

LFC Requester:	Sanogo, Abraham
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**AGENCY BILL ANALYSIS
2015 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: **Date** March 2, 2015
Original **Amendment** _____ **Bill No:** HB 410
Correction _____ **Substitute** _____

Sponsor: Rep. Gail Chasey **Agency Code:** Attorney General's Office - 305
Short No Slaughter or Transfer of **Person Writing** Brian Parrish, AAG
Title: Horses for Food **Phone:** (505) 827-6624 **Email** bparrish@nmag.gov

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)

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 410 (HB 410) proposes to prohibit the following acts if the actor has knowledge or should have knowledge that the act ultimately aids in horse meat being consumed by a human person: (1) slaughtering a horse, (2) possessing horse meat, (3) importing horse meat into New Mexico (4) exporting horse meat from New Mexico, or (5) transporting horse meat through New Mexico. The violation of the prohibition would result in a misdemeanor.

HB 410 also appropriates one hundred thousand dollars (\$100,000) from the general fund for enforcement.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Section 1(A), p. 1, ln. 20-23, criminalizes the act of slaughtering any horse with the knowledge that any of the resulting horse meat will, or likely will, be consumed by a human person. It appears that the resulting prohibition could cover behavior that HB 410 may not intend to cover. For example, as currently written, HB 410 would cover a horse slaughtered to keep one or any number of persons alive in an emergency situation that resulted from a natural disaster or catastrophic emergency situation. There may be other conceivable scenarios, the prohibition of which might not be the thrust of the bill. As such, it may be worth considering exemptions. Also, the language "Notwithstanding any other provision of law" may have unintended consequences to the otherwise lawful euthanasia of some horses.

Section 1(B), p. 1, ln. 24, as noted above, the language "Notwithstanding any other provision of law" may have unintended consequences to the otherwise lawful euthanasia of some horses.

Section 1(B), p. 2, ln.1, "or transport through New Mexico" potentially implicates the Federal Commerce Clause and ultimately could be held to be an impermissible limitation on interstate commerce as it appears to criminalize the transportation of horse meat simply passing through New Mexico where the origination point and the destination point are both external to New Mexico.

Section 2, p. 2, ln. 8-14, since the specific appropriation to the New Mexico Livestock Board to enforce this prohibition would expire and revert back to the general fund and the end of fiscal year 2016, a new appropriation would be required each year for enforcement. Also, other than providing an appropriation, it is unclear what specific authority or means of enforcement the livestock board would have to enforce this provision of law, if enacted. Since HB 410 does not specifically enact a new provision of the Livestock Code and the livestock board appears to only have the grant of power to enforce provisions of the Livestock Code, suggest revising or clarifying.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

Section 1(B), p. 1, ln. 25 through p. 2, ln. 1-2, "...import into...to sell, buy, give away, hold or accept any horse meat..." would appear to be covered by the prohibition against possessing, which is covered earlier in Section 1(B), consider revising for clarity.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

N/A