

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 370

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

AN ACT

RELATING TO HEALTH; ENACTING NEW SECTIONS OF THE NMSA 1978 TO
REQUIRE THAT CERTAIN PERSONS PROVIDE OPIOID OVERDOSE EDUCATION
AND NALOXONE TO PREVENT OPIOID OVERDOSE DEATHS.

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

SECTION 1. ~~[NEW MATERIAL]~~ OPIOID TREATMENT CENTER--OPIOID
OVERDOSE EDUCATION--NALOXONE.--

A. As agency funding and agency supplies of
naloxone permit, an opioid treatment center agency operating a
federally certified program to dispense methadone or other
narcotic replacement as part of a detoxification treatment or
maintenance treatment shall provide each patient it treats
with:

(1) opioid overdose education that:

(a) conforms to department of health or

1 federal substance abuse and mental health services

2 administration guidelines for opioid overdose education;

3 (b) explains the causes of an opioid
4 overdose;

5 (c) instructs when and how to administer
6 in accordance with medical best practices: 1) life-saving
7 rescue techniques; and 2) an opioid antagonist; and

8 (d) explains how to contact appropriate
9 emergency medical services;

10 (2) two doses of naloxone in either a generic
11 form or in a form approved by the federal food and drug
12 administration; and

13 (3) a prescription for naloxone.

14 B. As used in this section, "naloxone" means
15 naloxone hydrochloride, which is an opioid antagonist for the
16 treatment of opioid overdose.

17 SECTION 2. A new section of Chapter 29 NMSA 1978 is
18 enacted to read:

19 "[NEW MATERIAL] LAW ENFORCEMENT OFFICERS--NALOXONE RESCUE
20 KIT.--

21 A. As agency funding and agency supplies of
22 naloxone rescue kits permit, each local and state law
23 enforcement agency shall provide naloxone rescue kits to its
24 law enforcement officers and require that officers carry the
25 naloxone rescue kits in accordance with agency procedures so as

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1 to optimize the officers' capacity to timely assist in the
2 prevention of opioid overdoses.

3 B. Nothing in this section shall be construed to
4 impose civil or criminal liability on a local or state law
5 enforcement agency or law enforcement officer when ordinary
6 care is used in the administration or provision of naloxone in
7 cases where an individual appears to be experiencing an opioid
8 overdose.

9 C. As used in this section:

10 (1) "naloxone" means naloxone hydrochloride,
11 which is an opioid antagonist for the treatment of opioid
12 overdose; and

13 (2) "naloxone rescue kit" means a kit
14 containing:

15 (a) two doses of naloxone in either a
16 generic form or in a form approved by the federal food and drug
17 administration; and

18 (b) overdose education materials that
19 conform to department of health or federal substance abuse and
20 mental health services administration guidelines for opioid
21 overdose education that explain the signs and causes of an
22 opioid overdose and instruct when and how to administer in
23 accordance with medical best practices: 1) life-saving rescue
24 techniques; and 2) an opioid antagonist."

25 SECTION 3. A new section of Chapter 33 NMSA 1978 is

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1 enacted to read:

2 "[NEW MATERIAL] DISCHARGE--OPIOID USE DISORDER--OPIOID
3 OVERDOSE EDUCATION--NALOXONE.--

4 A. As corrections department funding and department
5 supplies of naloxone permit, upon discharge of an inmate who
6 has been diagnosed with an opioid use disorder from a
7 corrections facility, regardless of whether that inmate has
8 received treatment for that disorder, the corrections
9 department shall:

10 (1) ensure that the inmate is provided with
11 opioid overdose education that:

12 (a) conforms to department of health or
13 federal substance abuse and mental health services
14 administration guidelines for opioid overdose education;

15 (b) explains the causes of an opioid
16 overdose;

17 (c) instructs when and how to administer
18 in accordance with medical best practices: 1) life-saving
19 rescue techniques; and 2) an opioid antagonist; and

20 (d) explains how to contact appropriate
21 emergency medical services; and

22 (2) provide the inmate, as the inmate leaves
23 the correctional facility, with:

24 (a) two doses of naloxone in either a
25 generic form or in a form approved by the federal food and drug

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1 administration; and

2 (b) a prescription for naloxone.

3 B. As used in this section:

4 (1) "corrections facility" means a prison or
5 other detention facility, whether operated by a government or
6 private contractor, that is used for confinement of adult or
7 juvenile persons who are charged with or convicted of a
8 violation of a law or an ordinance; and

9 (2) "naloxone" means naloxone hydrochloride,
10 which is an opioid antagonist for the treatment of an opioid
11 overdose."