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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 132

SHORT TITLE: Police Officer Workers Comp Conditions

SPONSOR: Borrego

LAST UPDATE: _____ **ORIGINAL DATE:** 2/4/2026 **ANALYST:** Simon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Department of Public Safety – Workers Comp Premium	No fiscal impact	No fiscal impact	See “Fiscal Implication”		Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 128

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Workers Compensation Administration

Department of Public Safety

Agency or Agencies That Were Asked for Analysis but did not Respond

General Services Department

SUMMARY

Synopsis of House Bill 132

House Bill 132 (HB132) creates a presumption in the New Mexico Occupational Disease Disablement Law that certain medical conditions are proximately cause by a police officer's employment when adjudicating workers' compensation claims. The medical conditions are posttraumatic stress disorder, back pain due to wearing a duty belt, and "heart issues." For police officers hired on or before June 30, 2013, the presumption would apply after 20 years of service. For police officers hired after July 1, 2013, the presumption would apply after 25 years.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

HB132 could increase workers compensation and disability costs of public entities that employ

police officers, including the Department of Public Safety (DPS), the Livestock Board, the Cannabis Control Division of the Regulation and Licensing Department, and local governments that maintain a sheriff's department or police department. Analysis from the Workers' Compensation Administration (WCA) notes, under current law, police officers are already able to file a workers' compensation claim even if there is no presumption the medical condition was caused by the police officer's service. As a result, WCA anticipates the additional workload would be minimal.

However, additional costs could fall on entities that employ police officers. Analysis from the General Services Department, which manages the state's workers' compensation fund, is not available. However, that department's analysis of a similar bill making adjustment to presumptions certain cancers are caused by a firefighter's employment (HB128) notes that bill would likely lead to additional workers' compensation costs through additional claims. The analysis notes possible additional costs from that bill are unknown but could be substantial. Given the similarity between the bills, it is likely HB132 would involve similar additional costs.

Analysis from DPS indicates the department expects additional workers' compensation costs from the bill. DPS estimates workers' compensation premiums could rise by 10 percent, which the department estimates could cost about \$300 thousand per year. DPS further notes the bill could impact staffing levels for certain assignments, which could lead to additional costs.

SIGNIFICANT ISSUES

The New Mexico Occupational Disease Disablement Law currently provides firefighters with a presumption that certain medical conditions are proximately caused by the employment after a given period of service, due to the likelihood of exposure to factors that have been linked to the development of those conditions. This effectively shifts the burden of proof away from the claimant in a workers' compensation claim. HB132 would create a similar presumption for police officers related to posttraumatic stress disorder, back pain due to wearing a duty belt, and heart issues. HB132 notes an employer may rebut the presumption by a preponderance of the evidence showing the condition is due to conduct or activity outside of employment.

Current law allows for a rebuttable presumption that posttraumatic stress disorder diagnosed in a firefighter is proximately caused by the firefighter's employment. HB132 would provide a similar presumption for police officers but only after 20 years for an officer hired on or before June 30, 2013 or after 25 years for officer hired later. Analysis from the Workers' Compensation Administration notes the differences in the presumption, writing the difference could pose equal protection issues.

HB132 specifies that the presumption related to back pain must be "due to wearing a duty belt." This may not be effective at shifting the burden of proof away from the claimant if an employer claims the condition is not due to wearing a duty belt and the claimant is not entitled to the presumption.

HB132 provides that "heart issues" are presumed to be cause by employment, but this term could be overly broad and apply to a number of different medical conditions. Additionally, this term could cover medical conditions that are relatively common in the United States amongst all professions. According to the federal Centers for Disease Control and Prevention, heart disease is the leading cause of death in the United States and 18.3 percent of the population over age 65

have been told by a doctor they had coronary heart disease, angina, or a heart attack. Current law provides a much narrower presumption for firefighters in certain cases. Subsection D of Section 52-3-32.1 NMSA 1978 states:

If a firefighter is diagnosed with a heart injury or stroke suffered within twenty-four hours of fighting a fire, while responding to an alarm, while returning from an alarm call, while engaging in supervised physical training or while responding to or performing in a non-fire emergency, the heart injury or stroke is presumed to be proximately caused by employment as a firefighter. The presumption created in this subsection shall not be made if the firefighter's employer does not have a current physical training program and the firefighter does not have a current medical screening examination or review pursuant to the Occupational Health and Safety Act and rules promulgated pursuant to that act allowing participation in that program.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 128 addresses an existing presumption provided to firefighters for cancer, lowering the amount of time a firefighter must serve to qualify for the presumption and adding new forms of cancer to the presumption.

JWS/sgs/hg/sgs