STATE OF NEW YORK

8914

IN SENATE

June 4, 2018

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

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

2. The commissioner shall establish a program to be administered at correctional facilities in the state, for the purpose of employing medication assisted treatment for inmates in such facilities who are undergoing treatment for opioid addiction. Such program shall include access to methadone, buprenorphine and naltrexone for the duration of an inmate's incarceration. After a medical screening, inmates who are determined to suffer from opioid addiction, shall be offered placement in the medication assisted treatment program. Placement in such program shall not be mandatory. Such program shall include weekly counseling sessions for participating inmates.

3. The commissioner shall submit within one year of the effective date of this section and annually thereafter, a report to the governor, the temporary president of the senate and the speaker of the assembly on the effectiveness of the program established pursuant to this section. Such reports shall include an analysis of the impact of such program on the participating inmates, including factors such as institutional adjustment, behavior infractions, and program participation, among related relevant factors. The reports shall also include the impact on institutional safety and performance and any recommendations for additional

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

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legislative enactments that may be needed or required to improve or enhance the program as determined to be appropriate by the commissioner.

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

§ 2. Section 45 of the correction law is amended by adding a new subdivision 18 to read as follows:

18. Establish standards and guidelines for a program of medication assisted treatment for inmates in county jails and/or county correctional facilities equivalent to the program established in state correctional facilities pursuant to section six hundred twenty-five of this chapter and submit an annual report consistent with the requirements of subdivision three of such section.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.