

LFC Requester:

Scott Sanchez

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: HB234Original Correction Amendment Substitute

Sponsor: Andrea Reeb and Mark B. Murphy Agency Name and Code Number: 770- NMCD

Short Title: Definition of Fentanyl Person Writing: A. Griego Quintana

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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	0	0	0	0	N/A	N/A

(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: House Bill 234 allows courts to extend or “enhance” a potential prison sentence when someone is convicted of selling or convincing another person to sell an illicit substance that is chemically similar to fentanyl.

Existing law allows a judge to extend the potential prison sentence they can impose on someone when they are convicted of trafficking a controlled substance and when they also are found to possess fentanyl, by either three or five years depending on how much of the drug they possess; or by five years if they convince someone else to sell the drug.

HB 234 specifically defines fentanyl to be the drug itself and “fentanyl-related substances,” like analogs or illegally produced chemically similar substances including para-bromofentanyl, para-fluoroacetyl fentanyl and para-methyl acetyl fentanyl.

FISCAL IMPLICATIONS

HB 234 could increase the penalty for crimes involving fentanyl. Over time, this may result in longer periods of incarceration for affected individuals and could modestly increase average length of stay within NMCD. Any fiscal impact is expected to be incremental and gradual.

SIGNIFICANT ISSUES

None

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None

AMENDMENTS

None