

New Mexico Workers' Compensation and Agriculture

The Public Policy Committee of the National Association of Women Business Owners recommends that:

Current law be amended, as follows

- Redefine the coverage requirement to reduce the exposure of small business;
- Enact the drug and alcohol legislation that has been pending for the last few years, which could eliminate some costly claims that ethically should be outside the boundaries of workers' compensation.
- Enact the “return to work” amendment that was introduced in 2015, which could also reduce claim costs for small business.

With regard to coverage for very small businesses, we recommend:

- no business should be required to buy a workers' compensation insurance policy if there are no workers protected by the policy;
- do not force coverage on self-employed individuals because of confusing language in the statute
- home and family should not be invaded by requiring business owners to count or buy coverage for spouses or members of their immediate families.

Current Situation

Traditionally, farmers and ranchers in New Mexico have not been required to carry workers' compensation coverage because of a specific exemption in the law. Recently, however, the New Mexico Court of Appeals declared the agriculture exemption to be unconstitutional. Many observers are concerned that this will cause serious harm to New Mexico agriculture. Amendments necessary to respond to the court's concerns will be more general in nature and will also benefit other small New Mexico businesses.