

SENATE FLOOR SUBSTITUTE FOR
SENATE BILL 10

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

AN ACT

RELATING TO ABORTION; AMENDING DEFINITIONS IN SECTION 30-5-1
NMSA 1978 (BEING LAWS 1969, CHAPTER 67, SECTION 1); PROVIDING
PROTECTIONS FOR HEALTH CARE PROVIDERS; REVISING A CRIME.

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

SECTION 1. Section 30-5-1 NMSA 1978 (being Laws 1969,
Chapter 67, Section 1) is amended to read:

"30-5-1. DEFINITIONS.--As used in ~~[this]~~ Chapter 30,
Article 5 NMSA 1978:

A. "pregnancy" means the implantation of an embryo
in the uterus; and

~~[B. "accredited hospital" means one licensed by the
health and social services department;~~

G.] B. "[~~justified~~] medical termination" means the
intentional ending of the pregnancy of a woman no later than

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underscored material = new
[bracketed material] = delete

1 twenty weeks following gestation at the request of [said] the
2 woman or if [said] the woman is under the age of eighteen
3 years, then at the request of [said] the woman, [and] her then
4 living parent or guardian or pursuant to a court order, by a
5 physician licensed by the state of New Mexico using acceptable
6 medical procedures [~~in an accredited hospital upon written~~
7 ~~certification by the members of a special hospital board that~~]
8 if:

9 (1) the continuation of the pregnancy, in
10 [~~their~~] the physician's opinion, is likely to result in the
11 death of the woman or the grave impairment of the physical or
12 mental health of the woman; [~~or~~

13 ~~(2) the child probably will have a grave~~
14 ~~physical or mental defect; or~~

15 ~~(3)] (2) the pregnancy resulted from rape [as~~
16 ~~defined in Sections 40A-9-2 through 40A-9-4 NMSA 1953. Under~~
17 ~~this paragraph, to justify a medical termination of the~~
18 ~~pregnancy, the woman must present to the special hospital board~~
19 ~~an affidavit that she has been raped and that the rape has been~~
20 ~~or will be reported to an appropriated law enforcement~~
21 ~~official]; or~~

22 [~~4)] (3) the pregnancy resulted from incest.~~

23 [~~D. "special hospital board" means a committee of~~
24 ~~two licensed physicians or their appointed alternates who are~~
25 ~~members of the medical staff at the accredited hospital where~~

1 ~~the proposed justified medical termination would be performed,~~
 2 ~~and who meet for the purpose of determining the question of~~
 3 ~~medical justification in an individual case, and maintain a~~
 4 ~~written record of the proceedings and deliberations of such~~
 5 ~~board.]"~~

6 SECTION 2. Section 30-5-2 NMSA 1978 (being Laws 1969,
 7 Chapter 67, Section 2) is amended to read:

8 "30-5-2. PERSONS [~~AND INSTITUTIONS~~] EXEMPT FROM
 9 DISCIPLINE.--~~[This Article does not require a hospital to admit~~
 10 ~~any patient for the purposes of performing an abortion nor is~~
 11 ~~any hospital required to create a special hospital board. A~~
 12 ~~person who is a member of, or associated with, the staff of a~~
 13 ~~hospital, or any employee of a hospital in which a justified~~
 14 ~~medical termination has been authorized and who objects to the~~
 15 ~~justified medical termination on moral or religious grounds~~
 16 ~~shall not be required to participate in medical procedures~~
 17 ~~which will result in the termination of pregnancy, and the~~
 18 ~~refusal of any such person to participate shall not form the~~
 19 ~~basis of any disciplinary or other recriminatory action against~~
 20 ~~such person] A health care provider shall not be required to~~
 21 ~~participate in medical termination of a pregnancy except to~~
 22 ~~preserve the life of the woman, and the refusal of a health~~
 23 ~~care provider to participate in a medical termination of a~~
 24 ~~pregnancy shall not form the basis of a disciplinary or other~~
 25 ~~recriminatory action against that health care provider."~~

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1 SECTION 3. Section 30-5-3 NMSA 1978 (being Laws 1969,
2 Chapter 67, Section 3) is amended to read:

3 "30-5-3. CRIMINAL ABORTION.--

4 A. Criminal abortion consists of administering to
5 any non-consenting pregnant woman any medicine, drug or other
6 substance, or using any method or means whereby [~~an untimely~~] a
7 medical termination of her pregnancy is produced, or attempted
8 to be produced [~~with the intent to destroy the fetus, and the~~
9 ~~termination is not a justified medical termination~~].

10 B. Whoever commits criminal abortion is guilty of a
11 fourth degree felony. Whoever commits criminal abortion
12 [~~which~~] that results in the death of the woman is guilty of a
13 second degree felony."

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