

HB 7 Petition for Referendum: Legislation Guide

HB7: Reproductive & Gender Affirming Healthcare Freedom Act

Message: Despite its name, this bill restricts our freedoms in New Mexico. As law, this bill creates unrestricted access to Abortion and Transgender interventions across New Mexico. More specifically, this bill will (1) violate a parent's right to make medical decisions for their children; (2) restrict freedom of speech and remove conscience protections for those who do not wish to encourage or promote these interventions; (3) Prohibit state or local governments from passing future life protections; (4) create a legal pathway for certain forms of infanticide.

Talking points:

- (1) The bill language gives our minors unrestricted access to receive abortion or transgender interventions and no parental notification is required.
- (2) No protections are offered for religious beliefs or matters of conscience for those who do not wish to participate in or even refer someone to these interventions.
- (3) The bill prohibits New Mexico state or local governments from creating or enforcing "any law, ordinance, policy or regulation that violates or conflicts" with the bill.
- (4) This bill will prevent prosecution of anyone who allows the death of a baby born-alive from a botched attempt at late term abortion.

Break it down and understand:

(1) Violation of Parents Rights and access to minors: The bill language gives no age requirement to receive abortion or transgender interventions and no parental notification is required.

Example: A school-teacher can now create a gender support plan (GSP) for a student to begin social transitioning. Social transitioning is considered medical/psychological treatment. Teachers cannot "deny, restrict, or interfere" with this provision which means that the teacher cannot call the parents. A medical decision has been made for the minor without the parents' consent.

(2) Restriction of Freedom of Speech and Conscience protections: This bill compels the speech of any state funded entity or its workers who object to promoting or referring someone to these interventions by prohibiting the entity or individual from restricting, denying, or interfering with abortion or transgender interventions (to not refer, or for a teacher to not comply with a GSP, would be to interfere). While the bill has been amended to include a provision that states that health care providers cannot be forced to provide care that they do not otherwise provide, it does not exempt doctors or nurses from participating in abortions due to their religious beliefs and conscience.

(3) Prohibiting passage of future life protections: According to the American Center for Law and Justice, the bill prohibits New Mexico state or local governments from creating or enforcing "any law, ordinance, policy or regulation that violates or conflicts" with the bill. In other words, if the citizens of New Mexico elect a majority of pro-life politicians at the state and local levels, those law makers will be unable to pass pro-life and life-affirming laws, because this bill – if passed into law – will restrict and penalize them for doing so.

(4) Legal pathway to infanticide: According to the ACLJ, the language in Section 3 (C) is nearly identical to some of the language that we saw in the California law passed last year that may effectively legalize some forms of infanticide, and the similar bill that was introduced in Maryland (due to use of the term perinatal). This bill wants to prevent prosecution or punishment of a person for "acting or refraining from acting" because of the effect on the pregnancy.

Example: If a woman is 32 weeks pregnant and takes an abortion-pill (also known as a pharmaceutical) and her baby is born alive due to a botched attempt at a late-term abortion, and then the woman refuses care for the born-alive baby, then she has both acted and refrained from acting and it had an effect on the pregnancy.