

STATE OF NEW YORK

1814--A

2025-2026 Regular Sessions

IN SENATE

January 14, 2025

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the judiciary law, the mental hygiene law, the public health law, the county law, and the general city law, in relation to replacing the words addict and addicts with the words person with substance use disorder or variation thereof; and to amend the public health law, in relation to dispensing certain controlled substances for use by a person with a substance use disorder

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

1 Section 1. Paragraph a of subdivision 1 of section 35 of the judiciary
2 law, as amended by chapter 479 of the laws of 2022, is amended to read
3 as follows:
4 a. When a court orders a hearing in a proceeding upon a writ of habeas
5 corpus to inquire into the cause of detention of a person in custody in
6 a state institution, or when it orders a hearing in a civil proceeding
7 to commit or transfer a person to or retain [~~him~~] a person in a state
8 institution when such person is alleged to be mentally ill, mentally
9 defective or a [~~narcotic addict~~] person with substance use disorder, or
10 when it orders a hearing for the commitment of the guardianship and
11 custody of a child to an authorized agency by reason of the mental
12 illness or developmental disability of a parent, or when it orders a
13 hearing to determine whether consent to the adoption of a child shall be
14 required of a parent who is alleged to be mentally ill or develop-
15 mentally disabled, or when it orders a hearing to determine the best
16 interests of a child when the parent of the child revokes a consent to
17 the adoption of such child and such revocation is opposed or in any
18 adoption or custody proceeding if it determines that assignment of coun-
19 sel in such cases is mandated by the constitution of this state or of

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

LBD00782-02-5

1 the United States, the court may assign counsel to represent such person
2 if it is satisfied that ~~[he]~~ such person is financially unable to obtain
3 counsel. Upon an appeal taken from an order entered in any such proceed-
4 ing, the appellate court may assign counsel to represent such person
5 upon the appeal if it is satisfied that ~~[he]~~ such person is financially
6 unable to obtain counsel.

7 § 2. Subdivision 4 of section 35 of the judiciary law, as amended by
8 section 3 of part GG of chapter 56 of the laws of 2023, is amended to
9 read as follows:

10 4. In any proceeding described in paragraph a of subdivision one of
11 this section, when a person is alleged to be mentally ill, mentally
12 defective or a ~~[narcotic addict]~~ person with substance use disorder, the
13 court which ordered the hearing may appoint no more than two psychia-
14 trists, certified psychologists or physicians to examine and testify at
15 the hearing upon the condition of such person. A psychiatrist, psychol-
16 ogist or physician so appointed shall, upon completion of their
17 services, receive reimbursement for expenses reasonably incurred and
18 reasonable compensation for such services, to be fixed by the court.
19 Such compensation shall not exceed three thousand dollars, except that
20 in extraordinary circumstances the court may provide for compensation in
21 excess of the foregoing limits.

22 § 3. Paragraph (i) of subdivision (b) of section 32.05 of the mental
23 hygiene law, as amended by section 3 of part Z of chapter 57 of the laws
24 of 2019, is amended to read as follows:

25 (i) Methadone, or such other controlled substance designated by the
26 commissioner of health as appropriate for such use, may be administered
27 to ~~[an addict]~~ a person with substance use disorder, as defined in
28 section thirty-three hundred two of the public health law, by individual
29 physicians, groups of physicians and public or private medical facili-
30 ties certified pursuant to article twenty-eight or thirty-three of the
31 public health law as part of a chemical dependence program which has
32 been issued an operating certificate by the commissioner pursuant to
33 subdivision (b) of section 32.09 of this article, provided, however,
34 that such administration must be done in accordance with all applicable
35 federal and state laws and regulations. Individual physicians or groups
36 of physicians who have obtained authorization from the federal govern-
37 ment to administer buprenorphine to ~~[addicts]~~ people with substance use
38 disorder may do so without obtaining an operating certificate from the
39 commissioner.

40 § 4. Paragraph 5 of subdivision (b) of section 32.09 of the mental
41 hygiene law, as added by chapter 558 of the laws of 1999, is amended to
42 read as follows:

43 5. the applicant will establish procedures to effectively implement a
44 detoxification program to further relieve ~~[addicts]~~ people with
45 substance use disorder from dependence upon methadone or such other
46 controlled substances prescribed for treatment in subject maintenance
47 programs.

48 § 5. Subdivision 1 of section 3302 of the public health law, as
49 amended by chapter 92 of the laws of 2021, is amended to read as
50 follows:

51 1. ~~["Addict"]~~ "Person with substance use disorder" means a person who
52 habitually uses a controlled substance for a non-legitimate or unlawful
53 use, and who by reason of such use is dependent thereon.

54 § 6. Subdivision 1 of section 3331 of the public health law, as added
55 by chapter 878 of the laws of 1972, is amended to read as follows:

1 1. Except as provided in titles III or V of this article, no substance
2 in schedules II, III, IV, or V may be prescribed for or dispensed or
3 administered to [~~an addict~~] a person with substance use disorder or
4 habitual user.

5 § 7. The title heading of title V of article 33 of the public health
6 law, as added by chapter 878 of the laws of 1972, is amended to read as
7 follows:

8 DISPENSING TO [~~ADDICTS~~] PERSONS WITH SUBSTANCE USE
9 DISORDER AND HABITUAL USERS

10 § 8. Section 3350 of the public health law, as added by chapter 878 of
11 the laws of 1972, is amended to read as follows:

12 § 3350. Dispensing prohibition. Controlled substances may not be
13 prescribed for, or administered or dispensed to [~~addicts~~] persons with
14 substance use disorder or habitual users of controlled substances,
15 except as provided by this title or title III of this article.

