

# STATE OF NEW YORK

8075

2023-2024 Regular Sessions

## IN ASSEMBLY

September 27, 2023

Introduced by M. of A. STECK -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law and the public health law, in relation to the availability of opioid antagonists

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

1 Section 1. Subdivision (1) of section 19.09 of the mental hygiene law,  
2 as added by chapter 434 of the laws of 2021, is amended to read as  
3 follows:

4 (1)(1) The office, in consultation with the department of health,  
5 shall maintain on its website a publicly available directory of all  
6 distributors of opioid antagonists to the public, including but not  
7 limited to, pharmacies, prevention programs and not-for-profits. As used  
8 in this subdivision, the following terms shall have the following mean-  
9 ings:

10 (i) "Opioid" means an opiate as defined in section thirty-three  
11 hundred two of the public health law.

12 (ii) "Opioid antagonist" means a federal food and drug administra-  
13 tion-approved drug that, when administered, negates or neutralizes in  
14 whole or in part the pharmacological effects of an opioid in the body.  
15 The opioid antagonist shall be limited to naloxone or other medications  
16 approved by the department of health for this purpose, provided, howev-  
17 er, that the department of health shall make available any formulation  
18 and dosage of opioid antagonist that are approved by the federal food  
19 and drug administration.

20 (2) The directory required by this subdivision shall include and be  
21 searchable by the following information:

22 (i) addresses of each distributor of opioid antagonists;

23 (ii) contact information, such as phone numbers or email addresses,  
24 for each distributor;

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

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1 (iii) services offered by each distributor at each location if more  
2 than one, as well as information providing which opioid antagonists are  
3 currently available at each distributor;

4 (iv) special populations served;

5 (v) insurance providers accepted;

6 (vi) hours of operation of each distributor;

7 (vii) contact information of opioid addiction prevention programs; and

8 (viii) any other information the commissioner deems necessary.

9 (3) The office may utilize an existing directory to satisfy the  
10 requirements of this subdivision.

11 (4) The office shall allow for choice of any formulation and dosage of  
12 opioid antagonist that are approved by the federal food and drug admin-  
13 istration in the purchase, distribution or authorization to prescribe or  
14 dispense such products.

15 § 2. Subdivision (b) of section 25.18 of the mental hygiene law is  
16 amended by adding a new paragraph 4 to read as follows:

17 4. Any expenditure used for the purchase or distribution of an opioid  
18 antagonist, as defined in subparagraph (ii) of paragraph (1) of subdivi-  
19 sion (1) of section 19.09 of this title, shall allow for choice of any  
20 formulation or dosage that is approved by the federal food and drug  
21 administration.

22 § 3. Subparagraph (i) of paragraph (a) of subdivision 3 of section  
23 3309 of the public health law, as amended by chapter 42 of the laws of  
24 2014, is amended to read as follows:

25 (i) "Opioid antagonist" means a drug approved by the Food and Drug  
26 Administration that, when administered, negates or neutralizes in whole  
27 or in part the pharmacological effects of an opioid in the body. "Opioid  
28 antagonist" shall be limited to naloxone and other medications approved  
29 by the department for such purpose, provided, however, that the depart-  
30 ment shall make available any formulation and dosage of opioid antag-  
31 onist that are approved by the federal Food and Drug Administration.

32 § 4. Section 3309 of the public health law is amended by adding a new  
33 subdivision 9 to read as follows:

34 9. Any purchase, distribution or authorization to prescribe pursuant  
35 to this section by the commissioner shall allow for choice of any formu-  
36 lation or dosage that is approved by the federal Food and Drug Adminis-  
37 tration.

38 § 5. This act shall take effect immediately.