

1 SENATE BILL 471

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Joseph Cervantes and Elizabeth "Liz" Stefanics

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10 AN ACT

11 RELATING TO HEALTH CARE; AMENDING THE END-OF-LIFE OPTIONS ACT
12 TO CLARIFY THAT HEALTH CARE PROVIDERS ARE ABLE TO REFUSE TO
13 PARTICIPATE IN MEDICAL AID IN DYING FOR REASONS OF CONSCIENCE;
14 DECLARING AN EMERGENCY.

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

17 SECTION 1. Section 24-7C-1 NMSA 1978 (being Laws 2021,
18 Chapter 132, Section 1) is amended to read:

19 "24-7C-1. SHORT TITLE.--~~[Sections 1 through 8 of this~~
20 ~~act]~~ Chapter 24, Article 7C NMSA 1978 may be cited as the "End-
21 of-Life Options Act" or the "Elizabeth Whitefield End-of-Life
22 Options Act"."

23 SECTION 2. Section 24-7C-7 NMSA 1978 (being Laws 2021,
24 Chapter 132, Section 7) is amended to read:

25 "24-7C-7. IMMUNITIES--CONSCIENCE-BASED DECISIONS.--

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1 A. A person shall not be subject to criminal
2 liability, licensing sanctions or other professional
3 disciplinary action for:

4 (1) participating [~~or refusing to participate~~]
5 in medical aid in dying in good faith compliance with the
6 provisions of the End-of-Life Options Act; [~~or~~]

7 (2) being present when a qualified patient
8 self-administers the prescribed medical aid in dying medication
9 to end the qualified individual's life in accordance with the
10 provisions of the End-of-Life Options Act; or

11 (3) refusing, for reasons of conscience, to
12 participate in medical aid in dying in any way, which includes
13 refusing to provide information on medical aid in dying to a
14 patient and refusing to refer a patient to any entity or
15 individual who is able and willing to assist the patient in
16 obtaining medical aid in dying.

17 B. A health care entity, [~~professional organization~~
18 ~~or association~~] health insurer, managed care organization or
19 health care provider shall not subject a person to censure,
20 discipline, suspension, loss or denial of license, credential,
21 privileges or membership or other penalty for participating, or
22 refusing to participate, in the provision of medical aid in
23 dying in good faith compliance with the provisions of the End-
24 of-Life Options Act.

25 C. No health care provider who objects for reasons

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1 of conscience to participating in the provision of medical aid
2 in dying shall be required to participate in the provision of
3 medical aid in dying under any circumstance. If a health care
4 provider is unable or unwilling to carry out an individual's
5 request pursuant to the End-of-Life Options Act, that health
6 care provider shall so inform the individual and refer the
7 individual to a health care provider who is able and willing to
8 carry out the individual's request or to another individual or
9 entity to assist the requesting individual in seeking medical
10 aid in dying. If the health care provider transfers the
11 individual's care to a new health care provider, the prior
12 health care provider shall transfer, upon request, a copy of
13 the individual's relevant medical records to the new health
14 care provider.

15 D. A health care entity shall not forbid or
16 otherwise sanction a health care provider who provides medical
17 aid in dying in accordance with the End-of-Life Options Act off
18 the premises of the health care entity or when the health care
19 provider is not acting within the normal course and scope of
20 the health care provider's employment with the health care
21 entity.

22 E. A health care entity may sanction a health care
23 provider for participating in medical aid in dying on the
24 premises of the prohibiting health care entity only if the
25 health care entity has given written notice to the health care

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1 provider of the prohibiting entity's written policy forbidding
2 participation in medical aid in dying and the health care
3 provider participates in medical aid in dying:

4 (1) on the premises of the health care entity;
5 or

6 (2) within the course and scope of the health
7 care provider's employment for the health care entity.

8 F. Nothing in this section shall be construed to
9 prevent:

10 (1) a health care provider from participating
11 in medical aid in dying while the health care provider is
12 acting outside the health care entity's premises or outside the
13 course and scope of the health care provider's capacity as an
14 employee; or

15 (2) an individual who seeks medical aid in
16 dying from contracting with the individual's prescribing health
17 care provider or consulting health care provider to act outside
18 the course and scope of the provider's affiliation with the
19 sanctioning health care entity.

20 G. A health care entity that imposes sanctions on a
21 health care provider pursuant to the End-of-Life Options Act
22 shall act reasonably, both substantively and procedurally, and
23 shall be neither arbitrary nor capricious in its imposition of
24 sanctions.

25 H. Participating, or not participating, in medical

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1 aid in dying shall not be the basis for a report of
2 unprofessional conduct.

3 I. A health care entity that prohibits medical aid
4 in dying shall accurately and clearly articulate this in an
5 appropriate location on any website maintained by the entity
6 and in any appropriate materials given to patients to whom the
7 health care entity provides health care in words to be
8 determined by the health care entity."

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