

<b>LFC Requester:</b>	<b>Ginger Anderson</b>
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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:* Date 01\16\2024  
**Original**  **Amendment**  **Bill No:** HB99  
**Correction**  **Substitute**

**Sponsor:** Elizabeth "Liz" Thomson **Agency Name and Code** New Mexico Racing Commission  
**Short** No Smoking in Racinos **Number:** 46900  
**Title:** \_\_\_\_\_ **Person Writing** Ismael Trejo  
**Phone:** 505-589-6384 **Email** Ismael.Trejo@rc.nm.g

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NF1	NF1		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
(12,800.00)	(12,800.00)	(12,800.00)	recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NF1	NF1	NF1	NF1		

(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:** HB 99 would ban smoking at facilities that are racetracks that are licensed by the state racing commission with a gaming operator’s licensed issued by the state’s gaming control board. All other facilities allowed to have smoking pursuant to the Dee Johnson Clean Indoor Air Act will continue to allow smoking.

Synopsis:

**FISCAL IMPLICATIONS :** In other jurisdictions that have banned smoking at casinos, net take typically declines approximately 20%. Any decline in net take in New Mexico means less tax dollars to the general fund and less money for purses for the horse racing side of the operation. This could have implications on the number of race days run in the state of New Mexico.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES:** HB 99 indicates that smoking will not be allowed at the racetracks. It is not clear that smoking will also be banned at the casinos of a gaming operator. They are two different operations, one being a racetrack and one being a casino.

**PERFORMANCE IMPLICATIONS:** HB 99 would give an advantage to tribal casino operations as smokers could smoke at those casinos.

**ADMINISTRATIVE IMPLICATIONS:** There are none

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP:** HB 99 does not have any conflict, duplication, companionship, or relationship bills being run at this time.

**TECHNICAL ISSUES:** HB 99 indicates that there will not be smoking permitted at the race track but it is not clear with its intent to ban smoking at a gaming operator’s casino that is licensed by the state racing commission.

**OTHER SUBSTANTIVE ISSUES:** There are no other substantive issues other than the negative ramifications against the horse racing industry that will take effect should HB 99 pass.

**ALTERNATIVES:** There are no alternatives.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL:** If HB 99 does not pass, gamblers who smoke will have more entertainment options when it comes to spending their gambling dollars. The state of New Mexico will maintain the consistency in the amount of tax dollars that the race tracks' casinos generate for the general fund.

**AMENDMENTS**