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## FISCAL IMPACT REPORT

SPONSOR Hickey LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 1/26/23  
SHORT TITLE Immunization Info Certification BILL NUMBER Senate Bill 81  
ANALYST Kludt

### APPROPRIATION\* (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
	No fiscal impact		

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent version of this legislation.

### Sources of Information

LFC Files

Responses Received From  
Department of Health (DOH)

## SUMMARY

### Synopsis of Senate Bill 81

Senate Bill 81 (SB81) proposes change to the statute governing who can provide exemptions to school requirements for immunization, Section 24-5-3 of the Public Health Act. Section 24-5-2 states, “It is unlawful for any student to enroll in school unless he has been immunized and can provide satisfactory evidence of such immunization”.

Three types of exemptions allow students to bypass these requirements – two are religious and one is medical. SB81 proposes to allow physician assistants and nurse practitioners to sign off on medical exemptions, whereas currently only licensed physicians may do so. The medical exemption is a physician certifying that immunization would seriously endanger the life or health of the child. This bill expands certification of exemptions to physician assistants and nurse practitioners.

## FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 81, and no anticipated costs for implementing it.

## SIGNIFICANT ISSUES

All states, the District of Columbia, and territories have vaccination requirements for children attending childcare facilities and schools. Vaccination requirements are a tool for maintaining high vaccination coverage and low rates of vaccine-preventable diseases (VPDs). Exemptions from vaccination requirements may apply for some children.

Exemptions from state or local requirements may apply to some children. All states and the District of Columbia allow a medical exemption. A medical exemption is allowed when a child has a medical condition that prevents them from receiving a vaccine. All but three states offer nonmedical exemptions for religious or philosophical reasons.

The Centers for Disease and Prevention (CDC) explains that an exemption could mean that

1. The parent refused a dose of vaccine for their child.
2. The parent refused a specific vaccine series for their child.
3. The parent refused all vaccines for their child.

A study of schoolchildren with nonmedical exemptions found that 75 percent of these children had received at least one vaccine previously. Additionally, over the past several years, vaccination coverage measured using data from the National Immunization Survey indicate that <1 percent of children 19–35 months received no vaccines of any type.

NM School Immunization Coverage, FY2021-2022 Annual Self-Reported School Survey Data Kindergarten (n=20736)					
Up-to-date (n)	Valid Medical Exemption (n)	Valid Religious Exemption (n)	In-process (n)	Non-compliant (n)	No Documentation (n)
92.04% (19086)	0.28% (58)	1.07% (222)	3.22% (668)	3.76% (780)	1.82% (378)

NM School Immunization Coverage, FY2021-2022 Annual Self-Reported School Survey Data Kindergarten (n=20736)				
DTP/DTaP	Polio	MMR	Hepatitis B	Varicella
94.04% (19501)	94.29% (19552)	94.34% (19563)	93.70% (19429)	93.61% (19412)

Total student exemption for ages 18 and under rose from 2,357 in 2012, to 4,684 in 2022, a doubling in 10 years. (Internal statistics, Immunization Program, DOH)

DOH stated, “With downward trends in coverage rates, there is concern that loosening of requirements might lead to negative unexpected consequences. Medical exemptions made up 4.3 percent of all exemptions last year (internal statistics, DOH), and it is reasonable to expect that increasing the number of medical providers who can exempt children that number will increase. However, this bill is primarily concerned with acknowledging the realities of clinical care in New Mexico and making valid exemptions to vaccine accessible to families which do not have access to a physician for primary care.”