

1 SENATE BILL 81

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Martin Hickey

5
6
7
8
9
10 AN ACT

11 RELATING TO IMMUNIZATION; ALLOWING PHYSICIAN ASSISTANTS OR
12 CERTIFIED NURSE PRACTITIONERS TO CERTIFY THAT IMMUNIZATION IS
13 DETRIMENTAL TO THE PHYSICAL CONDITION OF A CHILD.

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 parent
20 or guardian may file with the health authority charged with the
21 duty of enforcing the immunization laws:

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

.223279.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 health of the child; ~~[or]~~

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

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

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

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2023.