16 § 9. Section 3351 of the public health law, as added by chapter 878 of
17 the laws of 1972, subdivision 5 as amended by chapter 558 of the laws of
18 1999, is amended to read as follows:

19 § 3351. Dispensing for medical use. 1. Controlled substances may be
20 prescribed for, or administered or dispensed to [~~an addict~~] a person
21 with substance use disorder or habitual user:

22 (a) during emergency medical treatment unrelated to [~~abuse~~] such
23 substance use disorder or habitual use of controlled substances;

24 (b) who is a bona fide patient suffering from an incurable and fatal
25 disease such as cancer or advanced tuberculosis; or

26 (c) who is aged, infirm, or suffering from serious injury or illness
27 and the withdrawal from controlled substances would endanger the life or
28 impede or inhibit the recovery of such person.

29 1-a. A practitioner may prescribe, administer and dispense any sched-
30 ule III, IV, or V narcotic drug approved by the federal food and drug
31 administration specifically for use in maintenance or detoxification
32 treatment to a person with a substance use disorder or habitual user.

33 2. Controlled substances may be ordered for use by [~~an addict~~] a
34 person with substance use disorder or habitual user by a practitioner
35 and administered by a practitioner [~~or~~], registered nurse, or emergency
36 medical technician-paramedic, acting within their scope of practice, to
37 relieve acute withdrawal symptoms.

38 3. Methadone, or such other controlled substance designated by the
39 commissioner as appropriate for such use, may be ordered for use [~~of an~~
40 ~~addict~~] by a person with substance use disorder by a practitioner and
41 dispensed or administered by a practitioner or [~~his~~] their designated
42 agent as interim treatment for [~~an addict~~] a person with substance use
43 disorder on a waiting list for admission to an authorized maintenance
44 program or while arrangements are being made for referral to treatment
45 for such substance use disorder.

46 4. Methadone, or such other controlled substance designated by the
47 commissioner as appropriate for such use, may be administered to [~~an~~
48 ~~addict~~] a person with substance use disorder by a practitioner or by
49 [~~his~~] their designated agent acting under the direction and supervision
50 of a practitioner, as part of a [~~regime~~] regimen designed and intended
51 as maintenance or detoxification treatment or to withdraw a patient from
52 addiction to controlled substances.

53 5. [~~Methadone~~] Notwithstanding any other law and consistent with
54 federal requirements, methadone, or such other controlled substance

designated by the commissioner as appropriate for such use, may be administered or dispensed directly to ~~[an addict]~~ a person with substance use disorder by a practitioner or by ~~[his]~~ their designated agent acting under the direction and supervision of a practitioner, as part of a substance ~~[abuse]~~ use or chemical dependence program approved pursuant to article ~~[twenty-three or]~~ thirty-two of the mental hygiene law.

§ 10. Section 3372 of the public health law, as amended by chapter 195 of the laws of 1973, is amended to read as follows:

§ 3372. Practitioner patient reporting. It shall be the duty of every attending practitioner and every consulting practitioner to report promptly to the commissioner, or ~~[his]~~ the commissioner's duly designated agent, the name and, if possible, the address of, and such other data as may be required by the commissioner with respect to, any person under treatment if ~~[he]~~ the practitioner finds that such person is ~~[an addict]~~ a person with substance use disorder or a habitual user ~~[of any narcotic drug]~~. Such report shall be kept confidential and may be utilized only for statistical, epidemiological or research purposes, except that those reports which originate in the course of a criminal proceeding other than under section 81.25 of the mental hygiene law shall be subject only to the confidentiality requirements of section thirty-three hundred seventy-one of this article.

§ 11. Subdivisions 2 and 3 of section 396-h of the county law, as added by chapter 818 of the laws of 1971, are amended to read as follows:

2. To establish in-patient and out-patient treatment facilities for persons ~~[addicted to the use of drugs and drug abusers]~~ with substance use disorders. Such facilities shall include, but shall not be limited to:

a. detoxification centers and clinics for the out-patient treatment of ~~[drug abusers and addicts]~~ persons with substance use disorders;

b. a treatment center where ~~[drug abusers and addicts]~~ persons with substance use disorders may obtain professional counseling from physicians, psychologists, psychiatrists and where possible, ~~[former drug abusers and addicts]~~ other persons with substance use disorders;

c. half-way houses to provide continuing treatment for ~~[drug abusers and addicts]~~ persons with substance use disorders.

3. To create a referral program whereby ~~[drug abusers, addicts]~~ persons with substance use disorders and persons and agencies concerned with their treatment will make use of the aforementioned treatment facilities;

§ 12. Subdivisions 2 and 3 of section 121 of the general city law, as added by chapter 820 of the laws of 1971, are amended to read as follows:

2. To establish in-patient and out-patient treatment facilities for persons ~~[addicted to the use of drugs and drug abusers]~~ with substance use disorders. Such facilities shall include, but shall not be limited to:

a. detoxification centers and clinics for the out-patient treatment of ~~[drug abusers and addicts]~~ persons with substance use disorders;

b. a treatment center where ~~[addicts]~~ persons with substance use disorders may obtain professional counseling from physicians, psychologists, psychiatrists and where possible, ~~[former drug abusers and addicts]~~ other persons with substance use disorders;

c. half-way houses to provide continuing treatment for ~~[drug abusers and addicts]~~ persons with substance use disorders.

1 3. To create a referral program whereby [~~drug abusers, addicts~~
2 persons with substance use disorders and persons and agencies concerned
3 with their treatment will make use of the aforementioned treatment
4 facilities;
5 § 13. This act shall take effect immediately.