

LFC Requester:	Jacobs, Henry
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION
WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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(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: 1/28/26 *Check all that apply:*
Bill Number: HB 155 Original Correction
 Amendment Substitute

Sponsor: Rep. Meredith A. Dixon **Agency Name and Code** AOC
Short Title: Fireworks Bans, Violations & Fines **Number:** 218
Person Writing Kathleen Sabo
Phone: 505-470-3214 **Email** aoccaj@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$750	\$750	Non-rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Unknown	Unknown	Unknown	Rec.	General

(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	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 155 amends and enacts statutory sections within the Fireworks Licensing and Safety Act, Section 60-2C-1 NMSA 1978 et. seq., as follows:

- **Section 60-2C-8.1 NMSA 1978:**
 - **Subsection A:** adds “other dangerous weather or environmental conditions” to the conditions that may cause a governing body of a municipality or county to hold a hearing to determine if fireworks restrictions should be imposed within the governing body’s jurisdiction, and specifies upon which information that determination is made.
 - **Subsection B:** provides that if a governing body of a municipality or county hold a hearing that determines that extreme or severe drought or other dangerous weather or environmental conditions exist , the governing body may issue a proclamation declaring such conditions and restricting the sale or use of permissible fireworks, and details, specifically, what the proclamation may do.
 - **Subsections E through H:** removed, specifying what a governing body of a county may do with regard to fireworks restrictions.
- **Section 60-2C-8.2 NMSA 1978:**
 - **Subsection A and B:** enacts a new statutory section, governing the prohibition of permissible fireworks by the State Fire Marshal (SFM), to provide that the SFM may prohibit the sale or use of permissible or display fireworks upon making a determination that extreme or severe drought or other dangerous weather conditions exist or that lives or property would otherwise be threatened by the use of these fireworks. If the SFM makes such a determination, the SFM is to issue a written order that specifies the scope, location and duration of the prohibition and provides adequate notice that a person who violates the order shall be subject to the criminal penalties in the Act.
 - **Subsection C:** provides that an order prohibiting the sale of fireworks shall be issued not less than 20 days prior to a holiday for which fireworks may be sold. An order that prohibits only use of fireworks may be issued at any time. All orders shall be effective for no more than 30 das and may be modified or rescinded.
 - **Subsection D:** provides that an order issued pursuant to this section shall preempt any conflicting proclamation issued by the governing body of a municipality or county issued pursuant to Section 60-2C-8.1 NMSA 1978.
- **Section 60-2C-10 NMSA 1978:**
 - **Subsection A:** amends this statute, governing criminal penalties, to provide a misdemeanor penalty for a person who violates a provision of the act and upon a first or second conviction shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.
 - **Subsection B:** provides that a person who violates an order form the SFM pursuant to Section 60-2C-8.2 NMSA 1978 is guilty of a petty misdemeanor

and shall be punished by a fine of not more than \$500, imprisonment for a definite term not to exceed 6 months, or both.

- **Section 60-2C-11 NMSA 1978:**

- **Subsection A:** amends this statute, governing civil penalties, to provide a revocation or suspension of the person's license or permit by the SFM, or the SFM's deputies or designees, if a person is found guilty of violating any provisions of the Act or an order issued by the SFM pursuant to Section 60-2C-8.2 NMSA 1978.
- **Subsection B:** provides that if the resident, owner or occupier of a private property allows a person to use fireworks on the private property and the person's use of fireworks violates the Act or an order issued by the SFM, the owner or occupier shall be subject to a fine of \$1,000 for a first violation, \$2,500 for a second violation and \$5,000 for a third or subsequent violation.
- **Subsection C:** provides that the SFM or the SFM's deputies or designees may at reasonable efforts enter and inspect the permittee's premises, etc. to determine compliance with the act. If a retailer has possession of any fireworks in violation of the Act, the retailer's permit shall be revoked and all fireworks in violation seized. If a person has in the person's possession any fireworks in violation of the Act, a warrant may be issued for the seizure of fireworks, unless a lawful exception to the warrant requirement applies under the circumstances. All fireworks seized pursuant to this section shall be safely kept as evidence.

The Act provides the following appropriations from the General Fund for expenditure in fiscal years 2026 and 2027:

(1) \$500K to the SFM's office for a statewide public awareness campaign to prevent the use of illegal fireworks; and

(2) \$250K to the Department of Public Safety (DPS) to support local law enforcement agencies with surveillance technology to prevent the use of illegal fireworks.

HB 155 provides that any unexpended balances remaining at the end of FY 2027 shall revert to the General Fund.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions and appeals from convictions, as well as appeals from the imposition of civil fines. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

1) It is unclear, from the way HB 155 is written whether monies appropriated in the bill are one amount to be expended in FY 26 and 27, or whether monies appropriated are for that amount in FY 26 and then the same amount in FY 27.

Also, it is unclear whether the \$250K is to be given to law enforcement agencies that already have surveillance technology to prevent the use of illegal fireworks, or is to be given to *purchase* surveillance technology to prevent the use of illegal fireworks.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS