

LFC Requestor: Self Assigned

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate
Number: 347

Category: Bill
Type: Introduced

Date (of THIS analysis): 2/12/2025

Sponsor(s): Gabriel Ramos, David M. Gallegos, Larry R. Scott, Anthony L. Thornton and Nicholas A. Paul

Short Title: Health Care Workers Conscience Protection Act

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$103.95	\$0	\$103.95	Non-recurring	General Fund

Senate Bill 347 (SB347) would require New Mexico Department of Health (NMDOH) to write amendments to approximately 15 regulations, and for the NMDOH Office of General Counsel (OGC) to review and promulgate those rule amendments. Costs would include approximately \$5,000 to appoint hearing officers and hold rule hearings for each new regulations. One full-time staff person would be necessary to coordinate the process of developing rules, securing public input including from health care professional associations impacted by these rules, and ensuring timely publication.

Social and Community Services Coordinator (pay band 70) with salary midpoint of \$71,188 plus 39% benefits x 1 position = \$98,951.

OGC staffing would have to be provided in-kind as part of regular business, as this does not require a full additional FTE.

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 347 (SB347) proposes to enact the Health Care Workers Conscience Protection Act. It would grant medical practitioners, health care institutions, and health care payers the right to decline to participate in or pay for any abortion or abortion-related service for reasons of conscience. Further, any medical practitioner, health care institution, or health care payer would be protected against being held civilly or criminally liable, facing sanctions related to professional licensing, or facing employment disciplinary actions as a result of exercising their right to conscience. SB347 defines “conscience” to mean the ethical, philosophical, moral, or religious beliefs or principals held by a medical practitioner, health care institution, or health care payer.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

SB347 could result in barriers for New Mexico patients who need or want to access abortion or abortion-related services. SB347 does not require health care providers to

inform the patient about the availability of alternative medical services, or to refer patients to other willing clinicians, or transfer the patient's records. This is particularly significant for someone in need of emergency or potentially life-saving services. If a health care worker believes that their right to conscience supersedes their duty to provide emergency medical treatment to all patients as set forth in Subsection dd of 42 U.S.C. 1395, or other federal law governing emergency medical treatments, patient health and outcomes could be seriously jeopardized.

This bill is in conflict with 24-7A-1 NMSA (1978), The Uniform Health-Care Decisions Act, involving advanced health care directives, allows health care practitioners to decline to comply with individual instructions or health-care decisions for reasons of conscience but also requires that the practitioner make efforts to assist in the transfer of the patient to another health-care practitioner.

SB347 may affect the licensing boards for licensed health care providers defined within the bill as "medical practitioner" the associated licensing boards may need to amend their licensing regulations to allow their licensees to object to providing medical services for reasons of conscience, and to amend their licensing regulations to remove any administrative liability for exercising the right of conscience created by the bill with respect to a health care service.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

New Mexico Department of Health (NMDOH) would be required to amend each health facility licensing regulation to adopt amendments for licensing of health care facilities to provide for administrative-liability immunity for claims related to or arising from the exercise of the conscience right, as provided for in the proposed bill.

Senate Bill 347 (SB347) would require New Mexico Department of Health (NMDOH) to write amendments to approximately 15 regulations and for the NMDOH Office of General Counsel (OGC) to review and promulgate those rule amendments. Costs associated would include \$5,000 for hearing officers for each amended regulation. The largest cost would be for one full-time staff person to coordinate the entire process of developing rules, securing public input including from health care professional associations impacted by these rules, and ensuring timely publication.

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

Staff time from the appropriate division within NMDOH would be required to enforce, and OGC would be required to promulgate, the licensing immunity provisions of the bill. Additionally, ongoing staff time would be needed to investigate consumer complaints that may arise from health care providers acting pursuant to the conscience right created by the bill.

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None.

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

None.

9. HEALTH IMPACT(S)

SB347 may affect the availability of health care in New Mexico, particularly in under-served rural and frontier areas, as medical practitioners and entities may decide to decline certain health care services that do not align with their respective consciences. This may exacerbate existing health care shortages in those areas.

10. ALTERNATIVES

None.

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If SB347 is not enacted, medical practitioner individuals and entities will not be allowed to refuse to participate in or pay for any health care service that violates the medical practitioner's, health care institution's, or health care payer's conscience, and they would continue to be held

civily, criminally or administratively liable for the exercise of “conscience” rights created by the bill.

12. AMENDMENTS

None.