

STATE OF NEW YORK

7746

2023-2024 Regular Sessions

IN ASSEMBLY

June 6, 2023

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

AN ACT directing the commissioner of health to conduct a study to identify, analyze, report, and medically combat new or previously unseen opiate/opioid compounds found in overdose patients in New York state for the purpose of establishing more efficient overdose medical treatment protocols

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

1 Section 1. This act shall be known and may be cited as the "identify
2 dangerous drugs act (IDDA)".
3 § 2. The opioid settlement fund advisory board, established pursuant
4 to section 25.18 of the mental hygiene law, shall direct the commission-
5 er of health to conduct a study of 250 random urine samples collected
6 anonymously throughout the state of New York. Such samples shall: (i)
7 represent each county in the state; (ii) be provided in accordance with
8 HIPAA laws and regulations; and (iii) be identified by emergency room
9 hospital physicians as having been generated from patients who, at the
10 time of collection, were experiencing moderate to severe medical symp-
11 toms diagnosed as being directly related to an overdose associated from
12 the use of an illicit unidentified opioid/opiate substance and/or combi-
13 nation of substances. Such urine samples shall:
14 (a) only be collected from patients diagnosed by an emergency room
15 physician as experiencing moderate or severe overdose symptoms most
16 likely related to opiate/opioid patient use;
17 (b) be collected by designated trained medical staff, including nurs-
18 es, physicians, and physician assistants;
19 (c) be collected in tandem with the written and verbal consent of the
20 patient and follow all designated HIPAA laws and regulations, including
21 but not limited to identifying samples only by number on a form supplied
22 to the hospital by the department of health. Such written consent shall

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

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1 be knowing and willful. The patient shall be verbally read conditions
2 and forms by medical staff identified above and shall sign a document
3 supplied by the department of health. Patients shall verbalize consent
4 to the medical staff collecting the sample, as identified above, and
5 shall be assessed by such staff as having full mental capacity as to
6 consent to a legal document;

7 (d) be collected from a patient identified by the treating physician
8 as experiencing current moderate to severe opiate/opioid overdose symp-
9 toms which may not have responded to emergency Narcan administration or
10 the patient may be experiencing unusual or severe symptoms that the
11 physician believes is related to opiate/opioid use, possibly in combina-
12 tion with other drugs. The treating physician must, in good faith,
13 believe the patient is experiencing moderate to severe opiate/opioid
14 related symptoms at the time the sample is collected and that such symp-
15 toms are from the use of illicit or non-prescribed medication or unin-
16 tended use of prescribed medication in combination with an illicit drug.

17 § 3. The samples collected pursuant to section two of this act shall
18 be obtained only for the purpose of the study commissioned pursuant to
19 section two of this act and shall not be accessed or reported for any
20 other purpose including, but not limited to: use by law enforcement or
21 the office of children and family services; consideration of probation
22 or parole; or inclusion in the medical history of the patient. The study
23 shall be conducted in good faith by all participating hospital staff and
24 for the sole purpose of obtaining knowledge and information related to
25 illicit opiate/opioid substance use.

26 § 4. All samples collected, obtained, stored, and transported by
27 physicians and emergency room staff should follow protocols established
28 by the department of health. Such samples shall be sent to one desig-
29 nated laboratory with access to advanced chromatographic techniques,
30 specifically liquid chromatography-tandem mass spectrometry (LC-MS-MS)
31 and gas chromatography-mass spectrometry (GC-MS) to identify and measure
32 a broad range of compounds, including new or unusual opiate analogs,
33 xylazine or unidentified opiate/opioid compounds, combinations of illic-
34 it substances, and prescription medications.

35 § 5. The study findings, data, results, treatment recommendations and
36 suggested emergency room protocols shall be compiled into a report
37 published by the commissioner of health which shall include recommended
38 statewide treatment protocols and procedures. Such protocols and proce-
39 dures shall take into consideration that the use of Narcan on patients
40 with opiate/opioid overdose symptoms may not be sufficient for combat-
41 ting a medical overdose emergency in a patient experiencing symptoms
42 from new or unusual opiate analogs, xylazine or unidentified
43 opiate/opioid compounds, commonly used combinations of illicit
44 substances, or the unintended use of prescribed medication as found in
45 the samples.

46 § 6. Within one year from the effective date of this act, the commis-
47 sioner of health shall submit the report required pursuant to section
48 five of this act to the governor, the temporary president of the senate,
49 the minority leader of the senate, the speaker of the assembly, the
50 minority leader of the assembly, and the chairs and ranking members of
51 the senate and assembly committees on health and shall post such report
52 on the department of health's website. All hospitals and addiction
53 treatment facilities shall be granted access to the report in a timely
54 manner.

55 § 7. The commissioner of health shall be authorized to promulgate
56 rules and regulations to implement the provisions of this act.

1 § 8. This act shall take effect immediately and shall expire and shall
2 be deemed repealed thirty days after the delivery of the report to the
3 governor and the legislature as provided for in section six of this act;
4 provided that the commissioner of health shall notify the legislative
5 bill drafting commission upon the occurrence of the delivery of the
6 report provided for in section six of this act in order that the commis-
7 sion may maintain an accurate and timely effective data base of the
8 official text of the laws of the state of New York in furtherance of
9 effectuating the provisions of section 44 of the legislative law and
10 section 70-b of the public officers law.