

STATE OF NEW YORK

5128

2021-2022 Regular Sessions

IN SENATE

February 24, 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 in relation to requiring the New York state department of health to collect and report data concerning non-fatal overdoses

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

- 1 Section 1. Non-fatal overdose data collection. (a) The department of
2 health shall collect, and make publicly available on the department's
3 website, the data collected across all emergency room syndromic surveil-
4 lance systems relating to non-fatal overdoses, disaggregated by race,
5 ethnicity, sex, age, primary language, socioeconomic status, disability
6 status, and county. The department shall use such non-fatal overdose
7 data to extrapolate projected fatal overdose numbers.
- 8 (b) The data made available under this section shall be updated on a
9 monthly basis.
- 10 (c) In publishing data under this section, the commissioner of health
11 shall take all necessary steps to protect the privacy of individuals
12 whose information is included in such data, including, but not limited
13 to:
- 14 (1) complying with privacy protections provided under the regulations
15 promulgated under the federal Health Insurance Portability and Account-
16 ability Act of 1996; and
- 17 (2) protections from all inappropriate internal use by an entity that
18 collects, stores, or receives data, including use of such data in deter-
19 minations of eligibility or continued eligibility in health plans, and
20 from inappropriate uses.
- 21 § 2. Non-fatal overdose data report. No later than 90 days after the
22 effective date of this act, and every 180 days thereafter, the depart-
23 ment of health shall submit a written report of its findings and recom-
24 mendations to the governor and the legislature and post such report on

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

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1 the department of health's website. Such reports shall contain informa-
2 tion concerning total accidental overdose and shall be broken down into
3 the following categories:

- 4 (a) Opioid involvement with the following:
 - 5 (1) Fentanyl, excluding heroin;
 - 6 (2) Heroin and fentanyl;
 - 7 (3) Heroin, excluding fentanyl;
 - 8 (4) Other opioids, excluding heroin and fentanyl; or
 - 9 (5) Non-opioid involved.
- 10 (b) Cocaine involvement with the following:
 - 11 (1) Cocaine only;
 - 12 (2) Cocaine and fentanyl;
 - 13 (3) Cocaine and any other drugs or alcohol, excluding fentanyl; or
 - 14 (4) Non-cocaine involved.
- 15 (c) Benzodiazepine involvement with the following:
 - 16 (1) Benzodiazepine only;
 - 17 (2) Benzodiazepine and fentanyl;
 - 18 (3) Benzodiazepine and any other drugs or alcohol, excluding fentanyl;
 - 19 or
 - 20 (4) Non-benzodiazepine involved.

21 § 3. Non-fatal overdose data information sharing. The department of
22 health shall:

- 23 (a) Expand real-time overdose surveillance using E911 data to include
24 overdose trends; and
- 25 (b) Expand information sharing to include high intensity drug traf-
26 ficking areas, emergency departments, first responders, law enforcement
27 and criminal justice agencies, and other harm reduction, treatment and
28 human service partners with routine, face-to-face contact with identi-
29 fied drug users.

30 § 4. This act shall take effect immediately.