

April 5, 2007

New Mexico Bars Drug Charge When Overdose Is Reported

By [RALPH BLUMENTHAL](#)

Struggling with an epidemic of drug fatalities, [New Mexico](#) has enacted a groundbreaking law providing immunity from prosecution for people who come forward to help drug users suffering overdoses.

The act, signed into law Tuesday by Gov. [Bill Richardson](#), prevents the authorities from prosecuting on the basis of evidence “gained as a result of the seeking of medical assistance.”

It also protects drug users themselves from prosecution if the process of seeking help for an overdose provides the only evidence against them.

The legislation, which was popularly known as the 911 Good Samaritan bill, is the first of its kind in the nation, according to the National Conference of State Legislatures.

In a statement yesterday, Mr. Richardson, who is running for the Democratic presidential nomination in 2008, said: “I have always been committed to prevention and rehabilitation of drug users. If we can encourage people to save themselves or others from a drug-related death or trauma, then we should do that. This bill will encourage families and friends of addicts to seek medical care and prevent their loved one from dying.”

The action was praised by the Drug Policy Alliance, which works to ease drug penalties. The group said New Mexico had the worst overdose problem in the country, with about one death a day.

“Whatever it takes to get people to call 911 to save lives,” said Tommy McDonald, a spokesman for the group in Washington.

It was the second drug measure signed in two days by Mr. Richardson. On Monday, he signed a medical marijuana bill that allows patients who are [H.I.V.](#) positive or who have diseases including AIDS, cancer, glaucoma or multiple sclerosis to relieve pain with marijuana, under a doctor’s supervision.

The governor lobbied strongly for the medical marijuana bill, which he said could hurt his presidential prospects but was “the right thing to do.”

The Samaritan bill, introduced by State Senator Richard C. Martinez, a Democrat and a retired magistrate judge from Espanola, also provides that in the event of a drug prosecution based on outside evidence, the act of seeking aid for someone suffering an overdose “may be used as a mitigating factor” in a defense.

[Home](#)

- [World](#)
- [U.S.](#)
- [N.Y. / Region](#)
 - [Business](#)
 - [Technology](#)
 - [Science](#)
 - [Health](#)
 - [Sports](#)
 - [Opinion](#)
 - [Arts](#)
 - [Style](#)
 - [Travel](#)
 - [Jobs](#)
 - [Real Estate](#)
 - [Automobiles](#)
 - [Back to Top](#)

[Copyright 2007 The New York Times Company](#)

- [Privacy Policy](#)
 - [Search](#)
- [Corrections](#)
 - [RSS](#)
- [First Look](#)
 - [Help](#)
- [Contact Us](#)
- [Work for Us](#)
 - [Site Map](#)

