

STATE OF NEW YORK

3416--D

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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

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

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1 drug enforcement administration for the purpose of initiating mainte-
2 nance treatment, detoxification treatment, or both.

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

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

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

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

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

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

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

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

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

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

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