STATE OF NEW YORK

9728

IN SENATE

May 23, 2024

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Use Disorders

AN ACT to amend the mental hygiene law, in relation to establishing a wound care kit and xylazine test strip distribution program

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

Section 1. The mental hygiene law is amended by adding a new section 19.47 to read as follows:

§ 19.47 Wound care kit and xylazine test strip distribution program.

1. The commissioner shall establish a program whereby individuals with a substance use disorder or who are otherwise at risk of drug use may receive, free of charge, wound care kits specifically designed for the treatment of injection-related wounds and skin and soft tissue infections, and xylazine test strips to detect the presence of xylazine. The following facilities may apply to distribute such wound care kits and xylazine test strips:

(a) hospital emergency rooms;

(b) addiction treatment facilities;

(c) facilities for substance use disorder programs;

(d) homeless shelters;

(e) urgent care centers;

(f) mobile health units;

(g) public health offices;

(h) safe syringe programs; and

(i) any other setting, as determined by the department, which is routinely accessed by individuals with a substance use disorder or who are otherwise at risk of drug use, and who are in need of treatment for injection-related wounds and skin and soft tissue infections, or who would benefit from the use of xylazine test strips.

2. Facilities distributing wound care kits and xylazine test strips pursuant to subdivision one of this section shall not record any personally identifying information regarding to whom such wound care kits and xylazine test strips are distributed.

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

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3. The commissioner, in cooperation with the commissioner of health, shall develop and conduct a public awareness and educational campaign on the importance of proper wound care and testing for the presence of xylazine for individuals with a substance use disorder or who are otherwise at risk of drug use. Such campaign shall detail how to properly use the items in wound care kits designed for the treatment of injection-related wounds and skin and soft tissue infections, how to properly use xylazine test strips, and the availability of free wound care kits and xylazine test strips made available pursuant to subdivision one of this section.

4. The provisions of this section shall not replace the duty of any facility listed under subdivision one of this section to provide acute wound care that would otherwise be provided by such facility.

5. (a) No police officer as defined by section 1.20 of the criminal procedure law, peace officer as defined by section 2.10 of the criminal procedure law, or police agency as defined by section eight hundred thirty-five of the executive law, shall subject any facility listed under subdivision one of this section, or any individual, to surveillance, investigation, or prosecution for distributing or receiving wound care kits or xylazine test strips pursuant to this section.

(b) Receipt or possession by an individual of a wound care kit or xylazine test strip under the program established pursuant to subdivision one of this section shall not constitute reasonable cause to believe that such individual has committed an offense or crime sufficient to authorize arrest under section 140.10 of the criminal procedure law, and shall not be the basis of any search or seizure of such individual or such individual's property.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.