

STATE OF NEW YORK

7409

2025-2026 Regular Sessions

IN ASSEMBLY

March 25, 2025

Introduced by M. of A. K. BROWN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, the mental hygiene law, the education law and the insurance law, in relation to including all FDA approved forms and doses of Naloxone as opioid antagonists in the state definition of opioid antagonists

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

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of
2 section 3309 of the public health law, as amended by chapter 42 of the
3 laws of 2014, is amended and a new subdivision 10 is added to read as
4 follows:

5 (i) "Opioid antagonist" means a drug approved by the Food and Drug
6 Administration that, when administered, negates or neutralizes in whole
7 or in part the pharmacological effects of an opioid in the body. "Opioid
8 antagonist" shall be limited to [~~naloxone and other medications approved~~
9 ~~by the department for such purpose~~] all forms and doses of Naloxone
10 approved by the Food and Drug Administration. The department shall make
11 available all forms of Naloxone for such purpose in any formulation or
12 dosage approved by the Food and Drug Administration.

13 10. Any purchase of, distribution of, or authorization to prescribe an
14 opioid antagonist pursuant to this section shall allow for choice of any
15 formulation or dosage approved by the Food and Drug Administration and
16 made available by the department.

17 § 2. Subparagraph (ii) of paragraph 1 of subdivision (1) of section
18 19.09 of the mental hygiene law, as added by chapter 434 of the laws of
19 2021, is amended and a new paragraph 4 is added to read as follows:

20 (ii) "Opioid antagonist" means a federal food and drug administra-
21 tion-approved drug that, when administered, negates or neutralizes in
22 whole or in part the pharmacological effects of an opioid in the body.
23 The opioid antagonist shall be limited to [~~naloxone or other medications~~

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

LBD10307-01-5

1 ~~approved by the department of health for this purpose~~ all forms and
2 doses of Naloxone approved by the Food and Drug Administration. The
3 department of health shall make available all forms of Naloxone for such
4 purpose in any formulation or dosage approved by the Food and Drug
5 Administration.

6 (4) Any purchase of, distribution of, or authorization to prescribe an
7 opioid antagonist pursuant to this subdivision shall allow for choice of
8 any formulation or dosage approved by the Food and Drug Administration
9 and made available by the department of health.

10 § 3. Paragraph a of subdivision 2 of section 6908 of the education
11 law, as added by chapter 471 of the laws of 2016, is amended to read as
12 follows:

13 a. specify the advanced tasks that may be performed by advanced home
14 health aides pursuant to this subdivision. Such tasks shall include the
15 administration of medications which are routine and prefilled or other-
16 wise packaged in a manner that promotes relative ease of administration,
17 provided that administration of medications by injection, sterile proce-
18 dures, and central line maintenance shall be prohibited. Provided,
19 however, such prohibition shall not apply to injections of insulin or
20 other injections for diabetes care, to injections of low molecular
21 weight heparin, and to pre-filled auto-injections of [~~naloxone~~] an
22 opioid antagonist made available by the department of health pursuant to
23 subdivision three of section three thousand three hundred nine of the
24 public health law and epinephrine for emergency purposes, and provided,
25 further, that entities employing advanced home health aides pursuant to
26 this subdivision shall establish a systematic approach to address drug
27 diversion;

28 § 4. Section 2617 of the insurance law, as added by chapter 228 of the
29 laws of 2020, is amended to read as follows:

30 § 2617. Unfair discrimination for the use of prescriptions to block
31 the effects of opioids. No insurer or entity authorized to issue the
32 kinds of insurance specified in paragraphs one or two of subsection (a)
33 of section one thousand one hundred thirteen of this chapter shall
34 refuse to issue a life insurance policy or annuity contract or adjust
35 the amount of premiums, or rates, charged for life insurance policies or
36 annuity contracts for any individual solely because such individual has
37 been prescribed medication used to block the effects of opioids, includ-
38 ing, but not limited to, [~~Naloxone and Narcan~~] opioid antagonists
39 approved by the department of health, as defined under section three
40 thousand three hundred nine of the public health law, unless such action
41 is based on sound actuarial principles or actual or reasonably antic-
42 ipated experience.

43 § 5. Subdivision (g) of section 36.01 of the mental hygiene law, as
44 amended by chapter 185 of the laws of 2022, is amended to read as
45 follows:

46 (g) Within the amounts appropriated, the commissioners shall arrange
47 for appropriate training to law enforcement entities, first responders,
48 including but not limited to firefighters and emergency medical services
49 personnel, and any other entities deemed appropriate by the commission-
50 ers, located within the catchment area of a crisis stabilization center.
51 The training may include but not be limited to: (1) crisis intervention
52 team training; (2) mental health first aid; (3) implicit bias training;
53 and (4) [~~naloxone~~] opioid antagonist training as defined under subdivi-
54 sion three of section three thousand three hundred nine of the public
55 health law. Such training may be provided in an electronic format or
56 other format as deemed appropriate by the commissioners. The commission-

1 ers may contract with an organization with the knowledge and expertise
2 in providing the training required under this subdivision.

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

5 4. Any expenditure used for the distribution of an opioid antagonist
6 shall allow for choice of any formulation or dosage of Naloxone that is
7 made available by the department of health and pursuant to subdivision
8 three of section three thousand three hundred nine of the public health
9 law shall be put out for bid per procurement rules and regulations and
10 pursuant to paragraph d of subdivision two of section one hundred
11 sixty-one of the state finance law.

12 § 7. This act shall take effect on the thirtieth day after it shall
13 have become a law; provided, however, the amendments to paragraph a of
14 subdivision 2 of section 6908 of the education law made by section three
15 of this act shall not affect the repeal of such subdivision and shall be
16 deemed repealed therewith. Effective immediately, the addition, amend-
17 ment and/or repeal of any rule or regulation necessary for the implemen-
18 tation of this act on its effective date are authorized to be made and
19 completed on or before such effective date.