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 Act.
Act; or

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

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

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

D. A health care entity shall not forbid or

provider who provides

D. A health care entity shall not forbid or

medical aid in dying in accordance with the End-of-Life

medical aid in dying in accordance with the End-of-Life

Options Act off the premises of the health care entity or

Options Act off the premises of the health care entity or

when the health care provider is not acting within the normal

course and scope of the health care provider's employment

when the health care provider is not acting within the normal

with the health care entity.

with the health care entity.

E. A health care entity may sanction a health

care provider for participating in medical aid in dying on

care provider for participating in medical aid in dying on

the premises of the prohibiting health care entity only if

the premises of the prohibiting health care entity only if

the health care entity has given written notice to the health

the health care entity has given written notice to the health

care provider of the prohibiting entity's written policy

care provider of the prohibiting entity's written policy

forbidding participation in medical aid in dying and the

forbidding participation in medical aid in dying and the

health care provider participates in medical aid in dying:

health care provider participates in medical aid in dying:

(1) on the premises of the health care

(1) on the premises of the health care

entity; or

entity; or

(2) within the course and scope of the

(2) within the course and scope of the

health care provider's employment for the health care entity.

health care provider's employment for the health care entity.

F. Nothing in this section shall be construed to

prevent:

prevent:

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

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

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

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

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

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