

STATE OF NEW YORK

2980

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse

AN ACT to direct the department of health, in cooperation with various state offices and agencies to study, evaluate, and make recommendations concerning the prescribing and treatment history of persons in this state who suffered fatal and nonfatal opiate overdoses

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

- 1 Section 1. Study of the prescribing and treatment history of persons
2 in this state who suffered fatal and nonfatal opiate overdoses. 1. Defi-
3 nitions. For the purposes of this section:
4 a. "Multiple provider episodes" shall mean a single patient having
5 access to opiate prescriptions from more than one provider.
6 b. "Poly-substance access" shall mean a patient having simultaneous
7 prescriptions for an opiate and a benzodiazepine or for an opiate and
8 another drug which may enhance the effects or the risks of drug abuse or
9 overdose.
10 c. "Provider" shall include any individual practicing medicine as
11 defined in section 6521 of the education law.
12 2. Study. The department of health, in cooperation with the department
13 of corrections and community supervision, the office of addiction
14 services and supports, and the office of mental health, shall conduct a
15 study of the prescribing and treatment history, including court-ordered
16 treatment or treatment within the criminal justice system, of persons in
17 this state who suffered fatal or nonfatal opiate overdoses beginning in
18 the calendar years 2011 to 2020 and yearly thereafter. Such study shall,
19 with regard to such persons, conduct or provide for an examination of:
20 a. instances of multiple provider episodes;
21 b. instances of poly-substance access;

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

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1 c. the overall opiate prescription history of individuals, including
2 whether such individuals had access to legal prescriptions for opiate
3 drugs at the time of their overdoses;

4 d. whether individuals had previously undergone voluntary or involun-
5 tary treatment for substance addiction or behavioral health;

6 e. whether individuals had attempted to enter but were denied access
7 to treatment for substance addiction or behavioral health;

8 f. whether individuals had received past treatment for a substance
9 overdose; and

10 g. whether any individuals had been previously detained or incarcerat-
11 ed and, if so, whether such individuals had received treatment during
12 such detention or incarceration.

13 3. Report. No later than one year after the effective date of this
14 act, the department of health, in cooperation with the department of
15 corrections and community supervision, the office of addiction services
16 and supports, and the office of mental health, shall deliver a report in
17 an aggregate and de-identified form on trends discovered through the
18 study conducted pursuant to subdivision two of this section to the
19 governor, the temporary president of the senate, and the speaker of the
20 assembly. The reports for the calendar year 2020 shall be completed and
21 delivered to the governor, the temporary president of the senate and the
22 speaker of the assembly by December 31, 2021. For future calendar years,
23 the report shall be completed and delivered to such persons on or before
24 December 31 of the following year.

25 4. Powers. All other departments or agencies of the state or subdivi-
26 sions thereof, and local governments shall, at the request of the
27 commissioner of health, the commissioner of corrections and community
28 supervision, the commissioner of the office of addiction services and
29 supports, or the commissioner of the office of mental health, or at the
30 request of the designee of any such commissioner, provide expertise,
31 assistance, and/or data that is relevant or material to the completion
32 of the study directed to be completed by subdivision two of this section
33 and the report directed to be completed by subdivision three of this
34 section.

35 § 2. This act shall take effect immediately.