

LFC Requester:	Ginger Anderson
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 1/14/2024
Bill No: HB99

Sponsor: Thomson
Short Title: Smoking in Racinos

Agency Name and Code Number: Economic Development Department 419
Person Writing: Louise Marquez
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Bill 99 (HB99) seeks to amend the Dee Johnson Clean Indoor Air Act, Section 24-16-12(E), ‘Smoking-permitted areas,’ to remove racinos, or racetracks licensed by the state racing commission with a gaming operator’s license issued by the gaming control board, from the allowable smoking-permitted areas.

In addition, HB99 also corrects Section 12. B. to June 14, 2019, a specific date, instead of ‘the effective date of this 2019 act.’

FISCAL IMPLICATIONS

The cost implications of this bill to the New Mexico Economic Development Department are minimal. The potential for lost revenue at New Mexico’s five racinos by prohibiting smoking will have a negligible impact on the overall economies in the communities where racinos are located.

SIGNIFICANT ISSUES

Prohibiting smoking at racinos while continuing to permit smoking at casinos may be perceived to be discriminatory by the racinos, unfairly impacting their ability to bring in customers in the negative and leading to less revenue for racinos than for casinos.

PERFORMANCE IMPLICATIONS

None identified.

ADMINISTRATIVE IMPLICATIONS

None identified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Forms of this legislation have previously been introduced in the 2021 and 2023 regular legislative sessions, including HB 249 in the 2021 Regular Legislative Session and HB 168 and SB 130 in the 2023 Regular Legislative Session. All of the previous bills died, however HB 249 (2021) received a DO PASS recommendation from the Health and Human Services Committee and was referred to the State Government, Elections and Indian Affairs Committee.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

While the adverse health effects of smoking will continue to be an issue for patrons of racinos if this bill is not enacted, there will be negligible consequences to the New Mexico Economic Development Department as described above.

AMENDMENTS