

STATE OF NEW YORK

8075--C

2023-2024 Regular Sessions

IN ASSEMBLY

September 27, 2023

Introduced by M. of A. STECK, FAHY -- read once and referred to the Committee on Alcoholism and Drug Abuse -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Alcoholism and Drug Abuse in accordance with Assembly Rule 3, sec. 2 -- 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.

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

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

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

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

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

10 (iv) special populations served;

11 (v) insurance providers accepted;

12 (vi) hours of operation of each distributor;

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

14 (viii) any other information the commissioner deems necessary.

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

17 (4) The office shall allow for choice of any formulation and dosage of
18 opioid reversal agents that are approved by the federal food and drug
19 administration in the purchase, distribution or authorization to
20 prescribe or dispense such products.

21 § 2. Subdivision (b) of section 25.18 of the mental hygiene law is
22 amended by adding a new paragraph 4 to read as follows:

23 4. Any expenditure used for the purchase or distribution of an opioid
24 reversal agent, as defined in subparagraph (ii) of paragraph one of
25 subdivision (1) of section 19.09 of this title, shall allow for choice
26 of any formulation or dosage that is approved by the federal food and
27 drug administration.

28 § 3. Subparagraph (i) of paragraph (a) of subdivision 3 of section
29 3309 of the public health law, as amended by chapter 42 of the laws of
30 2014, is amended to read as follows:

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

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

41 9. Any purchase, distribution or authorization to prescribe pursuant
42 to this section by the commissioner shall allow for choice of any formu-
43 lation or dosage that is approved by the federal Food and Drug Adminis-
44 tration.

45 § 5. This act shall take effect immediately.