

Proposed

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 531

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
ALLOWING FOR THE PRONOUNCEMENT OF DEATH OF A PERSON WHOSE  
RESPIRATORY AND CIRCULATORY FUNCTIONS ARE BEING ARTIFICIALLY  
SUSTAINED AFTER A PHYSICIAN HAS OBSERVED OR CONDUCTED A TEST TO  
DETERMINE IRREVERSIBLE CESSATION OF CIRCULATORY, RESPIRATORY OR  
BRAIN FUNCTIONS; DECLARING AN EMERGENCY.

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

**SECTION 1.** Section 12-2-4 NMSA 1978 (being Laws 1993,  
Chapter 174, Section 11, as amended) is amended to read:

"12-2-4. DETERMINATION OF DEATH.--

A. For all medical, legal and statutory purposes,  
death occurs when an individual has sustained either:

(1) irreversible cessation of circulatory or  
respiratory functions; or

.225727.1

underscored material = new  
[bracketed material] = delete

1 (2) irreversible cessation of all functions of  
2 the entire brain, including the brain stem.

3 B. A determination of death shall be made in  
4 accordance with accepted medical standards.

5 C. Death is to be pronounced pursuant to the  
6 provisions of Subsection A of this section before [~~artificial~~  
7 ~~means of supporting circulatory or respiratory functions are~~  
8 ~~terminated and before~~] any vital organ is removed for purposes  
9 of transplantation, therapy, research or education in  
10 compliance with the provisions of the Jonathan Spradling  
11 Revised Uniform Anatomical Gift Act. If the respiratory and  
12 circulatory functions of a person are being artificially  
13 sustained under accepted medical standards, a determination  
14 that death has occurred may be made by a physician by observing  
15 and conducting a test, including removal of the artificial  
16 support, to determine that the irreversible cessation of  
17 circulatory or respiratory functions or irreversible cessation  
18 of all functions of the brain has occurred.

19 D. The definition of death set forth in Subsection  
20 A of this section is to be [~~utilized~~] used for all purposes in  
21 this state, including civil and criminal actions,  
22 notwithstanding any other law to the contrary."

23 SECTION 2. EMERGENCY.--It is necessary for the public  
24 peace, health and safety that this act take effect immediately.