

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://agencyanalysis.nmlegis.gov) and email to billanalysis@dfa.nm.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}***Date Prepared:** 21 January 2026*Check all that apply:***Bill Number:** HB 72Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:** Reeb**Short** Controlled Substance Minor**Title:** Distribution**Agency Name
and Code**New Mexico Sentencing
Commission (354)**Number:****Person Writing**Douglas Carver**Phone:** 505-239-8362**Email** dhmcarver@unm.edu**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	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:

HB 72 amends Section 30-31-21 NMSA 1978, regarding distribution of controlled substances to a minor by adding a new subsection under which a person who distributes a narrower subset of controlled substances in Schedule I or II is guilty of a first degree felony (the penalty in the present statute for second or subsequent offenses for all controlled substances).

FISCAL IMPLICATIONS

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

Distribution to a minor under Section 30-31-21 is rarely charged. In FY24 there were six cases with dispositions. Of those six cases, there were two convictions, each earning nine years in prison. There was also one conditional discharge, earning 3 years probation, and three cases dismissed. In FY25, there were two cases filed with Section 30-31-21 as a lead offense; both were dismissed.

It is difficult to determine what the effect of passing HB 72 would be on the state's prison population, but given how rarely it is charged, it would likely have minimal impact. The average per day cost to incarcerate someone in the state's prison system is \$153.08/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS