STATE OF NEW YORK

5005--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 27, 2023

Introduced by M. of A. STECK, ZACCARO -- read once and referred to the Committee on Alcoholism and Drug Abuse -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to establishing the fentanyl and xylazine test strip program

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 19.46 to read as follows:

§ 19.46 Fentanyl and xylazine test strip program.

1. The commissioner shall establish a program whereby individuals may receive, free of charge, fentanyl test strips to detect the presence of fentanyl and xylazine test strips to detect the presence of xylazine. The following facilities may apply to distribute such fentanyl and xylazine test strips:

(a) hospital emergency rooms;

(b) addiction treatment facilities;

(c) facilities for substance use disorder programs;

(d) homeless shelters;

(e) urgent care centers;

(f) mobile medication units;

(g) treatment facilities as defined in paragraph five of subdivision (a) of section 22.09 of this title; and

(h) any other setting, as determined by the office, which is routinely accessed by individuals with a substance use disorder.

2. Individuals shall not be targeted by law enforcement when they are obtaining fentanyl and/or xylazine test strips at the authorized distribution facilities pursuant to subdivision one of this section.

3. The commissioner, in cooperation with the commissioner of the department of health, shall develop and conduct a public awareness and

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

LBD05428-02-3

educational campaign on the dangers of fentanyl and xylazine. Such campaign shall detail where fentanyl and xylazine may be found and the availability of the free fentanyl and xylazine test strips at the facilities referenced in subdivision one of this section.

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