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HOUSE BILL 464

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

David M. Gallegos and Rod Montoya
and William E. Sharer

AN ACT

RELATING TO THE UNIVERSITY OF NEW MEXICO HEALTH SCIENCES
CENTER; REQUIRING THE BOARD OF REGENTS OF THE UNIVERSITY OF NEW
MEXICO AND THE HEALTH SCIENCES CENTER TO REPORT TO THE
LEGISLATIVE FINANCE COMMITTEE ON ISSUES PERTAINING TO THE
CENTER'S USE OF ABORTED FETAL BODY PARTS FOR MEDICAL RESEARCH
AND TRANSPLANTATION; HAVING THE COMMITTEE RESORT TO ITS
SUBPOENA POWER IF IT FAILS TO GET THE REQUESTED INFORMATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. TEMPORARY PROVISION--LEGISLATIVE FINANCE
COMMITTEE--HEARING WITH THE BOARD OF REGENTS AND HEALTH
SCIENCES CENTER OF THE UNIVERSITY OF NEW MEXICO--ANSWERS TO
QUESTIONS FROM CONGRESS AND NEW MEXICO LEGISLATORS--USE OF
COMMITTEE'S SUBPOENA POWER--REDUCING OR WITHHOLDING FISCAL YEAR
2019 RESEARCH BUDGET OF THE HEALTH SCIENCES CENTER IF**

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1 UNRESPONSIVE.--

2 A. The legislative finance committee shall hold a
3 meeting to receive information from the university of New
4 Mexico health sciences center and the board of regents of the
5 university of New Mexico that was requested by the select
6 investigative panel of the United States congress and by New
7 Mexico legislators, most recently in a letter directed to the
8 board of regents on November 14, 2016, on the center's use of
9 aborted fetal body parts for medical research and
10 transplantation, including:

11 (1) all information provided to the house
12 select panel before and in response to the select panel's
13 subpoenas;

14 (2) information about the relationships
15 between the health sciences center and other abortion
16 providers;

17 (3) the expansion of the university's practice
18 of medical and surgical abortions at its hospital and clinics
19 within the last fifteen years;

20 (4) the alleged disregard for federal and
21 state informed consent provisions by health sciences center
22 staff and providers of aborted fetal body parts;

23 (5) information that pertains to allegations
24 of violation of state and federal law, including:

25 (a) Section 24-6B-2 NMSA 1978, which

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1 excludes "a fetus that is the subject of an induced abortion"
2 from the definition of "decedent" in the Jonathan Spradling
3 Revised Uniform Anatomical Gift Act;

4 (b) Section 24-9A-5 NMSA 1978, which
5 prohibits any "clinical research activity involving fetuses,
6 live-born infants or pregnant women" unless the woman has given
7 informed consent pursuant to the Maternal, Fetal and Infant
8 Experimentation Act;

9 (c) 42 U.S.C. Section 289g-1(b)(1) and
10 (2)(A)(i), which require written informed consent of the woman
11 providing the human fetal tissue, and, in the case of induced
12 abortion, require the consent of the woman for the abortion
13 prior to requesting or obtaining consent for a donation of
14 tissue; and

15 (d) 42 U.S.C. Section 289g-2 (a), (d)
16 and (e)(3), which create a crime of knowingly acquiring,
17 receiving or otherwise transferring human fetal tissue for
18 valuable consideration and provide the penalty; and

19 (6) any other information the committee
20 believes is relevant to the issue of medical research at the
21 university of New Mexico using aborted fetal body parts.

22 B. If the health sciences center and the board of
23 regents fail to respond to the committee's request, the
24 committee shall issue a subpoena as provided in Section 2-5-5
25 NMSA 1978 to have the board of regents and the health sciences

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1 center provide the requested information.

2 C. If, by December 1, 2017, the health sciences
3 center and the board of regents have continued to be
4 unresponsive to the legislative finance committee request for
5 oral and written presentations of information required by
6 Subsection A of this section, the committee shall recommend to
7 the legislature a reduction of twenty million dollars
8 (\$20,000,000) in the research budget of the health sciences
9 center of the university of New Mexico or a withholding of that
10 amount until the health sciences center and the board of
11 regents provide the information the legislative finance
12 committee has requested.

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