

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AN ACT

RELATING TO HEALTH CARE; AMENDING THE END-OF-LIFE OPTIONS ACT TO CLARIFY THAT HEALTH CARE PROVIDERS ARE ABLE TO REFUSE TO PARTICIPATE IN MEDICAL AID IN DYING FOR REASONS OF CONSCIENCE; DECLARING AN EMERGENCY.

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

SECTION 1. Section 24-7C-1 NMSA 1978 (being Laws 2021, Chapter 132, Section 1) is amended to read:

"24-7C-1. SHORT TITLE.--Chapter 24, Article 7C NMSA 1978 may be cited as the "End-of-Life Options Act" or the "Elizabeth Whitefield End-of-Life Options Act"."

SECTION 2. Section 24-7C-7 NMSA 1978 (being Laws 2021, Chapter 132, Section 7) is amended to read:

"24-7C-7. IMMUNITIES--CONSCIENCE-BASED DECISIONS.--

A. A person shall not be subject to criminal liability, licensing sanctions or other professional disciplinary action for:

(1) participating in medical aid in dying in good faith compliance with the provisions of the End-of-Life Options Act;

(2) being present when a qualified patient self-administers the prescribed medical aid in dying medication to end the qualified individual's life in accordance with the provisions of the End-of-Life Options

1 Act; or

2 (3) refusing, for reasons of conscience, to  
3 participate in medical aid in dying in any way, which  
4 includes refusing to provide information on medical aid in  
5 dying to a patient and refusing to refer a patient to any  
6 entity or individual who is able and willing to assist the  
7 patient in obtaining medical aid in dying.

8 B. A health care entity, health insurer, managed  
9 care organization or health care provider shall not subject a  
10 person to censure, discipline, suspension, loss or denial of  
11 license, credential, privileges or membership or other  
12 penalty for participating, or refusing to participate, in the  
13 provision of medical aid in dying in good faith compliance  
14 with the provisions of the End-of-Life Options Act.

15 C. No health care provider who objects for  
16 reasons of conscience to participating in the provision of  
17 medical aid in dying shall be required to participate in the  
18 provision of medical aid in dying under any circumstance. If  
19 a health care provider is unable or unwilling to carry out an  
20 individual's request pursuant to the End-of-Life Options Act,  
21 that health care provider shall so inform the individual and  
22 refer the individual to a health care provider who is able  
23 and willing to carry out the individual's request or to  
24 another individual or entity to assist the requesting  
25 individual in seeking medical aid in dying. If the health

1 care provider transfers the individual's care to a new health  
2 care provider, the prior health care provider shall transfer,  
3 upon request, a copy of the individual's relevant medical  
4 records to the new health care provider.

5 D. A health care entity shall not forbid or  
6 otherwise sanction a health care provider who provides  
7 medical aid in dying in accordance with the End-of-Life  
8 Options Act off the premises of the health care entity or  
9 when the health care provider is not acting within the normal  
10 course and scope of the health care provider's employment  
11 with the health care entity.

12 E. A health care entity may sanction a health  
13 care provider for participating in medical aid in dying on  
14 the premises of the prohibiting health care entity only if  
15 the health care entity has given written notice to the health  
16 care provider of the prohibiting entity's written policy  
17 forbidding participation in medical aid in dying and the  
18 health care provider participates in medical aid in dying:

19 (1) on the premises of the health care  
20 entity; or

21 (2) within the course and scope of the  
22 health care provider's employment for the health care entity.

23 F. Nothing in this section shall be construed to  
24 prevent:

25 (1) a health care provider from

1 participating in medical aid in dying while the health care  
2 provider is acting outside the health care entity's premises  
3 or outside the course and scope of the health care provider's  
4 capacity as an employee; or

5 (2) an individual who seeks medical aid in  
6 dying from contracting with the individual's prescribing  
7 health care provider or consulting health care provider to  
8 act outside the course and scope of the provider's  
9 affiliation with the sanctioning health care entity.

10 G. A health care entity that imposes sanctions on  
11 a health care provider pursuant to the End-of-Life Options  
12 Act shall act reasonably, both substantively and  
13 procedurally, and shall be neither arbitrary nor capricious  
14 in its imposition of sanctions.

15 H. Participating, or not participating, in medical  
16 aid in dying shall not be the basis for a report of  
17 unprofessional conduct.

18 I. A health care entity that prohibits medical aid  
19 in dying shall accurately and clearly articulate this in an  
20 appropriate location on any website maintained by the entity  
21 and in any appropriate materials given to patients to whom  
22 the health care entity provides health care in words to be  
23 determined by the health care entity."

24 SECTION 3. EMERGENCY.--It is necessary for the public  
25 peace, health and safety that this act take effect

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

immediately. \_\_\_\_\_