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HOUSE BILL 757

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Danice R. Picraux

AN ACT

RELATING TO PUBLIC HEALTH; ESTABLISHING ISOLATION PROCEDURES FOR PATIENTS WITH COMMUNICABLE DISEASES; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 24-1-15 NMSA 1978 (being Laws 1973, Chapter 359, Section 15) is amended to read:

"24-1-15. REPORTING OF CONTAGIOUS DISEASES.--

A. Whenever any physician or other person knows that any person is sick with any disease dangerous to the public health, he shall promptly notify ~~[the district health officer]~~ a public health official or his authorized agent.

~~[B. Any health authority receiving notice that any person is infected with disease dangerous to the public health shall secure his voluntary isolation, or if such person refuses to submit to isolation, he shall file a complaint with any magistrate or district court judge having jurisdiction over the infected person. The complaint shall state the facts as related, under oath, by the health authority or the facts according to his information and belief. Any~~

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1 ~~magistrate or district court judge having jurisdiction may upon proper complaint issue a warrant~~  
2 ~~directed to an officer authorized to serve arrest warrants requiring such officer under the~~  
3 ~~direction of the complaining health authority to isolate the person.]~~

4 B. A public health official who has knowledge that a person is currently  
5 infected with a threatening communicable disease and has refused voluntary treatment, detention  
6 or observation shall petition the court for an order to detain and treat the person who is infected  
7 with the threatening communicable disease until the person is no longer a contagious threat to  
8 the public or the person voluntarily complies with the appropriate treatment and contagion  
9 precautions.

10 C. The petition shall be made under oath or shall be accompanied by a sworn  
11 affidavit setting out specific facts showing that the person is infected with a threatening  
12 communicable disease.

13 D. The petition shall state that the person to be detained:

14 (1) is actively infectious with a threatening communicable disease or  
15 presents a substantial likelihood of having a threatening communicable disease based on  
16 credible medical evidence;

17 (2) poses a substantial likelihood of transmission of the threatening  
18 communicable disease to others because of inadequate separation from others; and

19 (3) after being advised of his condition and the risks posed thereby,  
20 has refused voluntary treatment.

21 E. Upon the filing of a petition the court shall:

22 (1) immediately grant ex parte a temporary order of protection to  
23 isolate and begin treating the person infected with the threatening communicable disease if there  
24 is probable cause from the specific facts shown by the affidavit or by the petition to give the  
25 judge reason to believe that the person infected with a threatening communicable disease poses a  
substantial threat to the public health and safety;

1                   (2) cause the temporary order of protection, notice of hearing and an  
2 advisement of the terms of the temporary protective order, including his right to representation  
3 and re-petition for termination of any protective order that removes, detains and treats the  
4 infected person, to be immediately served on the allegedly infected person; and

5                   (3) within five days after the granting of the temporary order of  
6 protection, hold an evidentiary hearing to determine if the court shall continue the order.

7                   F. A person held pursuant to a temporary protective order as set forth in  
8 Subsection E of this section shall be:

9                   (1) entitled to representation by counsel at the evidentiary hearing and  
10 at all hearings thereafter for the duration of the period of removal, detention and treatment; and

11                   (2) permitted to communicate on any matter, including his removal,  
12 detention and treatment, with persons by telephone, or other reasonably available means, that do  
13 not expose other persons to the risk of infection for the duration of the period of removal,  
14 detention and treatment.

15                   G. At the evidentiary hearing the court shall review the circumstances  
16 surrounding the temporary order and order a subsequent hearing within ninety days of the  
17 temporary order's issuance and every ninety days thereafter until:

18                   (1) the person being held and treated completes his treatment and is  
19 certified by a public health official to pose no further risk of infecting others;

20                   (2) the person being held and treated can show, by clear and  
21 convincing evidence, that he can and will comply with appropriate treatment and contagion  
22 precautions voluntarily; or

23                   (3) exceptional circumstances exist warranting the termination of the  
24 temporary protective order.

25                   H. The provisions of this section do not permit the forcible administration of  
any other medications not reasonably required for the treatment of the threatening

1 communicable disease without a prior court order.

2 I. For purposes of this section:

3 (1) "court" means the district court of the judicial district where the  
4 person who is alleged to be infected with a threatening communicable disease resides or is  
5 found;

6 (2) "public health official" means a district health officer, the director  
7 of the public health division of the department of health, a chief medical officer or a person  
8 designated by the secretary of health to carry out the duties provided in this section; and

9 (3) "threatening communicable disease" means a deadly disease that  
10 causes death or great bodily harm, passes from one person to another and for which there is no  
11 means by which the public reasonably can avoid the risk of contracting the disease."

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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5  
6 February 25, 1999  
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8  
9 Mr. Speaker:

10 Your **CONSUMER AND PUBLIC AFFAIRS COMMITTEE**, to  
11 whom has been referred  
12

13 **HOUSE BILL 757**  
14

15 has had it under consideration and reports same with recommendation that it **DO PASS**.  
16

17 Respectfully submitted,  
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22 **Patsy Trujillo Knauer, Chairwoman**  
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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

3 HCPAC/HB 757

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5 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

7

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Date \_\_\_\_\_

9

10 The roll call vote was 4 For 0 Against

11

Yes: 4

12

Excused: Hawkins, Vaughn, Vigil

13

Absent: None

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

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4  
5 February 25, 1999

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8 Mr. Speaker:

9 Your **CONSUMER AND PUBLIC AFFAIRS COMMITTEE**, to  
10 whom has been referred

11  
12 **HOUSE BILL 641**

13  
14 has had it under consideration and reports same with recommendation that it **DO PASS**,  
15 amended as follows:

- 16  
17 1. On page 3, line 11, strike "Each" and insert in lieu thereof "For each".  
18  
19 2. On page 3, line 12, after "department" insert ", the department".  
20  
21 3. On page 3, line 12, after "report" insert "to the committee".  
22  
23 4. On page 4, line 12, after "specifications" insert "and compliance with the  
24 Patient Protection Act".,

25 and thence referred to the **APPROPRIATIONS & FINANCE  
COMMITTEE.**

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

3 HCPAC/HB 641

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4  
5 Respectfully submitted,

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9 \_\_\_\_\_  
10 **Patsy Trujillo Knauer, Chairwoman**

11  
12 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
13 (Chief Clerk) (Chief Clerk)

14  
15 Date \_\_\_\_\_  
16

17 The roll call vote was 5 For 0 Against

18 Yes: 5

19 Excused: Hawkins, Vigil

20 Absent: None  
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FORTY-FOURTH LEGISLATURE  
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**FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999**

March 15, 1999

Mr. President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

**HOUSE BILL 757**

has had it under consideration and reports same with recommendation that it **DO PASS**.

Respectfully submitted,

\_\_\_\_\_  
**Shannon Robinson, Chairman**

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Boitano, Stockard, Smith

Absent: None

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