

<b>LFC Requester:</b>	<b>Aurora Sanchez</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** February 23, 2015

**Bill No:** HB 522

**Sponsor:** Rep. Deborah A. Armstrong    **Agency Code:** Attorney General's Office  
**Short**    Remove Religion    **Person Writing**    Patricia Padrino Tucker, AAG  
**Title:**    Immunization Exemption    **Phone:** 505-222-9082    **Email**    ptucker@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

<b>Appropriation</b>		<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY15</b>	<b>FY16</b>		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

<b>Estimated Revenue</b>			<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY15</b>	<b>FY16</b>	<b>FY17</b>		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**BILL SUMMARY**

Synopsis: House Bill 522 amends the Public Health Act to remove the immunization exemption allowed for non-denominational religious beliefs.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

There may be a constitutional objection to House Bill 522 with respect to the removal of the provision allowing an exemption to public school immunization requirements for non-denominational religious beliefs. However, a recent federal appellate court decision ruled that the City of New York was well within its “police power” to mandate vaccinations for school children, even in circumstances where parents or children had religious objections. *See Phillips v. City of New York*, 775 F.3d 538 (2<sup>nd</sup> Cir. Ct. App. 2015). The 2<sup>nd</sup> Circuit cited to Supreme Court rulings in *Prince v. Massachusetts*, 64 S. Ct. 438 (1944), and *Jacobsen v. Massachusetts*, 197 U.S. 11 (1905), which support the government’s right to require vaccination of children over parental objections.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**Status quo**

**AMENDMENTS**

N/A