

LFC Requestor: Emily Hilla

2026 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House
Number: 156

Category: Bill
Type: Amendment

Date (of THIS analysis): 02/10/2026

Sponsor(s): Dayan Hochman-Vigil & Elizabeth "Liz" Thomson

Short Title: REPEAL SPECIAL SESSION VACCINATION LAWS

Reviewing Agency: Agency 665 - Department of Health

Analysis Contact Person: Joshua Swatek

Phone Number: 505-629-9142

e-Mail: joshua.swatek@doh.nm.gov

Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 26	FY 27		
\$0	\$0	NA	NA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 26	FY 27	FY 28		
\$0	\$0	\$0	NA	NA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 26	FY 27	FY 28	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	NA	NA

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

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

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 156 (HB156) repeals a sunset clause that was built into Senate Bill 3 (passed during the first special session of 2025) and allows the provisions of SB3 to remain in place.

Senate Bill 3 (SB3) amended 24-5-1 and 24-5-2 NMSA 1978 which outlines the regulatory requirements related to: 1) immunizations of children attending licensed childcare, licensed early childcare and schools; 2) adult immunization recommendations; 3) Vaccine Purchase Act; and 4) prohibition of insurance cost-share requirements for vaccines. The Bill requires the New Mexico Department of Health (NMDOH) to promulgate rules for childhood vaccine requirements through consideration of guidance from NMDOH or the American Academy of Pediatrics (AAP). Previous statute limited consideration of guidance to the federal U.S. Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices (ACIP). The Bill maintained all religious and medical exemptions from childhood vaccine requirements,

Similarly, the Bill required NMDOH to promulgate rules governing recommendations for adult immunizations against diseases deemed to be dangerous to the public health. The Bill allows NMDOH to develop these rules based on guidance from the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, the American College of Physicians or the department of health. The previous statute limited consideration of recommendations from CDC ACIP.

Importantly, and consistent with the above changes, the Bill directed eligibility for vaccine procurement under the Vaccine Purchase Act, and no-copay vaccines covered by insurance providers, to be based on NMDOH recommendations rather than prior statute which tied this statutory language to CDC ACIP recommendations.

SB3 incorporated language to sunset to the prior statutory language effective July 1, 2026. This proposed House Bill 156 (HB156) would remove all sections related to that sunset, which is Sections 8 through 13. If HB156 is enacted, the changes made in SB3 related to the areas above would be retained in the future. This would allow the Department of Health to continue to utilize a broader range of guidance developed through scientific review of data to set annual recommended childhood vaccination schedules, adult vaccination recommendations, and to ensure the ability to purchase vaccines in New Mexico is maintained.

Is this an amendment or substitution? Yes No

The amendment was adopted on the House floor on February 9th. HB156a removes references to national organizations such as the AAP when making recommendations about immunizations.

HB156a removes language citing national organizations such as the AAP. Therefore, NMDOH would still promulgate rules, but the legislation would reference AAP and other national organizations and their guidelines. The department will continue to seek expert input wherever available.

Is there an emergency clause? Yes No

b) Significant Issues

There is significant cause for concern that reliance on ACIP for vaccine guidance is no longer sufficient to ensure that New Mexicans will receive the protection they need from infectious diseases.

In June 2025, the federal Department of Health and Human Services (HHS) dismissed all 17 members of ACIP and appointed 13 new members, several of whom have questioned the safety and efficacy of vaccinations (<https://apnews.com/article/cdc-acip-vaccine-committee-9f58e1f004075b081718ff078de88d76>). The new ACIP's initial meeting was described as "politicized, chaotic and not transparent," by the Infectious Diseases Society of America and raised concerns among other medical organizations (<https://www.nfid.org/flawed-acip-process-leads-to-confusion-and-distrust/>).

On January 5 2026, HHS issued a memo revising the childhood vaccine schedule from 17 to 10 ([decision-memo-adopting-revised-childhood-adolescent-immunization-schedule.pdf](#)), a decision called "dangerous and unnecessary" Andrew D. Racine, President of the American Academy of Pediatrics ([AAP Opposes Federal Health Officials' Unprecedented Move to Remove Universal Childhood Immunization Recommendations](#)). Racine added, "The longstanding, evidence-based approach that has guided the U.S. immunization review and recommendation process remains the best way to keep children healthy and protect against health complications and hospitalizations."

Previously, changes to CDC vaccine recommendations were made after rigorous review of scientific evidence through public hearings and votes taken by ACIP. With regard to the recent changes, ACIP was not convened to discuss these changes, and CDC made the recommendations without input from the advisory body. New evidence to support these changes has not been publicly provided by CDC. Prior to SB3, New Mexico's vaccine recommendations, were tied to CDC ACIP recommendations. Given that CDC has made

these recent recommendations without input from ACIP and without public release of new evidence, removal of the sunset will continue to allow the Department to make recommendations based on publicly available data from a wider range of professional organizations. Without this repeal, DOH will once again be mandated to use the CDC/ACIP guidance.

