

LFC Requester:	Weber, Mark
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**AGENCY BILL ANALYSIS
2013 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

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 **Amendment**
Correction **Substitute**

Date 2/19/2013

Bill No: HB 146(CS)--305

Sponsor: Antonio "Moe" Maestas

Reviewing Attorney General's Office

Short Sale of Methamphetamine

Person Writing MBaber

Title: precursors

Phone: 827-6650 **Email** mbaber@nmagt.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

This amendment adds more protections for retailers, deletes negligence as a basis for penalty, and provides remedies for stop sale electronic system failures.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

SIGNIFICANT LEGAL ISSUES

1. In Section E. the word “negligent” is deleted. This means that retailers can be charged only for reckless or deliberate misconduct.
2. In section F. retailers are provided alternative methods of reporting sales, in the event of “prolonged outage of the system.”
3. In section G a retailer is not responsible for charges associated with the design, implementation or operation of the real-time stop sales system.
4. In section H. a retailer may request an exemption from electronic reporting if the retailer lacks the technology to access the system and if the retailer maintains a sales volume less than 72 grams of the restricted compounds in a 30 day periods. (more protection for small retailers).
5. In section M, the board of pharmacy may oversee the implementation and operation of the real time stop sale system. The board may enforce provisions and consult with the department of information technology to ensure that the system follows proper protocols.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS
INTRODUCED THIS SESSION**

TECHNICAL ISSUES OR DRAFTING ERROR

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OTHER SUBSTANTIVE LEGAL ISSUES

ALTERNATIVES TO ENACTING THIS BILL

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS NEEDED TO IMPROVE THIS BILL