STATE OF NEW YORK

576

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

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:

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

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

(a) "Eligible person or entity" means (i) an ambulance service or advanced life support first response service; a certified first responder, emergency medical technician, or advanced emergency medical technician, who is employed by or an enrolled member of any such service; (ii) a children's overnight camp as defined in subdivision one of section thirteen hundred ninety-two of this chapter, a summer day camp as defined in subdivision two of section thirteen hundred ninety-two of this chapter, a traveling summer day camp as defined in subdivision three of section thirteen hundred ninety-two of this chapter; or a person employed by such a camp; (iii) a school district, board of cooperative educational services, county vocational education and extension board, charter school, non-public elementary and secondary school, colleges, and universities in this state; or any person employed by any such entity, or employed by a contractor of such an entity while performing services for the entity; (iv) a government office; an educational institution or after-school program; a community center; a publicly or privately operated shelter; or any person employed by any such entity, or employed by a contractor of such an entity while performing services for the entity; (v) a correctional facility, a county jail, a police station, or a fire station; a pharmacy, doctor's 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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contractor of such an entity while performing services for the entity; and (vi) any other person or entity designated or approved, or in a category designated or approved pursuant to regulations of the commissioner in consultation with other appropriate agencies.

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

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

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

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

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

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

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

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

(g) Nothing in this section shall require any eligible person or entity to administer an opioid antagonist.

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

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

(c) This subdivision does not limit any other authority a health care practitioner or pharmacist has to prescribe, dispense, provide or administer an opioid antagonist.

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

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

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

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