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FISCAL IMPACT REPORT

SPONSOR Romero, A/Thomson LAST UPDATED _____
ORIGINAL DATE 3/3/23
SHORT TITLE Dissemination of Certain Health Data BILL NUMBER House Bill 488
ANALYST Klundt

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent version of this legislation.

Sources of Information

LFC Files

Responses Received From

Human Services Department (HSD)

New Mexico Attorney General (NMAG)

No Response Received

Department of Health (DOH)

SUMMARY

Synopsis of House Bill 488

House Bill 488 (HB488) would amend and enact section of the Unfair Practices Act, prohibiting the dissemination of an individual's health, mental health, or location data except in certain circumstances.

HB488 states if the court finds that a person is willfully using or has willfully used a method, act or practice declared unlawful by the Unfair Practices Act, the attorney general, upon petition to the court, may recover on behalf of the state a civil penalty of not less than five hundred dollars (\$500) and not more than ten thousand dollars (\$10 thousand) per occurrence. The effective date of the provisions of this act is July 1, 2023.

FISCAL IMPLICATIONS

No fiscal impact was reported.

SIGNIFICANT ISSUES

NMAG noted SB428, Firearms in Unfair Practices Act, would also amend the amount of civil penalties that can be recovered by the Attorney General for willful violations of the UPA. The changes in the two bills would not directly conflict. SB428 creates a new cause of action related to firearms and sets new civil penalty amounts only for violations of the UPA related to those firearms. HB488 amends the base level of civil penalty amounts that can be awarded under the UPA.

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