

LFC Requestor: Lance Chilton

2026 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House
Number: 279

Category: Bill
Type: Substitution

Date (of THIS analysis): 02/11/2026
Sponsor(s): Christine Chandler
Short Title: Healthcare Info Privacy Protections

Reviewing Agency: Agency 665 - Department of Health
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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

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Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: SB30

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

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

HB279 proposes to: strengthen privacy protections for electronic medical records by limiting disclosure of certain health care information, restrict location tracking at reproductive health care and gender-affirming health care provider facilities, amend licensing requirements for certain hospitals, strengthen privacy protections for providers who prescribe drugs for abortion care, and allow for health care providers to participate in the Confidential Substitute Address Act (NM Stat § 40-13B-3 (2024)).

HB279 adds new privacy protections for both patients and providers. These changes generally align with newer protections enacted for reproductive and comprehensive sexual health care services and health records in New Mexico and elsewhere in the United States. This aims to mitigate the risk of out-of-state prosecution and other safety threats for individuals seeking and providers offering these health care services in New Mexico.

Health care providers, health plans, and health information exchanges would be limited from releasing this information in several circumstances similar to existing protections in the Reproductive and Gender Affirming Health Care Protection Act. This would include additional protections for patient and provider information from malicious legal subpoenas or other requests from jurisdictions outside New Mexico, if record holder knows or has reason to believe this would violate patient rights based on New Mexico law. This legislation would require informing both the patient and provider of such legal requests within 30 days. The entity holding this information would be exempted from civil, criminal, or administrative liability for refusing to disclose this information.

HB279 would also allow any practitioner prescribing drugs for a medication abortion to request that the practitioner’s name and address be withheld from the dispensing

container, by instead noting the name and address of the facility where they work. This would provide additional privacy protections for clinicians who deliver these services.

Is this an amendment or substitution? Yes No

The House Health and Human Services Committee Substitute for HB279 retains many of these protections but does so by amending different statutes. While the original bill added language about privacy into the Electronic Medical Records Act (24-14B NMSA 1978), the substitute removes the requirements that specific medical records be segmented from the rest of the medical record. It also removes certain consent requirements for the release of medical records in a medical setting, as well as new definitions in the Electronic Medical Records Act. It adds language to the Reproductive and Gender-Affirming Health Care Protection Act (24-35-4 NMSA 1978) to provide an additional layer of protection for particularly sensitive health care information by ensuring that if a covered entity or business associate receives a request that is not a properly domesticated subpoena or summons, and knows or has reason to believe a request for protected health care information is to pursue an action that infringes on rights under the Reproductive and Gender-Affirming Health Care Protection Act, they are even further required and empowered to keep that information secure.

The substitute also requires the recipient of such an improper request to make a reasonable effort to notify the patient and providers of such a request. It should be read in harmony with existing regulations and laws around medical records and allows for release of such information with the consent of the patient and if there is a valid order to do so. The committee substitute maintains the changes to the Health Care Code (24A-1-7 NMSA 1978) and New Mexico Statutes Chapter 26 – Drugs and Cosmetics (Section 26-1-16 NMSA 1978). Therefore, it contains many of the same protections.

Is there an emergency clause? Yes No

b) Significant Issues

Given new restrictions on abortion both at the federal level and in many states neighboring New Mexico, utilization of abortion services has greatly increased in the state. With some other jurisdictions acting to increase access to medication abortion, the number of out-of-state patients seeking abortions in New Mexico is now declining.

Many patients fear either legal repercussions or safety issues if their abortion-related information or gender-affirming health care information is disclosed. While the current statute provides protections for sensitive medical information from being released in response to out-of-state subpoenas and summonses, the committee substitute provides an additional layer of protection. To the extent permissible by federal and other state laws, this provision prohibits the release of protected health information related to reproductive or gender-affirming health care if the covered entity or business associate knows or has reason to believe that the information will be used in an investigation that interferes with the rights of patients and providers under the laws of this state.

This committee substitute would further protect patients' and providers' information against out-of-state investigations and even prosecutions for otherwise lawful health care activity. It empowers providers to refuse to disclose or discuss protected health information in response to a request for information that is not accompanied by a

properly domesticated subpoena or warrant. It also requires recipients of such requests to make a reasonable effort within thirty days of receipt to alert patients and providers that a potentially hostile investigation is taking place based on their provision or access of health care that is legal in New Mexico

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No

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

HB279 relates to SB30, Reporting of Induced Abortions. Both pieces of legislation strive to reduce privacy risks related to reproductive health care.

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

While many states across the nation have laws that impact access to abortion and gender-affirming health care, including several neighboring states like Texas, these restrictions do not impact all persons equally. Those with health insurance and financial means are more likely to be able to travel or access distant providers to receive this care. As a result, such restrictions have a larger impact on underserved, low-income and under-insured populations. HB279 seeks to address those disparities by ensuring that, if and when patients are able

to access otherwise restricted health care, they can do so safely and confidentially in New Mexico.

9. HEALTH IMPACT(S)

Providing additional protections for the health information of individuals receiving reproductive health services could positively impact health outcomes, as individuals could receive safe care in New Mexico and be assured that privacy of their health records would be maintained.

10. ALTERNATIVES

None

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

If HB279 is not enacted, additional layers of protections will not be added for reproductive health services and gender affirming care.

12. AMENDMENTS

None