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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: