HOUSE MEMORIAL 101

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Rod Montoya

A MEMORIAL

REQUESTING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT, IN COLLABORATION WITH THE HUMAN SERVICES DEPARTMENT AND THE DEPARTMENT OF HEALTH, TO TRACK THE NUMBER OF INCIDENTS OF A CHILD BEING BORN AND SHOWING SIGNS OF LIFE AFTER AN ABORTION.

WHEREAS, the federal Born-Alive Infants Protection Act of 2002 declared that a child who is born alive at any stage of development is a person deserving protection and having full rights; and

WHEREAS, every person in the state of New Mexico has certain inalienable rights, guaranteed under the state's bill of rights, in particular Article 2, Section 4 of the constitution of New Mexico; and

WHEREAS, the inalienable rights guaranteed by the bill of rights apply to all children in the state; and

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WHEREAS, a child born with any signs of life has, immediately upon birth, the same inalienable rights as every other child or citizen of the state; and

WHEREAS, the state's commitment to the welfare of its children was made manifest with the passage of the Children's Code, which has, among the other purposes listed in Section 32A-1-3 NMSA 1978, that "a child's health and safety shall be the paramount concern";

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the children, youth and families department, in collaboration with the human services department and the department of health, be requested to investigate and create a report concerning the following:

A. what measures are in place for the recording and reporting of the number of born alive incidents that take place each year in New Mexico following an abortion procedure;

B. which state agency is responsible for compiling and maintaining information about born alive incidents following an abortion procedure;

C. which state agency or agencies are responsible for regularly inspecting abortion facilities in the state to determine whether measures are being taken to preserve the lives of children who are born showing signs of life after an abortion procedure;

D. the number of reported incidents in the state in
which a child is born showing signs of life after an abortion procedure in 2015;

E. the number of death certificates that were issued for children who were born showing signs of life after an abortion procedure and the associated causes of death in 2015; and

F. the number of birth certificates that were issued for children who were born showing signs of life after an abortion procedure in 2015; and

BE IT FURTHER RESOLVED that the secretary of children, youth and families present the report to the governor, the legislative health and human services committee and the interim committee concerned with criminal justice issues; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor, the secretary of children, youth and families, the secretary of human services, the secretary of health, the chair and vice chair of the legislative health and human services committee and the co-chairs of the New Mexico legislative council.

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