

# STATE OF NEW YORK

8991--A

## IN SENATE

April 8, 2024

Introduced by Sens. HARCKHAM, ASHBY, COONEY, GALLIVAN, OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Use Disorders -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law and the public health law, in relation to the availability of opioid reversal agents

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

1 Section 1. Subdivision (1) of section 19.09 of the mental hygiene law,  
2 as added by chapter 434 of the laws of 2021, is amended to read as  
3 follows:

4 (1)(1) The office, in consultation with the department of health,  
5 shall maintain on its website a publicly available directory of all  
6 distributors of opioid [~~antagonists~~] reversal agents to the public,  
7 including but not limited to, pharmacies, prevention programs and not-  
8 for-profits. As used in this subdivision, the following terms shall have  
9 the following meanings:

10 (i) "Opioid" means an opiate as defined in section thirty-three  
11 hundred two of the public health law.

12 (ii) "Opioid [~~antagonist~~] reversal agents" means a federal food and  
13 drug administration-approved drug that, when administered, negates or  
14 neutralizes in whole or in part the pharmacological effects of an opioid  
15 in the body. The [~~opioid antagonist shall be limited to naloxone or~~  
16 ~~other medications approved by the department of health for this purpose~~]  
17 department of health shall make available any formulation and dosage of  
18 opioid reversal agents that are approved by the federal food and drug  
19 administration.

20 (iii) "Purchaser" means any community organization, municipality,  
21 pharmacy, medical facility, hospital, or any other entity, that accesses  
22 opioid reversal drugs through the New York state standing order.

23 (2) The directory required by this subdivision shall include and be  
24 searchable by the following information:

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

LBD11983-07-4

1 (i) addresses of each distributor of opioid [~~antagonists~~] reversal  
2 agents;  
3 (ii) contact information, such as phone numbers or email addresses,  
4 for each distributor;  
5 (iii) services offered by each distributor at each location if more  
6 than one, as well as information providing which opioid [~~antagonists~~]  
7 reversal agents are currently available at each distributor;  
8 (iv) special populations served;  
9 (v) insurance providers accepted;  
10 (vi) hours of operation of each distributor;  
11 (vii) contact information of opioid addiction prevention programs; and  
12 (viii) any other information the commissioner deems necessary.  
13 (3) The office may utilize an existing directory to satisfy the  
14 requirements of this subdivision.

15 (4) The office shall allow for choice of any formulation and dosage of  
16 opioid reversal agents that are approved by the federal food and drug  
17 administration in the purchase, distribution or authorization to  
18 prescribe or dispense such products. The department shall cover the cost  
19 of any formulation and/or dosage of any federal food and drug adminis-  
20 tration-approved nasal naloxone product. Any other product where the  
21 cost exceeds that of highest-priced nasal naloxone product, that cost  
22 overrun shall be borne by the purchaser.

23 § 2. Subparagraph (i) of paragraph (a) of subdivision 3 of section  
24 3309 of the public health law, as amended by chapter 42 of the laws of  
25 2014, is amended to read as follows:

26 (i) "Opioid [~~antagonist~~] reversal agents" means a drug approved by the  
27 Food and Drug Administration that, when administered, negates or  
28 neutralizes in whole or in part the pharmacological effects of an opioid  
29 in the body. [~~"Opioid antagonist reversal agents" shall be limited to~~  
30 ~~naloxone and other medications approved by the department for such~~  
31 ~~purpose] The department shall make available any formulation and dosage  
32 of opioid reversal agents that are approved by the federal Food and Drug  
33 Administration.~~

34 § 3. Section 3309 of the public health law is amended by adding a new  
35 subdivision 9 to read as follows:

36 9. Any purchase, distribution or authorization to prescribe pursuant  
37 to this section by the commissioner shall allow for choice of any formu-  
38 lation or dosage that is approved by the federal Food and Drug Adminis-  
39 tration. The department shall cover the cost of any formulation and/or  
40 dosage of any federal Food and Drug Administration-approved nasal nalox-  
41 one product. Any other product where the cost exceeds that of highest-  
42 priced nasal naloxone product, that cost overrun shall be borne by the  
43 purchaser.

44 § 4. This act shall take effect immediately.