

State of New Mexico
Senate

FIFTY-FIFTH LEGISLATURE
FIRST SESSION

February 5, 2021

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 10

Amendment sponsored by Senator ~~William E. Sharer~~ *Gallegos*

1. On page 1, line 11, before "REPEALING", insert "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;".

2. On page 1, line 11, strike "SECTIONS 30-5-1 THROUGH" and insert in lieu thereof "SECTION".

3. On page 1, line 12, strike "SECTIONS 1 THROUGH" and insert in lieu thereof "SECTION".

4. On page 1, between lines 14 and 15, insert 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; and

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

~~C.]~~ B. "[~~justified~~] medical termination" means the intentional ending of the pregnancy of a woman at the request of [~~said~~] the woman or if [~~said~~] the woman is under the age of eighteen years, then at the request of [~~said~~] the woman and her then living

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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~~] if:

(1) the continuation of the pregnancy, in [~~their~~] the physician's 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) (2) 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) (3) 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 FROM DISCIPLINE.-- [~~This Article does not require a hospital to admit any patient for the purposes of performing an abortion nor is any hospital required~~

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~~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 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 person.]~~ A health care provider shall not be required to participate in medical termination of a pregnancy except to preserve the life of the woman, and the refusal of a health care provider to participate in a medical termination of a pregnancy shall not form the basis of a disciplinary or other recriminatory action against that health care provider."

5. Renumber the succeeding section accordingly.
6. On page 1, line 15, strike "Sections 30-5-1 through" and insert in lieu thereof "Section".
7. On page 1, line 16, strike "Sections 1 through" and insert in lieu thereof "Section".
8. On page 1, line 16, strike "are" and insert in lieu thereof "is".

~~William E. Sharer~~

Gallagos

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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