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2021 New Mexico Statutes

Chapter 12 - Miscellaneous Public Affairs Matters

Article 10A - Public Health Emergency Response

Section 12-10A-13 - Vaccination and treatment.

Universal Citation: NM Stat § 12-10A-13 (2021)

A. During a state of public health emergency, a qualified person authorized by the secretary of health may vaccinate persons to prevent infection by a threatening communicable disease and to protect against the spread of that disease.

B. To protect against the spread of a threatening communicable disease, the secretary of health may isolate or quarantine a person who is unable or unwilling for reasons of health, religion or conscience to undergo vaccination pursuant to the standards and procedures set forth in the Public Health Emergency Response Act.

C. A qualified person authorized by the secretary of health may vaccinate a minor less than eighteen years of age, unless the minor or the minor's duly authorized representative presents a certificate issued by a duly licensed physician or an advanced practice registered nurse, certified nurse-midwife or physician assistant working within that person's scope of practice that states that the minor's physical condition is such that the vaccination would seriously endanger the minor's life or health.

D. During a state of public health emergency, in order to provide treatment to a person who is exposed to or infected with a threatening communicable disease:

(1) treatment may be administered by a public health official;

(2) treatment shall be approved pursuant to appropriate regulations promulgated by the federal food and drug administration; and

(3) the secretary of health may isolate or quarantine a person who is unable or unwilling, for reasons of health, religion or conscience, to undergo treatment pursuant to the standards and procedures set forth in the Public Health Emergency Response Act.

History: Laws 2003, ch. 218, § 13; 2015, ch. 116, § 2.

ANNOTATIONS

Compiler's notes. — This section was enacted by the legislature as part of Chapter 12, Article 10 NMSA 1978, but it was assigned to Article 10A by the compiler to separate it from the State Civil Emergency Preparedness Act.

The 2015 amendment, effective June 19, 2015, amended the Public Health Emergency Response Act to allow certain health care professionals other than licensed physicians who may authorize a minor's exemption from vaccination by certifying that vaccination would endanger the minor's life or health; in Subsection C, after "the minor or", deleted "his" and added "the minor's", after "duly licensed physician", added "or an advanced practice registered nurse, certified nurse-midwife or physician assistant working within that person's scope of practice", and after "seriously endanger", deleted "his" and added "the minor's".

Temporary provisions. — Laws 2015, ch. 116, § 16 provided that by January 1, 2016, every cabinet secretary, agency head and head of a political subdivision of the state shall update rules requiring an examination by, a certificate from or a statement of a licensed physician to also accept such examination, certificate or statement from an advanced practice registered nurse, certified nurse-midwife or physician assistant working within that person's scope of practice.

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