

STATE LEGAL SNAPSHOT

New Mexico

Abortion law, status, and enforcement — one-page reference

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



● Abortion is **protected by statute**, legal at every stage of pregnancy — **no gestational limit**, currently available.

GESTATIONAL LIMIT	None	✓ AVAILABLE	Yes	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	No	PERSONHOOD LANGUAGE	No
✓ TELEHEALTH	Allowed	WAITING PERIOD	None	RAPE / INCEST EXCEPTION	N/A	PARENTAL INVOLVEMENT	None	✓ SHIELD STATE	Yes
MEDICAID	Broader than Hyde	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below				

§ Jurisdiction overview

New Mexico has no gestational limit on abortion, has repealed its pre-Roe criminal abortion statute, and has enacted statutory protections for reproductive health care access.

HB 7, Reproductive and Gender-Affirming Health Care Freedom Act, § 3(B), 2023 N.M. Laws ch. 11 · SB 10, 2021 N.M. Laws ch. 2 (repealing NMSA 1978 §§ 30-5-1, 30-5-2, 30-5-3) · State ex rel. Torrez v. Bd. of Cnty. Comm'r's for Lea Cnty., No. S-1-SC-39205 (N.M. Jan. 9, 2025)

▣ Fetal personhood & the internal contradiction

New Mexico's legal framework is internally consistent in its treatment of fetal personhood. The state has no fetal homicide law and no statutory or constitutional personhood definition that includes the unborn. The injury-to-pregnant-woman statute (§ 30-3-7) treats the loss of a pregnancy caused by a third-party felony as an injury to the woman, not as the death of a separate person — and it explicitly carves out 'induced abortion' from its definitions of miscarriage and stillbirth.

NMSA 1978 § 30-3-7 · NMSA 1978 § 30-5A-2(B)

MINORS

New Mexico has no enforceable parental consent or notification requirement for minors seeking abortion; the parental consent provision in the repealed 1969 statute is no longer in effect, and no replacement has been enacted.

SPOUSAL / PATERNAL RIGHTS

New Mexico has no statute requiring spousal consent, paternal consent, or notice to the father before an abortion.

▣ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician or any person performing prohibited partial-birth abortion	Violation of the Partial-Birth Abortion Ban Act, NMSA 1978 § 30-5A-3	Fourth degree felony: 18 months imprisonment, fine up to \$5,000 (NMSA 1978 § 31-18-15(A)(7), § 31-19-1); potential license discipline under Medical Practice Act (NMSA 1978 ch. 61, art. 6)
Pregnant woman	None — expressly exempt from criminal liability for abortion under NMSA 1978 § 30-5A-5(D) and HB 7 § 3(C)	None
Third party who injures pregnant woman causing miscarriage or stillbirth	Injury to a pregnant woman, NMSA 1978 § 30-3-7 (excludes induced abortion from definitions of 'miscarriage' and 'stillbirth')	Third degree felony: 3 years imprisonment, fine up to \$5,000 (NMSA 1978 § 31-18-15(A)(8), § 31-19-1)
Public body that violates Reproductive and Gender-Affirming Health Care Freedom Act	Civil violation of HB 7 (prohibiting denial, restriction, or interference with reproductive health care access)	Civil penalty of \$5,000 or actual damages per violation, whichever is greater; injunctive relief, compensatory and punitive damages, attorney fees

▣ Recent changes

- Mar 2026 Governor Lujan Grisham signed SB 30 (2026 Regular Session, Chapter 48), repealing NMSA 1978 § 24-14-18, the 49-year-old statute that required reporting of each induced abortion to the state registrar within five days.

