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:

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

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

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

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

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

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

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

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(i) addresses of each distributor of opioid [~~antagonists~~] **reversal agents**;

(ii) contact information, such as phone numbers or email addresses, for each distributor;

(iii) services offered by each distributor at each location if more than one, as well as information providing which opioid [~~antagonists~~] **reversal agents** are currently available at each distributor;

(iv) special populations served;

(v) insurance providers accepted;

(vi) hours of operation of each distributor;

(vii) contact information of opioid addiction prevention programs; and

(viii) any other information the commissioner deems necessary.

(3) The office may utilize an existing directory to satisfy the requirements of this subdivision.

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

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

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

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

9. Any purchase, distribution or authorization to prescribe pursuant to this section by the commissioner shall allow for choice of any formulation or dosage that is approved by the federal Food and Drug Administration. The department shall cover the cost of any formulation and/or dosage of any federal Food and Drug Administration-approved nasal naloxone product. Any other product where the cost exceeds that of highest-priced nasal naloxone product, that cost overrun shall be borne by the purchaser.

§ 4. This act shall take effect immediately.