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FISCAL IMPACT REPORT

SPONSOR Ortiz y Pino **ORIGINAL DATE** 01/31/21
LAST UPDATED 03/06/21 **HB** _____
SHORT TITLE Non-Pharmacist Use of Insignias **SB** 122/aSJC/aSFI#1
ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Regulation and Licensing Department (RLD)
 New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of SFI#1 Amendment

Senate floor amendment #1 to Senate Bill 122 clarifies the purpose of the act by striking the word “pharmacy” and inserting in lieu thereof the phrase “the words ‘apothecary’, ‘apothecary shop’ and other words of similar import and pharmacy-related” and, after the term “devices,, inserts “on signs or advertisements.”

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment would strike references to the terms “apothecary” and “apothecary shop.”

Synopsis of Original Bill

SB122 amends the Pharmacy Act by removing the prohibition of establishments not licensed as a pharmacy to use “any other words of similar import or by an insignia or device.”

There is no effective date of this bill. It is assumed the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

Neither the Pharmacy Board nor RLD reported a fiscal impact.

SIGNIFICANT ISSUES

According to RLD, the Pharmacy Act currently restricts the use of certain words, insignias, or devices that may suggest to the public an establishment is licensed under the Pharmacy Act.

NMAG noted “of similar import” and “insignia or device” are not defined in the Pharmacy Act, so it was uncertain what permissible language, insignias or devices non-pharmacies could use.

AHO/al /sb