

# STATE OF NEW YORK

8259

## IN SENATE

April 29, 2020

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 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.

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

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

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

LBD10802-07-0

1     **(b)** A recipient, opioid overdose prevention program, [~~school district,~~  
2 ~~public library, board of cooperative educational services, county voca-~~  
3 ~~tional education and extension board, charter school, non-public elemen-~~  
4 ~~tary school and/or secondary school in the state~~] person or entity, or  
5 any person employed by [~~such district, public library, board or school~~  
6 ~~under this section~~] the person or entity, acting reasonably and in good  
7 faith in compliance with this section, shall not be subject to criminal,  
8 civil or administrative liability solely by reason of such action.  
9     § 3. This act shall take effect immediately.