2-97 HARM REDUCTION ACT/METHADONE DISTRIBUTION
CENTERS/NEEDLE EXCHANGE PROGRAM

2-97-1 Policy

It is the policy of the Department to comply with all aspects of the Harm Reduction Act and
state laws regarding Methadone Distribution Centers, which authorizes the New Mexico
Department of Health to establish a needle exchange program for intravenous drug users.

2-97-2 Rules and Procedures

A. Harm Reduction Act

1. The provisions of New Mexico State Statue Section 30-31-25.1, which deals with
the possession of drug paraphernalia, specifically hypodermic syringes and
needles, specifically exempts a person who is in possession of hypodermic
syringes and needles at the time he/she is directly engaged in a harm reduction
program as provided in the Harm Reduction Act.

2. Section 24-2C-6 of the Harm Reduction Act states, "Immunity From Criminal
Liability," that the exchange or possession of hypodermic syringes and needles in
compliance with the procedures of a harm reduction program for the purpose of
sterile hypodermic syringe and needle exchange shall not constitute a violation of
the Controlled Substances Act for persons enrolled in the program.

B. Needle Exchange Program Participants

1. Officers will not arrest or cite a person who is in the possession of drug
paraphernalia if the person is enrolled in the Needle Exchange Program and has
the appropriate identification card.

2. If a person does not have the appropriate identification card and claims to be
enrolled in the program, the officer will call the New Mexico Department of Health
to verify.

C. Methadone Distribution Centers

1. Officers shall not conduct surveillance of drug abuse rehabilitation (or
Methadone) centers for the purpose of identifying the center's clients.

2. Officers may enter the center after obtaining an arrest warrant and/or search
warrant. The only exception to entering the center without an arrest warrant
and a search warrant is if the officer is in "fresh pursuit" of a suspected felon
suspect of a crime or on a call for service.
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A. Harm Reduction Act

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2. Section 24-2 C-6 of the Harm Reduction Act states, "Immunity From Criminal Liability," that the exchange or possession of hypodermic syringes and needles in compliance with the procedures of a harm reduction program for the purpose of sterile hypodermic syringe and needle exchange shall not constitute a violation of the Controlled Substances Act for persons enrolled in the program.

B. Needle Exchange Program Participants

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2. If a person does not have the appropriate identification card and claims to be enrolled in the program, the officer will call the New Mexico Department of Health to verify.
In order to gain a clear understanding of the reason for the policy change, please answer the questions below with as much detail as possible as this information will be shared with internal and external stakeholders interested in participating in APD’s policy development process.

**Explain the rationale or purpose for the new policy or amended policy? Example: Best practices, case law, liability, conflicts with other policies or regulations, CASA related.**

Recommend to combine 2-98 with 2-97 due to both programs being similar in method and mentality. No real need to have them separated.

**What is the policy intended to accomplish? Explain the general intent with respect to the specific topic of the policy.**

Provide officers with guidelines for responding to narcotics related facilities and persons that are participating in the programs.

**How will the policy be measured to determine its effectiveness? (Example: Will data be collected, if so, in what format and who will maintain the information?)**

n/a

Please list any references used to draft the policy such as policies from other agencies, case law, directives from the CASA, research papers, etc.

n/a