

# STATE OF NEW YORK

336

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. BRAUNSTEIN, DINOWITZ, OTIS, CYMBROWITZ, AUBRY,  
L. ROSENTHAL, FERNANDEZ, STERN, HEVESI, HUNTER, JOYNER, PERRY, RAMOS  
-- Multi-Sponsored by -- M. of A. McDONOUGH -- read once and referred  
to the Committee on Health

AN ACT to amend the public health law, in relation to prescribing an  
opioid antagonist with a patient's first opioid prescription in a  
given year

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

Section 1. Section 3309 of the public health law is amended by adding  
a new subdivision 7 to read as follows:

7. With the first prescription to a particular patient of an opioid of  
each year for use in a setting other than a general hospital or nursing  
home under article twenty-eight of this chapter or facility under arti-  
cle thirty-one of the mental hygiene law, or when a practitioner is  
prescribing a controlled substance to a patient under the care of  
hospice as defined by section four thousand two of this chapter, the  
prescriber shall prescribe an opioid antagonist when any of the follow-  
ing risk factors are present: (a) a history of substance use disorder;  
(b) high dose or cumulative prescriptions that result in over fifty  
morphine milligram equivalents per day; (c) concurrent use of opioids  
and benzodiazepine or nonbenzodiazepine sedative hypnotics.

§ 2. This act shall take effect on the one hundred eightieth day after  
it shall have become a law. Effective immediately, the addition, amend-  
ment and/or repeal of any rule or regulation necessary for the implemen-  
tation of this act on its effective date are authorized to be made and  
completed by the commissioner of health on or before such effective  
date.

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

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