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FISCAL IMPACT REPORT

LAST UPDATED _____

SPONSOR Sen. Stefanics and Hickey/Rep. Ferrary **ORIGINAL DATE** 01/27/2025

BILL

SHORT TITLE Organ Donor License Box & Registry **NUMBER** Senate Bill 118

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Department of Public Safety	No fiscal impact	\$250.0	\$50.0	\$300.0	Recurring	General Fund
Regulation and Licensing Department	No fiscal impact	At least \$50.0	No fiscal impact	At least \$50.0	Nonrecurring	General Fund
Department of Game and Fish	No fiscal impact	\$300.0	\$300.0	\$300.0	Recurring	General Fund
Total	No fiscal impact	At least \$600.0	At least \$350.0	At least \$950.0		General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

New Mexico Medical Board (NMMB)
 Regulation and Licensing Division (RLD)
 New Mexico Department of Game and Fish (DGF)
 Department of Public Safety (DPS)

Agency Analysis was Solicited but Not Received From

Department of Health (DOH)

SUMMARY

Synopsis of Senate Bill 118

Senate Bill 118 (SB118) makes virtually identical changes to 44 sections of state law adding to application and licensing forms a space to indicate if the person applying or applying to be licensed wishes to be or is an anatomical donor of their entire body or part of their body under the Jonathan Spradling Revised Uniform Anatomical Gift Act (Section 24-6B NMSA 1978). If the person wishes to be an anatomical donor after death and has not previously indicated the desire to do so on a driver's license application, the person can sign the form prescribed in Sections 1 to 4 of this bill in the presence of a witness. The forms filled in and witnessed would then be transmitted to the Motor Vehicles Division (MVD) of the Taxation and Revenue

Department, which would maintain a registry of such prospective donors. Information in that registry would be made available to hospitals and to organ and tissue donor programs just before or after a donor's death.

The effective date of this bill is January 1, 2026.

FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 118.

The Department of Public Safety (DPS) indicates a first-year cost estimate of \$250 thousand with on-going costs of \$50 thousand for software update and maintenance. The Regulation and Licensing Department (RLD) cites a \$50 thousand impact to the agency for database modifications, testing, and implementation. RLD further cites a cost figure of \$6 million due to the need to license third party software for reporting, as the agency claims its current licensing system is not capable of automatically reporting information to the donor registry, and “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.” However, as noted in the technical issues section, it is not clear what SB118 means with its witness-requirement; if RLD does not need to have a witness verify signatures, the fiscal impact to the department would be substantially lower. NMMB does not indicate any costs or impediments to that board from implementation of this legislation.

The Department of Game and Fish (DGF) does not estimate its costs under the bill, but states that it would require “Staff time for at least one programmer, SQA specialist, and licensing operations manager to plan, program and test changes to web-based software applications and build interface with MVD. It's difficult to quantify how long this would take.” Assuming an average cost for salary and benefits of \$100 thousand for each of these positions, SB118's fiscal impact to DGF would be \$300 thousand on a recurring basis.

SIGNIFICANT ISSUES

DPS indicates that:

This legislation aligns with national and state efforts to increase organ donor enrollment, potentially expanding the pool of registered donors in New Mexico. To maximize the bill's impact, public awareness campaigns may be necessary to inform applicants of the new registration option and encourage participation. Furthermore, agencies must consider the user experience when modifying application forms, ensuring that the donor designation process is clear, intuitive, and seamlessly integrated to promote ease of registration.

DPS notes that this legislation would present a “logical and beneficial expansion of New Mexico's donor registry process but [would] require careful planning and coordination to ensure cost-effective and efficient implementation.” DPS and other affected agencies comment that coordinating the transfer of information from license and other applications to MVD would be complicated.

RLD indicates that it will be difficult to ascertain the identity and presence of a witness when an on-line application is filled out containing an organ donor enrollment.

