200k	\$0	\$50k - \$200k	Nonrecurring	General Fund
Annual Maintenance	\$0	\$1k - \$8k	\$1k - \$8k	\$2k - \$16k	Recurring	General Fund
Contract Expense	\$0	\$1.6k - \$3.2k	\$1.6k - \$3.2k	\$3.2k - \$6.4k	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 56 (SB56) authorizes the New Mexico Livestock Board (NMLB) or its authorized representatives to protect specific information, as outlined in the bill, that would identify livestock producers and their operations during an active disease investigation that has reached epidemic levels within the state or for diseases that have reached beyond the borders of NM. Information that would be protected is consistent with personally identifiable information and other details that would normally be protected under the veterinary-client-patient privilege relative to part S of the New Mexico Administrative code 16.25.3.8 and is similar to what is protected by the Health Insurance Portability and Accountability Act that protects sensitive health information for humans. This bill does not propose the withholding of pertinent information regarding disease or risk factors that are associated with a disease. SB56 would strictly protect the individual and specific information related to livestock production that would create a vulnerability to a livestock operation that could result in harm to the individual, their livestock, their facility, or their employees. This bill is critical to protecting the infrastructure of our food supply.

FISCAL IMPLICATIONS

Fiscal implications to the operating budget are:

- The purchase and maintenance of a data management software system designed to store and manage sensitive information, as outlined in the bill. Software will ensure proper access controls, data encryptions, audit trails, and robust safeguards to protect data from unauthorized access or breaches. Estimated cost \$50,000 to \$200,000 for initial purchase and \$1,000 to \$8,000 per year for software maintenance.
- Labor hours involved in the collection and entry of data. In addition, labor hours related to redacting specific information in response to requests for information. Estimating a range between 80 to 160 hours per epidemic at a contract rate of \$20/hour for a total cost ranging from \$1,600 to \$3,200.

The initial cost of implementing SB 56 is minimal compared to the devastating financial repercussions of a destabilized livestock/food industry. Without proper regulations, the risk of unmitigated disease outbreaks increases dramatically. This will lead to significant financial losses for livestock producers. By preventing catastrophic losses and preserving the livelihoods of livestock producers, the ordinance offers a cost-effective solution that far outweighs the potential expense of inaction. The modest cost of implementation is a small price to pay for the long-term health and sustainability of our food system.

SIGNIFICANT ISSUES

Livestock producers and their veterinarians are the front line in detecting diseases that affect their industry and subsequently the food supply for the state, nation, and world. Protecting the identity of producers allows them to safely communicate with NMLB veterinary staff and livestock inspectors early in the onset of disease when we have the best chance of identifying, containing, and potentially eliminating a disease that could threaten the livelihood of the industry as well as the security of our food supply.

PERFORMANCE IMPLICATIONS

Early detection of high impact diseases will help our agency to better protect the industry and food supply.

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

The term “all-hazards security system” on line 13 and 14 of page 2 is undefined. NMLB agrees with NMDA’s suggestion to add the following definition:

“The all-hazards security system is a system developed and administered by livestock owners, in consultation with their veterinarian, in order to prevent, detect, respond to, mitigate, and manage the recovery of any livestock health and safety issues including, but not limited to, outbreaks of disease and injury sustained as a result of natural disasters.”

OTHER SUBSTANTIVE ISSUES

Other states including Colorado (C.R.S. 35-57.9-103) and Texas (Tex. Agriculture Code Sec. 161.009) have enacted similar provisions protecting sensitive operational details of livestock operations.

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this bill is not enacted, our agency will continue to be challenged with timely communication from producers due to fear of their personal information being reported. Risks of releasing this information during an investigation include:

- Vulnerability of private individuals, their facilities, livestock, and employees to harm from multiple sources; if harm results in an act of agroterrorism, then liability of that falls on our agency and any agency who releases this type of privileged information.
- Unmitigated spread of contagious diseases among livestock that could spread across multiple industries; if such diseases are zoonotic, then humans are also at increased risk of disease exposure.

AMENDMENTS

SB 56 creates a new section of livestock code under Section 77-3-13 NMSA 1978. This section primarily deals with NMLB’s authority to promulgate emergency rules to prohibit the importation of animals or animal products into the state. Under this construction, SB 56 would be applicable only if NMLB issues an emergency rule regarding the prohibition of imports. The

inability to protect critical information until after an emergency rule is adopted would hamper the ability to work with livestock operations on preparedness efforts prior to a disease outbreak because of the possibility that personally identifiable information, including security information would not be protected. Therefore, it is recommended that SB 56 be structured under 77-3-1.1 to enhance efforts to mitigate diseases before they happen.

The use of the phrase “epidemic or exists in a locality in a country, state or territory beyond the limits of this state,” in Section 1.A may hamper the agility and timeliness of a response to an animal disease emergency. An epidemic implies the active spreading of disease. For some diseases, such as foot and mouth disease, one single detection regardless of spread would have significant food security, economic, and trade implications. For the NMLB to consider foreign animal diseases, emerging diseases or zoonotic diseases it is recommended that lines 20 thru 23 be struck and replaced with “When the board or any of its authorized representatives finds that a disease, the nature of which is known to have a significant economic impact, or be zoonotic, fatal or highly injurious to livestock, pigeons or fowl of any kind....”