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HOUSE BILL 682

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY
MURRAY RYAN

AN ACT

RELATING TO HEALTH; CLARIFYING A SECTION OF THE UNIFORM HEALTH-CARE DECISIONS ACT REGARDING THE ADMISSION OF INDIVIDUALS TO MENTAL HEALTH-CARE INSTITUTIONS; AMENDING A SECTION OF THAT ACT.

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

Section 1. Section 24-7A-13 NMSA 1978 (being Laws 1995, Chapter 182, Section 13) is amended to read:

"24-7A-13. EFFECT OF THE UNIFORM HEALTH-CARE DECISIONS ACT. --

A. The Uniform Health-Care Decisions Act does not create a presumption concerning the intention of an individual who has not made or who has revoked an advance health-care directive.

B. Death resulting from the withholding or withdrawal of health care in accordance with the Uniform

Underscored material = new
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1 Health-Care Decisions Act does not for any purpose:

2 (1) constitute a suicide, a homicide or other
3 crime; or

4 (2) legally impair or invalidate a governing
5 instrument, notwithstanding any term of the governing instrument
6 to the contrary. "Governing instrument" means a deed, will,
7 trust, insurance or annuity policy, account with POD (payment on
8 death designation), security registered in beneficiary form
9 (TOD), pension, profit-sharing, retirement, employment or
10 similar benefit plan, instrument creating or exercising a power
11 of appointment or a dispositive, appointive or nominative
12 instrument of any similar type.

13 C. The Uniform Health-Care Decisions Act does not
14 authorize mercy killing, assisted suicide, euthanasia or the
15 provision, withholding or withdrawal of health care, to the
16 extent prohibited by other statutes of this state.

17 D. The Uniform Health-Care Decisions Act does not
18 authorize or require a health-care provider or health-care
19 institution to provide health care contrary to generally
20 accepted health-care standards applicable to the health-care
21 provider or health-care institution.

22 E. The Uniform Health-Care Decisions Act does not
23 authorize an agent or surrogate to consent to the admission of
24 an individual to a mental health-care facility. If the
25 individual's written advance health-care directive expressly

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1 permits treatment in a mental health-care facility, the agent or
2 surrogate may present the individual to a facility for
3 evaluation for admission.

4 F. The Uniform Health-Care Decisions Act does not
5 affect other statutes of this state governing treatment for
6 mental illness of an individual [~~involuntarily committed~~]
7 admitted to a mental health-care institution."

**State of New Mexico
House of Representatives**

FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

February 8, 1996

Mr. Speaker:

Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
whom has been referred

HOUSE BILL 682

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Gary K. King, Chairman

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

HCPAC/HB 682

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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Abeyta, Baca, Sandel, Vigil

Absent: None

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SECOND SESSION, 1996

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 12, 1996

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 682

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
CORPORATIONS & TRANSPORTATION COMMITTEE.

Respectfully submitted,

Janice D. Paster, Chairman

Adopted _____ Not Adopted _____

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: None

Absent: Carraro, Cisneros, Scott, Vernon

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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February 13, 1996

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10 Mr. President:

11

12 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
13 whom has been referred

14

HOUSE BILL 682

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16 has had it under consideration and reports same with
17 recommendation that it DO PASS.

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Respectfully submitted,

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Roman M. Maes, III, Chairman

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Adopted _____ Not Adopted _____

FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Fidel, Maloof, McKibben, Robinson

Absent: None

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Underscored material = new
[bracketed material] = delete