

# STATE OF NEW YORK

9890

## IN SENATE

August 16, 2024

Introduced by Sen. ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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  
23 be knowing and willful. The patient shall be verbally read conditions  
24 and forms by medical staff identified above and shall sign a document  
25 supplied by the department of health. Patients shall verbalize consent

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

LBD11513-01-3

1 to the medical staff collecting the sample, as identified above, and  
2 shall be assessed by such staff as having full mental capacity as to  
3 consent to a legal document;

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

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

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

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

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

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

54 § 8. This act shall take effect immediately and shall expire and shall  
55 be deemed repealed thirty days after the delivery of the report to the  
56 governor and the legislature as provided for in section six of this act;

1 provided that the commissioner of health shall notify the legislative  
2 bill drafting commission upon the occurrence of the delivery of the  
3 report provided for in section six of this act in order that the commis-  
4 sion may maintain an accurate and timely effective data base of the  
5 official text of the laws of the state of New York in furtherance of  
6 effectuating the provisions of section 44 of the legislative law and  
7 section 70-b of the public officers law.