

HOUSE JOINT MEMORIAL 26

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Jim R. Trujillo

A JOINT MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE PUBLIC HEALTH ACT AND MAKE RECOMMENDATIONS FOR A PUBLIC HEALTH CODE TO THE INTERIM LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE.

WHEREAS, in 2002, a comprehensive study was conducted that reviewed existing state statutes relating to both civil and public health emergency preparedness, resulting in legislation to address gaps and omissions in New Mexico law; and

WHEREAS, no such comprehensive study has been conducted to review the sections of New Mexico public health law relating to non emergencies; and

WHEREAS, the legislature of the state of New Mexico enacted the Public Health Act as Laws 1973, Chapter 359; and

WHEREAS, the Public Health Act has been amended numerous times since 1973, and other public health-related legislation

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1 has also been enacted by the legislature; and

2 WHEREAS, the institute of medicine in 1988 recommended  
3 that states review their public health statutes and make  
4 revisions necessary to clearly delineate the basic authority  
5 and responsibility entrusted to public health agencies to  
6 support modern disease control measures and to incorporate due  
7 process safeguards; and

8 WHEREAS, the United States department of health and human  
9 services in 2001 recommended public health law reform as part  
10 of its healthy people 2010 initiatives, considering it one of  
11 the ten priorities for improving public health outcomes; and

12 WHEREAS, the turning point public health statute  
13 modernization national collaborative sought to strengthen the  
14 legal framework for public health law by developing a model  
15 state public health act released in September 2003 with  
16 guidance from a multidisciplinary panel of experts in public  
17 health, law and ethics;

18 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
19 STATE OF NEW MEXICO that the New Mexico health policy  
20 commission, in collaboration with the department of health, the  
21 children, youth and families department, the aging and  
22 long-term services department, the university of New Mexico's  
23 institute of public law and other interested parties, including  
24 nationally recognized consultants, study the model state public  
25 health act, the Public Health Act and related New Mexico public

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1 health statutes and rules and make recommendations for  
2 revisions to the interim legislative health and human services  
3 committee by its November 2006 meeting; and

4 BE IT FURTHER RESOLVED that the recommendations address  
5 the enactment of a public health code to include revisions to  
6 the Public Health Act during the first session of the forty-  
7 eighth legislature in 2007 and that two copies of the  
8 recommendations be provided to the legislative council service  
9 library; and

10 BE IT FURTHER RESOLVED that copies of this memorial be  
11 transmitted to the New Mexico health policy commission, the  
12 department of health, the children, youth and families  
13 department, the aging and long-term services department and the  
14 university of New Mexico institute of public law.