AN ACT

RELATING TO HEALTH; ENACTING NEW SECTIONS OF THE NMSA 1978 TO REQUIRE THAT CERTAIN PERSONS PROVIDE OPIOID OVERDOSE EDUCATION AND NALOXONE TO PREVENT OPIOID OVERDOSE DEATHS.

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

SECTION 1. [NEW MATERIAL] 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 each patient it treats with:

(1) opioid overdose education that:

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

(b) explains the causes of an opioid overdose;

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

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

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

(3) a prescription for naloxone.

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

SECTION 2. A new section of Chapter 29 NMSA 1978 is enacted to read:

"[NEW MATERIAL] LAW ENFORCEMENT OFFICERS--NALOXONE RESCUE KIT.--

A. As agency funding and agency supplies of naloxone rescue kits permit, each local and state law enforcement agency shall provide naloxone rescue kits to its law enforcement officers and require that officers carry the naloxone rescue kits in accordance with agency procedures so as
to optimize the officers' capacity to timely assist in the prevention of opioid overdoses.

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

C. As used in this section:

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

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

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

(b) overdose education materials that conform to department of health or federal substance abuse and mental health services administration guidelines for opioid overdose education that explain the signs and causes of an opioid overdose and instruct when and how to administer in accordance with medical best practices: 1) life-saving rescue techniques; and 2) an opioid antagonist."

SECTION 3. A new section of Chapter 33 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] DISCHARGE--OPIOID USE DISORDER--OPIOID
OVERDOSE EDUCATION--NALOXONE.--

A. As corrections department funding and department
supplies of naloxone permit, upon discharge of an inmate who
has been diagnosed with an opioid use disorder from a
corrections facility, regardless of whether that inmate has
received treatment for that disorder, the corrections
department shall:

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

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

(b) explains the causes of an opioid
overdose;

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

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

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

(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."