

<b>LFC Requester:</b>	<b>Klundt</b>
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**AGENCY BILL ANALYSIS  
2021 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** 2/7/2021  
**Bill No:** SB232

**Sponsor:** Gregg Schmedes  
**Short Title:** EXEMPTION FROM IMMUNIZATION

**Agency Name and Code**    PED-924  
**Number:** \_\_\_\_\_  
**Person Writing**    John Sena  
**Phone:** 505-570-7816    **Email** John.Sena@state.nm.us

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
NFI	NFI	Nonrecurring	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		
NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

## **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to [Senate Bill 244 \(SB244\)](#),  
[Immunizations Detrimental to Some Children](#)

Duplicates/Relates to Appropriation in the General Appropriation Act:

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Senate Bill 232 (SB232) would amend [Section 24-5-3 NMSA 1978](#), relating to exemptions from immunization, to allow any child to file an affidavit or written affirmation from the child's parent or legal guardian that the parent's or legal guardian's religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent. SB232 would also allow any child to file an affidavit or written affirmation from the child's parent or legal guardian that the child's parent or legal guardian does not permit the administration of vaccine or other immunizing agent for reasons of conscience.

#### **FISCAL IMPLICATIONS**

SB232 does not contain an appropriation.

#### **SIGNIFICANT ISSUES**

Immunizations provide protections to both the immunized individual and the community as a whole. According to the Centers for Disease Control (CDC), community immunity occurs when a sufficient proportion of a population is immune to an infectious disease (through vaccination or prior illness) and the disease has limited opportunities to spread. [Section 24-5-3 NMSA 1978](#) allows exemptions from required immunizations for children seeking to enter public, private or parochial preschool, kindergarten, elementary, secondary school, or home school and for children attending daycare or childcare facilities based on religion and medical necessity. The law does not grant exemptions for philosophical or personal reasons. When all eligible individuals are vaccinated, it can provide protection to those who cannot receive the vaccine due to religion or medical conditions. An expansion in allowable exemptions, as proposed by SB232, may potentially decrease the opportunity for community immunity to vaccine-preventable disease and have negative impacts on the most vulnerable populations.

Age-appropriate immunizations are recommended by many reputable organizations, such as the CDC, American Academy of Pediatrics (AAP), and the World Health Organization. Per the AAP, "the science is overwhelming that vaccines are [safe and effective](#)." The CDC concurs and adds "on-time vaccination helps provide immunity before children are exposed to potentially life-threatening diseases. Vaccines are safe and effective."

According to the [National Conference of State Legislatures \(NCSL, 2019\)](#), 36 states *do not* allow immunization exemptions based on personal beliefs, with some states only allowing medical

exemptions. Per the AAP, vaccines are the best way to protect children from these viruses and bacteria that can cause real and devastating harm.” By limiting the number of exemption categories allowed in the state, the state may provide the best protection to children and communities.

According to a [2019 report by the New Mexico Department of Health](#) (DOH) about immunization coverage and vaccine exemptions rates in New Mexico demonstrated vaccine exemption rates were increasing statewide and immunization coverage is decreasing in kindergarten students. The DOH report concluded with recommendation for strong enforcement of school vaccination requirements to maintain herd immunity against vaccine-preventable diseases in communities noting adults who were not fully vaccinated as children will risk exposure to diseases like measles or chickenpox that are more serious in adulthood, and put their own families and communities at risk of disease.

## **PERFORMANCE IMPLICATIONS**

N/A

## **ADMINISTRATIVE IMPLICATIONS**

SB232 would require the Public Education Department to collaborate with DOH in communicating to schools the additional exemptions for immunization.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB232 relates to SB244, Immunizations Detrimental to Some Children

## **TECHNICAL ISSUES**

N/A

## **OTHER SUBSTANTIVE ISSUES**

N/A

## **ALTERNATIVES**

N/A

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

N/A

## **AMENDMENTS**

N/A