

STATE OF NEW YORK

448

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring certain eligible persons or entities to acquire and possess opioid antagonists

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

1 Section 1. The public health law is amended by adding a new section
2 3000-e to read as follows:

3 § 3000-e. Opioid antagonist. 1. Definitions. As used in this section:

4 (a) "Eligible person or entity" means (i) an ambulance service or
5 advanced life support first response service; a certified first respon-
6 der, emergency medical technician, or advanced emergency medical techni-
7 cian, who is employed by or an enrolled member of any such service; (ii)
8 a children's overnight camp as defined in subdivision one of section
9 thirteen hundred ninety-two of this chapter, a summer day camp as
10 defined in subdivision two of section thirteen hundred ninety-two of
11 this chapter, a traveling summer day camp as defined in subdivision
12 three of section thirteen hundred ninety-two of this chapter; or a
13 person employed by such a camp; (iii) a school district, board of coop-
14 erative educational services, county vocational education and extension
15 board, charter school, non-public elementary and secondary school,
16 colleges, and universities in this state; or any person employed by any
17 such entity, or employed by a contractor of such an entity while
18 performing services for the entity; (iv) a government office; an educa-
19 tional institution or after-school program; a community center; a
20 publicly or privately operated shelter; or any person employed by any
21 such entity, or employed by a contractor of such an entity while
22 performing services for the entity; (v) a correctional facility, a coun-
23 ty jail, a police station, or a fire station; a pharmacy, doctor's
24 office; or any person employed by any such entity, or employed by a

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

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1 contractor of such an entity while performing services for the entity;
2 and (vi) any other person or entity designated or approved, or in a
3 category designated or approved pursuant to regulations of the commis-
4 sioner in consultation with other appropriate agencies.

5 (b) "Opioid antagonist" means a drug approved by the Food and Drug
6 Administration that, when administered, negates or neutralizes in whole
7 or in part the pharmacological effects of an opioid in the body. "Opioid
8 antagonist" shall be limited to naloxone and other medications approved
9 by the department for such purpose.

10 (c) "Health care practitioner" means a health care practitioner
11 licensed, certified, or authorized to practice under title eight of the
12 education law who is authorized thereby to administer drugs, and who is
13 acting within the scope of his or her practice.

14 2. Possession and use. (a) Any eligible person or entity shall acquire
15 and possess and may use an opioid antagonist for emergency treatment of
16 a person appearing to experience an opioid-related overdose.

17 (b) An eligible person or entity shall possess at least two provisions
18 of an opioid antagonist at all times.

19 (c) An eligible person or entity shall designate one or more individ-
20 uals who have completed the training required by paragraph (d) of this
21 subdivision to be responsible for the storage, maintenance, control, and
22 general oversight of the opioid antagonist acquired by the eligible
23 person or entity.

24 (d) No one may use an opioid antagonist on behalf of an eligible
25 person or entity unless he or she has successfully completed a training
26 course in the use of opioid antagonists approved by the commissioner, or
27 is directed in a specific instance to use an opioid antagonist by a
28 health care practitioner.

29 (e) This section does not prohibit the use of an opioid antagonist (i)
30 by a health care practitioner or (ii) by a person acting pursuant to a
31 lawful patient-specific prescription.

32 (f) Every eligible person and entity authorized to possess and use an
33 opioid antagonist pursuant to this section shall use, maintain and
34 dispose of such antagonist pursuant to regulations of the department.

35 (g) Nothing in this section shall require any eligible person or enti-
36 ty to administer an opioid antagonist.

37 3. Prescriptions. (a) A health care practitioner who is authorized to
38 prescribe drugs may prescribe, dispense or provide an opioid antagonist
39 to or for an eligible person or entity by a non-patient-specific
40 prescription.

41 (b) A pharmacist may dispense an opioid antagonist pursuant to a non-
42 patient-specific prescription under this subdivision.

43 (c) This subdivision does not limit any other authority a health care
44 practitioner or pharmacist has to prescribe, dispense, provide or admin-
45 ister an opioid antagonist.

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

49 (b) Purchase, acquisition, possession or use of an opioid antagonist
50 pursuant to this section shall not constitute the unlawful practice of a
51 profession or other violation under title eight of the education law or
52 article thirty-three of this chapter.

53 (c) Any person otherwise authorized to sell or provide an opioid
54 antagonist may sell or provide it to a person or entity authorized to
55 possess it pursuant to this section.

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