

# STATE OF NEW YORK

9841

## IN ASSEMBLY

April 11, 2024

Introduced by M. of A. K. BROWN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring persons prescribing or dispensing opioids to counsel patients about the potential addictive properties of opioids

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

1 Section 1. Section 3331 of the public health law is amended by adding  
2 a new subdivision 10 to read as follows:

3 10. (a) Prior to prescribing any opioid to a patient initiating or  
4 being maintained on opioid treatment for pain, the prescribing practi-  
5 tioner shall counsel the patient and the patient's family or caregiver,  
6 if applicable, about the potential addictive properties of opioids. Such  
7 counselling shall be provided upon the dispensing of the initial  
8 prescription and at every subsequent visit when the prescription is  
9 renewed.

10 (b) The counselling required by this subdivision shall include infor-  
11 mation regarding the risks of dependence, misuse, and overdose, a  
12 discussion regarding pain management, side effects, treatment goals and  
13 the appropriate use of opioids, and the use of naloxone in case of acci-  
14 idental overdose, as well as any additional information specified by the  
15 commissioner.

16 (c) The provisions of this subdivision shall apply to online dispen-  
17 sers of controlled substances and to institutional dispensers.

18 (d) The requirements of this subdivision shall not apply for patients  
19 being treated under any of the following circumstances: treatment of  
20 cancer; hospice or other end-of-life care; post-surgery treatment imme-  
21 diately following a surgical procedure; or in a medical emergency. For  
22 purposes of this subdivision, "medical emergency" means an acute injury  
23 or illness that poses an immediate risk to a person's life or health.

24 § 2. Section 3337 of the public health law is amended by adding a new  
25 subdivision 5 to read as follows:

26 5. (a) Prior to filling a prescription for any opioid for a patient  
27 initiating or being maintained on opioid treatment for pain, the pharma-

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

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1 cist shall counsel the patient and the patient's family or caregiver, if  
2 applicable, about the potential addictive properties of opioids. Such  
3 counselling shall be provided upon the dispensing of the initial  
4 prescription and at every subsequent visit when the prescription is  
5 renewed.

6 (b) The counselling required by this subdivision shall include infor-  
7 mation regarding the risks of dependence, misuse, and overdose, a  
8 discussion regarding pain management, side effects, treatment goals and  
9 the appropriate use of opioids, and the use of naloxone in case of acci-  
10 dental overdose, as well as any additional information specified by the  
11 commissioner.

12 (c) The requirements of this subdivision shall not apply for patients  
13 being treated under any of the following circumstances: treatment of  
14 cancer; hospice or other end-of-life care; post-surgery treatment imme-  
15 diately following a surgical procedure; or in a medical emergency. For  
16 purposes of this subdivision, "medical emergency" means an acute injury  
17 or illness that poses an immediate risk to a person's life or health.

18 § 3. This act shall take effect on the ninetieth day after it shall  
19 have become a law.