

# STATE OF NEW YORK

5892--B

2025-2026 Regular Sessions

## IN ASSEMBLY

February 24, 2025

Introduced by M. of A. McDONALD, BUTTENSCHON, LEVENBERG, SHIMSKY, MANK-TELOW, K. BROWN -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 and authorizing practitioners to dispense controlled substances for use in maintenance or detoxification treatment to an addict or habitual user

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 2-a 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 use  
10 off the premises of the institutional dispenser for a period not to  
11 exceed twenty-four hours [~~, unless the federal drug enforcement adminis-~~  
12 ~~tration has authorized a longer time period for the purpose of initiat-~~  
13 ~~ing maintenance treatment, detoxification treatment, or both~~].

14 2-a. A practitioner in any institutional dispenser may dispense  
15 controlled substances as emergency treatment to a patient for use off  
16 the premises of the institutional dispenser as authorized by the federal  
17 drug enforcement administration for the purpose of initiating mainte-  
18 nance treatment, detoxification treatment, or both.

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

LBD07703-10-5

1 § 2. Section 3351 of the public health law, as added by chapter 878 of  
2 the laws of 1972, subdivision 5 as amended by chapter 558 of the laws of  
3 1999, is amended to read as follows:

4 § 3351. Dispensing for medical use. 1. Controlled substances may be  
5 prescribed for, or administered or dispensed to an addict or habitual  
6 user:

7 (a) during emergency medical treatment unrelated to abuse of  
8 controlled substances;

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

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

14 2. Controlled substances may be ordered for use by an addict or habit-  
15 ual user by a practitioner and administered by a practitioner or regis-  
16 tered nurse to relieve acute withdrawal symptoms.

17 3. A practitioner may prescribe, administer, and dispense any schedule  
18 III, IV, or V narcotic drug approved by the federal food and drug admin-  
19 istration specifically for use in maintenance or detoxification treat-  
20 ment to an addict or habitual user.

21 4. Methadone, or such other controlled substance designated by the  
22 commissioner as appropriate for such use, may be ordered for use of an  
23 addict by a practitioner and dispensed or administered by a practitioner  
24 or [~~his~~] such practitioner's designated agent as interim treatment for  
25 an addict [~~on a waiting list for admission to an authorized maintenance~~  
26 ~~program~~] while arrangements are being made for referral to treatment for  
27 such addiction to controlled substances.

28 [~~4.~~] 5. Methadone, or such other controlled substance designated by  
29 the commissioner as appropriate for such use, may be administered to an  
30 addict by a practitioner or by [~~his~~] such practitioner's designated  
31 agent acting under the direction and supervision of a practitioner, as  
32 part of a [~~regime~~] regimen designed and intended to withdraw a patient  
33 from addiction to controlled substances.

34 [~~5.—Methadone~~] 6. Notwithstanding any other law and consistent with  
35 federal requirements, methadone, or such other controlled substance  
36 designated by the commissioner as appropriate for such use, may be  
37 administered or dispensed directly to an addict by a practitioner or by  
38 [~~his~~] such practitioner's designated agent acting under the direction  
39 and supervision of a practitioner, as part of a substance abuse or chem-  
40 ical dependence program approved pursuant to article [~~twenty-three or~~]  
41 thirty-two of the mental hygiene law.

42 § 3. This act shall take effect on the ninetieth day after it shall  
43 have become a law.