

HB123



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**Bill Analysis 2021 Regular Session**

**SPONSOR:** Representative Deborah Armstrong

**SHORT TITLE:** Limited Immunity for Overdose Programs

**SYNOPSIS OF BILL:** House Bill 123 would authorize municipalities and counties to establish overdose prevention programs that meet guidelines prescribed by the New Mexico Department of Health. It also provides legal protections for the programs and participants.

**STRENGTHS:** Overdose prevention programs (OPPs) are provided in legally sanctioned facilities that allow people to consume pre-obtained drugs under the supervision of trained staff and are designed to reduce the health and public order issues often associated with public drug consumption. Facility staff members do not directly assist in consumption or handle any drugs brought in by clients, but are present to provide sterile injection supplies, answer questions on safe injection practices, administer first aid if needed, and monitor for overdose. This is particularly pertinent to fentanyl because the onset of overdose is rapid and waiting for an ambulance may mean death or permanent brain damage due to lack of oxygen. OPP staff also offer general medical advice and referrals to drug treatment, medical treatment, and other social support programs.

One of the most effective interventions shown to address the dangerous trend of drug overdoses in the State has been greater access to substance use disorder services and treatment. Senate Bill 123, seeks to expand treatment and services by allowing jurisdictions to approve overdose prevention programs. OPP's would address the increase in drug overdose deaths, connect people to substance use disorder treatment and housing, reduce new HIV and hepatitis infections, reduce emergency room use and hospitalizations, and reduce dependence on law enforcement to respond to public drug use.

**ADDITIONAL INFO:** If New Mexico were to authorize overdose prevention sites, it would be the first state in the Nation to do so. Other bills are being introduced across the U.S., including in California (SB 57, Weiner).

<b><u>Safer</u></b>	<b><u>Apolitical</u></b>	<b><u>Fiscally-Responsible</u></b>	<b><u>Evidence Based</u></b>	<b><u>Grade</u></b>
<p>“New Mexico has experienced increasing death rates due to drug overdose and has consistently had higher rates than the U.S. In 2012, NM’s drug overdose death rate was third in the US, after which it dropped to 17<sup>th</sup> in 2017. Mortality rates increased once again in 2018, leaving New Mexico ranked 15th.”<sup>1</sup></p> <p>In the context of the COVID-19 pandemic in the U.S. and in New Mexico, the already-alarming rate of drug overdose is worsening. A recent study of Emergency Medical Services data in the Journal of the American Medical Association found overdose rates were doubled in May of this year, compared to last year.<sup>2</sup></p>	<p>Saving lives and saving money is inherently apolitical.</p>	<p>OPPs not only save lives but save money as well. An analysis from the Institute for Clinical and Economic Review (ICER) found that they <u>increased net savings to taxpayers over syringe access programs alone by preventing overdose-related use of emergency services and hospitalizations.</u><sup>3</sup></p>	<p>Over 100 evidence-based, peer-reviewed studies have consistently proven the positive impacts of overdose prevention programs, including:</p> <ul style="list-style-type: none"> <li>• Increasing entry into substance use disorder treatment</li> <li>• Reducing the amount and frequency that clients use drugs</li> <li>• Reducing public disorder and public injecting while increasing public safety</li> <li>• Reducing street-based drug use and syringe disposal</li> <li>• Reducing HIV and Hepatitis C risk behavior (i.e. syringe sharing, unsafe sex)</li> <li>• Successfully managing frequent on-site overdoses and reducing drug-related overdose death rates (there has not been a single overdose fatality at any SCS worldwide)</li> <li>• Saving costs due to a reduction in disease, overdose deaths, and need for emergency medical services</li> <li>• Increasing the delivery of medical and social services</li> </ul>	<p>A</p>

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<sup>1</sup> NM/DOH: <https://www.nmhealth.org/data/view/report/2402/>

<sup>2</sup> Ochalek, T. A., *et al.* (2020) Nonfatal Opioid Overdoses at an Urban Emergency Department During the COVID-19 Pandemic. *JAMA*. [doi.org/10.1001/jama.2020.17477](https://doi.org/10.1001/jama.2020.17477).

<sup>3</sup> <https://icer.org/news-insights/press-releases/icer-publishes-evidence-report-finding-that-supervised-injection-facilities-save-lives-and-money/>