STATE OF NEW YORK

1940

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sens. AKSHAR, GALLIVAN, JORDAN, O'MARA, ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to prohibiting supervised injection sites

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

Section 1. Section 3302 of the public health law is amended by adding a new subdivision 44 to read as follows:

44. (a) "Supervised injection site" means a facility or institution that:

(i) allows addicts, ultimate users or other individuals to possess and use controlled substances; or

(ii) allows a practitioner to dispense or administer controlled substances to addicts, ultimate users or other individuals; and

(iii) is supervised by trained medical personnel such as physicians, physicians assistants, nurses, nurse practitioners, psychologists, social workers, mental health counselors or other trained medical professionals as defined in title eight of the education law.

(b) Supervised injection site shall not include:

(i) an opioid treatment program; or

(ii) a substance abuse program, chemical dependence services program, or behavioral health services program certified, licensed, funded or operated by the office of alcoholism and substance abuse services.

§ 2. The public health law is amended by adding a new section 3395 to read as follows:

§ 3395. Supervised injection sites unlawful. It shall be unlawful for any person to own, operate, work in or volunteer at a supervised injection site.

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

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§ 3. Subdivisions 5 and 6 of section 3390 of the public health law, as added by chapter 878 of the laws of 1972, are amended and a new subdivision 7 is added to read as follows:

5. failed to maintain effective control against diversion of controlled substances; [~~or~~]

6. wilfully and unreasonably refused to permit an inspection authorized by this article[~~.~~]**; or**

7. wilfully owned or operated a supervised injection site.

§ 4. Section 6530 of the education law is amended by adding a new subdivision 51 to read as follows:

51. A violation of section thirty-three hundred ninety-five of the public health law by a professional.

§ 5. This act shall take effect immediately.