

1 SENATE BILL 244

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

3 INTRODUCED BY

4 Martin Hickey

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10 AN ACT

11 RELATING TO IMMUNIZATION; ALLOWING A CHILD'S PARENT OR GUARDIAN
12 TO FILE A CERTIFICATE FROM A CERTIFIED NURSE PRACTITIONER
13 STATING THAT IMMUNIZATION WOULD BE DETRIMENTAL TO THE PHYSICAL
14 CONDITION OF THE CHILD.

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

17 SECTION 1. Section 24-5-3 NMSA 1978 (being Laws 1959,
18 Chapter 329, Section 3, as amended) is amended to read:

19 "24-5-3. EXEMPTION FROM IMMUNIZATION.--

20 A. Any minor child through [~~his~~] the child's parent
21 or guardian may file with the health authority charged with the
22 duty of enforcing the immunization laws:

23 (1) a certificate of a [~~duly~~] licensed
24 physician or a certified nurse practitioner stating that the
25 physical condition of the child is such that immunization would

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underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 seriously endanger the life or health of the child; [~~or~~]

2 (2) [~~affidavits~~] an affidavit or written
3 affirmation from an officer of a recognized religious
4 denomination that [~~such~~] the child's parents or guardians are
5 bona fide members of a denomination whose religious teaching
6 requires reliance upon prayer or spiritual means alone for
7 healing; or

8 (3) [~~affidavits~~] an affidavit or written
9 affirmation from [~~his~~] the child's parent or legal guardian
10 that [~~his~~] the parent's or legal guardian's religious beliefs,
11 held either individually or jointly with others, do not permit
12 the administration of vaccine or other immunizing agent.

13 B. Upon filing and approval of such certificate,
14 [~~affidavits~~] affidavit or affirmation, the child is exempt from
15 the legal requirement of immunization for a period not to
16 exceed nine months on the basis of any one certificate,
17 [~~affidavits~~] affidavit or affirmation."

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2021.