

STATE OF NEW YORK

5128--A

2021-2022 Regular Sessions

IN SENATE

February 24, 2021

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring the New York state department of health to collect and report data concerning non-fatal overdoses

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

1 Section 1. Subdivisions 5 and 6 of section 3309 of the public health
2 law, subdivision 5 as amended by chapter 66 of the laws of 2016 and
3 subdivision 6 as amended by section 1 of part B of chapter 70 of the
4 laws of 2016, are amended to read as follows:

5 5. The commissioner shall publish findings on statewide opioid over-
6 dose data that reviews overdose death rates and other information to
7 ascertain changes in the cause and rates of opioid overdoses, including
8 fatal opioid overdoses. The report shall be submitted [~~annually~~] quar-
9 terly, on or before October first, to the governor, the temporary presi-
10 dent of the senate, the speaker of the assembly and the chairs of the
11 senate and assembly health committees, and shall be made public on the
12 department's internet website. The report shall include, at a minimum,
13 the following information on a county basis:

14 (a) information on opioid overdoses and opioid overdose deaths,
15 including age, gender, ethnicity, and geographic location;

16 (b) data on emergency room utilization for the treatment of opioid
17 overdose;

18 (c) data on utilization of pre-hospital services;

19 (d) data on the dispensing and utilization of opioid antagonists; and

20 (e) any other information necessary to ascertain the success of the
21 program, areas of the state which are experiencing particularly high
22 rates of overdoses, ways to determine if services, resources and

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

LBD09914-03-1

1 responses in particular areas of the state are having a positive impact
2 on reducing overdoses, and ways to further reduce overdoses.

3 6. No later than ninety days after the effective date of this subdivi-
4 sion, and quarterly thereafter, the department of health shall submit a
5 written report of its findings and recommendations to the governor and
6 the legislature and post such report on the department of health's
7 website. Such reports shall contain information concerning total acci-
8 dental overdose and shall be broken down into the following categories:

9 (a) Opioid involvement with the following:

10 (1) Fentanyl, excluding heroin;

11 (2) Heroin and fentanyl;

12 (3) Heroin, excluding fentanyl;

13 (4) Other opioids, excluding heroin and fentanyl; or

14 (5) Non-opioid involved.

15 (b) Cocaine involvement with the following:

16 (1) Cocaine only;

17 (2) Cocaine and fentanyl;

18 (3) Cocaine and any other drugs or alcohol, excluding fentanyl; or

19 (4) Non-cocaine involved.

20 (c) Benzodiazepine involvement with the following:

21 (1) Benzodiazepine only;

22 (2) Benzodiazepine and fentanyl;

23 (3) Benzodiazepine and any other drugs or alcohol, excluding fentanyl;

24 or

25 (4) Non-benzodiazepine involved.

26 7. (a) The department of health shall collect, and make publicly
27 available on the department's website, the data collected across all
28 emergency room syndromic surveillance systems relating to non-fatal
29 overdoses, disaggregated by race, ethnicity, sex, age, primary language,
30 socioeconomic status, disability status, and county. The department
31 shall use such non-fatal overdose data to extrapolate projected fatal
32 overdose numbers.

33 (b) The data made available under this section shall be updated on a
34 monthly basis.

35 (c) In publishing data under this subdivision, the commissioner of
36 health shall take all necessary steps to protect the privacy of individ-
37 uals whose information is included in such data, including, but not
38 limited to:

39 (1) complying with privacy protections provided under the regulations
40 promulgated under the federal Health Insurance Portability and Account-
41 ability Act of 1996; and

42 (2) protections from all inappropriate internal use by an entity that
43 collects, stores, or receives data, including use of such data in deter-
44 minations of eligibility or continued eligibility in health plans, and
45 from inappropriate uses.

46 8. The commissioner shall provide the current information and data
47 specified in [~~subdivision~~] subdivisions five and six of this section to
48 each county every [~~three months~~] month. The department shall expand
49 real-time overdose surveillance using E911 data to include overdose
50 trends and expand information sharing to include high intensity drug
51 trafficking areas, emergency departments, first responders, law enforce-
52 ment and criminal justice agencies, and other harm reduction, treatment
53 and human service partners with routine face-to-face contact with iden-
54 tified individuals struggling with substance use. Such information and
55 data may be utilized by a county or any combination thereof as it works
56 to address the opioid epidemic.

1 § 2. This act shall take effect immediately; provided, however, that
2 the amendments to subdivision 6 of section 3309 of the public health law
3 made by section one of this act shall not affect the repeal of such
4 subdivision and shall be deemed to repeal therewith.