STATE OF NEW YORK

2976--A

Cal. No. 308

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sens. HARCKHAM, HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- recommitted to the Committee on Alcoholism and Substance Abuse in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the mental hygiene law, in relation to providing discharged patients with certain educational materials regarding substance use disorders and two doses of an opioid antagonist in a form approved for take home use; to amend the correction law, in relation to providing previously incarcerated individuals with certain educational materials regarding substance use disorders and two doses of an opioid antagonist in a form approved for take home use upon discharge from incarceration; 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. The mental hygiene law is amended by adding a new section 32.40 to read as follows:

§ 32.40 Educational materials for individuals with substance use disorders.

(a) An individual discharged or conditionally released from a treatment program operated or licensed by the office of addiction services and supports who has been diagnosed with a substance use disorder shall be provided with education materials that are consistent with educational materials provided pursuant to subdivision one of section twenty-eight hundred three-u of the public health law.

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

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(b) Such program shall also 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 when the individual is leaving the program.

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

§ 149-a. Previously incarcerated individuals with a substance use disorder. The department shall require each correctional facility to provide incarcerated individuals who, according to the records of the department, have been diagnosed with a substance use disorder while at such facility with the following upon release: (i) educational materials consistent with subdivision one of section twenty-eight hundred three-u of the public health law; and (ii) two doses of an opioid antagonist in a form approved for take home use by the federal food and drug administration.

§ 3. The correction law is amended by adding a new section 511 to read as follows:

§ 511. Previously incarcerated individuals with a substance use disorder. The commissioner shall require each local correctional facility to provide incarcerated individuals who, according to the records of the jail, have been diagnosed with a substance use disorder while at such facility with the following upon release:

1. educational materials consistent with subdivision one of section twenty-eight hundred three-u of the public health law; and

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

§ 4. 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**.

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