STATE OF NEW YORK

5457

2019-2020 Regular Sessions

IN SENATE

May 1, 2019

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse

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

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

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

(iv) "Opioid antagonist recipient" or "recipient" means a person at risk of experiencing an opioid-related overdose, or a family member, friend or other person in a position to assist a person experiencing or at risk of experiencing an opioid-related overdose, or an organization registered as an opioid overdose prevention program pursuant to this section or a **public accommodation,** school district, public library, board of cooperative educational services, county vocational education and extension board, charter school, non-public elementary and/or secondary school in this state or any person employed by such **public accommodation,** district, library**,** board or school.

(v) "Public accommodation" means a public or private business that is open to the public, including, but not limited to, restaurants, bars, retail stores, shopping malls, barber shops, beauty parlors, theaters, sporting or event centers, inns, hotels, and motels.

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

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

LBD10802-02-9

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

(b) A recipient, opioid overdose prevention program, **public accommodation,** school district, public library, board of cooperative educational services, county vocational education and extension board, charter school, non-public elementary school and/or secondary school in the state, or any person employed by such **public accommodation,** district, public library, board or school under this section, acting reasonably and in good faith in compliance with this section, shall not be subject to criminal, civil or administrative liability solely by reason of such action.

§ 3. This act shall take effect immediately.