This legislative change would allow the Department of Health to continue to procure and recommend vaccines for all children statewide based on best practices and scientific evidence. This process currently is used to protect those under age 18 and the broader community against 18 different vaccine-preventable diseases. This also allows over 300 providers enrolled in the Vaccines for Children program to continue to receive and administer immunizations to children at no cost. This program and the Vaccine Purchase Act would be sustained to continue to bring in roughly \$20,000,000 in program revenue annually to support provision of vaccines at no cost to the patient or family.

A number of professional and advisory groups across New Mexico have called for this legislation to ensure NMDOH is able to continue to apply stable and science-based decision making about vaccines across the state. The New Mexico Pediatric Society has also expressed their support ([CDC updates childhood vaccine schedule; NM doctors urge parents to talk with their pediatrician](#)).

New Mexico currently has higher than average vaccine coverage for children and is one of few states that has coverage in the 90th percentile for kindergartners ([Vaccination Coverage and Exemptions among Kindergartners | SchoolVaxView | CDC](#).) Continuing this high level of vaccine coverage is important to protect children and families from diseases. An outbreak of measles during calendar 2025 was contained quickly in New Mexico, largely due to high rates of prior and ongoing vaccination.

This legislation would also impact the New Mexico Health Care Authority (HCA) and the New Mexico Office of the Superintendent of Insurance (OSI) as immunization recommendations developed by the Department of Health would guide which immunizations are covered by Medicaid and other insurance plans. Additionally, NMDOH would be required to consult the New Mexico Public Education Department and the Early Childhood Education and Care Department on rule promulgation.

Passage of this Bill would ensure continued access to vaccines for adults and parents wishing to vaccinate their children. Passage of this Bill would also continue to allow for religious and medical exemptions for childhood vaccines.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes No

Due to federal changes under the ACIP and the recent overhaul of the immunization schedule for children by the interim CDC Director, this legislation is necessary to sustain current best practices in vaccination for children.

- Is this proposal related to the NMDOH Strategic Plan? Yes No
LFC Performance Measure: Percent of preschoolers aged nineteen to thirty-five months indicated as being fully immunized.

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

None

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

New Mexico is a universal vaccine purchase state, providing vaccines to all children in the state under the federally funded Vaccines for Children Program and the Vaccine Purchase Act Funds for insured children.

This legislation would prevent changes made in the 2025 special session from sunseting on June 30, 2026. This will allow the agency to continue to procure all vaccines recommended for children as in past years. This will continue access to over 300 vaccines for children's providers statewide including public health offices, private providers, Indian Health Services, school-based health centers, birthing hospitals, Tribal Medical Centers, and the mobile vaccine unit that provides access to rural underserved populations of the state.

The sunset repeal would allow NMDOH to consider guidance from qualified, respected medical societies and more rapidly respond to the needs of New Mexicans, reducing barriers and disparities across the population.

9. HEALTH IMPACT(S)

This bill will improve the health of New Mexicans by allowing the Department of Health to set immunization schedules that are evidence-based and in alignment with professional standards. This bill ensures access of all recommended vaccines for children in New Mexico ages 18 years and younger, which will support the health of all New Mexicans and prevent spread of vaccine-preventable diseases. The Bill will also ensure adult vaccination recommendations are aligned with medical societies and ensure insurance coverage for adults wishing to be vaccinated.

Revenue will continue to be collected from health insurers and group health plans as stipulated under the Vaccine Purchase Act. The federally funded Vaccines for Children program is currently continuing throughout 2026. Currently under the funding the agency can procure children's vaccine to protect from 18 diseases under the American Academy of Pediatrics Immunization Schedule. Given the success in containing a measles outbreak during calendar 2025, it is imperative to continue the access of all vaccines to prevent any other outbreaks from occurring and to protect children in childcare and school, as well as the broader population.

A recent study showed that every \$1 spent on childhood immunizations results in a savings of approximately \$11. [Health and Economic Benefits of Routine Childhood Immunizations in the Era of the Vaccines for Children Program — United States, 1994–2023 | MMWR](#)

10. ALTERNATIVES

None

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

If HB156 is not enacted, then New Mexico would revert to following the guidance of the ACIP in July 2026, without the option of utilizing other evidence-based guidance. This could impact the ability to procure vaccines for providers across the state and could impact whether insurance covers vaccines for individuals wishing to be vaccinated. Without passage of this Bill, the state would be unable to ensure New Mexicans have the choice to access vaccines of their choosing.

12. AMENDMENTS

None