

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 214

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

ELIZABETH T. STEFANICS

AN ACT

MAKING AN APPROPRIATION FOR A NEEDLE EXCHANGE PROGRAM TO REDUCE
THE SPREAD OF HUMAN IMMUNODEFICIENCY VIRUS AND OTHER BLOOD-BORNE
DISEASES.

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

Section 1. APPROPRIATION. -- One hundred sixty-eight
thousand dollars (\$168,000) is appropriated from the general
fund to the department of health for expenditure in fiscal year
1997 for the purpose of providing or contracting for a needle
exchange program, to include human immunodeficiency virus and
drug abuse counseling and intervention, one-to-one counseling,
behavior modification techniques, street outreach services and
services to women, children and minority communities, in any
class A county with a population of more than three hundred
thousand people. Any unexpended or unencumbered balance

Underscored material = new
[bracketed material] = delete

1 remaining at the end of fiscal year 1997 shall revert to the
2 general fund.

3 - 2 -
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 FORTY- SECOND LEGI SLATURE
2 SECOND SESSI ON, 1996
3
4

5 JANUARY 24, 1996
6

7 Mr. Presi dent:
8

9 Your COMMI TTEES' COMMI TTEE, to whom has been referred
10

11 SENATE BILL 214
12

13 has had it under consideration and finds same to be GERMANE, PURSUANT
14 TO CONSTITUTIONAL PROVISIONS, and thence referred to the FINANCE
15 COMMI TTEE.
16

17 Respectfully submi tted,
18
19

20
21
22 _____
23 SENATOR MANNY M. ARAGON, Chai rman
24
25

Underscored material = new
[bracketed material] = delete

Underscored material = new
~~[bracketed material] = delete~~

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Date _____

S0214CC1

1 FORTY-SECOND LEGISLATURE

2 SECOND SESSION, 1996

SB 214/a

3
4
5 February 12, 1996

6
7 Mr. President:

8
9 Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

10
11 SENATE BILL 214

12
13 has had it under consideration and reports same with recommendation that
14 it DO PASS, amended as follows:

15
16 1. On page 1, strike lines 11 through 13 and insert in lieu
17 thereof:

18
19 "RELATING TO HEALTH; ENACTING NEW SECTIONS OF THE NMSA 1978 TO PROVIDE
20 FOR THE CREATION OF A STERILE NEEDLE AND SYRINGE EXCHANGE PILOT PROGRAM;
21 AMENDING A CERTAIN SECTION OF THE CONTROLLED SUBSTANCES ACT. ".

22
23 2. On page 1, strike lines 16 through 25, and on page 2, strike
24 lines 1 and 2 and insert in lieu thereof:

25
"Section 1. [NEW MATERIAL] STERILE NEEDLE AND SYRINGE EXCHANGE

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SPAC/214

Page 6

PILOT PROGRAM CREATED. --The department shall establish and administer a sterile needle and syringe exchange pilot program.

Section 2. [NEW MATERIAL] PURPOSE. --The purpose of the program is to:

A. prevent the transmission of the human immunodeficiency virus, the hepatitis B virus and other blood borne diseases that occur when sterile needles are not used during intravenous drug use; and

B. provide intravenous drug users with referrals to appropriate health and social services.

Section 3. [NEW MATERIAL] DEFINITIONS. --As used in Sections 1 through 6 of this act:

A. "department" means the department of health;

B. "participant" means an intravenous drug user who exchanges a used needle and syringe unit for a sterile needle and syringe unit in compliance with the procedures of the program; and

C. "program" means the sterile needle and syringe exchange pilot program

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SPAC/214

Page 7

Section 4. [NEW MATERIAL] DEPARTMENT POWERS AND DUTIES. -- The department:

A. shall establish procedures for implementing the program;

B. shall compile research data that will assist in planning and evaluating efforts to combat the spread of blood borne diseases;

C. shall submit a report to the legislative health and human services committee by October 1 of each year. The report shall include evaluation and monitoring requirements and other pertinent information regarding the effectiveness of the program; and

D. may contract for services with private providers to operate the program.

Section 5. [NEW MATERIAL] PROGRAM PROCEDURE. -- The program shall:

A. provide for free exchanges of sterile needles and syringes for used needles and syringes;

B. provide education to participants on the transmission of the human immunodeficiency virus and prevention measures; and

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SPAC/214

Page 8

C. assist participants in obtaining substance abuse treatment services.

Section 6. ~~[NEW MATERIAL]~~ CRIMINAL LIABILITY. -- Exchanges of sterile needles and syringes under the program shall not constitute an offense under the Controlled Substances Act for a participant, employee of the department or its designee. No person shall be provided immunity from prosecution for violating any law prohibiting or regulating the use, possession, dispensing, distribution or promotion of drug paraphernalia who is not participating in the program as a participant or employee or designee of the department.

Section 7. Section 30-31-25.1 NMSA 1978 (being Laws 1981, Chapter 31, Section 2) is amended to read:

"30-31-25.1. POSSESSION, DELIVERY, MANUFACTURE OR DELIVERY TO A MINOR OF DRUG PARAPHERNALIA PROHIBITED. --

A. It is unlawful for any person to use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act. However, the provisions

. 109984. 1

Underscored material = new
[bracketed material] = delete

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

SPAC/214

Page 9

of this subsection do not apply to a person using or possessing a sterile needle or syringe while directly participating in a sterile needle and syringe exchange pilot program administered by the department of health.

B. It is unlawful for any person to deliver, possess with intent to deliver or manufacture with the intent to deliver drug paraphernalia with knowledge, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act. However, the provisions of this subsection do not apply to an employee or designee of the department of health who is delivering sterile needles or syringes as part of a sterile needle and syringe exchange pilot program administered by the department of health.

C. Any person who violates this section with respect to ~~[(1)]~~ Subsection A of this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100) or by imprisonment for a definite term less than one year, or both.

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SPAC/214

Page 10

~~[(2)]~~ D. Any person who violates this section with respect to Subsection B of this section is guilty of a misdemeanor.

~~[D-]~~ E. Any person eighteen years of age or over who violates the provisions of Subsection B of this section by delivering drug paraphernalia to a person under eighteen years of age and who is at least three years his junior is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978. "".

and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SPAC/214

Page 11

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: E. Jennings, Smith, Naranjo

Absent: None

S0214PA1

. 112132. 1

Underscored material = new
~~[bracketed material] = delete~~