DGF comments extensively on the difficulty of asking its offices and approximately 150 external license vendors to collect the required data and to transmit that data to MVD. DGF also notes the possibility that a hunting or fishing license purchaser declining to participate in organ donation on the DGF form while having a driver's license indicating the opposite would create contradictory records. DGF feels that the legislation would be unworkable if a physical copy of the enrollment form and signature would need to be transmitted to MVD.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill duplicates Senate Bill 81 from the 2022 legislative session, which was ruled non-germane.

TECHNICAL ISSUES

As pointed out by DPS, Section 29-16-6(B) NMSA 1978 states that Concealed Handgun Carry Act participants' identity is confidential; thus, their information could not be passed on to MVD without an amendment to that statute.

SB118 includes the language that, "If the applicant desires to be a new donor, the form shall be signed by the donor in the presence of a witness who shall also sign the form in the donor's presence" when amending the Uniform Licensing Act, the Concealed Handgun Act, and Section 17-3 NMSA 1978. However, the donor statements included in SB118 only include signature lines for a donor and for a parent or guardian if the donor is under fifteen years of age. Further, Section 24-6B-5 NMSA 1978, which governs the manner in which an organ donor may make a gift prior to their death, only requires that the act of organ donation be witnessed if the donor is terminally ill or physically unable to sign a record. What SB118 means by "witness" is therefore unclear. SB118 should be clarified to define what is meant by "witness" and to align bill language with Section 24-6B-5 NMSA 1978.

LAC/rl

Attachments

1. List of affected applicant groups.

Attachment 1.

Section of SB 118	Modifies this section of Statutes NMSA 1978	Group affected
1	17-3	Applicants for fishing and hunting licenses
2	29-19	Concealed handgun carry applicants
3	29-19	Concealed handgun carry applicants
4	61-1	Applicants for licensing under <ul style="list-style-type: none"> • Construction industries division of RLD • Crane operators licensing • Any board, commission or agency enumerated in Section 61 • Cannabis control division • Any other state agency subject to Uniform Licensing Act law
5	61-2	Optometry applicants
6	61-3	Nurse applicants
7	61-4	Chiropractic physician applicants
8	61-5A	Dentist and dental hygienist applicants
9	61-6	Medical practice act applicants
10	61-6A	Genetic counseling applicants
11	61-6B	Polysomnography practice act applicants
12	61-7A	Nutrition and dietetics practice act applicants
13	61-8	Podiatry act applicants
14	61-9	Professional psychologist act applicants (see also Section 38 of this bill)
15	61-9A	Counseling and therapy act applicants
16	61-11	Pharmacy act applicants
17	61-10A	Occupational therapy act applicants
18	61-12B	Respiratory care act applicants
19	61-12C	Massage therapy practice act applicants
20	61-12D	Physical therapy act applicants
21	61-12F	Naprapathic act applicants
22	61-13	Nursing home administrators act applicants
23	61-14	Veterinary practice act applicants
24	61-14A	Acupuncture and Oriental medicine practice act applicants
25	61-14B	Speech-language pathology, audiology and hearing aid dispensing practices act applicants
26	61-14D	Athletic trainer practice act applicants
27	61-14E	Medical imaging and radiation therapy health and safety act applicants
28	61-14F	Uniform athlete agents act applicants
29	61-15	Architecture act applicants
30	61-17A	Barbers and cosmetologists act applicants
31	61-17B	Body art safe practices act applicants
32	61-23	Engineering and surveying practice act applicants
33	61-24B	Landscape architects act applicants
34	61-24C	Interior designers act applicants
35	61-24D	Home inspector licensing act applicants
36	61-27B	Private investigations act applicants
37	61-28B	1999 Public accountancy act applicants
38	61-9	Professional psychologist act applicants (see also Section 14 of this bill)
39	61-30	Real estate appraisers act applicants
40	61-31	Social work practice act applicants
41	61-32	Funeral services act applicants
42	61-33	Utility operators certification act applicants
43	61-34	Signed language interpreting practices act applicants
44	61-36	Lactation care provider act applicants