

LFC Requester:	Marty Daly
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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:
Original **Amendment** _____
Correction _____ **Substitute** _____

Date March 3, 2015
Bill No: HB 52S - 305

Sponsor: Rep. Nora Espinoza
Short Limit Some Health No
Title: Compete Provisions

Agency Code: Attorney General's Office - 305
Person Writing Joseph Dworak
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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)

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 52 places certain limits non-compete covenants for a number of different health care practitioners.

This analysis is for a substitute bill introduced by the House Business and Employment Committee. The Attorney General’s Office provided a full analysis for the original HB 52, dated 12 January. The substitute HB 52 differs in the following ways:

- Amends the definition of “health care practitioner” by limiting the scope of the term as applied to the bill. The amended bill removed seven licensed professionals from the original bill’s definition, including: nurse-midwives; dental hygienists; optometrists; physician assistants; clinical psychologists; doctors of oriental medicine; and certified nurse practitioners and clinical nurse specialists.
- Removes the differentiation made in the original bill between agreements ancillary to the sale of a business and those not ancillary.
- Creates a new Section 4 which explicitly permits agreements that provide for liquidated damages under breach of contract claims.
- Amends the overall language of the bill for clarity.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

At this time there are no related bills found for the 2015 session. However, similar bills were introduced during the 2014 session. See 2014 SB 24 and HB 76.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS