

SB13: Reproductive Health Provider Protections

Message: Do not be fooled by the name of this bill; the only thing it is meant to protect is an industry that causes great harm. As law, this bill works in tandem with HB7 by offering protections for any individual seeking, providing, or receiving abortions or transgender interventions in the state of New Mexico. In addition to the grave concerns about protecting life and gender, this bill (1) violates freedom of speech (2) violates parents' rights, (3) violates separation of powers, and (4) protects predatory activities.

Talking Points:

- (1) SB13 blatantly violates freedom of speech by silencing all electronic forms of pro-life speech that would be used to deter an individual or entity from seeking, providing, or receiving abortions or transgender interventions.
- (2) SB13 gives no age restrictions or requirements of parental notification for a minor to receive these services and then protects a provider or facilitator from being prosecuted for performing services without parental involvement.
- (3) SB13 violates separation of powers between states as enshrined in the 10th Amendment of the US Constitution by disallowing enforcement of a subpoena or judgement of a court in another state.
- (4) SB13 protects predatory activities by protecting any individual who is assisting another individual who is seeking, receiving or providing these protected health activities.

Break it down and understand:

(1) According to the ACLJ, the language of Section 6 (B) is highly problematic and unconstitutional: the bill states, "**It shall be a violation** of the Reproductive and Gender Affirming Health Care Protection Act **to request** from a third party, **or** for a third party **to transmit information related to an individual's or entity's protected health care activity with the intent to: . . . (6) deter, prevent, sanction or penalize an individual or entity for engaging in a protected health care activity.** This language expressly covers any pro-life communicative activity aimed at stopping abortion. It is hard to imagine a broader, more blatantly unconstitutional restriction. Note that it applies not just to the communications of pro-life *groups*, but also even to inquiries from pro-life *individuals*.

(2) Our children are made vulnerable by the lack of age requirement in this bill as well as by the lack of parental notification requirements. Our children can now be led down a path of care and even receive services without parents ever being informed. This means, that a schoolteacher can drive a student to an abortion clinic without telling the parents in order to assist the student in receiving the abortion; school-based health clinics shall refer for abortions or transgender interventions and even provide transportation, lodging, or material support to aid the student without the parent's knowledge or consent. Parents who would then desire to seek retribution for a provider providing services or for someone seeking services on their child's behalf would be unable to do so as SB13 protects all seeking, providing, or receiving these protected activities.

(3) According to the ACLJ, Section 3 (A) may prevent courts from investigating activities related to "protected health care activity." This would hamper *interstate investigations or proceedings*, raising serious (dormant) *commerce clause issues*, equal protection issues, vagueness, and due process issues. The 10th Amendment simply says that **any powers that aren't mentioned**

in the Constitution as belonging to the government belong to the states themselves. If New Mexico refuses to cooperate with interstate investigations, they are denying another state of powers that belong to that state based on the US Constitution.

(4) Section 2(B) includes in the definition of “protected health care activity” *the assisting of an individual who is seeking, receiving, or providing reproductive or gender-affirming health care, including providing: (a) information; (b) transportation; (c) lodging; or (d) material support.* Section 2 (D) does not contain any exclusion for minors, those under duress, or those with mental issues that could distort their decision-making. There is no exception for forced or coerced abortions. Thus, “reproductive health care” could be undesired by the recipient, but still fall under this bill and the individual “assisting” them cannot be prosecuted. **This makes our minors, mentally handicapped, and human trafficking victims even more vulnerable to predatory activities.**