STATE OF NEW YORK

5892--B

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. McDONALD, BUTTENSCHON, LEVENBERG, SHIMSKY, MANKTELOW, 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:

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 2-a 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[~~, unless the federal drug enforcement administration has authorized a longer time period for the purpose of initiating maintenance treatment, detoxification treatment, or both~~].

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

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

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

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

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

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

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

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

3. **A practitioner may prescribe, administer, and dispense any schedule III, IV, or V narcotic drug approved by the federal food and drug administration specifically for use in maintenance or detoxification treatment to an addict or habitual user.**

4. Methadone, or such other controlled substance designated by the commissioner as appropriate for such use, may be ordered for use of an addict 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~~] **while arrangements are being made for referral to treatment for such addiction to controlled substances**.

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

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

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