

LFC Requester:	Gary Chabot
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

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{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 February 25, 2015
Prepared: _____
Bill No: HB148s

Sponsor: Rep. Jeff Steinborn &
Sen. Peter Wirth
Short Title: No Smoking in Cars with
Minors

Agency Code: Attorney General’s Office
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

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)

Relates to: SB65; SB 360; SB 433; HB 42 and HB213/aHJC
 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 Judiciary Substitute for House Health Committee Substitute for House Bill 148 is an act that seeks to make it a misdemeanor for an individual to smoke in a motor vehicle while a minor is present.

FISCAL IMPLICATIONS

Note: N/A

SIGNIFICANT ISSUES: House Bill 148 sought to make it a misdemeanor to smoke in a vehicle with a minor present. Initially, the Bill was referred to the Health Committee, where a Fiscal Impact Report was conducted. The Fiscal Impact Report recommended amending perceived ambiguities in the definitions of “electronic smoking device” and “smoking.” A substitute bill was submitted by the House Health Committee

implementing these new definitions and including a residual catch-all definition for “smoking.”

The new definitions in the House Health Committee Substitute Bill were ambiguous and overbroad. The terms “smoking” and “electronic smoking device” were used to define each other, making actual definitions difficult to ascertain. Furthermore, the inclusion of the term “any other substance” in the definition for “electronic smoking device,” may cause the unintended inclusion of asthma inhalers, medical oxygen or other aerosol or vapor therapies.

The Bill was then referred to the House Judiciary Committee. The substitution created by the House Judiciary Committee amended the penalty portion of the Bill to include a waiver of penalty for a first offense if a smoking cessation program was completed. The ambiguities and over-breadth regarding the definitions of “smoking” and “electronic smoking device” remain unaddressed by the House Judiciary Committee’s substitution.

PERFORMANCE IMPLICATIONS

Note: N/A

ADMINISTRATIVE IMPLICATIONS

Note: N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP:

Note: N/A

TECHNICAL ISSUES

Note: N/A

OTHER SUBSTANTIVE ISSUES

Note: N/A

ALTERNATIVES

Note: N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

Note: N/A

