

LFC Requester:	Klundt
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**AGENCY BILL ANALYSIS
2021 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

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 2/9/2021
Bill No: SB244

Sponsor: Martin Hickey
IMMUNIZATIONS
Short Title: DETRIMENTAL TO SOME CHILDREN

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)

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

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to Senate Bill 232 (SB232)
Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 244 (SB244) would amend [Section 24-5-3 NMSA 1978](#), relating to exemptions from immunization, to allow any minor child, through the child’s parent or guardian, to file a certificate from a certified nurse practitioner stating the physical condition of the child is such that immunization would seriously endanger the life or health of the child.

SB244 also would make technical changes to the statute, striking the gendered pronoun “his” and replacing with “the child’s”.

FISCAL IMPLICATIONS

SB244 does not contain an appropriation.

SIGNIFICANT ISSUES

[Section 24-5-3 NMSA 1978](#) allows a certificate of a duly licensed physician stating the physical condition of the child is such that immunization would seriously endanger the life or health of the child. SB244 would allow an expansion to the provider type capable of certifying a child’s health condition for the purposes of immunization exemption.

According to the [New Mexico Nursing Practice Act](#), certified nurse practitioners may “practice independently and make decisions regarding health care needs of the individual, family or community and carry out health regimens.” As such, it would be appropriate for certified nurse practitioners to provide documentation certifying a child’s inability to be immunized due to health risks.

Many children in New Mexico may have a pediatric or family nurse practitioner as their primary care provider. Expanding the provider type that may certify a condition for the purposes of immunization exemption, as proposed by SB244, may reduce the burden on families by allowing them to seek documentation from their regular provider, rather than seeking out certification explicitly from a licensed physician, as is required by law, [Section 25-4-3 NMSA 1978](#).

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

The Public Education Department would need to collaborate with the Department of Health to communicate the change to schools regarding the additional allowance of certified nurse practitioners to certify a medical condition for the purpose of immunization exemptions.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB244 relates to SB232, Exemption from Immunization

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

On Page 2, line 10, the proposal strikes the word “his” and adds “the parent’s or legal guardian’s”. The change implies that it is the parent’s or legal guardian’s religion, not the child’s, that does not permit the administration of vaccine or other immunizing agent. This change aligns with current statutory language regarding vaccine exemptions because religious teaching requires reliance upon prayer or spiritual means alone for healing.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A