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:

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

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

(b) The counselling required by this subdivision shall include information regarding the risks of dependence, misuse, and overdose, a discussion regarding pain management, side effects, treatment goals and the appropriate use of opioids, and the use of naloxone in case of accidental overdose, as well as any additional information specified by the commissioner.

(c) The provisions of this subdivision shall apply to online dispensers of controlled substances and to institutional dispensers.

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

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

5. (a) Prior to filling a prescription for any opioid for a patient 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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cist shall counsel the patient and the patient's family or caregiver, if applicable, about the potential addictive properties of opioids. Such counselling shall be provided upon the dispensing of the initial prescription and at every subsequent visit when the prescription is renewed.

(b) The counselling required by this subdivision shall include information regarding the risks of dependence, misuse, and overdose, a discussion regarding pain management, side effects, treatment goals and the appropriate use of opioids, and the use of naloxone in case of accidental overdose, as well as any additional information specified by the commissioner.

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

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