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FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/19

SPONSOR Ortiz y Pino LAST UPDATED _____ HB _____

SHORT TITLE Licensure of Pharmacists SB 182

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Response Received From

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Bill

Senate Bill 182 would modify Section 61-11-22 NMSA 1978, regarding licensing of pharmacists and pharmacies allowing only licensed facilities to use language in their signage and advertising to give consumers the impression they were entering or using a licensed pharmacy. The bill specifies certain terms that cannot be used by a non-licensee and then makes the general prohibition (by non-licensed facilities) of “any combination of these or any other words of similar import or by an insignia or device that might indicate to the public that the place is a pharmacy” language that might mislead a consumer into thinking he/she were entering or patronizing a licensed pharmacy. The bill would remove these non-specific words.

FISCAL IMPLICATIONS

No fiscal implications are foreseen.

SIGNIFICANT ISSUES

As noted by RLD, “SB 182, by striking the catchall phrase “any other words of similar

import or by an insignia or device” will allow places not licensed by the board to use words or insignia not specifically listed that might indicate to the public that the place is a pharmacy. A few examples of words of similar import or insignia which will become unrestricted are: pharmaceutical, pharmacia, farmacy, Rx, Rx dispensary, Rx medicine. This representation will result in the public being misled or deceived into believing that the place sells prescription drugs. The board of pharmacy is aware of places in New Mexico named by restricted words or insignia and not licensed under the Act, some of which are medical marijuana businesses. The board has received complaints about such use of restricted terms or insignia; and reports of members of the public walking into unlicensed places represented by a restricted name or symbol in order to fill prescriptions. Use of restricted words or insignia is desirable, because of the public’s trust in the practice of pharmacy.”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Consumers would continue to be protected from deception as to the nature of an establishment by continued prohibition of use of more than just specific words otherwise listed in the current status.

LAC/gb