

# STATE OF NEW YORK

2398

2025-2026 Regular Sessions

## IN ASSEMBLY

January 16, 2025

Introduced by M. of A. GALLAGHER, ROSENTHAL, SIMON, STIRPE, K. BROWN --  
read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the judiciary law, the mental hygiene law, the public health law, the county law, and the general city law, in relation to replacing the words addict and addicts with the words person with substance use disorder or variation thereof

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

1 Section 1. Paragraph a of subdivision 1 of section 35 of the judiciary  
2 law, as amended by chapter 479 of the laws of 2022, is amended to read  
3 as follows:  
4 a. When a court orders a hearing in a proceeding upon a writ of habeas  
5 corpus to inquire into the cause of detention of a person in custody in  
6 a state institution, or when it orders a hearing in a civil proceeding  
7 to commit or transfer a person to or retain [~~him~~] a person in a state  
8 institution when such person is alleged to be mentally ill, mentally  
9 defective or a [~~narcotic addict~~] person with substance use disorder, or  
10 when it orders a hearing for the commitment of the guardianship and  
11 custody of a child to an authorized agency by reason of the mental  
12 illness or developmental disability of a parent, or when it orders a  
13 hearing to determine whether consent to the adoption of a child shall be  
14 required of a parent who is alleged to be mentally ill or develop-  
15 mentally disabled, or when it orders a hearing to determine the best  
16 interests of a child when the parent of the child revokes a consent to  
17 the adoption of such child and such revocation is opposed or in any  
18 adoption or custody proceeding if it determines that assignment of coun-  
19 sel in such cases is mandated by the constitution of this state or of  
20 the United States, the court may assign counsel to represent such person  
21 if it is satisfied that [~~he~~] such person is financially unable to obtain  
22 counsel. Upon an appeal taken from an order entered in any such proceed-  
23 ing, the appellate court may assign counsel to represent such person

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

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1 upon the appeal if it is satisfied that [~~he~~] such person is financially  
2 unable to obtain counsel.

3 § 2. Subdivision 4 of section 35 of the judiciary law, as amended by  
4 section 3 of part GG of chapter 56 of the laws of 2023, is amended to  
5 read as follows:

6 4. In any proceeding described in paragraph a of subdivision one of  
7 this section, when a person is alleged to be mentally ill, mentally  
8 defective or a [~~narcotic addict~~] person with substance use disorder, the  
9 court which ordered the hearing may appoint no more than two psychia-  
10 trists, certified psychologists or physicians to examine and testify at  
11 the hearing upon the condition of such person. A psychiatrist, psychol-  
12 ogist or physician so appointed shall, upon completion of their  
13 services, receive reimbursement for expenses reasonably incurred and  
14 reasonable compensation for such services, to be fixed by the court.  
15 Such compensation shall not exceed three thousand dollars, except that  
16 in extraordinary circumstances the court may provide for compensation in  
17 excess of the foregoing limits.

18 § 3. Paragraph (i) of subdivision (b) of section 32.05 of the mental  
19 hygiene law, as amended by section 3 of part Z of chapter 57 of the laws  
20 of 2019, is amended to read as follows:

21 (i) Methadone, or such other controlled substance designated by the  
22 commissioner of health as appropriate for such use, may be administered  
23 to [~~an addict~~] a person with substance use disorder, as defined in  
24 section thirty-three hundred two of the public health law, by individual  
25 physicians, groups of physicians and public or private medical facili-  
26 ties certified pursuant to article twenty-eight or thirty-three of the  
27 public health law as part of a chemical dependence program which has  
28 been issued an operating certificate by the commissioner pursuant to  
29 subdivision (b) of section 32.09 of this article, provided, however,  
30 that such administration must be done in accordance with all applicable  
31 federal and state laws and regulations. Individual physicians or groups  
32 of physicians who have obtained authorization from the federal govern-  
33 ment to administer buprenorphine to [~~addicts~~] people with substance use  
34 disorder may do so without obtaining an operating certificate from the  
35 commissioner.

36 § 4. Paragraph 5 of subdivision (b) of section 32.09 of the mental  
37 hygiene law, as added by chapter 558 of the laws of 1999, is amended to  
38 read as follows:

39 5. the applicant will establish procedures to effectively implement a  
40 detoxification program to further relieve [~~addicts~~] people with  
41 substance use disorder from dependence upon methadone or such other  
42 controlled substances prescribed for treatment in subject maintenance  
43 programs.

44 § 5. Subdivision 1 of section 3302 of the public health law, as  
45 amended by chapter 92 of the laws of 2021, is amended to read as  
46 follows:

47 1. [~~"Addict"~~] "Person with substance use disorder" means a person who  
48 habitually uses a controlled substance for a non-legitimate or unlawful  
49 use, and who by reason of such use is dependent thereon.

50 § 6. Subdivision 1 of section 3331 of the public health law, as added  
51 by chapter 878 of the laws of 1972, is amended to read as follows:

52 1. Except as provided in titles III or V of this article, no substance  
53 in schedules II, III, IV, or V may be prescribed for or dispensed or  
54 administered to [~~an addict~~] a person with substance use disorder or  
55 habitual user.

1 § 7. The title heading of title V of article 33 of the public health  
2 law, as added by chapter 878 of the laws of 1972, is amended to read as  
3 follows:

4 DISPENSING TO [~~ADDICTS~~] PERSONS WITH SUBSTANCE USE  
5 DISORDER AND HABITUAL USERS

6 § 8. Section 3350 of the public health law, as added by chapter 878 of  
7 the laws of 1972, is amended to read as follows:

8 § 3350. Dispensing prohibition. Controlled substances may not be  
9 prescribed for, or administered or dispensed to [~~addicts~~] persons with  
10 substance use disorder or habitual users of controlled substances,  
11 except as provided by this title or title III.

12 § 9. Section 3351 of the public health law, as added by chapter 878 of  
13 the laws of 1972, subdivision 5 as amended by chapter 558 of the laws of  
14 1999, is amended to read as follows:

15 § 3351. Dispensing for medical use. 1. Controlled substances may be  
16 prescribed for, or administered or dispensed to [~~an addict~~] a person  
17 with substance use disorder or habitual user:

18 (a) during emergency medical treatment unrelated to abuse of  
19 controlled substances;

20 (b) who is a bona fide patient suffering from an incurable and fatal  
21 disease such as cancer or advanced tuberculosis;

22 (c) who is aged, infirm, or suffering from serious injury or illness  
23 and the withdrawal from controlled substances would endanger the life or  
24 impede or inhibit the recovery of such person.

25 2. Controlled substances may be ordered for use by [~~an addict~~] a  
26 person with substance use disorder or habitual user by a practitioner  
27 and administered by a practitioner or registered nurse to relieve acute  
28 withdrawal symptoms.

29 3. Methadone, or such other controlled substance designated by the  
30 commissioner as appropriate for such use, may be ordered for use of [~~an~~  
31 ~~addict~~] a person with substance use disorder by a practitioner and  
32 dispensed or administered by a practitioner or [~~his~~] a practitioner's  
33 designated agent as interim treatment for [~~an addict~~] a person with  
34 substance use disorder on a waiting list for admission to an authorized  
35 maintenance program.

36 4. Methadone, or such other controlled substance designated by the  
37 commissioner as appropriate for such use, may be administered to [~~an~~  
38 ~~addict~~] a person with substance use disorder by a practitioner or by  
39 [~~his~~] a practitioner's designated agent acting under the direction and  
40 supervision of a practitioner, as part of a regime designed and intended  
41 to withdraw a patient from addiction to controlled substances.

42 5. Methadone, or such other controlled substance designated by the  
43 commissioner as appropriate for such use, may be administered to [~~an~~  
44 ~~addict~~] a person with substance use disorder by a practitioner or by  
45 [~~his~~] a practitioner's designated agent acting under the direction and  
46 supervision of a practitioner, as part of a substance [~~abuse~~] use or  
47 chemical dependence program approved pursuant to article [~~twenty-three~~  
48 ~~or~~] thirty-two of the mental hygiene law.

49 § 10. Section 3372 of the public health law, as amended by chapter 195  
50 of the laws of 1973, is amended to read as follows:

51 § 3372. Practitioner patient reporting. It shall be the duty of every  
52 attending practitioner and every consulting practitioner to report  
53 promptly to the commissioner, or [~~his~~] the commissioner's duly desig-  
54 nated agent, the name and, if possible, the address of, and such other

1 data as may be required by the commissioner with respect to, any person  
2 under treatment if [~~he~~] the practitioner finds that such person is [~~an~~  
3 ~~addict~~] a person with substance use disorder or a habitual user of any  
4 narcotic drug. Such report shall be kept confidential and may be  
5 utilized only for statistical, epidemiological or research purposes,  
6 except that those reports which originate in the course of a criminal  
7 proceeding other than under section 81.25 of the mental hygiene law  
8 shall be subject only to the confidentiality requirements of section  
9 thirty-three hundred seventy-one of this article.

10 § 11. Subdivisions 2 and 3 of section 396-h of the county law, as  
11 added by chapter 818 of the laws of 1971, are amended to read as  
12 follows:

13 2. To establish in-patient and out-patient treatment facilities for  
14 persons [~~addicted to the use of drugs and drug abusers~~] with substance  
15 use disorders. Such facilities shall include, but shall not be limited  
16 to:

17 a. detoxification centers and clinics for the out-patient treatment of  
18 [~~drug abusers and addicts~~] persons with substance use disorders;

19 b. a treatment center where [~~drug abusers and addicts~~] persons with  
20 substance use disorders may obtain professional counseling from physi-  
21 cians, psychologists, psychiatrists and where possible, [~~former drug~~  
22 ~~abusers and addicts~~] other persons with substance use disorders;

23 c. half-way houses to provide continuing treatment for [~~drug abusers~~  
24 ~~and addicts~~] persons with substance use disorders.

25 3. To create a referral program whereby [~~drug abusers, addicts~~]  
26 persons with substance use disorders and persons and agencies concerned  
27 with their treatment will make use of the aforementioned treatment  
28 facilities;

29 § 12. Subdivisions 2 and 3 of section 121 of the general city law, as  
30 added by chapter 820 of the laws of 1971, are amended to read as  
31 follows:

32 2. To establish in-patient and out-patient treatment facilities for  
33 persons [~~addicted to the use of drugs and drug abusers~~] with substance  
34 use disorders. Such facilities shall include, but shall not be limited  
35 to:

36 a. detoxification centers and clinics for the out-patient treatment of  
37 [~~drug abusers and addicts~~] persons with substance use disorders;

38 b. a treatment center where [~~addicts~~] persons with substance use  
39 disorders may obtain professional counseling from physicians, psychol-  
40 ogists, psychiatrists and where possible, [~~former drug abusers and~~  
41 ~~addicts~~] other persons with substance use disorders;

42 c. half-way houses to provide continuing treatment for [~~drug abusers~~  
43 ~~and addicts~~] persons with substance use disorders.

44 3. To create a referral program whereby [~~drug abusers, addicts~~]  
45 persons with substance use disorders and persons and agencies concerned  
46 with their treatment will make use of the aforementioned treatment  
47 facilities;

48 § 13. This act shall take effect immediately.