

# STATE OF NEW YORK

7145

## IN SENATE

January 8, 2020

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

AN ACT to amend the public health law, in relation to requiring facilities to screen newborns for neonatal abstinence syndrome through toxicological screening of infants' meconium or urine

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

1 Section 1. Legislative intent. The legislature hereby finds that  
2 neonatal abstinence syndrome (NAS) is a public health crisis affecting  
3 all levels of society in New York state. Newborns have an alarmingly  
4 high rate of testing positive for NAS as a result of high rates of  
5 addiction to narcotics and other drugs in many regions of the state.  
6 Addressing this public health crisis serves the public interest by help-  
7 ing to ensure that newborns in this state receive appropriate treatment  
8 as early as possible to prevent adverse health outcomes.

9 Between 2010 and 2012, there were 5,857 newborn drug-related diagnoses  
10 in this state, a rate of 83.8 diagnoses per 10,000 births. In each of  
11 those years, the number of newborns diagnosed with a drug-related  
12 illness increased. In the United States, between 2000 and 2009, the  
13 number of newborns reported to have neonatal abstinence syndrome nearly  
14 tripled. This is indicative of a public health crisis affecting all  
15 regions of the state and nation.

16 Current methods for detecting NAS are not always adequate and rely  
17 heavily on newborn observation and questioning of the mother regarding  
18 opiate or narcotic use. In many instances, newborns are taken home after  
19 twenty-four to forty-eight hours. This time period may be too short for  
20 observation to detect NAS symptoms. Toxicological testing of a newborn's  
21 meconium or urine allows hospitals to detect NAS early, thereby enabling  
22 such facilities to begin treatment to prevent future adverse health  
23 outcomes.

24 § 2. Paragraph 1 of subdivision (a) of section 2500-a of the public  
25 health law, as amended by chapter 307 of the laws of 2018, is amended to  
26 read as follows:

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

LBD14183-02-0

1 1. It shall be the duty of the administrative officer or other person  
2 in charge of each institution caring for infants twenty-eight days or  
3 less of age and the person required in pursuance of the provisions of  
4 section forty-one hundred thirty of this chapter to register the birth  
5 of a child, to cause to have administered to every such infant or child  
6 in its or his care a test for:

7 i. phenylketonuria,  
8 ii. homozygous sickle cell disease,  
9 iii. hypothyroidism,  
10 iv. branched-chain ketonuria,  
11 v. galactosemia,  
12 vi. homocystinuria,  
13 vii. critical congenital heart defects through pulse oximetry screen-  
14 ing,

15 viii. with regard to any newborn infant who is identified as, or  
16 suspected of, having a hearing impairment as a result of a screening  
17 conducted pursuant to section twenty-five hundred-g of this title, cause  
18 to be administered to such infant a urine polymerase chain reaction  
19 (PCR) test for cytomegalovirus, unless the parent of the infant objects  
20 thereto; provided that if the commissioner determines that another test  
21 for cytomegalovirus is diagnostically equivalent to or better than the  
22 urine polymerase chain reaction test, the commissioner may, by regu-  
23 lation under this section, allow or require the use of that other test,  
24 [~~and~~]

25 ix. neonatal abstinence syndrome, and

26 [~~ix.~~] x. such other diseases and conditions as may from time to time  
27 be designated by the commissioner in accordance with rules or regu-  
28 lations prescribed by the commissioner.

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