

1 SENATE BILL 257

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

4 Mark Moores and Antoinette Sedillo Lopez

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10 AN ACT

11 RELATING TO HEALTH; REQUIRING HOSPITALS TO IMPLEMENT A POLICY  
12 PROHIBITING HEALTH CARE PROVIDERS AND STUDENTS SUPERVISED BY  
13 HEALTH CARE PROVIDERS FROM PERFORMING INTIMATE EXAMINATIONS ON  
14 ANESTHETIZED OR UNCONSCIOUS PATIENTS.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. A new section of the Public Health Act is  
18 enacted to read:

19 "[NEW MATERIAL] INTIMATE EXAMINATION OF ANESTHETIZED OR  
20 UNCONSCIOUS PATIENT PROHIBITED--INFORMED CONSENT.--

21 A. No later than six months after the effective  
22 date of this section, a hospital shall implement a policy to  
23 prohibit a health care provider or any student under the  
24 supervision of a health care provider from performing an  
25 intimate examination upon an anesthetized or unconscious

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1 patient unless the patient or the patient's authorized  
2 representative has provided informed consent to the  
3 examination.

4 B. As used in this section:

5 (1) "informed consent" means explicit, written  
6 permission to be obtained by a health care provider from a  
7 patient or the patient's authorized representative, without  
8 coercion, that includes an explanation of an intimate  
9 examination that may be performed by a health care provider or  
10 a student while the patient is unconscious or under anesthesia;

11 (2) "intimate examination" means a breast,  
12 pelvic, prostate or rectal exam;

13 (3) "patient's authorized representative"  
14 means a person that is authorized to make health care decisions  
15 for a patient pursuant to state law; and

16 (4) "student" means a non-licensed learner  
17 under the supervision of a health care provider."