

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	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 Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis: House Bill 45 is an act adding a new section to the Unfair Practices Act, Sections 57-12-1 to -26, NMSA 1978, making it an unfair or deceptive trade practice to sell a product for which its specific, non-mind-altering use is provided by the product’s label, packaging or instructions, when the seller knows or reasonably should know that the product is primarily used to produce an altered state. The bill includes a subsection making it a violation for every sale of an individually packaged product, and subsections defining “altered state” and “selling.”

FISCAL IMPLICATIONS

HB 45 requires the Attorney General to investigate and prosecute all violations of the act, but provides no appropriation for additional funding or staff, which may impact the agency’s other performance based budget targets.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

HB 45 may create additional duties upon the Attorney General that impact the feasibility of enforcing the bill and/or already existing duties of the office.

ADMINISTRATIVE IMPLICATIONS

HB 45 imposes additional duties upon the Attorney General which may result in staff time dedicated to additional investigations and prosecutions.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

Subsection “A” of HB 45 contains the clause, “and which use is not the production of an altered

state,” which is wordy and confusing. It would be clearer and more concise to rewrite it as, “and which use is not to produce an altered state.”

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A