

NMSA 24-23-1 Authority to possess, store, distribute, dispense, prescribe and administer opioid antagonists; release from liability; rulemaking.

A. A person may possess an opioid antagonist, regardless of whether the person holds a prescription for the opioid antagonist.

B. Any person acting under a standing order issued by a licensed prescriber may store or distribute an opioid antagonist.

C. Pursuant to a valid prescription, a pharmacist may dispense an opioid antagonist to a person:

- (1) at risk of experiencing an opioid-related drug overdose; or
- (2) in a position to assist another person at risk of experiencing an opioid-related drug overdose.

D. A pharmacist may distribute an opioid antagonist to a registered overdose prevention and education program.

E. A person may administer an opioid antagonist to another person if the person:

- (1) in good faith, believes the other person is experiencing a drug overdose; and
- (2) acts with reasonable care in administering the drug to the other person.

F. A licensed prescriber may directly or by standing order prescribe, dispense or distribute an opioid antagonist to:

- (1) a person at risk of experiencing an opioid-related drug overdose;
- (2) a family member, friend or other person in a position to assist a person at risk of experiencing an opioid-related drug overdose;
- (3) an employee, volunteer or representative of a community-based entity providing overdose prevention and education services that is registered with the department; or
- (4) a first responder.

G. A registered overdose prevention and education program that possesses, stores, distributes or administers an opioid antagonist in accordance with department rules and on standing orders from a licensed prescriber pursuant to this section shall not be subject to civil liability, criminal prosecution or professional disciplinary action arising from the possession, storage, distribution or administration of the opioid antagonist; provided that actions are taken with reasonable care and without willful, wanton or reckless behavior.

H. A person who possesses or who administers, dispenses or distributes an opioid antagonist to another person pursuant to this section shall not be subject to civil liability, criminal prosecution or professional disciplinary action as a result of the possession, administration, distribution or dispensing of the opioid antagonist; provided that actions are taken with reasonable care and without willful, wanton or reckless behavior.

I. The department shall create, collect and maintain any individually identifiable information pursuant to this section in a manner consistent with state and federal privacy laws.

J. The secretary shall promulgate rules relating to overdose prevention and education programs:

- (1) establishing requirements and protocols for the registration of overdose prevention and education programs that are not licensed pharmacies;
- (2) monitoring registered overdose prevention and education programs' storage and distribution of opioid antagonists;
- (3) gathering data from overdose prevention and education programs to inform public health efforts to address overdose prevention efforts; and
- (4) authorizing standards for overdose prevention education curricula, training and the certification of individuals to store and distribute opioid antagonists for the overdose prevention and education program.

K. As used in this section:

- (1) "administer" means the direct application of a drug to the body of an individual by injection, inhalation, ingestion or any other means;
- (2) "department" means the department of health;
- (3) "dispense" means to evaluate and implement a prescription for an opioid antagonist, including the preparation and delivery of a drug or device to a patient or patient's agent;
- (4) "distribute" means to deliver an opioid antagonist drug or opioid antagonist device by means other than by administering or dispensing;
- (5) "first responder" means any public safety employee or volunteer whose duties include responding rapidly to an emergency, including:
 - (a) a law enforcement officer;
 - (b) a firefighter or certified volunteer firefighter; or
 - (c) emergency medical services personnel;
- (6) "licensed prescriber" means any individual who is authorized by law to prescribe an opioid antagonist in the state;
- (7) "opioid antagonist" means a drug approved by the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body. "Opioid antagonist" shall be limited to naloxone or other like medications that are indicated for use in reversing an opioid overdose and are approved by the department for such purpose;
- (8) "possess" means to have physical control or custody of an opioid antagonist;
- (9) "registered overdose prevention and education program" means any community-based organization, law enforcement agency, detention facility or school that has registered with the

department in accordance with department rules and uses an approved department curriculum to teach overdose prevention and opioid antagonist administration;

(10) "standing order" means a licensed prescriber's instruction or prescribed procedure that is either patient specific or non-patient specific that can be exercised by other persons until changed or canceled by a licensed prescriber; and

(11) "storage" means possession of an opioid antagonist with the intent to dispense or distribute it.

History: Laws 2001, ch. 228, § 1; 2016, ch. 45, § 1; 2016, ch. 47, § 1.