

1 AN ACT
2 RELATING TO PUBLIC HEALTH; AMENDING A SECTION OF THE
3 CONTROLLED SUBSTANCES ACT AND ENACTING A NEW SECTION OF
4 CHAPTER 60, ARTICLE 7B NMSA 1978 TO PROVIDE FURTHER IMMUNITY
5 TO PERSONS WHO SEEK MEDICAL ASSISTANCE IN CASES OF ALCOHOL OR
6 DRUG OVERDOSE.

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

9 SECTION 1. Section 30-31-27.1 NMSA 1978 (being Laws
10 2007, Chapter 260, Section 1) is amended to read:

11 "30-31-27.1. OVERDOSE PREVENTION--LIMITED IMMUNITY.--

12 A. A person who, in good faith, seeks medical
13 assistance for someone experiencing an alcohol- or
14 drug-related overdose shall not be arrested, charged,
15 prosecuted or otherwise penalized, nor shall the property of
16 the person be subject to civil forfeiture, for violating any
17 of the following if the evidence for the alleged violation
18 was gained as a result of the seeking of medical assistance:

19 (1) violating the provisions of Section
20 30-31-23 or Subsection A of Section 30-31-25.1 NMSA 1978;

21 (2) violating a restraining order; or

22 (3) the violation of probation or parole.

23 B. A person who experiences an alcohol- or
24 drug-related overdose and is in need of medical assistance
25 shall not be arrested, charged, prosecuted or otherwise

1 penalized, nor shall the property of the person be subject to
2 civil forfeiture, for violating any of the following if the
3 evidence for the alleged violation was gained as a result of
4 the overdose and the need for seeking medical assistance:

5 (1) violating the provisions of Section
6 30-31-23 or Subsection A of Section 30-31-25.1 NMSA 1978;

7 (2) violating a restraining order; or

8 (3) the violation of probation or parole.

9 C. The act of seeking medical assistance for
10 someone who is experiencing an alcohol- or drug-related
11 overdose may be used as a mitigating factor in a criminal
12 prosecution pursuant to the Controlled Substances Act for
13 which immunity is not provided pursuant to this section.

14 D. For the purposes of this section, "seeking
15 medical assistance" means:

16 (1) reporting an alcohol- or drug-related
17 overdose or other medical emergency to law enforcement, the
18 911 system or another emergency dispatch system, a poison
19 control center or a health care provider; or

20 (2) assisting an individual who is reporting
21 an alcohol- or drug-related overdose or providing care to an
22 individual who is experiencing an alcohol- or drug-related
23 overdose or other medical emergency while awaiting the
24 arrival of a health care provider."

1 1978 is enacted to read:

2 "SUBSTANCE-RELATED POISONING PREVENTION--LIMITED
3 IMMUNITY.--

4 A. A person who, in good faith, seeks medical
5 assistance for someone experiencing an alcohol- or
6 drug-related overdose shall not be arrested, charged,
7 prosecuted or otherwise penalized, nor shall the property of
8 the person be subject to civil forfeiture, for violating any
9 of the following if the evidence for the alleged violation
10 was gained as a result of the seeking of medical assistance:

11 (1) violating the provisions of Section
12 60-7B-1 or 60-7B-9 NMSA 1978;

13 (2) violating a restraining order; or

14 (3) the violation of probation or parole.

15 B. A person who experiences an alcohol- or
16 drug-related overdose and is in need of medical assistance
17 shall not be arrested, charged, prosecuted or otherwise
18 penalized, nor shall the property of the person be subject to
19 civil forfeiture, for violating any of the following if the
20 evidence for the alleged violation was gained as a result of
21 the overdose and the need for seeking of medical assistance:

22 (1) violating the provisions of Section
23 60-7B-1 or 60-7B-9 NMSA 1978;

24 (2) violating a restraining order; or

25 (3) the violation of probation or parole.

1 C. The act of seeking medical assistance for
2 someone who is experiencing an alcohol- or drug-related
3 overdose may be used as a mitigating factor in a criminal
4 prosecution pursuant to the Liquor Control Act for which
5 immunity is not provided pursuant to this section.

6 D. For the purposes of this section, "seeking
7 medical assistance" means:

8 (1) reporting an alcohol- or drug-related
9 overdose or other medical emergency to law enforcement, the
10 911 system or another emergency dispatch system, a poison
11 control center or to a health care provider; or

12 (2) assisting an individual who is reporting
13 an alcohol- or drug-related overdose or providing care to an
14 individual who is experiencing an alcohol- or drug-related
15 overdose or other medical emergency while awaiting the arrival
16 of a health care provider."