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FISCAL IMPACT REPORT

SPONSOR <u>Sen. Wirth/Rep. Szczepanski</u>	LAST UPDATED <u>02/24/2025</u>
	ORIGINAL DATE <u>02/04/2025</u>
SHORT TITLE <u>Medical Provider Patient IPRA Info</u>	BILL NUMBER <u>Senate Bill 57</u>
	ANALYST <u>Chilton</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact	No fiscal impact		

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Relates to House Bill 234

Sources of Information

LFC Files

Agency Analysis Received From
 New Mexico Attorney General (NMAG)
 New Mexico Medical Board (NMMB)
 University of New Mexico (UNM)

Agency Declined to Respond
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Senate Bill 57

Senate Bill 57 (SB57) would add an additional exception to the Inspection of Public Records Act (IPRA) (Section 14-2 NMSA 1978), which gives every person the right to examine public records. SB57 would make records containing personal identifying or sensitive information having to do with the practice of medical providers who perform medical services related to abortion and who are employed by a public body (for example, the University of New Mexico Hospital or School of Medicine) unavailable under IPRA.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

There is no appropriation in SB57. LFC staff estimate this bill would have no additional fiscal impact.

SIGNIFICANT ISSUES

The University of New Mexico (UNM) notes that this bill may significantly reduce their staff's administrative burden, stating "UNM typically receives over 100 [IPRA requests pertaining to the UNM Center for Reproductive Health or its employees] annually."

In addition, UNM makes note of the considerable burden these IPRA requests places on reproductive care providers, limiting the time they can devote to patient care and placing themselves and their contacts at risk:

Although IPRA only applies to employees of public institutions, public employees' work emails often include other abortion providers, colleagues from other institutions, students, residents, faculty and staff. People whose work and/or emails relate to reproductive health may face safety concerns when emails are shared.

NMAG points out two areas of ambiguity in Senate Bill 57 as written:

SB57 as proposed includes language that could lead to ambiguity in its interpretation. First while personally identifying information is firmly established and defined in IPRA, see Sections 14-2-1.1(F) and 14-2-6(F), there is no defined term of "sensitive information" in the IPRA. This could cause potential ambiguity in what is considered "sensitive information." Presumably, some information would be covered by requirements in the Health Insurance Portability and Accountability Act ("HIPPA"). Such exception would fall under the "as otherwise stated by law" provision of IPRA. See Section 14-2-1(L).

Secondly, SB57 does not clarify what "medical services" are under the proposed changes. This could create ambiguity of interpretation. "Medical Services" could be tied to one of many other statutes, such as the Medical Malpractice Act (NMSA 1978, 41-5-1 to -29), the Medical Practice Act (NMSA 1978, Sections 61-6-1 to -35), the Health Care Code (NMSA 1978, Sections 24A-1-1 to -20), or the Reproductive and Gender-Affirming Health Care Freedom Act (NMSA 1978, Section 24-34-1 to -5).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to House Bill 234, Health Care for Babies Born Alive

LAC/hj/SL2