

LFC Requestor: Sanchez, Scott

2024 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS

Section I: General

Chamber: House

Category: Bill

Number: 0127

Type: Introduced

Date (of THIS analysis): 01/19/2024

Sponsor(s): Reena Szczepanski and Daya Hochman-Vigil

Short Title: Age 21 For Firearm Purchases

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 24	FY 25		
\$0	\$0	n/a	n/a

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 24	FY 25	FY 26		
\$0	\$0	\$0	n/a	n/a

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 24	FY 25	FY 26	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	n/a	n/a

Section III: Relationship to other legislation

Duplicates: none

Conflicts with: none

Companion to: none

Relates to: HB 114 Firearm Industry Accountability Act  
HB 129 Firearm Sales Waiting Period Crimes  
SB 69 14-Day Firearm Sale Waiting Period  
HB 46 Felon Possess of Firearm  
HB 47 Unlawful Firearm while Drug Trafficking  
HB 58 No Background Check for Firearm Sale  
HB 78 Permitless Firearm Carrying

Duplicates/Relates to an Appropriation in the General Appropriation Act: none

## Section IV: Narrative

### 1. BILL SUMMARY

#### a) Synopsis

House Bill 127 (HB127) proposes the creation of a misdemeanor for the unlawful sale of a firearm (to a person under the age of twenty-on) that:

- Requires a person to be twenty-one years or older to purchase or possess an automatic or semi-automatic firearm, with exceptions for the temporary transfer and possession of certain firearms and ammunition for specified activities, including recreational (hunting and target shooting), competitions, practice performances, and while under the control and supervision of the person's parent, grandparent or legal guardian on private property
- Requires a person to be twenty-one years or older to purchase or possess a large-capacity ammunition feeding device, with exceptions for certain occupations including employment as a peace officer, active or reserve armed forces, national guard, or licensed security officer.
- Prohibits the sale or transfer of automatic or semi-automatic firearms, or large-capacity ammunition feeding device to a person under the age of twenty-one.
- Would establish a minimum age of twenty-one to purchase or possess certain firearms
- Would allow for each party (seller and buyer) to be charged under this proposed statute

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

#### b) Significant Issues

##### Firearm deaths in New Mexico

- In New Mexico, there have been 140 firearm deaths among children aged 0 – 18 between 2016 and 2020, which include 68 suicide deaths and 64 homicide deaths (<https://wonder.cdc.gov/Deaths-by-Underlying-Cause.html>).

- In 2022, New Mexico had the third highest age-adjusted rate of firearm involved death among all states in the United States (26.5 deaths per 100,000 residents) (Unpublished data, [BVRHS](#)), which was 84% higher than the United States (14.4 deaths per 100,000 residents, age adjusted) ([Provisional Mortality Statistics, 2018 through Last Week Request Form \(cdc.gov\)](#)).
- In 2022, the age adjusted firearm death rate in New Mexico was 26.5 deaths per 100,000 residents, which was the second highest rate in New Mexico since 1999 (Unpublished data, New Mexico Bureau of Vital Records and Health Statistics [[NM BVRHS](#)]).
- The age adjusted firearm death rate in New Mexico decreased by 1.9% between 2021 and 2022 (from 27.0 to 26.5 deaths per 100,000 residents), but increased by 17.3% between 2020 and 2022 (from 22.6 to 26.5 deaths per 100,000 residents) (Unpublished data, [NM BVRHS](#)).
- In 2022, there were 550 firearm-related deaths in New Mexico that included 295 suicides, which represents 54% of all firearm deaths in New Mexico (Unpublished data, [NM BVRHS](#)).

According to the Giffords Law Center to Prevent Gun Violence, laws imposing minimum age requirements for the possession and purchase of firearms are intended to decrease access to firearms by young people and, correspondingly, to decrease the number of suicides, homicides, and unintentional shootings among that population. Because young adults are at elevated risk of attempting suicide and engaging in violent behaviors, strengthening minimum age laws for purchasing and possessing guns will help protect young people and the public at large.

“Laws that prohibit unsupervised possession or purchase of firearms by children and young people can reduce harm among people under age 21.

- One study found that state laws raising the minimum legal age to purchase firearms to 21 years were associated with a nine percent decline in rates of firearm suicides among 18-to-20-year-olds.
- Controlling for other factors, unintentional firearm deaths and firearm suicides among youth (ages 0-19) also fell after the federal minimum age law was enacted.

