LFC Requester:	Emily Hilla

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: *January 24 2026*
Bill Number: *SB 33*

Check all that apply:
Original *X* Correction __
Amendment __ Substitute __

Sponsor: Sens. Steinborn & Tobiassen
Short Title: Right to Try Individualized Treatments Act

Agency Name and Code Number: University of New Mexico-952
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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						

(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:

SB 33 creates a statutory pathway for eligible patients with life-threatening or severely debilitating illnesses to request access to "individualized investigational treatments"—therapies manufactured uniquely for a single patient based on that patient's genetic profile (explicitly including individualized gene therapies, antisense oligonucleotides, and individualized neoantigen vaccines).

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

Multiple New Mexico health systems, including UNM's, would qualify as "eligible facilities" under SB 33. Eligible facilities include New Mexico hospitals or clinics that operate under a federalwide assurance for the protection of human subjects—whether independently or through a system-wide or reliance agreement.

New Mexico already has a Right to Try statute (24-2D-1 through 24-2D-6 NMSA 1978) that generally tracks the federal Right to Try Act and applies to investigational drugs, biologics, and devices that have completed Phase I clinical trials. This framework is oriented toward standard investigational products that are typically part of a conventional FDA development pipeline.

SB 33 creates a parallel, narrowly tailored Right to Try regime specifically for "individualized investigational treatments"—therapies that are unique to a single patient and produced exclusively for that patient, such as individualized gene therapies, antisense oligonucleotides, or neoantigen vaccines. Many of these products would be inaccessible under the existing Right to Try statute.

This bill would benefit from adding a good-faith limitation on liability for health care providers who administer individualized treatments, similar to the liability protections afforded to drug manufacturers under the federal Right to Try Act.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS