

# STATE OF NEW YORK

808

2023-2024 Regular Sessions

## IN ASSEMBLY

January 11, 2023

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

AN ACT to amend the public health law, in relation to promulgating regulations for hospital emergency rooms when treating patients suffering from an opioid overdose or addiction

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

1 Section 1. Section 206 of the public health law is amended by adding a  
2 new subdivision 32 to read as follows:

3 32. (a) The commissioner, in consultation with the commissioner of  
4 mental health, shall promulgate regulations for the treatment of opioid  
5 addictions and/or opioid overdoses in hospital emergency rooms. For  
6 purposes of this subdivision:

7 (i) "Peer to peer support services" means participant-centered  
8 services that emphasize knowledge and wisdom through lived experience in  
9 which peers are encouraged to share their own personal experience and  
10 first-hand knowledge of substance abuse, addiction, and recovery to  
11 support the recovery goals of individuals who use drugs and/or alcohol.

12 (ii) "Opioid" means an opiate as defined in section thirty-three  
13 hundred two of this chapter.

14 (iii) "Opioid antagonist" means a federal food and drug administra-  
15 tion-approved drug that, when administered, negates or neutralizes in  
16 whole or in part the pharmacological effects of an opioid in the body.  
17 The opioid antagonist shall be limited to naloxone, buprenorphine or  
18 other medications approved by the department for this purpose.

19 (b) Such regulations shall include, but not be limited to, requiring  
20 emergency rooms to provide patients and those who accompany them with:

21 (i) formal recovery support, including, but not limited to, detox and  
22 medication assisted treatment;

23 (ii) information regarding various modes of recovery;

24 (iii) contact information for peer to peer support services;

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

LBD00687-01-3

1 (iv) information for patients and those who accompany them on how and  
2 when to administer an opioid antagonist, and where to obtain an opioid  
3 antagonist prescription; and

4 (v) a prescribed opioid antagonist.

5 (c) Such regulations may provide that hospital emergency rooms may  
6 refer patients to other facilities offering detox and/or medication  
7 assisted treatment, including but not limited to:

8 (i) free standing substance abuse facilities;

9 (ii) general hospitals;

10 (iii) residential facilities for persons who abuse or are dependent  
11 upon opioids;

12 (iv) methadone maintenance programs; and

13 (v) outpatient facilities for persons who abuse or are dependent on  
14 opioids.

15 § 2. This act shall take effect on the one hundred eightieth day after  
16 it shall have become a law. Effective immediately, the addition, amend-  
17 ment and/or repeal of any rule or regulation necessary for the implemen-  
18 tation of this act on its effective date are authorized to be made and  
19 completed on or before such effective date.