STATE OF NEW YORK

8033

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

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

AN ACT to amend the correction law, in relation to prohibiting incarcerated individuals suffering from a substance use disorder from being prescribed medications for a different disorder

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

Section 1. Paragraph (a) of subdivision 2 of section 626 of the correction law, as separately amended by chapters 147 and 486 of the laws of 2022, is amended to read as follows:

(a) The commissioner, in conjunction with the office of addiction services and supports, shall establish a program to be administered at correctional facilities within the department in the state, for the purpose of employing medication assisted treatment for incarcerated individuals in such facilities who are undergoing treatment for a substance use disorder. Such program shall include all forms of medication assisted treatments approved for the treatment of a substance use disorder by the Federal Food and Drug Administration for the duration of an incarcerated individual's incarceration and shall provide an individualized treatment plan for each participant. After a medical screening, incarcerated individuals who are determined to suffer from a substance use disorder, for which FDA approved addiction medications exist shall be offered placement in the medication assisted treatment program. Placement in such program shall not be mandatory. Each participating incarcerated individual shall work with an authorized specialist to determine an individualized treatment plan, including an appropriate level of counseling. Decisions regarding type, dosage, or duration of any medication regimen shall be made by a qualified health care professional licensed or certified under title eight of the education law who is authorized to administer such medication in conjunction with the

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

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incarcerated individual. **Incarcerated individuals who are determined to suffer from a substance use disorder for which there is no FDA approved addiction medications shall be offered placement in the medication assisted treatment program but shall not be administered medication approved for a different disorder.**

§ 2. This act shall take effect immediately.