

STATE OF NEW YORK

3936

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

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

AN ACT to amend the correction law and the mental hygiene law, in relation to data collected for medication assisted treatment programs at correctional facilities

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

1 Section 1. Subdivision 3 of section 626 of the correction law, as
2 separately amended by chapters 147 and 486 of the laws of 2022, is
3 amended to read as follows:

4 3. The commissioner shall [~~submit within one year of the effective~~
5 ~~date of this section and annually thereafter, a report to the governor,~~
6 ~~the temporary president of the senate and the speaker of the assembly on~~
7 ~~the effectiveness of the program established pursuant to this section.~~
8 ~~Such reports shall include an analysis of the impact of such program on~~
9 ~~the participating incarcerated individuals, including factors such as~~
10 ~~institutional adjustment, behavior infractions, reentry rates, HIV and~~
11 ~~hepatitis C treatment, and program participation, among related relevant~~
12 ~~factors. The reports shall also include the impact on institutional~~
13 ~~safety and performance and any recommendations for additional legisla-~~
14 ~~tive enactments that may be needed or required to improve or enhance the~~
15 ~~program as determined to be appropriate by the commissioner], along with~~
16 the state commission of correction, provide data necessary to complete
17 the report required by subdivision (h) of section 19.07 of the mental
18 hygiene law to the commissioner of the office of addiction services and
19 supports.

20 § 2. Subdivision (h) of section 19.07 of the mental hygiene law, as
21 separately amended by chapters 322 and 494 of the laws of 2021, is
22 amended to read as follows:

23 (h) The office of addiction services and supports shall monitor
24 programs providing care and treatment to incarcerated individuals who

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

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1 have a history of alcohol or substance use disorder or dependence in
2 correctional facilities operated by the department of corrections and
3 community supervision [~~who have a history of alcohol or substance use~~
4 ~~disorder or dependence~~] and local counties. The office shall also
5 develop guidelines for the operation of alcohol and substance use disorder
6 treatment programs in such correctional facilities, based on best
7 practices, and tailored to the nature of the individual's substance use,
8 history of past treatment, and history of mental illness or trauma,
9 which may include harm reduction strategies, in order to ensure that
10 such programs sufficiently meet the needs of incarcerated individuals
11 with a history of alcohol or substance use disorder or dependence and
12 promote the successful transition to treatment in the community upon
13 release. No later than the first day of December of each year, the
14 office in collaboration with the department of corrections and community
15 supervision and the state commission of correction shall submit a report
16 regarding: (1) the adequacy and effectiveness of alcohol and substance
17 use disorder treatment programs operated by the department of
18 corrections and community supervision and local counties, including
19 medication assisted treatment programs as established by section 19.18-c
20 of this article and section six hundred twenty-six of the correction
21 law; (2) the total number of incarcerated individuals and the demograph-
22 ic information of such incarcerated individuals including race, ethnici-
23 ty, gender and age in each correctional [~~facilities that have been~~
24 ~~screened for, and determined to have, a substance use disorder~~]
25 facility; (3) information regarding which substances incarcerated indi-
26 viduals are most often dependent upon and the available treatment for
27 such individuals within each correctional facility; (4) the total number
28 of individuals who participate in each of the treatment programs oper-
29 ated by the department of corrections and community supervision and
30 local counties; [~~and~~] (5) the total number of individuals who partic-
31 ipated in a substance use disorder treatment program but failed to
32 complete such program, as well as whether such failure to complete the
33 program was a result of disciplinary action taken by the facility
34 against the individual for instances unrelated to their participation in
35 the treatment program; and (6) information regarding medication assisted
36 treatment programs operated by the department of corrections and commu-
37 nity supervision and local counties, for which all indices shall be
38 broken down by race, ethnicity, gender and age, and which shall include
39 the following:
40 (i) the number of individuals screened at each facility and at what
41 point during such individual's incarceration they were screened and how
42 many had an existing prescription for a medication to treat substance
43 use disorder before becoming incarcerated;
44 (ii) the number of individuals determined to have a substance use
45 disorder that can be treated with one of the Federal Food and Drug
46 Administration (FDA) approved medications available;
47 (iii) the number of individuals offered such medication;
48 (iv) the number of individuals who accepted or declined such medica-
49 tion and the reason for rejection if available;
50 (v) the medication types used, for how many people, including the
51 average dosage amount for each form of medication for substance use
52 disorder used;
53 (vi) whether and at what point dosages changed, including for people
54 with existing prescriptions for a medication to treat substance use
55 disorder;

1 (vii) the regulatory structure used to provide methadone to each
2 patient including: the name of any community-based opioid treatment
3 programs each facility is utilizing to obtain methadone and the distance
4 from the facility, whether the facility is operating as a medication
5 unit of the opioid treatment program, and/or whether the facility is
6 providing methadone directly by registering with the Federal Drug
7 Enforcement Agency as a hospital and/or clinic;

8 (viii) the number and types of medical providers on staff to prescribe
9 buprenorphine or naltrexone and the number and types of staff needed to
10 administer such medications;

11 (ix) the types and dosages of opioid overdose reversal medications
12 stocked at each facility and the number of times it was used including
13 data about usage prior to implementation of the medication assisted
14 treatment program;

15 (x) the rates of overdose by incarcerated individuals prescribed medi-
16 cations for opioid use disorder including which medication was used for
17 treatment and the overall rates of overdose in each facility before and
18 after implementation of the medication assisted treatment program;

19 (xi) the rates of other health issues associated with substance use
20 disorder including HIV, hepatitis C, and mental health diagnoses;

21 (xii) an analysis of the impact of such alcohol and substance use
22 disorder treatment programs on participating incarcerated individuals,
23 including institutional adjustment, behavior infractions, and re-entry
24 rates, among other relevant factors. Such analysis shall also include
25 the impact on institutional safety and performance and any recommenda-
26 tions for additional legislative actions that may be needed or required
27 to improve or enhance the program as determined to be appropriate by the
28 commissioner; and

29 (xiii) the number of incidents involving illicit substances in the
30 facility before and after the initiation of medications for substance
31 use disorder. The department of corrections and community supervision
32 and local counties shall provide the office with information needed to
33 complete this report. Such report shall be made available to the public
34 on the office's website and sent to the governor, the temporary presi-
35 dent of the senate, the speaker of the assembly, the ~~[chairman]~~ chair-
36 person of the senate committee on crime victims, crime and correction,
37 and the ~~[chairman]~~ chairperson of the assembly committee on correction.

38 § 3. This act shall take effect immediately.