

STATE OF NEW YORK

8774

2017-2018 Regular Sessions

IN ASSEMBLY

November 3, 2017

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

AN ACT to amend the correction law, in relation to the establishment of
a program for the use of medication assisted treatment for inmates

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

1 Section 1. The correction law is amended by adding a new section 625
2 to read as follows:

3 § 625. Medication assisted treatment in correctional facilities. 1.
4 For purposes of this section "medication assisted treatment" means the
5 use of prescribed medications including, but not limited to, methadone,
6 buprenorphine and naltrexone, combined with counseling and behavioral
7 therapies, as a comprehensive approach to the treatment of opioid
8 addiction.

9 2. The commissioner shall establish a program to be administered at
10 correctional facilities in the state, for the purpose of employing medi-
11 cation assisted treatment for inmates in such facilities who are under-
12 going treatment for opioid addiction. Such program shall include access
13 to methadone, buprenorphine and naltrexone for the duration of an
14 inmate's incarceration. After a medical screening, inmates who are
15 determined to suffer from opioid addiction, shall be offered placement
16 in the medication assisted treatment program. Placement in such program
17 shall not be mandatory. Such program shall include weekly counseling
18 sessions for participating inmates.

19 3. The commissioner shall submit within one year of the effective date
20 of this section and annually thereafter, a report to the governor, the
21 temporary president of the senate and the speaker of the assembly on the
22 effectiveness of the program established pursuant to this section. Such
23 reports shall include an analysis of the impact of such program on the
24 participating inmates, including factors such as institutional adjust-
25 ment, behavior infractions, and program participation, among related

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

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1 relevant factors. The reports shall also include the impact on institu-
2 tional safety and performance and any recommendations for additional
3 legislative enactments that may be needed or required to improve or
4 enhance the program as determined to be appropriate by the commissioner.

5 4. Participation in the medication assisted treatment program shall
6 not be unreasonably withheld from a qualified inmate. An inmate using
7 medication assisted treatment prior to such inmate's incarceration shall
8 be eligible to, upon request by such inmate, continue such treatment in
9 the medication assisted treatment program for any period of time during
10 the duration of such inmate's incarceration. No person shall be denied
11 participation in the program on the basis of a positive drug screening
12 upon entering custody or upon intake into the program; nor shall any
13 person receive a disciplinary infraction for such positive drug screen-
14 ing. No person shall be removed from, or denied participation in the
15 program on the basis of having received any disciplinary infraction: (a)
16 before entry into the program; or (b) during participation in the
17 program.

18 § 2. The correction law is amended by adding a new section 500-q to
19 read as follows:

20 § 500-q. Medication assisted treatment in county jails and/or county
21 correctional facilities. The commissioner of corrections and community
22 supervision shall establish guidelines for a program of medication
23 assisted treatment for inmates in county jails and/or county correction-
24 al facilities equivalent to the program established in state correction-
25 al facilities pursuant to section six hundred twenty-five of this chap-
26 ter and shall submit an annual report consistent with the requirements
27 of subdivision three of such section.

28 § 3. This act shall take effect on the one hundred twentieth day after
29 it shall have become a law. Effective immediately, the addition, amend-
30 ment and/or repeal of any rule or regulation necessary for the implemen-
31 tation of this act on its effective date are authorized to be made on or
32 before such date.