

**LFC Requestor:** HILLA, Emily

**2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS**

**Section I: General**

**Chamber:** Senate

**Category:** Bill

**Number:** 232474.3SA

**Type:** Introduced

**Date (of THIS analysis):** 10/1/25

**Sponsor(s):** Click or tap here to enter text.

**Short Title:** Click or tap here to enter text.

**Reviewing Agency:** Agency 665 - Department of Health

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**Section II: Fiscal Impact**

**APPROPRIATION (dollars in thousands)**

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

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

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non- recurring	Fund Affected
<b>Total</b>	\$0	\$0	\$0	\$0	N/A	N/A

### **Section III: Relationship to other legislation**

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

### **Section IV: Narrative**

#### **1. BILL SUMMARY**

##### **a) Synopsis**

Senate Prefile Bill 232474.3SA amends 24-5-1 and 24-5-2 NMSA1978 which outlines the regulatory requirements for required immunizations of children attending licensed child care programs, and schools. The proposed language allows for consideration of guidance from the New Mexico Department of Health (NMDOH) or The American Academy of Pediatrics, instead of the Advisory Committee on Immunization Practices (ACIP), in drafting the underlying regulations.

NMDOH will also be required to publish rules providing immunization recommendations for adults wishing to be vaccinated. The rules will establish the immunizations recommended and their frequency in accordance with guidance from the American Academy of Family Physicians, The American College of Obstetricians and Gynecologists, The American College of Physicians, or the Department of Health.

This bill will also make changes to the Vaccine Purchasing Act which requires vaccines be purchased in accordance with regulations developed by NMDOH. The bill also prohibits certain health insurance plans from imposing cost sharing requirements.

Is there an emergency clause? ☒ Yes ☐ No

##### **b) Significant Issues**

Senate prefile 232474.3SA would improve access for those seeking immunizations, ensure pediatric vaccine requirements and schedules are evidence-based, and ensure immunizations are covered through most insurance plans. Additionally, the proposed language would provide flexibility to NMDOH to keep vaccine guidelines, coverage, and purchasing tied to subject matter expertise such as medical professional associations.

Without the proposed changes, NMDOH would remain dependent on ACIP recommendations. In recent months, ACIP has yet to provide timely recommendations for all immunizations for the fall/winter respiratory infection season and has proposed adjustments to immunization schedules that conflict with guidance from established and trusted medical professional societies. NMDOH purchases childhood vaccines for all providers in New Mexico and in the absence of adequate guidance and recommendations, the department would be unable to procure pediatric vaccinations, as the Vaccine Purchase Act is also dependent on guidance from ACIP.

Multiple states are considering legislation or adjusting regulations to allow state health departments to consider recommendations in addition to ACIP. Currently, twenty-two states plus the District of Columbia have immunization recommendations that differ from ACIP. Some states are approaching updated legislation through formation of multistate vaccine alliances, while others, like Colorado, have directly adjusted state statute ([Tracking State Actions on Vaccine Policy and Access | KFF](#)). While New Mexico should monitor the alliance approach for developments, in the interim, allowing decisions to be made at the state level, through a state agency, provides the most flexible and rapid approach to responding to the needs of New Mexicans.

This legislation would also impact the New Mexico Health Care Authority and the New Mexico Office of the Superintendent of Insurance as immunization recommendations developed by NMDOH would guide which immunizations are covered by Medicaid and other insurance plans. Additionally, NMDOH would be required to consult the New Mexico Public Education Department and the Early Childhood Education and Care Department on rule promulgation.

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

☒ Yes ☐ No

If yes, describe how. Due to a lack of Advisory Committee on Immunization Practices approval, the New Mexico Department of Health (NMDOH) is unable to order COVID-19 vaccines. This not only impacts NMDOH services but also impacts the ability for Vaccine Purchase Act providers to purchase and administer immunizations.

- Is this proposal related to the NMDOH Strategic Plan? ☒ Yes ☐ No

☒ **Goal 1:** We expand equitable access to services for all New Mexicans

☒ **Goal 2:** We ensure safety in New Mexico healthcare environments

☒ **Goal 3:** We improve health status for all New Mexicans

☐ **Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

## 3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?

☐ Yes ☐ No ☒ N/A

- If there is an appropriation, is it included in the LFC Budget Request?

☐ Yes ☐ No ☒ N/A

- Does this bill have a fiscal impact on NMDOH? ☐ Yes ☒ No

#### **4. ADMINISTRATIVE IMPLICATIONS**

Will this bill have an administrative impact on NMDOH? ☒ Yes ☐ No

NMDOH will need to promulgate rules regarding immunizations for children and adults.

#### **5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP**

None

#### **6. TECHNICAL ISSUES**

Are there technical issues with the bill? ☐ Yes ☒ No

#### **7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)**

- Will administrative rules need to be updated or new rules written? ☒ Yes ☐ No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? ☒ Yes ☐ No
- Does this bill conflict with federal grant requirements or associated regulations?  
☐ Yes ☒ No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? ☐ Yes ☒ No

#### **8. DISPARITIES ISSUES**

In recent months, ACIP has yet to provide timely recommendations for all immunizations for the fall/winter respiratory infection season and has proposed adjustments to immunization schedules that conflict with guidance from established and trusted medical professional societies. This has led to an increase in health disparities, with New Mexicans who wish to be vaccinated facing barriers to access and uncertainty around whether insurance will cover their immunizations.

The proposed language would allow NMDOH to consider guidance from qualified, respected medical societies and more rapidly respond to the needs of New Mexicans, reducing barriers and disparities across the population.

#### **9. HEALTH IMPACT(S)**

This bill will improve the health of New Mexicans by allowing the Department of Health to require immunization schedules that are evidence-based and in alignment with professional standards.

#### **10. ALTERNATIVES**

None

#### **11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

If this bill is not enacted, New Mexicans may have increasingly difficulty accessing immunizations and face increased uncertainty regarding insurance coverage for the cost of their immunizations. This is particularly concerning for pediatric vaccinations, where the proposed federal adjustments

to the immunization schedule lack evidence and conflict with well-respected medical societies like the American Academy of Pediatrics. Without enactment, and in the absence of Advisory Committee on Immunization Practices recommendations, the New Mexico Department of Health would also be unable to purchase certain vaccines for administration.

## **12. AMENDMENTS**

None