

STATE OF NEW YORK

348

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. BRAUNSTEIN, FERNANDEZ, GOTTFRIED, CYMBROWITZ, JACOBSON, GRIFFIN, REILLY, J. M. GIGLIO, TAGUE -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to providing discharged patients with opioid overdose training; to amend the correction law, in relation to providing discharged inmates with opioid overdose training; and to amend the public health law, in relation to the provision of opioid antagonists for take home use upon discharge from the hospital

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

1 Section 1. Section 29.15 of the mental hygiene law is amended by
2 adding a new subdivision (o) to read as follows:

3 (o) 1. A patient about to be discharged or conditionally released from
4 an inpatient facility operated or licensed by the office of alcoholism
5 and substance abuse services and who has been diagnosed with an opioid
6 use disorder shall provide such patient with an opioid overdose educa-
7 tion that:

8 (i) conforms to department of health or federal substance abuse and
9 mental health services administration guidelines for opioid overdose
10 education;

11 (ii) explains the causes of an opioid overdose;

12 (iii) instructs when and how to administer in accordance with medical
13 best practices both:

14 (A) life-saving rescue techniques; and

15 (B) an opioid antagonist; and

16 (iv) explains how to contact appropriate emergency medical services.

17 2. Such facility shall also provide the patient as they leave the
18 facility with:

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

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1 (i) two doses of an opioid antagonist in a form approved for take home
 2 use by the federal food and drug administration; and
 3 (ii) a prescription for an opioid antagonist.

4 § 2. The correction law is amended by adding a new section 149-a to
 5 read as follows:

6 § 149-a. Released inmates with opioid use disorder. 1. Upon discharge
 7 of an inmate who has been diagnosed with an opioid use disorder from a
 8 correctional facility, regardless of whether that inmate has received
 9 treatment for that disorder, the department shall provide such inmate
 10 with an opioid overdose education that:

11 (a) conforms to department of health or federal substance abuse and
 12 mental health services administration guidelines for opioid overdose
 13 education;

14 (b) explains the causes of an opioid overdose;

15 (c) instructs when and how to administer in accordance with medical
 16 best practices both:

17 (i) life-saving rescue techniques; and

18 (ii) an opioid antagonist; and

19 (d) explains how to contact appropriate emergency medical services.

20 2. Such facility shall also provide the inmate as they leave the
 21 facility with:

22 (a) two doses of an opioid antagonist in a form approved for take home
 23 use by the federal food and drug administration; and

24 (b) a prescription for an opioid antagonist.

25 § 3. Subdivision 3 of section 2803-u of the public health law, as
 26 added by section 1 of part C of chapter 70 of the laws of 2016, is
 27 amended to read as follows:

28 3. Upon commencement of treatment, admission, or discharge of an indi-
 29 vidual with a documented substance use disorder or who appears to have
 30 or be at risk for a substance use disorder, including discharge from the
 31 emergency department, such hospital shall: (a) inform the individual of
 32 the availability of the substance use disorder treatment services that
 33 may be available to them through a substance use disorder services
 34 program; and (b) provide the individual with two doses of an opioid
 35 antagonist in a form approved for take home use by the federal food and
 36 drug administration.

37 § 4. This act shall take effect on the one hundred eightieth day after
 38 it shall have become a law.