

LFC Requester:

Ruby Ann Esquibel

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original x Amendment
Correction Substitute

Date Prepared: 1/24/2024

Bill No: SB34

Sponsor: Gerald Ortiz y Pino

Short Title: Expand Prescription Drug Donation Program

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing Analysis: Audrey McKee, AAG

Phone: 505-537-7676

Email: legisfir@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Senate Bill (“SB”) 34 would expand the prescription drug donation program to allow more entities to participate in the donation, collection and redistribution of unused prescription drugs by: 1) redefining key players in this process: clinic, donor, eligible recipient, patient; and 2) amending the process of donating and receiving.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

The Office of the Attorney General will not be impacted by this legislation.

SIGNIFICANT ISSUES

Section (C)(6) provides that “a handling fee not to exceed the ‘*reasonable cost*’ of participating in the collection of donated prescription drugs may be charged to the patient by the eligible recipient”. This wording may result in a highly variable pricing for the same drugs delivered to different patients.

Section (B) provides that “*Any person, including persons from other states may donate...*” This may conflict with the law in other states regarding the ability of their residents to donate prescription drugs.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

None