A robust body of academic literature shows that the human brain continues to develop well past the age of 21, particularly in areas that may alter a person’s likelihood of involvement in violence against themselves or others.

- **The biological processes that take place during late adolescence and young adulthood can predispose individuals to riskier and more aggressive behaviors.**
- Because impulse regulation and emotional control continues to develop into the mid-20s, **young people, including adolescents and people under age 21, are at elevated risk of attempting suicide.”**

(<https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/minimum-age/#:~:text=Minimum%20age%20of%2021%20is,%2C%20and%20District%20of%20Columbia>).

To date, research has suggested that a more restrictive state gun law environment is associated with less youth gun carrying and fewer suicides by firearm.

- Dong and Wilson (2022) examined the association between state firearm legislation and youth/young adult handgun carrying in the United States. (<https://www.sciencedirect.com/science/article/pii/S1054139X22005961>).
  - Their key finding was youth and young adults in states with a greater number of gun policies were less likely to carry a handgun than youth and young adults in states with fewer gun policies
  - Buyer regulations and domestic violence–related laws were also associated with a lower likelihood of handgun carrying, and the reduction effects strengthened as the levels of regulation heightened
  - An important precursor of gun violence, especially among youth, is gun-carrying behavior. In addition to violent injuries, youth gun carrying is associated with other negative life outcomes.
- Raifman et al. (2020) evaluated the association between U.S. state policies that establish age 18 or 21 years as the minimum age for the sale of handguns and adolescent suicide rate. (<https://pubmed.ncbi.nlm.nih.gov/32699008/#:~:text=In%20the%20difference%2Din%2Ddifferences,permutation%20adjusted%20P%3D0.025>).
  - Raifman’s key finding was A clear discontinuity was shown in the suicide rate by age at age 18 in states that limited the sale of handguns to individuals aged 18 or older. State policies to limit the sale of handguns to individuals aged 21 or older were associated with a reduction in suicide rates among adolescents.
- Carey and Levin-Coley (2022) examined the prevalence of adolescent handgun carriage (<https://publications.aap.org/pediatrics/article/149/5/e2021054472/186863/Prevalence-of-Adolescent-Handgun-Carriage-2002?autologincheck=redirected>)
  - Their key finding was predicted carriage rates increased from 4.3% to 6.9% among rural adolescents between the 2002–2006 and 2015–2019 cohorts.
  - Adolescent handgun carriage is increasing, nationally representative surveys conducted annually from 2002 to 2019, the National Survey on Drug Use & Health, Handgun carriage increased significantly, particularly among rural, White, and higher-income adolescents.
- Rubin (2022) examined the impact of firearm safety laws on suicides. (<https://jamanetwork.com/journals/jama/article-abstract/2796699>)
  - Rubin’s key finding was if all states had similar suicide by firearm rates as the states with the most gun laws, approximately 6800 lives might have been saved in 2020. “In the states with the fewest gun laws, the suicide by firearm rate was 10.8 per 100 000 population, she found. In the states with the most gun laws, the rate was 4.9 per 100 000, and in the states with a moderate number of gun laws, the rate was 8.4 per 100 000.”
  - A study, which used the National Inpatient Sample for 1998-2011, found that injuries from firearm-related suicide attempts among hospitalized patients were significantly higher, as were deaths following these attempts, in states with less strict gun laws.

Increased state-level firearm household ownership and prevalence has been associated

with higher state-level rates of firearm suicides, homicide, and unintentional deaths in children and youth.

- Lee et al. (2022) proposes application of the principles of Haddon matrix for injury prevention to develop a multipronged approach for pediatric firearm injury prevention (<https://publications.aap.org/pediatrics/article/150/6/e2022060070/189686/Firearm-Related-Injuries-and-Deaths-in-Children>).
  - Lee's key finding was stronger state-level legislation is associated with lower state-level firearm prevalence and access and decreased firearm deaths in children and youth.
  - Lee recommends legislation be enacted and enforced including buyer regulations for laws increasing age limits for certain types of firearms (eg, semiautomatic, military-style weapons).
  - Previous research has identified risk and protective factors for youth gun carrying at multiple ecological levels (e.g., individual, relational, community, and societal), and some of the strongest correlates include being male, prior exposure to (gun) violence, substance use, peer delinquency and gang affiliation, involvement in drug dealing and other criminal activities, neighborhood disadvantage, and easy access to guns.

