

LFC Requester:

Joseph Simon

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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: 1.23.2026

Check all that apply:

Bill Number: HB 128Original Correction Amendment Substitute Sponsor: Reena SzczepanskiShort Title: FIREFIGHTER OCCUPATIONAL
DISEASE DISABLEMENTAgency Name and Code: NM Department of Homeland
Security & EmergencyNumber: Management-79500Person Writing: Amber GonzalesPhone: 505-487-6692 Email: Amber.gonzales@dhsem.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$0	\$0	NA	NA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
\$0	\$0	\$0	NA	NA

(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 128 amends NMSA 1978, Section 52-3-32.1 to expand and standardize presumptions that certain occupational diseases are caused by employment as a firefighter. The bill replaces the current tiered employment thresholds for specific cancers with a uniform five-year employment requirement for a list of cancers, while retaining qualifying conditions for certain diagnoses.

Furthermore, HB 128 keeps the current presumptions for infectious diseases and post-traumatic stress disorders and preserves existing provisions related to a heart injury or stroke associated with firefighting and emergency response. The bill continues to allow employers to rebut statutory presumptions by preponderance of evidence and clarifies that medical treatments must be provided as job-related conditions unless a court determines otherwise.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

HB 128 expands and standardizes presumptions that certain occupational diseases are caused by employment as a firefighter by establishing a uniform five-year employment threshold for a broad list of cancers, while retaining existing presumptions for infectious diseases, post-traumatic stress disorder, and heart injury or stroke, and allowing employers to rebut those presumptions.

PERFORMANCE IMPLICATIONS

HB 128 does not directly affect performance measures for the NM State Fire Marshal's Office but may support health outcomes and workplace retention.

ADMINISTRATIVE IMPLICATIONS

DHSEM does not anticipate additional administrative responsibilities as a result of this bill. Claims would continue to be administered through existing workers' compensation and judicial processes.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

HB 128 preserves employers' ability to rebut statutory presumptions by a preponderance of evidence, which may pose a legal risk.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS

NMSA 1978, Section 52-3-32.1