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HOUSE BILL 298

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

INTRODUCED BY

Derrick J. Lente

AN ACT

RELATING TO HEALTH; AMENDING SECTIONS OF THE NMSA 1978 TO REMOVE FUNDING AVAILABILITY CONTINGENCIES FOR REQUIREMENTS TO PROVIDE OPIOID ANTAGONIST EDUCATION AND NALOXONE KITS.

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

SECTION 1. Section 24-23-3 NMSA 1978 (being Laws 2017, Chapter 59, Section 1) is amended to read:

"24-23-3. 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]~~ facilitate provision for each patient it treats with:

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- 1 (1) opioid overdose education that:
2 (a) conforms to department of health or
3 federal substance abuse and mental health services
4 administration guidelines for opioid overdose education;
5 (b) explains the causes of an opioid
6 overdose;
7 (c) instructs when and how to administer
8 in accordance with medical best practices: 1) life-saving
9 rescue techniques; and 2) an opioid antagonist; and
10 (d) explains how to contact appropriate
11 emergency medical services;
12 (2) two doses of naloxone in either a generic
13 form or in a form approved by the federal food and drug
14 administration; and
15 (3) a prescription for naloxone.

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

19 SECTION 2. Section 29-7-7.6 NMSA 1978 (being Laws 2017,
20 Chapter 59, Section 2) is amended to read:

21 "29-7-7.6. LAW ENFORCEMENT OFFICERS--NALOXONE RESCUE
22 KIT.--

23 A. ~~[As agency funding and agency supplies of~~
24 ~~naloxone rescue kits permit]~~ Each local and state law
25 enforcement agency shall provide naloxone rescue kits to its

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1 law enforcement officers and require that officers carry the
2 naloxone rescue kits in accordance with agency procedures so as
3 to optimize the officers' capacity to timely assist in the
4 prevention of opioid overdoses.

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

11 C. As used in this section:

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

15 (2) "naloxone rescue kit" means a kit
16 containing:

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

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

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1 techniques; and 2) an opioid antagonist."

2 SECTION 3. Section 33-2-51 NMSA 1978 (being Laws 2017,
3 Chapter 59, Section 3) is amended to read:

4 "33-2-51. DISCHARGE--OPIOID USE DISORDER--OPIOID OVERDOSE
5 EDUCATION--NALOXONE.--

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

12 (1) ensure that the inmate is provided with
13 opioid overdose education that:

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

17 (b) explains the causes of an opioid
18 overdose;

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

22 (d) explains how to contact appropriate
23 emergency medical services; and

24 (2) provide the inmate, as the inmate leaves
25 the correctional facility, with:

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

(b) a prescription for naloxone.

B. As used in this section:

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

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

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