In 2023, legislation related to having a minimum age for firearm sales (SB116 in the 2023 Regular Session) was introduced. The bill was referred to the Senate Health & Public Affairs Committee (SHPAC) and Senate Judiciary Committee (SJC). SHPAC and SJC reported with a Do Pass Recommendation, but Action was Postponed Indefinitely.

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?  
 Yes  No
- Is this proposal related to the NMDOH Strategic Plan?  Yes  No
  - Goal 1:** We expand equitable access to services for all New Mexicans
  - Goal 2:** We ensure safety in New Mexico healthcare environments
  - Goal 3:** We improve health status for all New Mexicans
  - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

## 3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?  
 Yes  No  N/A
- If there is an appropriation, is it included in the LFC Budget Request?  
 Yes  No  N/A
- Does this bill have a fiscal impact on NMDOH?  Yes  No

#### 4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH?  Yes  No

#### 5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

#### 6. TECHNICAL ISSUES

Are there technical issues with the bill?  Yes  No

#### 7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written?  Yes  No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)?  Yes  No
- Does this bill conflict with federal grant requirements or associated regulations?  
 Yes  No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs?  Yes  No

#### 8. DISPARITIES ISSUES

There are significant disparities in victims of firearm death and injury based on age, gender, race, ethnicity, and geographic region.

- Between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17 in New Mexico, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](#)).
- In 2022, American Indian and Alaska Natives (AI/AN) residents in New Mexico were 21% more likely (30.6 deaths per 100,000 residents, age adjusted) to be killed with a firearm compared to White residents (25.2 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).
- In 2022, Black or African American residents in New Mexico were 49% more likely (42.7 deaths per 100,000 persons) to have a firearm involved death than White residents (28.7 deaths per 100,000 persons) (Unpublished data, [NM BVRHS](#)).
- In 2022, males in New Mexico were nearly five times more likely (44.2 deaths per 100,000 residents, age adjusted) to have a firearm-involved death than females (9.0 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).

#### Suicide Deaths involving a Firearm in New Mexico

- In 2022, White residents (17.6 deaths per 100,000 residents, age adjusted) were almost two times more likely to be killed in a suicide involving a firearm compared to Hispanic and Black residents (Hispanic: 9.7 deaths per 100,000 residents; Black: 11.2 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).
- In 2022, White residents (17.6 deaths per 100,000 residents, age adjusted) were almost 80% more likely to be killed in a suicide involving a firearm compared to American

Indian and Alaska Native (9.8 death per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).

- In 2022, males in New Mexico were nearly 5.8 times more likely (23.7 deaths per 100,000 residents, age adjusted) to have a suicide death involving a firearm than females (3.5 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).

## **9. HEALTH IMPACT(S)**

- Nearly eight out of ten homicides committed in 2020 involved a firearm in America ([Gun Violence: The Impact on Public Health \(nihcm.org\)](#)).
- Between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17 in New Mexico, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](#)).
- In 2022, New Mexico had the third highest age-adjusted firearm death rate among all states in the United States (26.5 deaths per 100,000 residents) (Unpublished data, [BVRHS](#)), which was 84% higher than the United States rate (14.4 deaths per 100,000 residents, age adjusted) ([Provisional Mortality Statistics, 2018 through Last Week Request Form \(cdc.gov\)](#)).
- In 2022, firearm involved death would be the 10<sup>th</sup> leading cause of death in New Mexico with more deaths than nutritional deficiencies and influenza and pneumonia ([CDC Wonder - Underlying Cause of Death Form](#) – Data queried and prepared by NMDOH – ERD on 1.11.2024).
- Between 2012 and 2022, the age-adjusted firearm death rate in New Mexico increased by 75% (from 15.1 deaths per 100,000 residents in 2012 to 26.5 deaths per 100,000 residents in 2022) (Unpublished data, [NM BVRHS](#)).
- Between 2020 and 2022, the age-adjusted rate of firearm death increased by 17% (from 22.6 to 26.5 deaths per 100,000 residents) with 69 more deaths than in 2020. However, there was a 2% decrease in the rate from 2021 to 2022 (from 27.0 to 26.5 deaths per 100,000 residents) with 12 fewer deaths in 2022 (Unpublished data, [NM BVRHS](#)).

## **10. ALTERNATIVES**

None

## **11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

If HB127 is not enacted, then it will not be a misdemeanor for a person under the age of twenty-one to purchase or possess certain firearms, nor will it be a misdemeanor for a person to sell or transfer ownership of certain firearms to a person under the age of twenty-one.

## **12. AMENDMENTS**

None