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:

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

2. An institutional dispenser may dispense controlled substances for use off its premises only pursuant to a prescription, prepared and filed in conformity with this title, provided, however, that, in an emergency situation as defined by rule or regulation of the department, a practitioner in a hospital [~~without a full-time pharmacy~~] may dispense controlled substances to a patient in a hospital [~~emergency room~~] for use off the premises of the institutional dispenser for a period not to exceed [~~twenty-four hours~~] **three days**, unless the federal drug enforcement administration has authorized a longer time period for the purpose of initiating maintenance treatment, [~~detoxification treatment~~] **withdrawal management**, or both.

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

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

§ 3350. Dispensing prohibition. Controlled substances may not be 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.

LBD07703-02-5

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

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

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

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

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

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

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

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