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## Republican lawmaker proposes increased oversight of abortion providers

**By Milan Simonich**

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Janet Gotkin of Santa Fe Now speaks Thursday in opposition to House Bill 275 before the House Health Committee at the state Capitol. The measure is sponsored by Reps. Rod Montoya, R-Farmington, and Yvette Herrell, R-Alamogordo. Luis Sánchez Saturno/The New Mexican

A Republican lawmaker on Thursday accused certain medical professionals of killing infants after failed abortion attempts and getting away with it.

State Rep. Rod Montoya, R-Farmington, made the allegations as he began presenting a bill to increase state oversight of abortion providers. Montoya didn't offer any particulars to support his allegations during a crowded public hearing, but he told reporters afterward that he would provide specifics at a later time.

His bill proposes to assign the Cabinet secretaries of three departments to police abortion providers, even though providers already must answer to state medical and nursing boards. Under the bill, the departments of Health, Human Services, and Children, Youth and Families are to “perform random inspections and conduct random staff interviews at each facility in the state that offers elective abortions to determine whether appropriate measures and care are being given to born-alive infants.”

Montoya described his bill as “an unfunded mandate,” meaning the state agencies would assume extra responsibilities at abortion clinics without any more money to carry them out.

His proposal, House Bill 275, also would require the three Cabinet secretaries to establish reporting guidelines for each “post-abortive, born-alive infant” in New Mexico. This would include the number of birth and death certificates for “children who were born showing any evidence of life after an abortion procedure.”

Montoya’s bill, now before the House Health Committee, saw supporters and many more opponents nearly fill a committee room with 200 seats. The committee chairman, Rep. Terry McMillan, R-Las Cruces, accepted public testimony from dozens of people. But McMillan delayed any action on the bill because he and his committee members didn’t have time to debate the measure before they were due for a floor session of the House of Representatives.

Among those testifying for the bill was Allen Sánchez, executive director of the New Mexico Conference of Catholic Bishops. In a year when Pope Francis’ message is mercy, Montoya’s bill would protect infants and educate the public, Sánchez said.

One woman who testified for the bill said she knew of an instance in which an abortion provider stabbed an infant who had survived an abortion procedure. McMillan, himself a physician, told speakers not to identify abortion providers who were not on hand to defend themselves against allegations.

Opponents of Montoya’s bill said they had seen no evidence of a doctor killing an infant born after an abortion procedure. Others said anyone with knowledge of a crime who did not report it to police or prosecutors was derelict.

Several people said Montoya’s proposal is poorly conceived, assigning already overworked CYFD employees to inspect abortion clinics and interview their staff members.

Israel Chavez of Albuquerque said he opposed the bill because some politicians want to regulate personal medical decisions that a woman needs to make with her physician. And Dr. Lauren Thaxton, a physician from Albuquerque specializing in obstetrics and gynecology, said Montoya's bill is flawed for many reasons, one being that "it injects politics into the relationship between a woman and her provider."

The original version of the bill, which audience members were relying on Thursday, contained language about doctors and nurses facing first-degree felony charges even without the element of intent.

Sheila Lewis, a defense attorney, said Montoya's bill was intended to scare the public and intimidate abortion providers. "I will come out of retirement and represent that doctor for free," Lewis said of someone charged with first-degree murder under the bill's original provision.

Montoya's revised version of the bill, which committee members received Thursday, changed the language on criminal punishment of a first-degree felony to "an act intended to end the life of a born-alive infant."

Rep. Yvette Herrell, R-Alamogordo, is co-sponsoring the bill with Montoya, but she did not help present it Thursday. McMillan said his committee would revive discussions on the measure, but no hearing date was immediately scheduled. Less than two weeks remain in the 30-day legislative session.

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