STATE OF NEW YORK

2976

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

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 mental hygiene law, in relation to providing discharged patients with opioid overdose training; to amend the correction law, in relation to providing discharged inmates with opioid overdose training; and to amend the public health law, in relation to the provision of opioid antagonists for take home use upon discharge from the hospital

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

Section 1. Section 29.15 of the mental hygiene law is amended by adding a new subdivision (o) to read as follows:

(o) 1. A patient about to be discharged or conditionally released from an inpatient facility operated or licensed by the office of alcoholism and substance abuse services and who has been diagnosed with an opioid use disorder shall provide such patient with an opioid overdose education that:

(i) conforms to department of health or federal substance abuse and mental health services administration guidelines for opioid overdose education;

(ii) explains the causes of an opioid overdose;

(iii) instructs when and how to administer in accordance with medical best practices both:

(A) life-saving rescue techniques; and

(B) an opioid antagonist; and

(iv) explains how to contact appropriate emergency medical services.

2. Such facility shall also provide the patient as they leave the facility with:

(i) two doses of an opioid antagonist in a form approved for take home use by the federal food and drug administration; and

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

LBD03415-01-1

(ii) a prescription for an opioid antagonist.

§ 2. The correction law is amended by adding a new section 149-a to read as follows:

§ 149-a. Released inmates with opioid use disorder. 1. Upon discharge of an inmate who has been diagnosed with an opioid use disorder from a correctional facility, regardless of whether that inmate has received treatment for that disorder, the department shall provide such inmate with an opioid overdose education that:

(a) conforms to department of health or federal substance abuse and mental health services administration guidelines for opioid overdose education;

(b) explains the causes of an opioid overdose;

(c) instructs when and how to administer in accordance with medical best practices both:

(i) life-saving rescue techniques; and

(ii) an opioid antagonist; and

(d) explains how to contact appropriate emergency medical services.

2. Such facility shall also provide the inmate as they leave the facility with:

(a) two doses of an opioid antagonist in a form approved for take home use by the federal food and drug administration; and

(b) a prescription for an opioid antagonist.

§ 3. Subdivision 3 of section 2803-u of the public health law, as added by section 1 of part C of chapter 70 of the laws of 2016, is amended to read as follows:

3. Upon commencement of treatment, admission, or discharge of an individual with a documented substance use disorder or who appears to have or be at risk for a substance use disorder, including discharge from the emergency department, such hospital shall: (a) inform the individual of the availability of the substance use disorder treatment services that may be available to them through a substance use disorder services program; and (b) provide the individual with two doses of an opioid antagonist in a form approved for take home use by the federal food and drug administration.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.