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

4 WHEREAS, the state's commitment to the welfare of its
5 children was made manifest with the passage of the Children's
6 Code, which has, among the other purposes listed in Section
7 32A-1-3 NMSA 1978, that "a child's health and safety shall be
8 the paramount concern";

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

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

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

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

25 D. the number of reported incidents in the state in

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1 which a child is born showing signs of life after an abortion
2 procedure in 2015;

3 E. the number of death certificates that were
4 issued for children who were born showing signs of life after
5 an abortion procedure and the associated causes of death in
6 2015; and

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

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

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