

1 SENATE BILL 232

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Gregg Schmedes

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9  
10 AN ACT

11 RELATING TO HEALTH; PROVIDING AN EXEMPTION FROM IMMUNIZATION  
12 FOR A CHILD WHOSE PARENT OR GUARDIAN DISALLOWS IMMUNIZATION FOR  
13 REASONS OF CONSCIENCE.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 24-5-3 NMSA 1978 (being Laws 1959,  
17 Chapter 329, Section 3, as amended) is amended to read:

18 "24-5-3. EXEMPTION FROM IMMUNIZATION.--

19 A. Any [~~minor~~] child through [~~his~~] the child's  
20 parent or guardian may file with the health authority charged  
21 with the duty of enforcing the immunization laws:

22 (1) a certificate of a duly licensed physician  
23 stating that the physical condition of the child is such that  
24 immunization would seriously endanger the life or health of the  
25 child; [~~or~~]

.219211.1

underscored material = new  
~~[bracketed material] = delete~~

underscoring material = new  
~~[bracketed material] = delete~~

1 (2) [~~affidavits~~] an affidavit or written  
2 affirmation from an officer of a recognized religious  
3 denomination that [~~such~~] the child's parents or guardians are  
4 bona fide members of a denomination whose religious teaching  
5 requires reliance upon prayer or spiritual means alone for  
6 healing; [~~or~~]

7 (3) [~~affidavits~~] an affidavit or written  
8 affirmation from [~~his~~] the child's parent or legal guardian  
9 that [~~his~~] the parent's or legal guardian's religious beliefs,  
10 held either individually or jointly with others, do not permit  
11 the administration of vaccine or other immunizing agent; or

12 (4) an affidavit or written affirmation from  
13 the child's parent or legal guardian that the child's parent or  
14 legal guardian does not permit the administration of vaccine or  
15 other immunizing agent for reasons of conscience.

16 B. Upon filing and approval of such certificate,  
17 [~~affidavits~~] affidavit or affirmation, the child is exempt from  
18 the legal requirement of immunization for a period not to  
19 exceed nine months on the basis of any one certificate,  
20 [~~affidavits~~] affidavit or affirmation."