- **Jan 2025** HB 234 (2025 Regular Session), the 'Medical Care for All Infants Born Alive' bill, was introduced by Republican legislators.
- **Jan 2025** The New Mexico Supreme Court unanimously ruled in favor of the state, striking down all local abortion-restrictive ordinances in Clovis, Hobbs, Lea County, and Roosevelt County.
- **Mar 2023** Governor Lujan Grisham signed HB 7, the Reproductive and Gender-Affirming Health Care Freedom Act, prohibiting public bodies from denying, restricting, or interfering with access to or provision of reproductive and gender-affirming health care; creating enforcement mechanisms including a private right of action; and expressly preempting conflicting local laws.
- **Jan 2023** Attorney General Raúl Torrez filed a petition for writ of mandamus in the New Mexico Supreme Court (State ex rel. Torrez v. Board of County Commissioners for Lea County, No.
- **Aug 2022** Governor Lujan Grisham signed Executive Order 2022-123, allocating \$10 million in capital outlay for a new reproductive health clinic, directing the Department of Health to expand abortion access in rural and underserved communities, and directing the Department of Human Services to improve efficiency of reproductive health care access.
- **Jun 2022** Three days after the U.S.

⌘ Pending changes to watch

Potential EMTALA preemption litigation (Moyle v. United States implications)

Litigation · The U.S. Supreme Court in *Moyle v. United States*, 603 U.S.

If federal courts, including the Tenth Circuit or U.S.

SB 189 (2026) — Reproductive Health Care Coverage

Legislation · Introduced January 29, 2026; died in committee (25% progression).

If revived or reintroduced in a future session, the bill would mandate comprehensive abortion coverage with no deductibles, copays, or coinsurance in virtually all private health insurance plans in New Mexico, making abortion effectively free at the point of service for insured patients.

Federal defunding litigation — Planned Parenthood Medicaid funding

Litigation · The 2025 federal budget reconciliation law (the 'One Big Beautiful Bill Act') included a provision blocking federal Medicaid payments to certain abortion-providing entities, including Planned Parenthood affiliates, for one year.

If the defunding provision is ultimately upheld and no state backfill is provided, Planned Parenthood clinics in New Mexico could lose federal Medicaid reimbursement for non-abortion services (contraception, STI testing, cancer screenings), potentially affecting clinic finances and patient access to the full range of reproductive health services, though abortion services themselves are not directly funded by federal Medicaid dollars.

⌘ Key authorities

SB 10 (2021) — Repeal of Criminal Abortion Statute 2021 N.M. Laws ch. 2 (repealing NMSA 1978 §§ 30-5-1, 30-5-2, 30-5-3)

Eliminated New Mexico's pre-Roe criminal abortion ban, removing the last statutory prohibition on abortion and its associated restrictions (physician-only, parental consent, conscience exemption).

Partial-Birth Abortion Ban Act NMSA 1978 §§ 30-5A-1 to 30-5A-5 (2000)

The only remaining criminal abortion restriction in New Mexico; prohibits a narrowly defined procedure subject to life and great-bodily-harm exceptions, and expressly exempts the woman from liability.

Reproductive and Gender-Affirming Health Care Freedom Act (HB 7) 2023 N.M. Laws ch. 11 (codified at Chapter 24 NMSA 1978)

Affirmatively protects reproductive health care access, preempts local restrictions, and creates enforcement mechanisms including a private right of action; the centerpiece of New Mexico's post-Dobbs protective framework.

New Mexico Right to Choose/NARAL v. Johnson 1999-NMSC-005, 127 N.M. 654, 986 P.2d 450

New Mexico Supreme Court held that the state ERA requires Medicaid coverage of all medically necessary abortions, establishing a constitutional sex-equality foundation for reproductive rights.

State ex rel. Torrez v. Board of County Commissioners for Lea County No. S-1-SC-39205 (N.M. Jan. 9, 2025)

Unanimously invalidated local abortion-restrictive ordinances, confirming that HB 7 preempts local attempts to restrict abortion and that localities may not create private enforcement mechanisms.

Generated from the structured legal focused deep-research record for NM (research completed 2026-07-12). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full New Mexico survey. This document has not been reviewed by a lawyer and should not be used as legal advice.