

LFC Requester:

Eric Chenier

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.nmlegis.gov/AgencyAnalysis) and email to billanalysis@dfa.nm.gov*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*Date Prepared: 2/13/25

Check all that apply:

Bill Number: HB355Original Correction Amendment Substitute Sponsor: Rep. Tara LujanShort Title: Overdose Prevention Program

Agency Name

and Code HCA 630

Number: _____

Person Writing Jacqueline NielsenPhone: 505-709-5622 Email Jacqueline.Nielsen@h**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0	NA	NA

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	NA	NA

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$0	\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 355 (HB355) is an act that amends the Harm Reduction Act to include the title change of Harm Reduction and Overdose Prevention Program and limiting criminal liability for people acting pursuant to the Harm Reduction Act.

HB355 commits Department of Health (DOH) to promulgate rules for the establishment of the Overdose Prevention Program, provides participants with a safe and hygienic space to administer and consume previously obtained controlled substances with overdose monitoring, and limits civil and criminal liability to property owner, director, manager, employee, volunteer or participant of the harm reduction program or the overdose prevention program.

FISCAL IMPLICATIONS

None for the Health Care Authority.

SIGNIFICANT ISSUES

Per Department of Health, New Mexico Overdose deaths have declined 8% statewide since 2021 when the number of overdose deaths peaked at 1,029 deaths, according to data compiled by the epidemiology team at the New Mexico Department of Health (NMDOH). In 2022, New Mexico had 997 overdose deaths. That number fell to 948 overdose deaths in 2023. Fentanyl was involved in 65% of overdose deaths in 2023. Methamphetamine involvement also remains high and was involved in 51% of overdose deaths. In 2023, most overdose deaths (84%) occurred among New Mexicans aged 25-64 years, with 26% of overdose deaths occurring in the 35-44 years age group. Less than ten drug overdose deaths occurred among individuals younger than 15 years or older than 75 years. <https://www.nmhealth.org/news/awareness/2025/1/?view=2169>

Currently in the United States there are three supervised consumption sites, two in NYC that opened in 2021 and most recently one in Providence, Rhode Island. This center, run by the nonprofit Project Weber/RENEW and funded by money received from legal settlements with opioid makers, is the third such site in the U.S. and the first authorized by a state law. [Harvardpublichealth.org Do overdose prevention centers work in the U.S.?](https://www.harvardpublichealth.org/news/2023/05/01/do-overdose-prevention-centers-work-in-the-u-s/)

The National Harm Reduction Coalition defines supervised consumption services (SCS) as “designated sites where people can use drugs under the safety and supervision of trained personnel. Over 100 sites exist in 67 cities in eleven countries around the world ([IB-Supervised-Consumption-Services-061217.pdf](#)). After 30 years of operations, SCS have demonstrated to: prevent overdose, HIV and hepatitis C transmission, injection-related infection, and public disposal of syringes. SCS promote engagement and referrals to other support services, including housing placement and drug treatment. Contrary to popular belief, they do not increase drug use, crime, or bring drug use into communities. Supervised consumption sites may also be known as overdose prevention sites (OPS) or Supervised Injection facilities (SIF). One study published in the New England Journal of Medicine suggests these sites “could reduce mortality from opioid-involved overdose” ([Evaluation of an Unsanctioned Safe Consumption Site in the United States | New England Journal of Medicine](#)).

The American Society of Addiction Medicine (ASAM) provided recommendations for further pilot projects and research found here: [Overdose Prevention Sites/](#)

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

HCA BHSD Prevention, provides overdose prevention, recognition and response training and distributes nasal naloxone to hundreds of partners in every county across the state, including people who use illicit substances, including fentanyl, community lay persons and coalitions, federally qualified health centers and hospitals, emergency responders (Law enforcement, EMS, Fire), judicial systems, federal, state, county and municipal law enforcement agencies, adult and juvenile detention centers, substance use disorder treatment providers, and public and private universities and schools. HCA BHSD's overdose prevention services (training and distribution of nasal naloxone) are primarily funded through federal grants from the Substance Abuse and Mental Health Services Administration (SAMHSA). This could be a positive opportunity for collaboration between the Department of Health and HCA BHSD Prevention.

No IT impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None at the time of this analysis.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS