

# STATE OF NEW YORK

8774

2017-2018 Regular Sessions

## IN ASSEMBLY

November 3, 2017

Introduced by M. of A. ROSENTHAL -- read once and referred to the  
Committee on Correction

AN ACT to amend the correction law, in relation to the establishment of  
a program for the use of medication assisted treatment for inmates

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The correction law is amended by adding a new section 625  
2 to read as follows:

3 § 625. Medication assisted treatment in correctional facilities. 1.  
4 For purposes of this section "medication assisted treatment" means the  
5 use of prescribed medications including, but not limited to, methadone,  
6 buprenorphine and naltrexone, combined with counseling and behavioral  
7 therapies, as a comprehensive approach to the treatment of opioid  
8 addiction.

9 2. The commissioner shall establish a program to be administered at  
10 correctional facilities in the state, for the purpose of employing medi-  
11 cation assisted treatment for inmates in such facilities who are under-  
12 going treatment for opioid addiction. Such program shall include access  
13 to methadone, buprenorphine and naltrexone for the duration of an  
14 inmate's incarceration. After a medical screening, inmates who are  
15 determined to suffer from opioid addiction, shall be offered placement  
16 in the medication assisted treatment program. Placement in such program  
17 shall not be mandatory. Such program shall include weekly counseling  
18 sessions for participating inmates.

19 3. The commissioner shall submit within one year of the effective date  
20 of this section and annually thereafter, a report to the governor, the  
21 temporary president of the senate and the speaker of the assembly on the  
22 effectiveness of the program established pursuant to this section. Such  
23 reports shall include an analysis of the impact of such program on the  
24 participating inmates, including factors such as institutional adjust-  
25 ment, behavior infractions, and program participation, among related

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 relevant factors. The reports shall also include the impact on institu-  
2 tional safety and performance and any recommendations for additional  
3 legislative enactments that may be needed or required to improve or  
4 enhance the program as determined to be appropriate by the commissioner.

5 4. Participation in the medication assisted treatment program shall  
6 not be unreasonably withheld from a qualified inmate. An inmate using  
7 medication assisted treatment prior to such inmate's incarceration shall  
8 be eligible to, upon request by such inmate, continue such treatment in  
9 the medication assisted treatment program for any period of time during  
10 the duration of such inmate's incarceration. No person shall be denied  
11 participation in the program on the basis of a positive drug screening  
12 upon entering custody or upon intake into the program; nor shall any  
13 person receive a disciplinary infraction for such positive drug screen-  
14 ing. No person shall be removed from, or denied participation in the  
15 program on the basis of having received any disciplinary infraction: (a)  
16 before entry into the program; or (b) during participation in the  
17 program.

18 § 2. The correction law is amended by adding a new section 500-q to  
19 read as follows:

20 § 500-q. Medication assisted treatment in county jails and/or county  
21 correctional facilities. The commissioner of corrections and community  
22 supervision shall establish guidelines for a program of medication  
23 assisted treatment for inmates in county jails and/or county correction-  
24 al facilities equivalent to the program established in state correction-  
25 al facilities pursuant to section six hundred twenty-five of this chap-  
26 ter and shall submit an annual report consistent with the requirements  
27 of subdivision three of such section.

28 § 3. This act shall take effect on the one hundred twentieth day after  
29 it shall have become a law. Effective immediately, the addition, amend-  
30 ment and/or repeal of any rule or regulation necessary for the implemen-  
31 tation of this act on its effective date are authorized to be made on or  
32 before such date.