

LFC Requester:

Julisa Rodriguez

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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: 1/22/2026

Check all that apply:

Bill Number: SB33Original  Correction   
Amendment  Substitute 

**Sponsor:** Jeff Steinborn and Nicole Tobiassen

**Agency Name**

**and Code Number:** New Mexico Medical Board-446

**Person Writing Analysis:** Monique Parks, Interim Exec. Director

**Short Title:** Right To Try Individualized Treatment Act  
**Requiring** \_\_\_\_\_

**Email** moniquem.parks@nmmb.nm.gov

**Phone:** 505-490-3903 :

**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis ( ) indicate expenditure decreases)

**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

<b>Total</b>						
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(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:

SB33 creates the “Right to Try Individualized Treatments Act,” authorizing the use of individualized investigational treatment for life-threatening or severely debilitating illness, based on a patient’s genetic profile. Permits, but does not require, insurers to cover the costs of such treatment. Requires informed written consent and limits liability of a manufacturer of individualized treatments. Exempts a health care provider from discipline by a licensing board or disciplinary subcommittee based solely on the health care provider’s recommendations to an eligible patient regarding access to or treatment with an individualized investigational treatment.

#### **FISCAL IMPLICATIONS**

None for The New Mexico Medical Board

#### **SIGNIFICANT ISSUES**

Exemption from disciplinary actions from the NMMB for recommendations may increase risk of harm to the public.

SB 33 references “physicians”; NM has other licensed independent medical practitioners that may provide this treatment.

#### **PERFORMANCE IMPLICATIONS**

None for The New Mexico Medical Board

#### **ADMINISTRATIVE IMPLICATIONS**

None for The New Mexico Medical Board

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None for The New Mexico Medical Board

#### **TECHNICAL ISSUES**

None for The New Mexico Medical Board

#### **OTHER SUBSTANTIVE ISSUES**

None for The New Mexico Medical Board

#### **ALTERNATIVES**

None for The New Mexico Medical Board

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None for The New Mexico Medical Board

## **AMENDMENTS**

### **Section 2:**

“Health care provider” means an individual licensed to provide health care in New Mexico practicing within their scope of training and licensure requirements.

### **Section 6.A**

The health care provider must be in good standing with the New Mexico Medical Board, or their licensing board, and

will not be compensated directly or indirectly by the manufacturer of the eligible investigational drug for making such certification.