

LFC Requester:

Felix Chavez

### 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: SB57

Original  Correction   
Amendment  Substitute

Sponsor: Peter Wirth  
Reena Szczepanski

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

Short Title: MEDICAL PROVIDER  
PATIENT IPRA INFO

Person Writing Analysis: Blaine N. Moffatt  
Phone: 505-537-7676  
Email: legisfir@nmag.gov

#### 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**

Synopsis:

Senate Bill 57 (“SB57”) proposes language to update the Inspection of Public Records Act (the “IPRA”) found in NMSA 1978, Sections 14-2-1 to -12 (as amended through 2023). More specifically, SB57 proposes to create a new exception to the IPRA by adding additional language creating a new subsection 14-2-1(L) stating “records containing personal identifying information or sensitive information related to the practice of a medical provider employed by a public body who performs medical services related to abortion.” This exception would exempt any personal identifying information (“PII”) of medical providers employed by public bodies that perform medical services related to abortions from being provided in an IPRA request. SB57 proposes that the previous Section 14-2-1(L) “As otherwise provided by law” would be relabeled as Section 14-2-1(M).

**FISCAL IMPLICATIONS**

None.

**SIGNIFICANT ISSUES**

SB57 as proposed includes language that could lead to ambiguity in its interpretation. First while PII is firmly established and defined in IPRA, see Sections 14-2-1.1(F) and 14-2-6(F), there is no defined term of “sensitive information” in the IPRA. This could cause potential ambiguity in what is considered “sensitive information.” Presumably, some information would be covered by requirements in the Health Insurance Portability and Accountability Act (“HIPPA”). Such exception would fall under the “as otherwise stated by law” provision of IPRA. See Section 14-2-1(L).

Secondly, SB57 does not clarify what “medical services” are under the proposed changes. This could create ambiguity of interpretation. “Medical Services” could be tied to one of many other statutes, such as the Medical Malpractice Act (NMSA 1978, 41-5-1 to -29), the Medical Practice Act (NMSA 1978, Sections 61-6-1 to -35), the Health Care Code (NMSA 1978, Sections 24A-1-1 to -20), or the Reproductive and Gender-Affirming Health Care Freedom Act (NMSA 1978, Section 24-34-1 to -5).

**PERFORMANCE IMPLICATIONS**

None.

**ADMINISTRATIVE IMPLICATIONS**

None.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

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

Status Quo.

**AMENDMENTS**