

1 SENATE BILL 35

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 William P. Soules

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10 AN ACT

11 RELATING TO OPIOID OVERDOSE; REQUIRING THE COUNSELING OF
12 PATIENTS ON THE RISKS OF OVERDOSE AND ABOUT OPIOID OVERDOSE
13 REVERSAL MEDICATION; AMENDING AND ENACTING SECTIONS OF THE PAIN
14 RELIEF ACT.

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

17 SECTION 1. Section 24-2D-1 NMSA 1978 (being Laws 1999,
18 Chapter 126, Section 1) is amended to read:

19 "24-2D-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article 2D
20 NMSA 1978 may be cited as the "Pain Relief Act"."

21 SECTION 2. Section 24-2D-2 NMSA 1978 (being Laws 1999,
22 Chapter 126, Section 2, as amended) is amended to read:

23 "24-2D-2. DEFINITIONS.--As used in the Pain Relief Act:

24 A. "accepted guideline" means the most current
25 clinical pain management guideline developed by the American

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1 geriatrics society or the American pain society or a clinical
2 pain management guideline based on evidence and expert opinion
3 that has been accepted by the New Mexico medical board;

4 B. "acute pain" means the normal, predicted
5 physiological response to a noxious chemical or thermal or
6 mechanical stimulus, typically associated with invasive
7 procedures, trauma or disease and generally time-limited;

8 C. "board" means the licensing board of a health
9 care provider;

10 D. "chronic pain" means pain that persists after
11 reasonable medical efforts have been made to relieve the pain
12 or its cause and that continues, either continuously or
13 episodically, for longer than three consecutive months.

14 "Chronic pain" does not include pain associated with a terminal
15 condition or with a progressive disease that, in the normal
16 course of progression, may reasonably be expected to result in
17 a terminal condition;

18 E. "clinical expert" means a person who by reason
19 of specialized education or substantial relevant experience in
20 pain management has knowledge regarding current standards,
21 practices and guidelines;

22 F. "disciplinary action" means any formal action
23 taken by a board against a health care provider, upon a finding
24 of probable cause that the health care provider has engaged in
25 conduct that violates the board's practice act;

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1 G. "health care provider" means a person who is
2 licensed or otherwise authorized by law to provide health care
3 in the ordinary course of business or practice of the person's
4 profession and who has prescriptive authority within the limits
5 of the person's license;

6 H. "pain" means acute and chronic pain; ~~[and]~~

7 I. "prescription opioid" means a drug in the class
8 of drugs that includes the natural derivatives of opium, which
9 are morphine and codeine, and related synthetic and semi-
10 synthetic compounds that act upon opioid receptors, which drug
11 has been prescribed by a health care provider authorized
12 pursuant to state and federal law to prescribe opioids; and

13 ~~[I.]~~ J. "therapeutic purpose" means the use of
14 pharmaceutical and non-pharmaceutical medical treatment that
15 conforms substantially to accepted guidelines for pain
16 management."

17 SECTION 3. A new section of the Pain Relief Act is
18 enacted to read:

19 "[NEW MATERIAL] REQUIREMENTS FOR HEALTH CARE PROVIDERS WHO
20 PRESCRIBE, DISTRIBUTE OR DISPENSE PRESCRIPTION OPIOIDS.--

21 A. A health care provider who prescribes,
22 distributes or dispenses a prescription opioid for the first
23 time to a patient shall counsel the patient on the risks of
24 overdose and inform the patient of the availability of
25 naloxone. With respect to a patient to whom a prescription

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1 opioid has previously been prescribed, distributed or dispensed
2 by the health care provider, the health care provider shall
3 counsel the patient on the risks of overdose and inform the
4 patient of the availability of naloxone on the first occasion
5 that the health care provider prescribes, distributes or
6 dispenses a prescription opioid each calendar year.

7 B. A health care provider who prescribes a
8 prescription opioid for a patient shall offer the patient a
9 prescription for naloxone, within the scope of the health care
10 provider's authorized practice, unless otherwise indicated in
11 the professional judgment of the health care provider."

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