

LFC Requester:	Sanchez, Scott
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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: 1/31/26 *Check all that apply:*
Bill Number: HB 234 Original Correction
 Amendment Substitute

Sponsor: Rep. Andrea Reeb **Agency Name and Code** AOC
Short Title: Definition of Fentanyl **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		
None	None	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 234 amends Section 31-18-27 NMSA 1978, within the Criminal Sentencing Act and governing trafficking of certain amounts of fentanyl and alteration of basic sentence, to provide a definition of “fentanyl” to mean fentanyl and fentanyl-related substances, including analogs and chemically similar substances that are produced illegally, and including para-bromofentanyl, para-fluoroacetyl fentanyl and para-methyl acetyl fentanyl.

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. 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.

Creating a definition of fentanyl that includes analogs and chemically similar substances that are produced illegally, and including para-bromofentanyl, para-fluoroacetyl fentanyl and para-methyl acetyl fentanyl will potentially increase the number of defendants charged with trafficking fentanyl under Section 31-18-27 NMSA 1978, thus causing more judicial resources to be spent handling these additional cases.

As penalties become more severe, more defendants may invoke their right to trial and their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

SIGNIFICANT ISSUES

1) Creating a definition of fentanyl that includes analogs and chemically similar substances that are produced illegally, and including para-bromofentanyl, para-fluoroacetyl fentanyl and para-methyl acetyl fentanyl will potentially increase the number of defendants charged with trafficking fentanyl under Section 31-18-27 NMSA 1978, thus causing more judicial resources to be spent handling these additional cases.

As penalties become more severe, more defendants may invoke their right to trial and their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

2) Fentanyl is a Schedule II drug listed in 30-31-7 NMSA 1978, within the Controlled Substances Act, including its isomers, esters, ethers, salts and salts of isomers, but para-bromofentanyl, para-fluoroacetyl fentanyl and para-methyl acetyl fentanyl are not.

In 2025, the federal Drug Enforcement Administration (DEA) proposed placing the three fentanyl-related substances within Schedule I of the federal Controlled Substances Act. See

Schedules of Controlled Substances: Placement of Three Specific Fentanyl-Related Substances in Schedule I, Drug Enforcement Administration, June 9, 2025.

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