

STATE OF NEW YORK

9063--A

IN ASSEMBLY

February 6, 2024

Introduced by M. of A. STECK, McDONALD, GALLAGHER, FAHY, BUTTENSCHON --
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
"recovery ready workplace act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "recovery ready workplace act".

3 § 2. The mental hygiene law is amended by adding a new section 32.40
4 to read as follows:

5 § 32.40 Recovery-ready workplace program.

6 (a) Definitions. For purposes of this section, the following terms
7 shall have the following meanings:

8 1. "Employer" shall include any person, entity, corporation, limited
9 liability company, or association employing any individual in any occu-
10 pation, industry, trade, business or service.

11 2. "Employee" means any person employed for hire by an employer in any
12 employment.

13 3. "Lived experience" means having first-hand experience living with
14 mental health and/or substance use disorder and the associated chal-
15 lenges.

16 4. "Opioid use disorder" or "OUD" means a problematic pattern of
17 opioid use leading to clinically significant impairment or distress and
18 is a subset of SUD.

19 5. "Member assistance program" means a labor union administered educa-
20 tion and assistance program that provides support to members struggling
21 with mental health or substance use problems.

22 6. "Prevention" means a way of preventing substance misuse through
23 strategies to reduce the risk of injury and stress in the workplace and
24 address other factors that may increase the risk of substance misuse and
25 through training and education to build a substance use disorder and
26 recovery literacy.

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

LBD14118-02-4

1 7. "Recovery" means a process of change through which individuals
2 improve their health and wellness, live a self-directed life, and strive
3 to reach their full potential.

4 8. "Recovery ready workplace advisor" means a person who is an employ-
5 ee of or contractor for a recovery ready workplace program and whose
6 duties include, but are not limited to, assisting employers through the
7 process of becoming a certified recovery ready workplace.

8 9. "Certified peer support advocate" means a person with the lived
9 experience of recovery from a substance use disorder or co-occurring
10 disorder and who is certified to provide non-clinical, strengths-based
11 support to others experiencing similar challenges. "Certified peer
12 support advocates" shall also be known as "peer specialists", "peer
13 recovery coaches", and "peer recovery support specialists".

14 10. "Recovery ready workplace" or "RRW" means an established program
15 to prevent exposure to workplace factors that could cause or perpetuate
16 a SUD while lowering barriers to seeking care, receiving care, and main-
17 taining recovery, and to educate its management team and workers on
18 issues surrounding SUDs to reduce the stigma around such challenge.

19 11. "Substance use disorder" or "SUD" means the recurrent use of alco-
20 hol and/or drugs that causes clinically significant impairment, includ-
21 ing health problems, disability, and failure to meet major responsibil-
22 ities at work, school, or home.

23 12. "Workplace" means any site where an employee performs any work-re-
24 lated duty or duties in the scope and course of the employee's employ-
25 ment, provided that such locations shall not include an employee's domi-
26 cile, permanent or temporary, where an employee performs any
27 work-related duty in the course of their employment.

28 (b) The office, in consultation with the department of labor, shall
29 establish a recovery ready workplace program to be administered and
30 overseen by the office. At a minimum, the program shall:

31 1. Develop a process through which employers may apply to become a
32 recovery ready workplace participant or certified as recovery ready as
33 set forth in this section;

34 2. Develop an orientation process that includes training materials for
35 employers that provides a baseline introduction to substance use disor-
36 der, treatment, and recovery, including information on the science of
37 addiction, stigma, substance use in the workforce, prevention measures,
38 available local resources, and the ways in which employers can amend and
39 implement recovery ready policies and practices to help their employees
40 with substance use disorders;

41 3. Provide consultation, guidance, technical assistance, training and
42 education, and other support to employers seeking to become participants
43 or certified recovery ready workplaces, as well as to current program
44 participants and certified recovery ready employers;

45 4. Conduct outreach to stakeholders, including employers that are not
46 engaged in the program, labor unions, and recovery support organiza-
47 tions, to provide information regarding the program; and

48 5. Establish a recovery ready workplace program webpage on the
49 office's website that provides information on substance use in the work-
50 place to employers, employees, and the general public.

