



New Mexico | RANKING: 40

New Mexico does not adequately protect the health and safety of women seeking abortions. New Mexico lacks an informed consent law, an enforceable parental involvement law, and comprehensive health and safety regulations for facilities performing abortions. Further, New Mexico fails to protect nascent human life from potential abuses of biotechnology.

» ABORTION

- The New Mexico Supreme Court has held that the Equal Rights Amendment to the state constitution provides a broader right to abortion than that interpreted in the U.S. Constitution. Under this ruling, the court has struck down restrictions on the use of taxpayer funding to pay for abortions.
- New Mexico prohibits partial-birth abortion after the child has attained viability.
- New Mexico does not have an informed consent law.
- New Mexico has enacted a parental notice law that may be constitutionally problematic. The state Attorney General has issued an opinion that the law does not provide the constitutionally required judicial bypass procedure and is unenforceable.
- New Mexico maintains no regulations mandating that abortion clinics meet minimum patient care standards.
- Only physicians licensed in New Mexico may perform abortions.
- The state has an enforceable abortion reporting law, but does not require the reporting of information to the Centers for Disease Control (CDC). The measure pertains to both surgical and nonsurgical abortions.
- New Mexico provides court-ordered coverage for all “medically necessary” abortions for women eligible for public assistance. This requirement essentially equates to funding abortion-on-demand in light of the U.S. Supreme Court’s broad definition of “health” in the context of abortion.

» LEGAL RECOGNITION AND PROTECTION OF UNBORN AND NEWLY BORN

- New Mexico law does not recognize an unborn child as a potential victim of homicide or assault.
- New Mexico defines criminal assaults on a pregnant woman that result in miscarriage, stillbirth, or “damage to pregnancy” as enhanced offenses for sentencing purposes.
- The state allows a wrongful death (civil) action when a viable unborn child is killed through a negligent or criminal act.

- New Mexico does not require that an infant who survives an abortion be given appropriate medical care.
- New Mexico has a “Baby Moses” law, establishing a safe haven for mothers to legally leave their infants at designated places and ensuring that the infants receive appropriate care and protection.
- The state provides for both reports of “spontaneous fetal death” (for an unborn child who has reached at least 20 weeks development) and for certificates of stillbirth.

» **BIOETHICS LAWS**

- New Mexico does not prohibit human cloning or destructive embryo research, and its prohibition on fetal experimentation applies only to experimentation that might be harmful to a live fetus (*i.e.*, it does not apply to aborted fetuses).
- All healthcare providers are to advise pregnant patients of the option to donate umbilical cord blood following delivery.
- New Mexico maintains no meaningful regulation of assisted reproductive technologies or human egg harvesting, but the *Uniform Parentage Act* includes “donation of embryos” in its definition of “assisted reproduction.”

» **END OF LIFE LAWS**

- In New Mexico, assisting a suicide is a felony.

» **HEALTHCARE FREEDOM OF CONSCIENCE**

Participation in Abortion

- A person associated with, employed by, or on the staff of a hospital who objects on religious or moral grounds is not required to participate in an abortion.
- A hospital is not required to admit a woman for the purpose of performing an abortion.
- Health insurance plans that provide prescription coverage must also provide coverage for contraception. There is a conscience exemption for religious employers.

Participation in Research Harmful to Human Life

- New Mexico currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, and other forms of medical research, which violate a provider’s moral or religious belief.

» **WHAT HAPPENED IN 2014**

- New Mexico considered legislation related to abortion funding.

RECOMMENDATIONS

for NEW MEXICO

WOMEN'S PROTECTION PROJECT PRIORITIES

- Women's Health Defense Act (5 month abortion limitation)
- Women's Right to Know Act with reflection period
- Abortion Patients' Enhanced Safety Act
- Abortion-Inducing Drugs Safety Act
- Parental Notification for Abortion Act
- Child Protection Act
- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws

ADDITIONAL PRIORITIES

Abortion

- State Constitutional Amendment (providing that there is no state constitutional right to abortion)
- Federal Abortion-Mandate Opt-Out Act
- Defunding the Abortion Industry and Advancing Women's Health Act
- Women's Ultrasound Right to Know Act
- Coercive Abuse Against Mothers Prevention Act
- Prenatal Nondiscrimination Act

Legal Recognition and Protection for the Unborn

- Crimes Against the Unborn Child Act
- Unborn Wrongful Death Act (for a pre-viable child)
- Born-Alive Infant Protection Act
- Pregnant Woman's Protection Act

Bioethics

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

Healthcare Freedom of Conscience

- Healthcare Freedom of Conscience Act