

# STATE OF NEW YORK

5150

2019-2020 Regular Sessions

## IN SENATE

April 11, 2019

Introduced by Sen. HARCKHAM -- 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 prescribing an opioid antagonist with a patient's first opioid analgesic prescription in a given year

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

1 Section 1. Section 3302 of the public health law is amended by adding  
2 two new subdivisions 44 and 45 to read as follows:

3 44. "Opioid analgesics" means the medicines buprenorphine, butorphanol,  
4 codeine, hydrocodone, hydromorphone, levorphanol, meperidine, methadone,  
5 morphine, nalbuphine, oxycodone, oxymorphone, pentazocine, propoxyphene  
6 as well as their brand names, isomers and combinations.

7 45. "Opioid antagonist" means an FDA-approved drug that, when adminis-  
8 tered, negates or neutralizes in whole or in part the pharmacological  
9 effects of an opioid in the body. The opioid antagonist is limited to  
10 naloxone or other medications approved by the department for this  
11 purpose.

12 § 2. Section 3309 of the public health law is amended by adding a new  
13 subdivision 7 to read as follows:

14 7. (a) With the first opioid analgesic of each year, the prescriber  
15 shall prescribe an opioid antagonist when any of the following risk  
16 factors are present: a history of substance use disorder; high dose or  
17 cumulative prescriptions that result in over fifty morphine milligram  
18 equivalents per day; concurrent use of opioids and benzodiazepine or  
19 nonbenzodiazepine sedative hypnotics.

20 (b) A prescriber who fails to prescribe an opioid antagonist, as  
21 required by this subdivision, shall be referred to the appropriate  
22 licensing board solely for the imposition of administrative sanctions  
23 deemed appropriate by such board. This section shall not create a  
24 private right of action against a prescriber, and does not limit a

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

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1 prescriber's liability for the negligent failure to diagnose or treat a  
2 patient.

3 § 3. This act shall take effect on the ninetieth day after it shall  
4 have become a law. Effective immediately, the addition, amendment and/or  
5 repeal of any rule or regulation necessary for the implementation of  
6 this act on its effective date are authorized to be made and completed  
7 by the commissioner of health on or before such effective date.