51 (c) The office of addiction services and supports, shall promulgate
52 regulations establishing the criteria by which an employer can obtain
53 certification as a RRW. Such criteria shall include, but not be limited
54 to, the following:

55 1. a signed letter of interest from the employer to become a RRW;

56 2. issuance of a written declaration to employees;

1 3. collaboration with employees and, if any, the collective bargaining
2 agent or the bona fide labor organization which has established itself
3 and/or its affiliates as the collective bargaining representative for
4 persons employed by such employer, recovery community organizations, and
5 government officials in establishing a RRW and the development of the
6 proposed recovery ready workplace program in writing;

7 4. proactively identifying and addressing the primary prevention of
8 workplace hazards and sources of stress at work associated with opioid
9 and other substance misuse, including prescription medications and
10 through self-medication;

11 5. establishing availability of naloxone onsite and training personnel
12 on its administration and other first aid measures that reduce the risk
13 of death as a result of an overdose;

14 6. supporting and providing information to injured workers on how to
15 avoid opioid and other substance misuse;

16 7. providing training and orientation to supervisors, management,
17 employees, and union officials;

18 8. providing resources and information to employees;

19 9. connecting with a recovery community organization within six months
20 of certification;

21 10. assessing and addressing workplace culture issues by:

22 (A) encouraging all qualified applicants, including persons in recov-
23 ery;

24 (B) having programs and practices that promote and support employee
25 health, wellness, and work-life balance, such as but not limited to
26 member assistance programs; and

27 (C) supporting employees who seek treatment and who require residen-
28 tial or outpatient treatment and related disability leave, including
29 planning for return to work;

30 11. offering health benefits that provide comprehensive coverage for
31 SUDs, including medications for OUD and SUD, aftercare, and counseling;

32 12. evaluating and improving, as needed, access to treatment and
33 recovery resources and ensure mental health and substance use benefits
34 are equal to those for physical health as required by paragraph five of
35 subsection one of section three thousand two hundred twenty-one and
36 subsections (g) and (h) of section four thousand three hundred three of
37 the insurance law, and the federal mental health parity addiction equity
38 act;

39 13. providing work accommodations for employees in recovery to attend
40 treatment and recovery services and providing reasonable work accommo-
41 dations to support workers in recovery in compliance with federal and
42 state law; and

43 14. ensuring employer RRW policies include confidentiality provisions
44 to maintain confidentiality of employees accessing services.

45 (d) 1. An employer shall develop the plan to become certified as a RRW
46 in cooperation with the collective bargaining agent or the bona fide
47 labor organization which has established itself and/or its affiliates as
48 the collective bargaining representative for persons employed by such
49 employer, if any, or with meaningful participation of employees where
50 there is no collective bargaining representative, for all aspects of the
51 plan, and such plan shall be tailored to the specific industry and work
52 place or workplaces of the employer.

53 2. Employers shall be encouraged to establish multi-stakeholder
54 committees, subcommittees, or task forces to help develop RRW programs.
55 Where there is a collective bargaining agent or a bona fide labor organ-
56 ization which has established itself and/or its affiliates as the

1 collective bargaining representative for persons employed by such
2 employer, such collective bargaining representative shall select employ-
3 ees to be members of such committee.

4 3. To the extent that any individual voluntarily self-discloses lived
5 experience with SUD or recovery, a RRW committee, subcommittee, or task
6 force shall invite representatives with lived experience to participate
7 in the development and the annual review of the RRW plan, while main-
8 taining confidentiality.

9 4. The employer shall update its drug and alcohol policies in writing
10 within one year of certification. The employer shall make such policies
11 available to all employees, shall review such policies annually in
12 consultation with the employers' RRW committee, and shall update such
13 policies as necessary, except as described in subdivision (c) of this
14 section.

15 5. Employer policies related to accessing treatment and recovery
16 resources shall be evaluated and improved, as necessary, including a
17 review of mental health and substance use benefits to assess parity to
18 those for physical health in conformance with federal, state, and local
19 laws.

20 (e) The provisions of this section shall not be construed to diminish
21 or alter the rights or benefits of any employee pursuant to any other
22 law, regulation, or collective bargaining agreement.

23 § 3. This act shall take effect on the one hundred eightieth day after
24 it shall have become a law.