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## FISCAL IMPACT REPORT

**ORIGINAL DATE** 02/21/11  
**LAST UPDATED** 03/18/11    **HB** \_\_\_\_\_

**SPONSOR** Campos

**SHORT TITLE** Thanopractice & Organ Tissue Procurement    **SB** 444/aSCORC/aSFC/aHBIC

**ANALYST** Wilson

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
	\$1.0	\$1.0	Recurring	General Fund

(Parenthesis ( ) Indicate Revenue Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$1.0-\$3.0	\$1.0-\$3.0	\$2.0-\$6.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Response Received From

Attorney General's Office (AGO)  
 Office of the Medical Investigator (OMI)

### SUMMARY

#### Synopsis of HBIC Amendment

The House Business and Industry Committee amendment strikes the remainder of line 15 after the period and line 16 in its entirety on page 16. This amendment removes a prohibition whereby licenses issued prior to July 1, 2011 could not be renewed after January 1, 2013.

#### Synopsis of SFC Amendment

The Senate Finance Committee amendment reads that in order to practice as a funeral service practitioner a person must have successfully graduated and obtained a certificate in funeral science from an institution accredited by the American board of funeral service education and completed at least 60 semester hours from an accredited institution of higher education.

The amendment also requires that an establishment primarily devoted to the practice of funeral service must have a display room for displaying caskets and other funeral merchandise.

Synopsis of SCORC Amendment

The Senate Corporations and Transportation Committee amendment to Senate Bill 444 changes back the definition of disposition to how it is written in current statute by removing an organ tissue procurement agency as part of the disposal process.

The amendment also provides:

A license issued to disposers, assistant funeral service practitioners or associate funeral service practitioners prior to July 1, 2011 shall not be renewed after January 1, 2017.

If the establishment is part of a multi-unit enterprise, a central preparation room may be designated to service all facilities, provided the distance from the designated facility is within 25 miles.

Synopsis of Original Bill

Senate Bill 444 amends the Thanatopractice Act to replace it with the Funeral Services Act. The bill eliminates various outdated licensures and creates new licensure for organ tissue procurement. The bill also creates an organ tissue procurement advisory committee to oversee and regulate this licensure on behalf of the Board of Funeral Services.

The bill adds or updates the following definitions:

- funeral services means those immediate post-death activities related to a dead human body, and its care and disposition, whether with or without rites or ceremonies; but funeral services does not include disposition of the body by a school of medicine following medical study; and
- organ tissue procurement means removing and dissecting organs or tissue from human cadavers for transplant or medical research.

The Board of Funeral Services (board) shall adopt rules that set appropriate standards and guidelines for granting licenses for organ-tissue procurement. Prior to adopting these standards and guidelines, the board shall seek input from all organ procurement organizations, tissue banks and eye banks based in this state.

The Organ Tissue Procurement Advisory Committee (committee) shall advise the board on matters related to organ tissue procurement authorized by the Funeral Services Act. The board shall provide administrative and financial support to the committee.

The committee shall be composed of five members who are residents of New Mexico and who shall include:

- (1) one member with expertise in vascular organ procurement, preservation and distribution;
- (2) one member with expertise in musculoskeletal tissue procurement, processing and

distribution;

(3) one member with expertise in eye and cornea procurement, processing and distribution;

(4) one member with expertise in bone marrow procurement, processing and transplantation; and

(5) one member who shall be the state medical investigator or the state medical investigator's designee.

Members (1) (2), (3) & (4) are appointed by the board.

The bill sets out terms for the committee members and requires that the committee shall meet as often as necessary to conduct its duties but not less often than twice per calendar year. A quorum for a committee meeting shall require three members, and meetings are subject to the Open Meetings.

The board shall monitor the appropriate and legitimate expenses associated with organ tissue procurement, processing and distribution for transplantation, research and education and develop methodologies to assure the uniform statewide presorting of data to facilitate the accurate and timely evaluation of the organ tissue procurement and transplantation system.

### **FISCAL IMPLICATIONS**

Members of the Organ Tissue Procurement Advisory Committee shall be reimbursed per diem and mileage pursuant to the Per Diem and Mileage Act.

The board shall collect an initial application fee not to exceed \$1,000 from organ tissue procurement organizations based in New Mexico that are seeking licensing. The fee shall be submitted with each application for initial licensure and is nonrefundable. The board shall assess annual renewal fees not to exceed \$1,000 for licensing of organ tissue procurement organizations based in New Mexico.

### **SIGNIFICANT ISSUES**

The standards and guidelines for organ procurement shall be substantially based on the existing laws of the United States and of New Mexico and the existing standards and guidelines of the united network for organ sharing, the American Association of Tissue Banks, the American Foundation for Donation and transplantation, the North American transplant coordinators organization and the eye bank Association of America.

OMI suggests the definition of funeral service, page 5, lines 10-14 should have language added at the end of the definition which should say "...or examination or procedures done by the OMI in the course of their statutory duties." They believe this exemption needs to be included because the first part of the definition of funeral services reads "...those immediate post-death activities related to a dead human body..." Obviously OMI performs a host of immediate post-death activities related to a dead human body" and we would not want to be regulated as providing funeral services.

**ADMINISTRATIVE IMPLICATIONS**

RLD should be able to handle the provisions of this bill with existing staff as part of its ongoing responsibilities.

**TECHNICAL ISSUES**

On page 36, lines 15 & 16 should read: (5) one member who shall be the chief medical investigator of the office of medical investigator or the chief medical investigator's designee.

DW/svb:bym