

State of New Mexico
House of Representatives

FIFTY-FIFTH LEGISLATURE
FIRST SESSION

February 17, 2021

HOUSE FLOOR AMENDMENT number _____ to SENATE BILL 10, as amended

Amendment sponsored by Representative Cathrynn N. Brown

1. Strike all items of Senate Floor Amendment number 1.

2. On page 1, strike lines 11 and 12 and insert in lieu thereof "RELATING TO ABORTION; REQUIRING THAT ABORTIONS ONLY BE PERFORMED BY PHYSICIANS LICENSED BY THE STATE."

3. On page 1, lines 15 through 17, strike Section 1 in its entirety and insert in lieu thereof the following new sections:

"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;

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

C. "~~[justified]~~ medical termination" means the intentional ending of the pregnancy of a woman at the request of [~~said~~] the woman or if said woman is under the age of eighteen years, then at the request of said woman and her then living parent or guardian by a physician licensed by the state [~~of New Mexico~~] using acceptable medical procedures. [~~in an accredited hospital upon written certification by the members of a special hospital board that:~~

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~~(1) the continuation of the pregnancy, in their opinion, is likely to result in the death of the woman or the grave impairment of the physical or mental health of the woman; or~~

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

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

~~(4) the pregnancy resulted from incest.~~

~~D. "special hospital board" means a committee of two licensed physicians or their appointed alternates who are members of the medical staff at the accredited hospital where the proposed justified medical termination would be performed, and who meet for the purpose of determining the question of medical justification in an individual case, and maintain a written record of the proceedings and deliberations of such board.]"~~

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

"30-5-2. PERSONS AND INSTITUTIONS EXEMPT.--[This] Chapter 30, Article 5 NMSA 1978 does not require a hospital to admit any patient for the purposes of performing an abortion [~~nor is any hospital required to create a special hospital board~~]. A person who is a member of, or associated with, the staff of a hospital, or any employee of a hospital in which a [~~justified~~] medical termination has been authorized and who objects to the [~~justified~~] medical termination on moral or religious grounds shall not be required to participate in medical procedures [~~which~~] that will result in the termination of pregnancy, and the refusal of any such person to participate shall not form the basis of any disciplinary or other recriminatory action against [~~such~~] the person."

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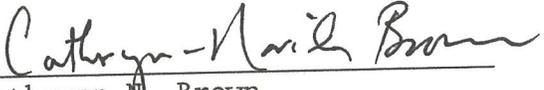
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SECTION 3. Section 30-5-3 NMSA 1978 (being Laws 1969, Chapter 67, Section 3) is amended to read:

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

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

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


Cathrynn N. Brown

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____