

# 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:

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

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

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

11 (ii) explains the causes of an opioid overdose;

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

14 (A) life-saving rescue techniques; and

15 (B) an opioid antagonist; and

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

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

19 (i) two doses of an opioid antagonist in a form approved for take home  
20 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.

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1 (ii) a prescription for an opioid antagonist.

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

4 § 149-a. Released inmates with opioid use disorder. 1. Upon discharge  
5 of an inmate who has been diagnosed with an opioid use disorder from a  
6 correctional facility, regardless of whether that inmate has received  
7 treatment for that disorder, the department shall provide such inmate  
8 with an opioid overdose education that:

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

12 (b) explains the causes of an opioid overdose;

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

15 (i) life-saving rescue techniques; and

16 (ii) an opioid antagonist; and

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

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

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

22 (b) a prescription for an opioid antagonist.

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

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

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