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SENATE MEMORIAL 67

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Jacob R. Candelaria

A MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A HUMAN IMMUNODEFICIENCY VIRUS PREVENTION AND TREATMENT TASK FORCE TO WORK WITH MEDICAL PROVIDERS AT THE CIBOLA COUNTY CORRECTIONAL CENTER TO ENSURE THAT PROPER REPORTING TO THE STATE IS OCCURRING AND TO STUDY ACCESS TO HUMAN IMMUNODEFICIENCY VIRUS RESOURCES IN PRISON.

WHEREAS, Roxsana Hernandez Rodriguez was a thirty-three-year-old transgender woman from Honduras, seeking asylum in the United States, who died due to complications of human immunodeficiency virus, more commonly known as HIV, in Albuquerque on May 25, 2018, after spending sixteen days in the custody of United States customs and border protection, immigration and customs enforcement and at the Cibola county correctional center in Milan, New Mexico; and

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1           WHEREAS, the Cibola county correctional center is the only  
2 transgender-designated immigration and customs enforcement  
3 immigrant detention facility in the country and contracts with  
4 corecivic and correct care solutions to provide medical  
5 services to all transgender women in its custody; and

6           WHEREAS, one in four transgender women in the United  
7 States is living with HIV according to the federal centers for  
8 disease control and prevention, which has been the most  
9 commonly reported disease by the women being released from  
10 immigration and customs enforcement custody at the Cibola  
11 county correctional center; and

12           WHEREAS, transgender asylum-seekers living with HIV  
13 represent an especially vulnerable population that does not  
14 belong behind bars; and

15           WHEREAS, parole should be considered for eligible  
16 asylum-seekers living with HIV being detained at the Cibola  
17 county correctional center in order to receive HIV-related  
18 treatment, or eligible asylum-seekers should be guaranteed  
19 timely and full medical treatment while in custody; and

20           WHEREAS, privately run prisons in New Mexico have a long  
21 documented history of inadequate medical treatment that has  
22 resulted in the deaths of inmates and detainees; and

23           WHEREAS, transgender, gay and lesbian asylum-seekers are  
24 fleeing violence, persecution, discrimination and lack of  
25 medical access; and

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1           WHEREAS, the New Mexico legislature passed the Public  
2 Health Act to control, monitor and assist individuals in New  
3 Mexico with a sexually transmitted disease or a threatening  
4 communicable disease, such as HIV, by requiring all medical  
5 providers in the state to report any new cases of HIV and other  
6 communicable diseases to the state; and

7           WHEREAS, the department of health implements the Public  
8 Health Act and the sections related to the state's regulation  
9 of HIV and other communicable diseases; and

10           WHEREAS, the department of health has published  
11 comprehensive regulations for reporting individuals infected  
12 with HIV and other communicable diseases in Section 7.4.3.13 of  
13 the New Mexico Administrative Code; and

14           WHEREAS, the senate seeks to protect the public health of  
15 all New Mexicans, the vulnerable population of transgender  
16 women and all people currently in New Mexico prisons;

17           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
18 OF NEW MEXICO that the department of health be requested to  
19 convene an HIV prevention and treatment task force to work with  
20 the medical providers at the Cibola county correctional center  
21 to understand any reporting responsibilities that the licensed  
22 physicians treating people with HIV at the prison may have to  
23 the department of health; and

24           BE IT FURTHER RESOLVED that the HIV prevention and  
25 treatment task force be requested to study the access to HIV

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1 treatment and care to the transgender women detained at the  
2 Cibola county correctional center, and to offer options to  
3 collaborate to provide services and recommendations of best  
4 practices to the prison for providing treatment and care to  
5 transgender women with HIV; and

6 BE IT FURTHER RESOLVED that copies of this memorial be  
7 transmitted to the secretary of health and the secretary of  
8 corrections.

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