

# STATE OF NEW YORK

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5457

2019-2020 Regular Sessions

## IN SENATE

May 1, 2019

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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:

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 public accommodation, school district, public library,  
11 board of cooperative educational services, county vocational education  
12 and extension board, charter school, non-public elementary and/or  
13 secondary school in this state or any person employed by such public  
14 accommodation, district, library, board or school.

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

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

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

LBD10802-02-9

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

4     (b) A recipient, opioid overdose prevention program, public accommo-  
5 dation, school district, public library, board of cooperative educa-  
6 tional services, county vocational education and extension board, char-  
7 ter school, non-public elementary school and/or secondary school in the  
8 state, or any person employed by such public accommodation, district,  
9 public library, board or school under this section, acting reasonably  
10 and in good faith in compliance with this section, shall not be subject  
11 to criminal, civil or administrative liability solely by reason of such  
12 action.

13     § 3. This act shall take effect immediately.