

STATE OF NEW YORK

3416

2025-2026 Regular Sessions

IN SENATE

January 27, 2025

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

AN ACT to amend the public health law, in relation to authorizing institutional dispensers to dispense controlled substances for use off premises in an emergency situation for at least three days

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

1 Section 1. Subdivision 2 of section 3342 of the public health law, as
2 amended by chapter 466 of the laws of 2024, is amended and a new subdi-
3 vision 4 is added to read as follows:

4 2. An institutional dispenser may dispense controlled substances for
5 use off its premises only pursuant to a prescription, prepared and filed
6 in conformity with this title, provided, however, that, in an emergency
7 situation as defined by rule or regulation of the department, a practi-
8 tioner in a hospital [~~without a full-time pharmacy~~] may dispense
9 controlled substances to a patient in a hospital [~~emergency room~~] for
10 use off the premises of the institutional dispenser for a period not to
11 exceed [~~twenty-four hours~~] three days, unless the federal drug enforce-
12 ment administration has authorized a longer time period for the purpose
13 of initiating maintenance treatment, [~~detoxification treatment~~] with-
14 drawal management, or both.

15 4. For the purpose of initiating maintenance treatment, withdrawal
16 management, or both, an institutional dispenser may dispense controlled
17 substances for use off its premises in an emergency situation for a
18 period not to exceed three days for one person's use in accordance with
19 federal laws and regulations, unless the federal drug enforcement admin-
20 istration has authorized a longer time period.

21 § 2. Section 3350 of the public health law, as added by chapter 878 of
22 the laws of 1972, is amended to read as follows:

23 § 3350. Dispensing prohibition. Controlled substances may not be
24 prescribed for, or administered or dispensed to [~~addicts or habitual~~

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

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1 ~~users of controlled substances~~ individuals who suffer or are suspected
2 of suffering from substance use disorder, except as provided by this
3 title or title ~~[III]~~ three of this article.

4 § 3. Subdivisions 2 and 3 of section 3351 of the public health law, as
5 added by chapter 878 of the laws of 1972, are amended and a new subdivi-
6 sion 6 is added to read as follows:

7 2. Controlled substances may be ordered for use by an ~~[addict or~~
8 ~~habitual user]~~ individual by a practitioner and administered by a prac-
9 titioner or registered nurse to relieve acute withdrawal symptoms.

10 3. Methadone, or such other controlled substance designated by the
11 commissioner as appropriate for such use, may be ordered for use of an
12 ~~[addict]~~ individual by a practitioner and dispensed or administered by a
13 practitioner or ~~[his]~~ such practitioner's designated agent as interim
14 treatment ~~[for an addict on a waiting list for admission to an author-~~
15 ~~ized maintenance program]~~.

16 6. For the purpose of initiating maintenance treatment, withdrawal
17 management, or both, a practitioner may order and dispense but not
18 prescribe methadone or such other controlled substance designated by the
19 commissioner as appropriate for such use for use off premises in an
20 emergency situation for a period not to exceed three days for one
21 person's use in accordance with federal laws and regulations, unless the
22 federal drug enforcement administration has authorized a longer time
23 period.

24 § 4. The title heading of title 5 of article 33 of the public health
25 law, as added by chapter 878 of the laws of 1972, is amended to read as
26 follows:

27 DISPENSING TO ~~[ADDICTS AND HABITUAL USERS]~~
28 INDIVIDUALS WITH SUBSTANCE USE DISORDER

29 § 5. This act shall take effect on the ninetieth day after it shall
30 have become a law; provided, however, that if chapter 466 of the laws of
31 2024 shall not have taken effect on or before such date then section one
32 of this act shall take effect on the same date and in the same manner as
33 such chapter of the laws of 2024 takes effect.