

1 HOUSE BILL 543
2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025
3 INTRODUCED BY
4 Rod Montoya and Harlan Vincent and Jenifer Jones
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10 AN ACT

11 RELATING TO HEALTH CARE; CLARIFYING CONSENT REQUIREMENTS FOR
12 MINORS RECEIVING HEALTH CARE.
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 24-34-2 NMSA 1978 (being Laws 2023,
16 Chapter 11, Section 2) is amended to read:

17 "24-34-2. DEFINITIONS.--As used in the Reproductive and
18 Gender-Affirming Health Care Freedom Act:

19 A. "gender-affirming health care" means
20 psychological, behavioral, surgical, pharmaceutical and medical
21 care, services and supplies provided to support a person's
22 gender identity;

23 B. "minor" means an individual who is under
24 eighteen years of age;

25 ~~[B.]~~ C. "public body" means a state or local

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1 government, an advisory board, a commission, an agency or an
2 entity created by the constitution of New Mexico or any branch
3 of government that receives public funding, including political
4 subdivisions, special tax districts, school districts and
5 institutions of higher education; and

6 ~~[G.]~~ D. "reproductive health care" means
7 psychological, behavioral, surgical, pharmaceutical and medical
8 care, services and supplies that relate to the human
9 reproductive system, including services related to:

- 10 (1) preventing a pregnancy;
- 11 (2) abortion;
- 12 (3) managing a pregnancy loss;
- 13 (4) prenatal, birth, perinatal and postpartum
14 health;
- 15 (5) managing perimenopause and menopause;
- 16 (6) managing fertility;
- 17 (7) treating cancers of the reproductive
18 system; or
- 19 (8) preventing or treating sexually
20 transmitted infections."

21 **SECTION 2.** Section 24-34-3 NMSA 1978 (being Laws 2023,
22 Chapter 11, Section 3) is amended to read:

23 "24-34-3. PUBLIC BODY PROHIBITED ACTION.--

24 A. A public body or an entity or individual acting
25 on behalf of or within the scope of the authority of a public

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underscoring material = new
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1 body shall not discriminate against a person based on that
2 person's use of or refusal to use reproductive health care or
3 gender-affirming health care services.

4 B. A public body or an entity or individual acting
5 on behalf of or within the scope of the authority of a public
6 body shall not deny, restrict or interfere with a person's
7 ability to access or provide reproductive health care or
8 gender-affirming health care within the medical standard of
9 care.

10 C. A public body or an entity or individual acting
11 on behalf of or within the scope of the authority of a public
12 body shall not deprive, through prosecution, punishment or
13 other means, a person's ability to act or refrain from acting
14 during the person's pregnancy based on the potential, actual or
15 perceived effect on the pregnancy.

16 D. A public body or an entity or individual acting
17 on behalf of or within the scope of the authority of a public
18 body shall not impose or continue in effect any law, ordinance,
19 policy or regulation that violates or conflicts with the
20 provisions of the Reproductive and Gender-Affirming Health Care
21 Freedom Act.

22 E. Nothing in the Reproductive and Gender-Affirming
23 Health Care Freedom Act shall be construed to require a health
24 care provider or entity to provide care:

25 (1) that the health care provider or entity

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1 does not otherwise provide or have a duty to provide under
2 state or federal law;

3 (2) when the provision of service is against
4 the medical judgment of the treating health care provider while
5 acting within the standard of care; or

6 (3) when an individual does not provide
7 payment or a source of payment for the service when it is
8 required in the ordinary course of business, unless the health
9 care provider has a duty to provide services under state or
10 federal law, regardless of the ability to pay.

11 F. Nothing in the Reproductive and Gender-Affirming
12 Health Care Freedom Act shall be construed to require a managed
13 care organization or health insurance company to cover claims
14 that are not otherwise required to be covered by the terms and
15 conditions of an insurance contract, managed care contract or
16 state or federal law.

17 G. Nothing in the Reproductive and Gender-Affirming
18 Health Care Freedom Act shall be construed to allow a minor to
19 receive gender-affirming health care or reproductive health
20 care without parental consent in any manner that is not
21 otherwise provided for by law."