

LFC Requester: _____

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION
WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/31/25 *Check all that apply:*
Bill Number: HB234 Original Correction
 Amendment Substitute

Sponsor: Reps. Jones and Dow **Agency Name and Code** HCA 630
Short Title: Medical Care for All Infants **Number:** _____
Born Alive **Person Writing** Kresta Opperman
Phone: (505)231- **Email** Kresta.opperman@hca

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0.0	\$0.0	NA	NA

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0.0	\$0.0	\$0.0	NA	NA

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$0.0	\$0.0	\$0.0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Requires care of all infants born alive. Defines “infant” as “a child who has been completely expelled or extracted from the child's mother, regardless of the stage of gestational development.” Defines “born alive” as meaning heartbeat, breathing, umbilical cord pulsating, or voluntary muscle movement. Requires infants born alive per this definition to receive medical care regardless of the circumstances of the “birth,” including abortion. This bill restricts parents’ rights to decline medical care for their infant. If these procedures are not performed by the clinician, creates a criminal penalty of a first-degree felony. Requires the stand-up of a task force to monitor infants born during abortions.

FISCAL IMPLICATIONS

There is no fiscal impact to New Mexico Medicaid as the bill does not add new Medicaid services and does not require Health Care Authority to participate in the taskforce.

SIGNIFICANT ISSUES

It is already the law that any child born in New Mexico and the United States, regardless of the circumstances of the birth, are afforded equal legal protection.

HB234 could arguably create criminal liability for certain abortions and induced childbirths, such as ones performed because of lethal fetal anomalies or to save the life of the mother. Sometimes in those circumstances, the infant is meant to be alive to allow parents to hold the child and grieve before they die. While HB234 does allow parents to decline medical services for the infant when death is "imminent" the bill does not define "imminent." Therefore, if law enforcement’s definition of “imminent” is of shorter duration than that of the parents or care providers, criminal charges could be brought.

If HB234 is enacted, access to medically necessary abortions may be reduced as a result of healthcare providers mitigating risk of criminal and civil penalties described in the bill. Addressing statewide provider shortages continues to be a significant challenge while developing and maintaining provider networks that meet the needs of a growing Medicaid population. This challenge is particularly acute in rural areas and “OB deserts,” where access to obstetric care and other essential health services is severely limited

PERFORMANCE IMPLICATIONS

NA

ADMINISTRATIVE IMPLICATION

No Administrative implications for New Mexico Medicaid.
No IT impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

NA

TECHNICAL ISSUES

NA

OTHER SUBSTANTIVE ISSUES

NA

ALTERNATIVES

NA

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo. Medicaid eligible New Mexicans will continue to have access to reproductive health care without the concerns of criminal liability that would be created by this bill.

AMENDMENTS

No known amendments at this time.