

LFC Requester:

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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://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:** 1/22/2026*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

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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

Total						
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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.