

SB47

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Making New Mexico safe for all children & families

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Bill Analysis 2017 Regular Session

SPONSOR: Senator Richard Martinez

SHORT TITLE: Further Overdose Assistance Immunity

SYNOPSIS OF BILL: This bill would protect people seeking medical assistance for a drug or alcohol overdose from suffering legal consequences, including potential violations of probation or parole or restraining orders. It also extends the law to protect people who report the alcohol or drug overdose of another person, or who are assisting an individual who is overdosing.

STRENGTHS: New Mexico has had the highest drug overdose rate in the nation for most of the last two decades. In 2014, New Mexico's rate from overdoses was actually twice the national average. Approximately 70 percent of overdose deaths in New Mexico involve use of either opioid pain relievers or heroin.¹ This bill will help alleviate this crisis by ensuring that New Mexicans experiencing an overdose – or who are with someone experiencing an overdose – will be shielded from legal repercussions. This is important because the most common reason people give for not requesting help during a drug overdose is fear of law enforcement involvement.² Although New Mexico law already provides some immunity in such circumstances, this bill would expand on it, thereby encouraging people to request medical assistance when it is most needed.

ADDITIONAL INFO: New Mexico was the first state to pass a 911/Good Samaritan law in 2007. According to the National Conference of State Legislatures, 37 states and the District of Columbia have enacted some form of a “Good Samaritan” or 911 drug immunity law, designed to encourage people to seek emergency medical care for an overdose. The New Mexico Department of Health states that an average of almost 500 New Mexicans died from drug overdoses and almost 50 died from alcohol overdoses between 2011 and 2015. On a bright note, however, the Department also notes that drug overdose deaths in New Mexico declined in 2015 in two-thirds of the state's 33 counties.

1 “New Mexico’s Drug Overdose Epidemic: Understanding the Problem and Finding a Way Out of the Crisis,” Drug Policy Alliance (2016).

2 “Witnessing Heroin-related Overdoses: The Experiences of Young Injectors in San Francisco,” Peter J. Davidson et al., *Addiction* (2002).

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<p>The drug overdose rate in New Mexico is a crisis that must be addressed. This bill would help confront this problem by assuring that those in need of help will request it without fear of legal repercussions.</p>	<p>SB47 recently passed the New Mexico Senate unanimously.</p>	<p>This bill would essentially cost the state of New Mexico no money, but could save hundreds of lives. In fact, there may be savings from not arresting people seeking medical assistance.</p>	<p>During a drug overdose, the most common reason people don't call for help is fear of law enforcement involvement.</p> <p>Initial results from an evaluation of Washington State's Good Samaritan law, adopted in 2010, found that 88 percent of people who use opioids said they would be more likely, and less afraid, to call 911 in the event of a future overdose after learning about the law.</p> <p>The provision protecting from violation of restraining order is in two state laws: GA and VT. The provision protecting from parole violations is in five state laws: NJ, VT, GA, MN, and PA.</p>	<p>A</p>