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FISCAL IMPACT REPORT

ORIGINAL DATE 02/03/09

SPONSOR Munoz LAST UPDATED _____ HB _____

SHORT TITLE Annual Controlled Substances Registration SB 356

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY09	FY10	FY11		
NA	Indeterminate	Indeterminate	Recurring	Pharmacy Board

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Attorney General Office (AGO)

Medical Board (MB)

Department of Health (DOH)

Health Policy Commission (HPC)

SUMMARY

Synopsis of Bill

Senate Bill 356 proposes to delete the requirement that a person who manufactures, distributes or dispenses a controlled substance or who proposes to engage in the manufacture, distribution or dispensing of a controlled substance obtain a registration on an annual basis.

FISCAL IMPLICATIONS

Operating revenues would spike for one year when the conversion takes place to multi-year registrations. Revenues for the next one or two years would decrease.

SIGNIFICANT ISSUES

SB 356 proposes to allow for multi-year registration of persons who manufacture, distribute or dispense controlled substances in New Mexico.

ADMINISTRATIVE IMPLICATIONS

By statute (NMSA 1978, Section 30-31-11) and by rule (16.19.20.10 NMAC), the NM Board of Pharmacy may charge an annual registration renewal fee. According to RLD, if registrants are allowed to renew less frequently than annually, the Pharmacy Board could see a loss in revenue, and staff could see a decrease in processing these annual renewals.

TECHNICAL ISSUES

The Pharmacy Board will need to adopt rules specifying the options for renewal and the appropriate fees. NMSA 30-31-11 specifies the maximum amount the board may charge per year.

NMSA 30-31-11 “The board may promulgate regulations and charge reasonable fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances; provided, however, that in no case shall the fees exceed eighty dollars (\$80.00) per year.”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

No changes will be made to the annual registration requirement.

CS/svb