

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**HEALTH POLICY & PLANNING COMMISSION**

**January 31, 2022**

**Santa Fe, New Mexico**

**SFC CLERK RECORDED 04/26/2022**

1. This special meeting of the Santa Fe County Health Policy & Planning Commission (HPPC) was called to order by Chair Laurie Glaze at approximately 10:35 a.m. on the above-cited date

Due to COVID-19 restrictions this meeting was held on the virtual platform Webex.

B. A quorum was achieved with the following members present:

**Members Present:**

Laurie Glaze  
Nelsy Dominguez  
Sandy Dransfield  
Jane Hajovsky  
Susan Lyons  
Antoinette Villamil

**Member(s) Absent:**

Christa Coggins  
Steven Berkshire  
[One vacancy]

**County Staff Present:**

Patricia Boies, Director, Health Services Division

**Others Present:**

Grace Phillips, General Counsel, New Mexico Association of Counties  
Aryan Showers, Director, Office of Policy and Accountability NM DOH

C. **Introductions** – Deemed unnecessary

D. **Approval of Agenda**

The agenda was accepted by consensus.

## 2. Action Items

Ms. Boies reminded the Commission that at their January 20<sup>th</sup> meeting they discussed further consideration and perhaps recommendation of two legislative items for the County Board of Commissioners' support. Those two items that are being presented this morning.

### **Consideration and Vote on Whether to Recommend BCC Support for 2022 Legislative Session Items:**

#### **A. Senate Memorial 6 and House Memorial 11: Task Force to study the costs and feasibility of transitioning detention facilities from individual county operations to a unified jail and prison system**

Grace Phillips, General Counsel for New Mexico Association of Counties, said that the Senate Rules Committee gave a unanimous due pass on SM 6. Counties have been responsible for jails since 1865, when the statute was established giving counties that responsibility. Aside from the huge financial burden, the question is whether this is the best system. Jails are operated solely on taxpayer dollars. There are problems in terms of quality of care, which has been referred to as "justice by geography." On an average, one out of every three general fund dollars are expended to operate jails and the ability to do so depends on resources. The recent staffing crisis is further burdening the jail management issue. A unified jail system exists in six states. The legislators want the task force to study a better way, and not be limited to the unified system. The task force will be small, with representatives from NM Counties, Corrections Department and the Administrative Office of the Court to explore the pros and cons. The Criminal Justice Institute (CJI) has committed to supporting the work of the task force with federally-funded research support. The question is, should there be a legislatively mandated task force to study the issue through the next interim session.

Ms. Phillips said she was confident that with CJI's assistance and a legislative mandate the issue can be fully explored and progress achieved.

Observing that no funds were attached to the memorial, a question was asked whether it was reasonable to assume any progress would be made. Ms. Phillips said that New Mexico Counties will serve as the convener and provide the monetary support. The NM Corrections Department said they would participate as a member and required no funding. As a practical matter, the funds available to support the task force will be through CJI. The task force will focus on current circumstance, including the pandemic, and how things can be done better.

Previous failed legislation included de-privatizing the prisons and it was mentioned that there was strong backlash from counties that depended on those allocations to support their income base. A question was asked whether the task force will be sensitive to counties with private prisons. Ms. Phillips said the task force will clearly take into account employment and the fact that prisons provide jobs. The privatization issue is different, for facilities that hold federal detainees and state prisoners.

There are currently 27 adult county detention facilities in the state.

Ms. Phillips said support is needed to get the leadership to hear the memorial. It is currently on the floor, and with support she felt it would be heard. The bill is ready on the house side and on the senate side it will move to the Senate Judiciary Committee. There is support with the legislators believing this needs to be examined.

A question to be considered by the task force would be whether the unified system would be state run. The study is on the pros and cons and what can we do better.

Ms. Phillips said the CJI has grant money and is a non-profit, independent research entity.

Commissioner Dransfield introduced a motion that the HPPC recommends that the BCC support SM 6 and HM 11 in the 2022 Legislative Session. Commissioner Dominguez seconded and the motion carried by unanimous voice vote.

Ms. Boies said she will prepare materials to be included and presented at the next BCC meeting on February 8<sup>th</sup>.

**B. House Bill 52: Amend Harm Reduction Action, including to expand distribution of naloxone and overdose prevention education and to permit distribution of drug testing technology**

Ms. Boies said that during planning meetings for the LEAD-Santy Fe County (Law Enforcement Assisted Diversion) program, she became aware that there were questions regarding the use of fentanyl testing kits and other prevention efforts falling within the state's criminal drug paraphernalia prohibitions, as well as other ways to make the Harm Reduction Act broader.

Aryan Showers, Director of the Office of Policy and Accountability, DOH, said that this is the second time this legislation has been introduced. There is an exponential increase in opioid-related overdoses since the end of 2018. The Harm Reduction Program arose from the passage of the 1997 Harm Reduction Act, which focused on black tar heroin and diseases spread by needle and syringe sharing. The problems have changed with the over-prescription of opioids/pharmaceutical, and now an explosion of cheaply-produced extremely strong fentanyl and fentanyl analogs. These drugs are generally not injected, but rather smoked. Sharing her screen, Ms. Showers showed a graph developed by the state epidemiology response division of the spike in fentanyl use, and the amount of fentanyl it takes to kill an adult man. "It's really dangerous stuff." What is being proposed is that people can test their drugs as a form of harm reduction for the presence of fentanyl with fentanyl test strips.

The legislation emphasizes that this as a public health crisis – often times conflated with a criminal justice issue. This is a DOH bill and on the Governor's Call. The bill will expand the regulatory authority of the DOH to promulgate rules defining what supplies can be distributed to program participants beyond needles and syringes. This will provide an opportunity to engage the community in overdose prevention education, naloxone, testing strips, and recovery resources. The second issue is exempting supplies and devices used for the testing of controlled

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substance analogues for dangerous adulterants and exempting them from the definition of paraphernalia in the criminal statute. HB 52 will allow the department to respond to the increased presence of fentanyl and any future dangerous adulterants appearing in the drug supply.

Ms. Showers said the bill received a unanimous due pass from the House Health and Human Services Committee and today it will move to the House Judiciary Committee. The bill has strong support.

Commissioner Hajovsky introduced a motion that the HPPC recommends that the BCC support HB 52 in the 2022 Legislative Session. Commissioner Lyons seconded and the motion carried by unanimous voice vote.

Ms. Boies stated she will prepare materials to be included and presented at the next BCC meeting on February 8<sup>th</sup>.

- 3. **Matters of Public Concern** - None were presented
- 4. **Matters from Staff** – None were presented
- 5. **Matters from the Commission** – None were presented.
- 6. **Adjournment**

This meeting was declared adjourned at approximately 11:15 a.m.

Approved by:

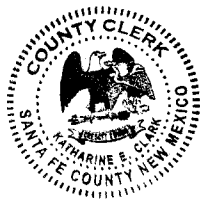
*Laurie Glaze (pb)*  
 Laurie Glaze, Chair  
 Health Policy & Planning Commission

Respectfully submitted by:

*Karen Farrell (pb)*  
 Karen Farrell, Wordswork

COUNTY OF SANTA FE ) HEALTH POLICY & PLAN M  
 STATE OF NEW MEXICO ) ss PAGES: 4

I Hereby Certify That This Instrument Was Filed for  
 Record On The 26TH Day Of April, 2022 at 08:58:24 AM  
 And Was Duly Recorded as Instrument # 1986856  
 Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office  
 Katharine E. Clark  
 Deputy *Dorothy Romero* County Clerk, Santa Fe, NM