

HOUSE JOINT MEMORIAL 27

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

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A JOINT MEMORIAL

CALLING ON THE OFFICE OF THE ATTORNEY GENERAL TO UPHOLD ITS
RESPONSIBILITY AS LEGAL COUNSEL OF THE STATE TO PROTECT ALL NEW
MEXICO RESIDENTS AND ENFORCE THE LAWS ENACTED BY THE
LEGISLATURE OF THE STATE OF NEW MEXICO.

WHEREAS, the office of the attorney general has a
statutory responsibility to serve as legal counsel for the
state and prosecute all criminal actions in which the state may
be party or interested; and

WHEREAS, the office of the attorney general failed to
fulfill this responsibility in its response to criminal
referrals from the United States congressional select panel on
infant lives regarding the university of New Mexico health
sciences center and southwestern women's options; and

WHEREAS, upon receiving the congressional criminal

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1 referrals on June 23, 2016 and December 21, 2016, the office of
2 the attorney general misconstrued statutes enacted by the
3 legislature of the state of New Mexico and allowed more than
4 four hundred criminal claims on behalf of New Mexico women to
5 expire; and

6 WHEREAS, in response to the criminal referrals from the
7 congressional select panel on infant lives, in 2016, the office
8 of the attorney general claimed that the Maternal, Fetal and
9 Infant Experimentation Act was "never intended to regulate
10 fetal tissue resulting from an induced abortion"; and

11 WHEREAS, in its response, the office of the attorney
12 general failed to address the consent requirement for research
13 activities involving pregnant women undergoing pregnancy
14 termination; and

15 WHEREAS, the congressional select panel on infant lives
16 provided procurement logs from the health sciences center to
17 the office of the attorney general, detailing the procurement
18 of human fetal tissue and blood samples of women obtained
19 without lawful consent as required by the Maternal, Fetal and
20 Infant Experimentation Act; and

21 WHEREAS, in its response, the office of the attorney
22 general also failed to include women whose blood samples were
23 used for research without lawful consent obtained by the health
24 sciences center and southwestern women's options as required by
25 the Maternal, Fetal and Infant Experimentation Act; and

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1 WHEREAS, a complete investigation of these claims is
2 clearly within the purview of the Maternal, Fetal and Infant
3 Experimentation Act consent requirements;

4 NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
5 STATE OF NEW MEXICO that the office of the attorney general
6 uphold its responsibility as legal counsel of the state to
7 enforce the law by conducting a complete investigation of fact
8 and enforcing New Mexico statutes before any additional claims
9 expire due to the statute of limitations; and

10 BE IT FURTHER RESOLVED that copies of this memorial be
11 transmitted to the attorney general and the governor.