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HOUSE BILL 11

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2020**

INTRODUCED BY

Gregg Schmedes

AN ACT

RELATING TO PUBLIC HEALTH; ELIMINATING THE SECRETARY OF  
HEALTH'S POWER TO ISOLATE AND QUARANTINE CERTAIN INDIVIDUALS  
DURING A STATE OF PUBLIC HEALTH EMERGENCY; ELIMINATING  
PROVISIONS FOR VACCINATION OF MINORS; DECLARING AN EMERGENCY.

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

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

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

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

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

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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. A qualified person authorized by the secretary~~  
7 ~~of health may vaccinate a minor less than eighteen years of~~  
8 ~~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.]~~ B. 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; and

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~~

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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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