

1 SENATE BILL 371

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 William E. Sharer

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10 AN ACT

11 RELATING TO HEALTH CARE; INCREASING THE SAFETY REQUIREMENTS FOR
12 REPRODUCTIVE HEALTH CARE.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. A new section of the Public Health Act is
16 enacted to read:

17 "[NEW MATERIAL] REPRODUCTIVE HEALTH CARE SAFETY
18 REQUIREMENTS.--

19 A. Except for a medication abortion, an abortion
20 shall only be provided by a licensed physician in a health
21 facility licensed by the health care authority.

22 B. A drug used to induce a medication abortion
23 shall only be prescribed by a licensed physician and dispensed
24 by a pharmacy licensed pursuant to the Pharmacy Act.

25 C. A person found to have knowingly and willfully

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1 violated the provisions of this section shall be subject to a
2 civil penalty not to exceed five thousand dollars (\$5,000).

3 D. For the purposes of this section, "medication
4 abortion" means the use or prescription of any drug for the
5 purpose of inducing an abortion."

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

8 "24-34-3. PUBLIC BODY PROHIBITED ACTION.--

9 A. A public body or an entity or individual acting
10 on behalf of or within the scope of the authority of a public
11 body shall not discriminate against a person based on that
12 person's use of or refusal to use reproductive health care or
13 gender-affirming health care services.

14 B. A public body or an entity or individual acting
15 on behalf of or within the scope of the authority of a public
16 body shall not deny, restrict or interfere with a person's
17 ability to access or provide reproductive health care or
18 gender-affirming health care within the medical standard of
19 care. For the purposes of this subsection, an abortion is only
20 within the medical standard of care if the abortion is provided
21 by a licensed physician in a health facility licensed by the
22 health care authority.

23 C. A public body or an entity or individual acting
24 on behalf of or within the scope of the authority of a public
25 body shall not deprive, through prosecution, punishment or

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1 other means, a person's ability to act or refrain from acting
2 during the person's pregnancy based on the potential, actual or
3 perceived effect on the pregnancy.

4 D. 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 impose or continue in effect any law, ordinance,
7 policy or regulation that violates or conflicts with the
8 provisions of the Reproductive and Gender-Affirming Health Care
9 Freedom Act.

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

13 (1) that the health care provider or entity
14 does not otherwise provide or have a duty to provide under
15 state or federal law;

16 (2) when the provision of service is against
17 the medical judgment of the treating health care provider while
18 acting within the standard of care; or

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

24 F. Nothing in the Reproductive and Gender-Affirming
25 Health Care Freedom Act shall be construed to require a managed

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1 care organization or health insurance company to cover claims
2 that are not otherwise required to be covered by the terms and
3 conditions of an insurance contract, managed care contract or
4 state or federal law."

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