AN ACT

RELATING TO PUBLIC HEALTH; MAKING NON-COMPETE PROVISIONS IN CERTAIN HEALTH CARE PRACTITIONER AGREEMENTS UNENFORCEABLE.

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

SECTION 1. DEFINITIONS.--As used in this act:

A. "agreement" means a written contract to which a health care practitioner is a party; and

B. "health care practitioner" means:

   (1) a dentist;
   (2) an osteopathic physician;
   (3) a physician;
   (4) a podiatrist; and
   (5) a certified registered nurse anesthetist.

SECTION 2. ENFORCEABILITY OF A NON-COMPETE PROVISION.--A non-compete provision in an agreement, which provision restricts the right of a health care practitioner to provide clinical health care services, shall be unenforceable upon the termination of:

   A. the agreement;
   B. a renewal or extension of the agreement; or
   C. a health care practitioner's employment with a party seeking to enforce the agreement.

SECTION 3. ENFORCEABILITY OF OTHER PROVISIONS.--Nothing in this act shall be construed to limit the enforceability of: