§ 19.09 Powers of the office and commissioner; how exercised.

(a) The commissioner shall exercise all powers vested in the office. He or she may delegate any function, power, or duty assigned to him or her or to the office of alcoholism and substance abuse services to a director of a facility operated by such office or to any other officer or employee of such office, unless otherwise provided by law.

(1) The commissioner may enter into agreements with the other commissioners of the department in order to ensure that programs and services are provided for all of the mentally disabled.

(2) Upon the request of a state agency, including but not limited to the department of corrections and community supervision, the office of probation and correctional alternatives, and the office of children and family services, the commissioner shall have the power to provide alcoholism, substance abuse, and chemical dependence services either directly or through agreements with local certified or approved providers to persons in the custody or under the jurisdiction of the requesting agency within amounts available and within priorities established through the planning process.

(3) The commissioner may coordinate alcoholism, alcohol abuse, substance abuse, substance dependence and chemical dependence related activities in all departments of the state by convening at regular intervals a coordinating committee of representatives of the departments of health, corrections and community supervision, labor, economic development, education, and motor vehicles, and the office of temporary and disability assistance and any other department or agency having an interest therein.

(4) The commissioner shall meet on an ongoing basis with the representatives of the New York state conference of local mental hygiene directors to promote coordination and consistency of plans, rules, and regulations governing the planning and financing of the care, treatment, and rehabilitation of alcohol and substance abusers, to promote coordination with the other offices of the department, and to assist local governmental units in fulfilling their responsibilities pursuant to this chapter.

(b) The commissioner may adopt regulations necessary and proper to implement any matter under his or her jurisdiction. Proposed rules and regulations regarding chemical dependence services shall be submitted to

the advisory council on alcoholism and substance abuse services for its advice, in accordance with this article, unless the commissioner finds that the public health, safety, or general welfare requires that such regulation be promulgated as an emergency rulemaking.

(c) In conducting any investigation, audit, financial review, inspection, or hearing, the commissioner may subpoena witnesses, compel their attendance, administer oaths to witnesses, examine witnesses under oath, and require the production of any books or papers deemed relevant to the investigation, inspection, or hearing. Subpoenas issued shall be regulated by the civil practice law and rules. The confidentiality of information obtained by the commissioner from patients' records shall be maintained in accordance with state and federal law.

(d) The commissioner shall survey and analyze the state's needs, and with the advice of the advisory council on alcoholism and substance abuse services, shall, in accordance with the requirements of section 5.07 and article twenty-five of this chapter, as it pertains to substance abuse services, and article forty-one of this chapter, as it pertains to alcoholism services, formulate a comprehensive plan for long range development, through utilization of a network of federal, state, local and private resources, of adequate services and facilities for the prevention and control of chemical abuse or dependence and from time to time revise such plan, ensuring that such plans have as part of their goal the delivery of services to the elderly and women and children, including pregnant women unless such programs have provided for the treatment of pregnant women through a transfer agreement with another provider.

(e) The commissioner shall execute the policies of the state concerning alcoholism and substance abuse services.

(1) In furtherance thereof, within the amounts made available by appropriation and with the approval of the division of the budget, the commissioner shall have the authority to make grants or enter into agreements with alcoholism or substance abuse programs, or other appropriate entities. Special emphasis shall be placed on those geographic areas with a high prevalence of alcoholism, alcohol abuse, substance abuse, substance dependence, or chemical dependence.

(2) The office shall be the authority, when designated by the governor, to supervise and administer financial or technical assistance

as the designee under a state plan or as may be required by federal legislation making such assistance available for programs or activities in alcoholism, alcohol abuse, substance abuse, substance dependence, and chemical dependence, and other areas under its jurisdiction and control.

(f) The commissioner shall administer all state, local, private, and federal funds, excluding those provided under title XIX or XX of the federal social security act, made available to the state for the provision of alcoholism, substance abuse, or chemical dependence services subject to the approval of the director of the budget.

(g) The commissioner shall establish and operate chemical dependence programs, facilities, and services for the prevention, treatment, and rehabilitation, including relapse prevention and recovery maintenance, of persons who abuse or are dependent on alcohol and/or substances, and significant others not limited to the psychiatric model but embodying all recognized or promising approaches.

(h) The commissioner shall promulgate rules and regulations requiring the division of horse racing and pari-mutuel wagering and the division of gaming to provide for the posting of signs in facilities regulated by the division of horse racing and pari-mutuel wagering and facilities regulated by the division of gaming advising patrons where to get help in dealing with a compulsion to gamble. In addition, the information contained on such signs shall be posted on the internet at appropriate internet sites. Such signs and information posted on the internet shall include, but not be limited to, notice of the availability of one or more organizations, approved by the commissioner, that offer assistance in the prevention and treatment of compulsive gambling. Such signs, not less than eight and one-half inches by eleven inches, shall be posted in a prominent manner and within reasonable distance of each entrance and exit by the facility that conducts the gambling. Such signs shall be available at the division of gaming and the office of alcoholism and substance abuse services and shall be distributed by the division of gaming.

(i) (1) The office, in cooperation with the department of environmental conservation, shall post on the office website information which includes but is not limited to the required steps and guidelines for any municipality, pharmacy, local law enforcement agency, or community group to conduct a household pharmaceutical collection event.

(2) Pursuant to section 27-2703 of the environmental conversation law, as added by chapter six hundred twenty-five of the laws of two thousand eight, the commissioner, in consultation with the department may assist in the development of a public information program on the proper disposal of drugs and drug disposal sites. The office shall disseminate such information by any means deemed appropriate by the commissioner.

(j) (1) The commissioner, in consultation with the commissioner of health, shall create or utilize existing educational materials regarding the dangers of misuse and the potential for addiction to prescription controlled substances, treatment resources available, and the proper way to dispose of unused prescription controlled substances in accordance with paragraph two of this subdivision.

(i) Such materials shall be made available to pharmacies registered in the state, and shall be distributed at the time of dispensing with any prescribed drug that is a controlled substance. Information disseminated pursuant to this paragraph may, at the option of the consumer, be distributed through electronic means.

(ii) Such materials shall also be posted on the website of the office of alcoholism and substance abuse services and of the department of health, and shall be provided in languages other than English as deemed appropriate by the commissioners, but shall include the ten most commonly spoken languages, aside from English, in the state.

(2) The educational materials required in paragraph one of this subdivision shall include the following:

(a) the risks of using or consuming such controlled substances;

(b) the physical, behavioral and advanced warning signs of addiction to such controlled substances;

(c) the HOPELINE telephone contract number (1-877-8-HOPE-NY) and text (HOPENY) for the HOPELINE operated by the office, or any number that succeeds the HOPELINE;

(d) the procedures for the safe disposal of unused controlled substances established pursuant to section thirty-three hundred forty-three-b of the public health law; and

(e) such other information as the commissioner shall determine to be necessary or informative relating to the use, consumption or abuse of, or addiction to controlled substances.

(3) A pharmacy may also provide additional information regarding the

safe disposal of controlled substances, including but not limited to any disposal program that such pharmacy is operating or participating in outside of the programs under section thirty-three hundred forty-three-b of the public health law.

(k) The commissioner, in consultation with the New York state gaming commission, is authorized and directed to commission a statewide evaluation regarding the extent of gambling by New York state residents, including, but not limited to the lottery, horse racing, Native American casinos, internet gambling, sports betting, and poker. Such evaluation shall be delivered to the governor and legislature no later than December first, two thousand twenty-three. The evaluation shall be prepared by an independent entity and selected through a request for proposal process. Such evaluation shall include:

(1) the percentage of New York residents participating in each gambling activity by:

(a) age;

(b) race;

(c) income;

(d) education;

(e) sex; and

(f) any other demographic that would be relevant to the evaluation; and

(2) an estimate of the amount of money being wagered and lost by New York residents in each gambling activity.

* (l)(1) The office, in consultation with the department of health, shall maintain on its website a publicly available directory of all distributors of opioid antagonists to the public, including but not limited to, pharmacies, prevention programs and not-for-profits. As used in this subdivision, the following terms shall have the following meanings:

(i) "Opioid" means an opiate as defined in section thirty-three hundred two of the public health law.

(ii) "Opioid antagonist" means a federal food and drug administration-approved drug that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body. The opioid antagonist shall be limited to naloxone or other medications approved by the department of health for this purpose.

(2) The directory required by this subdivision shall include and be searchable by the following information:

(i) addresses of each distributor of opioid antagonists;

(ii) contact information, such as phone numbers or email addresses, for each distributor;

(iii) services offered by each distributor at each location if more than one, as well as information providing which opioid antagonists are currently available at each distributor;

(iv) special populations served;

(v) insurance providers accepted;

(vi) hours of operation of each distributor;

(vii) contact information of opioid addiction prevention programs; and

(viii) any other information the commissioner deems necessary.

(3) The office may utilize an existing directory to satisfy the requirements of this subdivision.

* NB There are 2 sb (l)'s

* (l) The commissioner shall identify or develop educational materials regarding compulsive gambling for the purpose of informing individuals about the dangers of problem gambling as well as treatment opportunities that may be available to them. Such educational materials shall be provided to individuals when they voluntarily place themselves on a self-exclusion list of an association or corporation licensed or enfranchised by the New York state gaming commission pursuant to section one hundred eleven of the racing, pari-mutuel wagering and breeding law. Such materials shall also be made available on the website of the office. To the extent that a gaming facility licensed pursuant to article thirteen of the racing, pari-mutuel wagering and breeding law has already created materials pursuant to section thirteen hundred sixty-two of the racing, pari-mutuel wagering and breeding law that effectuate the intent of this subdivision, such educational materials may be utilized by the gaming facility instead of ones identified or developed by the commissioner.

* NB There are 2 sb (l)'s