

# STATE OF NEW YORK

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348--A

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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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 -- recommitted to the Committee on Alcoholism and Drug Abuse in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to providing discharged patients with certain educational materials regarding substance use disorders and two doses of an opioid antagonist in a form approved for take home use; to amend the correction law, in relation to providing previously incarcerated individuals with certain educational materials regarding substance use disorders and two doses of an opioid antagonist in a form approved for take home use upon discharge from incarceration; 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. The mental hygiene law is amended by adding a new section  
2 32.40 to read as follows:

3 § 32.40 Educational materials for individuals with substance use disor-  
4 ders.

5 (a) An individual discharged or conditionally released from a treat-  
6 ment program operated or licensed by the office of addiction services  
7 and supports who has been diagnosed with a substance use disorder shall  
8 be provided with education materials that are consistent with educa-  
9 tional materials provided pursuant to subdivision one of section twen-  
10 ty-eight hundred three-u of the public health law.

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

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1 (b) Such program shall also provide the individual with two doses of  
2 an opioid antagonist in a form approved for take home use by the federal  
3 food and drug administration when the individual is leaving the program.

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

6 § 149-a. Previously incarcerated individuals with a substance use  
7 disorder. The department shall require each correctional facility to  
8 provide incarcerated individuals who, according to the records of the  
9 department, have been diagnosed with a substance use disorder while at  
10 such facility with the following upon release: (i) educational materials  
11 consistent with subdivision one of section twenty-eight hundred three-u  
12 of the public health law; and (ii) two doses of an opioid antagonist in  
13 a form approved for take home use by the federal food and drug adminis-  
14 tration.

15 § 3. The correction law is amended by adding a new section 511 to read  
16 as follows:

17 § 511. Previously incarcerated individuals with a substance use disor-  
18 der. The commissioner shall require each local correctional facility to  
19 provide incarcerated individuals who, according to the records of the  
20 jail, have been diagnosed with a substance use disorder while at such  
21 facility with the following upon release:

22 1. educational materials consistent with subdivision one of section  
23 twenty-eight hundred three-u of the public health law; and

24 2. two doses of an opioid antagonist in a form approved for take home  
25 use by the federal food and drug administration.

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

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

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