

# STATE OF NEW YORK

7812--A

2019-2020 Regular Sessions

## IN ASSEMBLY

May 23, 2019

Introduced by M. of A. L. ROSENTHAL, MOSLEY -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to authorizing the use of opioid antagonists by persons or entities for opioid overdose prevention

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

1 Section 1. Subparagraph (iv) of paragraph (a) of subdivision 3 of  
2 section 3309 of the public health law, as amended by chapter 68 of the  
3 laws of 2016, is amended and a new subparagraph (v) is added to read as  
4 follows:

5 (iv) "Opioid antagonist recipient" or "recipient" means a person at  
6 risk of experiencing an opioid-related overdose, or a family member,  
7 friend or other person in a position to assist a person experiencing or  
8 at risk of experiencing an opioid-related overdose, or an organization  
9 registered as an opioid overdose prevention program pursuant to this  
10 section or [~~a school district, public library, board of cooperative~~  
11 ~~educational services, county vocational education and extension board,~~  
12 ~~charter school, non-public elementary and/or secondary school in this~~  
13 ~~state~~] any person or entity or any person employed by [~~such district,~~  
14 ~~library board or school~~] the person or entity.

15 (v) As used in this section, "entity" includes, but is not limited to,  
16 a school district, public library, board of cooperative educational  
17 services, county vocational education and extension board, charter  
18 school, non-public elementary or secondary school, restaurant, bar,  
19 retail store, shopping mall, barber shop, beauty parlor, theater, sport-  
20 ing or event center, inn, hotel or motel.

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

LBD10802-05-0

1 § 2. Subdivision 4 of section 3309 of the public health law, as  
2 amended by chapter 68 of the laws of 2016, is amended to read as  
3 follows:

4 4. (a) Use of an opioid antagonist pursuant to this section shall be  
5 considered first aid or emergency treatment for the purpose of any stat-  
6 ute relating to liability.

7 (b) A recipient, opioid overdose prevention program, [~~school district,~~  
8 ~~public library, board of cooperative educational services, county voca-~~  
9 ~~tional education and extension board, charter school, non-public elemen-~~  
10 ~~tary school and/or secondary school in the state] person or entity, or  
11 any person employed by [~~such district, public library, board or school~~  
12 ~~under this section] the person or entity, acting reasonably and in good  
13 faith in compliance with this section, shall not be subject to criminal,  
14 civil or administrative liability solely by reason of such action.~~~~

15 § 3. This act shall take effect immediately.