

LFC Requester:

## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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(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: February 5, 2025

Check all that apply:

Bill Number: HB 40

Original ☐ Correction ☐

Amendment ☒ Substitute ☐

Sponsor: Representative Kathleen Cates

Short Title: UNIVERSAL ADULT  
CHANGING STATIONS

Agency Name

and Code

Tourism 418

Number:

Person Writing Novela Salazar

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### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	NFI	NFI

(Parenthesis ( ) indicate expenditure decreases)

#### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	NFI	NFI

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	NA	NA

(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 of Original Bill:**

House Bill 40 would enact the “Traveling with Dignity Act,” requiring all facilities that receive state funding to install universal adult changing stations. It defines commercial places of public amusement. It defines covered facilities, which would include public buildings or commercial places of public amusement, to include an entity or program that receives state funding, and that receives at least two thousand five hundred (2,500) visitors per year, as measured by the New Mexico Tourism Department (NMTD).

Public buildings are those that are owned by the state, open to the public and have permanent sanitary facilities (restrooms). HB 40 would require that each covered facility install and maintain at least one universal adult changing station, which is a powered, height-adjustable and adult-sized changing table installed in a single-occupancy restroom that is universal to gender and available to the public.

After July 1, 2025, each covered facility that undergoes a renovation estimated to cost more than fifty thousand dollars (\$50,000) would be required to install and maintain at least one universal adult changing station. After July 1, 2032, all covered facilities would be required to maintain at least one universal changing station.

##### **Synopsis of Committee Amendment:**

The HCEDC amendment broadens the definition of covered facilities to include interconnected public buildings or commercial amusement venues located on a single premises. It is specified that only facilities with a family or gender-neutral bathroom will be required to install a universal adult changing station.

The amendment further clarifies that visitor data used to determine facility eligibility must be tracked by NMTD currently. Additionally, rest areas are included as facilities subject to the requirements of HB 40, with an exemption provided if installation would threaten or destroy the historical significance of a historic property.

#### **FISCAL IMPLICATIONS**

The HCEDC amendment to HB 40 does not include an appropriation related to the implementation of the “Traveling with Dignity Act.” Enactment of the bill would have a fiscal impact on covered facilities, including state owned buildings occupied by NMTD.

#### **SIGNIFICANT ISSUES**

The “Traveling with Dignity Act.” would impact the New Mexico tourism industry, specifically covered facilities, as defined in HB 40, that have at least 2,500 visitors per year. Covered facilities

with a family or gender-neutral bathroom would be required to install and maintain at least one universal adult changing station. This would have operational and fiscal impacts to those facilities.

Under the HCEDC amendment, NMTD would only be required to provide visitor data that it already tracks. Currently, NMTD only tracks visitor data at a state level. NMTD defines a visitor as a person engaging in localized economic activity that has traveled beyond a 50-mile radius of their home. These estimates are statistically modeled at the state-level using a variety of sources including syndicated surveys of travelers, hotel performance data, air passenger and airport data, industry reports, and other reputable supplemental sources. Currently these estimates are limited to the state-level. Tourism Economics' methodologies are considered an industry standard in estimating the economic impacts of tourism, but visitor volumes remain estimates. Due to the broad nature of estimated visitor volumes, and how the NMTD narrowly defines a visitor (not any individual patron, or attendee at an event or establishment), visitation data as it is tracked by the NMTD will not suffice as a benchmark or mechanism for enforcement of HB 40 at a county, municipal, or individual establishment level.

It must be noted that NMTD supports accessibility to tourism destinations statewide. As part of the Destination Forward grant program managed by NMTD, funds are dispersed to local governments, tribal governments and municipalities to improve tourism infrastructure. ADA accessibility and restroom improvement projects are eligible and are high in priority for the agency.

## **PERFORMANCE IMPLICATIONS**

NMTD would not have the ability to provide exact data at a county, municipal, or individual establishment level, due to lack of a data analysis tool, current staffing and budget within the agency.

Data reliability related to this law would be difficult to maintain, as visitation related to public amusement for covered facilities often fluctuates and can be hard for some facilities to predict. In particular, for smaller facilities, there may be times when visitation is above or below 2,500 annually. This would require annual tracking on the part of NMTD and communication with covered facilities to ensure accuracy.

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to HB 120, Accessibility of State Agencies.

## **TECHNICAL ISSUES**

None

## **OTHER SUBSTANTIVE ISSUES**

None

## **ALTERNATIVES**

None

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The “Traveling with Dignity Act” would not be enacted.

**AMENDMENTS**

None