STATE OF NEW YORK

4940

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

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

AN ACT to amend the public health law and the education law, in relation to prohibiting supervised injection sites

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

Section 1. Section 3302 of the public health law is amended by adding a new subdivision 44 to read as follows:

44. (a) "Supervised injection site" means a facility or institution that:

(i) allows addicts, ultimate users or other individuals to possess and use controlled substances; or

(ii) allows a practitioner to dispense or administer controlled substances to addicts, ultimate users or other individuals; and

(iii) is supervised by trained medical personnel such as physicians, physicians assistants, nurses, nurse practitioners, psychologists, social workers, mental health counselors or other trained medical professionals as defined in title eight of the education law.

(b) Supervised injection site shall not include:

(i) an opioid treatment program; or

(ii) a substance abuse program, chemical dependence services program, or behavioral health services program certified, licensed, funded or operated by the office of alcoholism and substance abuse services.

§ 2. The public health law is amended by adding a new section 3398 to read as follows:

§ 3398. Supervised injection sites unlawful. It shall be unlawful for any person to own, operate, work in or volunteer at a supervised injection site.

§ 3. Subdivisions 5 and 6 of section 3390 of the public health law, as added by chapter 878 of the laws of 1972, are amended and a new subdivision 7 is added to read as follows:

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

LBD05173-01-9

5. failed to maintain effective control against diversion of controlled substances; [~~or~~]

6. wilfully and unreasonably refused to permit an inspection authorized by this article[~~.~~]**; or**

7. wilfully owned or operated a supervised injection site.

§ 4. Section 6530 of the education law is amended by adding a new subdivision 50 to read as follows:

50. A violation of section thirty-three hundred ninety-eight of the public health law by a professional.

§ 5. This act shall take effect immediately.