

LFC Requester:**Noah Montano**

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 1-28-2025

Bill No: SB 118

Sponsor: Senators Elizabeth "Liz" Stephanie, Joanne J. Ferrary, Martin Hickey
Short Title: Anatomical Gift Option on License Applications, Donor Registry

Agency Name and Code Regulation and Licensing 420
Number: _____

Person Writing Jen Rodriguez

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0.0	6,050.00	0.0	6,000.00	Nonrecurring	Boards and Commission Division

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 118 (SB118)

SB118 provides new material to the Department of Game and Fish, licensing provisions, 17-3-1 et seq., the Department of Public Safety, Concealed Handgun Carry Act 29-19-1 et seq., and the Uniform Licensing Act (ULA), 61-1-1 et seq., NMSA 1978, which creates donor registry requirements for license applications for the specified boards, commissions, and agencies.

Section 4 of SB118 states that it applies to each board to which the ULA has been made applicable, and requires each such board to include on any license application form (new or renewal) a space to show whether the applicant is a donor under Jonathan Spradling Revised Uniform Anatomical Gift Act (24-6B-1 *et seq.* Each licensing application must contain an option for an applicant to indicate the applicant's donor status on the space provided if the applicant has not already marked the applicant's donor status on an application form for a driver's license. All applications must also have an option for any applicant desiring to be a new donor to become a donor. To become a donor, an applicant must sign the form in the presence of a witness, who is also required to sign the form in the presence of the donor. Each board must submit a copy of each application where this space is completed to the motor vehicle division for inclusion in the statewide donor registry.

Sections 5 through 48 of SB118 provide the new material that will be added to forty-three (43) separate Acts including the Acts for the following twenty-eight (28) boards and commissions administratively attached to, or directly under the authority of, the RLD. The impacted boards and commissions include:

1. Board of Optometry;
2. Chiropractic Board;
3. New Mexico Board of Dental Health Care;
4. Nutrition and Dietetics Practice Board;
5. Board of Podiatry;
6. New Mexico State Board of Psychologist Examiners;
7. Counseling and Therapy Practice Board;
8. Board of Pharmacy;
9. Board of Examiners for Occupational Therapy;
10. Advisory Board of Respiratory Care Practitioners;
11. Massage Therapy Board;
12. Physical Therapy Board;

13. Board of Nursing Home Administrators;
14. Board of Acupuncture and Oriental Medicine;
15. Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board;
16. Athletic Trainer Practice Board;
17. Board of Barbers and Cosmetologists;
18. Board of Body Art Practitioners;
19. Board of Landscape Architects;
20. Interior Design Board;
21. New Mexico Home Inspectors Board;
22. Private Investigations Advisory Board;
23. New Mexico Public Accountancy Board;
24. New Mexico Real Estate Commission;
25. Real Estate Appraisers Board;
26. Board of Social Work Examiners;
27. Board of Funeral Services; and
28. Signed Language Interpreting Practices Board.

The effective date of the legislation is June 20, 2025. The effective date of Section 3 is January 1, 2026.

FISCAL IMPLICATIONS

Focusing only on boards and commissions attached to the RLD, it must be considered that modifications will be required to be made to the licensing software platforms for each of the impacted boards. Based upon costs incurred in recent years for changes/upgrades to those licensing software platforms, it can be anticipated that the RLD will require an appropriation of not less than six million dollars (\$6,000,000) for the changes and additions that would be required if this bill is passed. In addition to licensing software changes, the RLD would need to contract with a third-party vendor to provide the ability to ensure that an applicant/licensee wishing to become a donor at the time of licensing or renewal has this selection witnessed by another person. There would also need to be a reporting feature added to the licensure process so that those wishing to donate are added to the database. Further, that \$6,000,000 appropriation would need to be in place in FY26 to have contracts in place to ensure that the necessary software changes and witness attestation requirements are made prior to the June 20, 2025, deadline specified in the bill.

An additional fifty thousand dollars (\$50,000) would also need to be appropriated to the RLD in FY26 to pay for costs related to licensing database modifications, testing, implementation, and the additional steps necessary in processing applications and verifying data including signatures. Beyond implementation, there will be continued expenses associated with registration and reporting.

SIGNIFICANT ISSUES

All professional and occupational licensing conducted by the RLD for professional licenses require applications to be submitted through an online application system. It will be very difficult (if not impossible) for the staff of the RLD to ensure that a witness, who is required by this bill to sign a section of the application in the presence of the applicant/donor, is actually attesting to the applicant/donor's signature, or if the applicant simply completes the online application with the alleged witness's information.

There are also personal privacy concerns to be considered, as most professional licensees are

required to display their license at their place of business and may not want their donor status to be open to view by the public.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Reporting to the donor registry with each license will require a 3rd party reporting feature that is not currently implemented in the online licensing system utilized by the RLD, NM-Plus, which is a Salesforce-based system.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS