



## **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

### **SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

### **BILL SUMMARY**

#### Synopsis:

SB 441 is a bill that provides further immunity to persons who seek medical assistance in cases of alcohol and drug-related overdose as well as persons who experience an alcohol or drug-related overdose and are in need of medical assistance.

The bill amends Section 30-31-27.1 NMSA 1978 by also providing limited immunity to a person, who in good faith, seeks medical assistance for someone experiencing an alcohol overdose or a person who experiences an alcohol overdose and is in need of medical assistance.

In addition to not being charged or prosecuted, SB 441 adds that the person shall not be arrested or otherwise penalized, nor shall the property of the person be subject to civil forfeiture for violating the provisions of Section 30-31-23 NMSA 1978 or Subsection A of Section 30-31-25.1 NMSA 1978 or violating a restraining order or the violation of probation or parole. The bill clarifies that 30-31-27.1 NMSA 1978 does not provide immunity for other violations in the Controlled Substances Act. It also provides the definition for "seeking medical assistance."

SB 441 adds a new section to Chapter 60, Article 7B NMSA 1978 titled "Substance-Related Poisoning Prevention – Limited Immunity." It provides a person limited immunity, who in good faith, seeks medical assistance for a person experiencing an alcohol or drug-related overdose and also provides limited immunity to a person experiencing an alcohol or drug-related overdose who is in need of medical assistance. It states that a person shall not be arrested, charged, prosecuted or otherwise penalized, or subject to civil forfeiture, if the evidence was gained as a result of seeking medical attention. This specifically only applies to violations of Section 60-7B-1, 60-7B-9 NMSA 1978, violations of a restraining order or violations of probation and parole.

### **FISCAL IMPLICATIONS**

None

### **SIGNIFICANT ISSUES**

N/A

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo

**AMENDMENTS**

N/A