

1 SENATE BILL 238

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Gregg Schmedes

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10 AN ACT

11 RELATING TO PUBLIC HEALTH; ELIMINATING THE SECRETARY OF
12 HEALTH'S POWER TO ISOLATE AND QUARANTINE CERTAIN INDIVIDUALS
13 DURING A STATE OF PUBLIC HEALTH EMERGENCY; DECLARING AN
14 EMERGENCY.

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

17 SECTION 1. Section 12-10A-13 NMSA 1978 (being Laws 2003,
18 Chapter 218, Section 13, as amended) is amended to read:

19 "12-10A-13. VACCINATION AND TREATMENT.--

20 A. During a state of public health emergency, a
21 qualified person authorized by the secretary of health may
22 vaccinate persons to prevent infection by a threatening
23 communicable disease and to protect against the spread of that
24 disease.

25 [~~B. To protect against the spread of a threatening~~

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underscored material = new
[bracketed material] = delete

1 ~~communicable disease, the secretary of health may isolate or~~
2 ~~quarantine a person who is unable or unwilling for reasons of~~
3 ~~health, religion or conscience to undergo vaccination pursuant~~
4 ~~to the standards and procedures set forth in the Public Health~~
5 ~~Emergency Response Act.~~

6 ~~G.]~~ B. A qualified person authorized by the
7 secretary of health may vaccinate a minor less than eighteen
8 years of age, unless the minor or the minor's duly authorized
9 representative presents a certificate issued by a duly licensed
10 physician or an advanced practice registered nurse, certified
11 nurse-midwife or physician assistant working within that
12 person's scope of practice that states that the minor's
13 physical condition is such that the vaccination would seriously
14 endanger the minor's life or health.

15 ~~[D.]~~ C. During a state of public health emergency,
16 in order to provide treatment to a person who is exposed to or
17 infected with a threatening communicable disease:

18 (1) treatment may be administered by a public
19 health official;

20 (2) treatment shall be approved pursuant to
21 appropriate regulations promulgated by the federal food and
22 drug administration; and

23 (3) the secretary of health may isolate or
24 quarantine a person who is unable or unwilling, for reasons of
25 health, religion or conscience, to undergo treatment pursuant

underscoring material = new
~~[bracketed material] = delete~~

1 to the standards and procedures set forth in the Public Health
2 Emergency Response Act."

3 SECTION 2. EMERGENCY.--It is necessary for the public
4 peace, health and safety that this act take effect immediately.

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