

STATE OF NEW YORK

10193

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. K. Brown) --
read once and referred to the Committee on Health

AN ACT to amend the public health law, the mental hygiene law, the education law and the insurance law, in relation to including all FDA approved forms and doses of Naloxone as opioid antagonists in the state definition of opioid antagonists

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

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of
2 section 3309 of the public health law, as amended by chapter 42 of the
3 laws of 2014, is amended and a new subdivision 9 is added to read as
4 follows:

5 (i) "Opioid antagonist" means a drug approved by the Food and Drug
6 Administration that, when administered, negates or neutralizes in whole
7 or in part the pharmacological effects of an opioid in the body. "Opioid
8 antagonist" shall be limited to [~~naloxone and other medications approved~~
9 ~~by the department for such purpose~~] all forms and doses of Naloxone
10 approved by the Food and Drug Administration. The department shall make
11 available all forms of Naloxone for such purpose in any formulation or
12 dosage approved by the Food and Drug Administration.

13 9. Any purchase of, distribution of, or authorization to prescribe an
14 opioid antagonist pursuant to this section shall allow for choice of any
15 formulation or dosage approved by the Food and Drug Administration and
16 made available by the department.

17 § 2. Subparagraph (ii) of paragraph 1 of subdivision (1) of section
18 19.09 of the mental hygiene law, as added by chapter 434 of the laws of
19 2021, is amended and a new paragraph 4 is added to read as follows:

20 (ii) "Opioid antagonist" means a federal food and drug administra-
21 tion-approved drug that, when administered, negates or neutralizes in
22 whole or in part the pharmacological effects of an opioid in the body.
23 The opioid antagonist shall be limited to [~~naloxone or other medications~~
24 ~~approved by the department of health for this purpose~~] all forms and
25 doses of Naloxone approved by the Food and Drug Administration. The
26 department of health shall make available all forms of Naloxone for such

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

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1 purpose in any formulation or dosage approved by the Food and Drug
2 Administration.

3 (4) Any purchase of, distribution of, or authorization to prescribe an
4 opioid antagonist pursuant to this subdivision shall allow for choice of
5 any formulation or dosage approved by the Food and Drug Administration
6 and made available by the department of health.

7 § 3. Paragraph a of subdivision 2 of section 6908 of the education
8 law, as added by chapter 471 of the laws of 2016, is amended to read as
9 follows:

10 a. specify the advanced tasks that may be performed by advanced home
11 health aides pursuant to this subdivision. Such tasks shall include the
12 administration of medications which are routine and prefilled or other-
13 wise packaged in a manner that promotes relative ease of administration,
14 provided that administration of medications by injection, sterile proce-
15 dures, and central line maintenance shall be prohibited. Provided,
16 however, such prohibition shall not apply to injections of insulin or
17 other injections for diabetes care, to injections of low molecular
18 weight heparin, and to pre-filled auto-injections of [~~naloxone~~] an
19 opioid antagonist made available by the department of health pursuant to
20 subdivision three of section three thousand three hundred nine of the
21 public health law and epinephrine for emergency purposes, and provided,
22 further, that entities employing advanced home health aides pursuant to
23 this subdivision shall establish a systematic approach to address drug
24 diversion;

25 § 4. Section 2617 of the insurance law, as added by chapter 228 of the
26 laws of 2020, is amended to read as follows:

27 § 2617. Unfair discrimination for the use of prescriptions to block
28 the effects of opioids. No insurer or entity authorized to issue the
29 kinds of insurance specified in paragraphs one or two of subsection (a)
30 of section one thousand one hundred thirteen of this chapter shall
31 refuse to issue a life insurance policy or annuity contract or adjust
32 the amount of premiums, or rates, charged for life insurance policies or
33 annuity contracts for any individual solely because such individual has
34 been prescribed medication used to block the effects of opioids, includ-
35 ing, but not limited to, [~~Naloxone and Narcan~~] opioid antagonists
36 approved by the department of health, as defined under section three
37 thousand three hundred nine of the public health law, unless such action
38 is based on sound actuarial principles or actual or reasonably antic-
39 ipated experience.

40 § 5. Subdivision (g) of section 36.01 of the mental hygiene law, as
41 amended by chapter 185 of the laws of 2022, is amended to read as
42 follows:

43 (g) Within the amounts appropriated, the commissioners shall arrange
44 for appropriate training to law enforcement entities, first responders,
45 including but not limited to firefighters and emergency medical services
46 personnel, and any other entities deemed appropriate by the commis-
47 sioners, located within the catchment area of a crisis stabilization center.
48 The training may include but not be limited to: (1) crisis intervention
49 team training; (2) mental health first aid; (3) implicit bias training;
50 and (4) [~~naloxone~~] opioid antagonist training as defined under subdivi-
51 sion three of section three thousand three hundred nine of the public
52 health law. Such training may be provided in an electronic format or
53 other format as deemed appropriate by the commissioners. The commis-
54 sioners may contract with an organization with the knowledge and expertise
55 in providing the training required under this subdivision.

1 § 6. Subdivision (b) of section 25.18 of the mental hygiene law is
2 amended by adding a new paragraph 4 to read as follows:

3 4. Any expenditure used for the distribution of an opioid antagonist
4 shall allow for choice of any formulation or dosage of Naloxone that is
5 made available by the department of health and pursuant to subdivision
6 three of section three thousand three hundred nine of the public health
7 law shall be put out for bid per procurement rules and regulations and
8 pursuant to paragraph d of subdivision two of section one hundred
9 sixty-one of the state finance law.

10 § 7. This act shall take effect on the thirtieth day after it shall
11 have become a law; provided, however, the amendments to paragraph a of
12 subdivision 2 of section 6908 of the education law made by section three
13 of this act shall not affect the repeal of such subdivision and shall be
14 deemed repealed therewith. Effective immediately, the addition, amend-
15 ment and/or repeal of any rule or regulation necessary for the implemen-
16 tation of this act on its effective date are authorized to be made and
17 completed on or before such effective date.