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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 115

SHORT TITLE: Protections for Nurses Invoking Safe Harbor

SPONSOR: Rep. Torres-Velásquez/Sen. Stefanics

LAST ORIGINAL
UPDATE: _____ **DATE:** 01/29/26 **ANALYST:** Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact	No fiscal impact	Choose an item.	Choose an item.

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Attorney General
 Human Services Department
 Board of Nursing

SUMMARY

Synopsis of House Bill 115

House Bill 115 (HB115) amends Section 61-3A-3 NMSA 1978, which became law in June 2019 as a result of Laws 2019, Chapter 52 (Senate Bill 82), the Safe Harbor for Nurses Act. The act allows nurses to invoke “safe harbor” status when the nurse believes she/he lacks the knowledge or skills required to give care in a certain situation OR when she/he believes that orders given to her/him are unreasonable. It establishes safe harbor procedures for health care facilities and prohibits those facilities from retaliating against a nurse invoking safe harbor.

House Bill 115 adds to these protections that neither the health care facility nor the facility’s personnel are to retaliate against the nurse, the forms of retaliation enumerated adding “bullying” to demotion, suspension, termination, disciplining and discrimination.

In addition, House Bill 115 requires that the safe harbor procedures include the provision that post-occurrence reviews of the situation leading to the invocation of safe harbor include review of any allegation of retaliation against the invoking nurse.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

There is no appropriation in House Bill 115. No fiscal impact of the bill is identified.

SIGNIFICANT ISSUES

The Board of Nursing (BON) states that it is aware of instances where there have been retaliation by employers against nurses who have been retaliated against for having invoked “safe harbor” status, even though access to the status is enshrined in state law. That sort of retaliation, agrees the Health Care Authority (HCA), is a “rarely discussed issue in facilities. Adding to the investigation a question regarding retaliation is not a bad aspect to investigate. These safe harbor reports are internal, there are no reporting requirements or outside accountability for the incident, review of the incident, or outcomes/changes put in place to help alleviate the issue in the future.” HCA also mentions that protections of the sort offered in this bill would make New Mexico a more attractive state in which to practice, raising the likelihood that the state could address part of its ongoing medical personnel shortage.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Identical to 2025 HB 465, Protections for Safe Harbor Nurses

TECHNICAL ISSUES

Both the Department of Justice (DOJ) and HCA point out that the bill lacks a definition of the word “bullying.”

ALTERNATIVES

HCA brings up the alternative of “add[ing] mandatory reporting of all Safe Harbor initiations by staff in facilities. These incidents could be monitored remotely, and the frequency could be tracked. If there is a trend in these incidents as defined by an authority, the New Mexico Health Care Authority Division of Health Improvement could perform a site visit.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Board of Nursing (BON) states that it “is aware of situations where nurses have been retaliated against for initiating Safe Harbor, usually when there is no follow-up action. That may continue without a requirement for follow-up.”

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