

# PROGRAM BILL # 32

Legislative Bill Drafting Commission  
12079-01-6

## IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal

S. -----  
Senate  
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s15 Addabbo	s31 Espallat	s27 Hoylman	s25 Montgomery	s56 Robach
s52 Akshar	s49 Farley	s09 Kaminsky	s40 Murphy	s10 Sanders
s46 Amedore	s17 Felder	s63 Kennedy	s54 Nozzolio	s23 Savino
s11 Avella	s02 Flanagan	s34 Klein	s58 O'Mara	s41 Serino
s42 Bonacic	s55 Funke	s28 Krueger	s62 Ortt	s29 Serrano
s04 Boyle	s59 Gallivan	s24 Lanza	s60 Panepinto	s51 Seward
s44 Breslin	s12 Gianaris	s39 Larkin	s21 Parker	s26 Squadron
s38 Carlucci	s22 Golden	s37 Latimer	s13 Peralta	s16 Stavisky
s14 Comrie	s47 Griffo	s01 LaValle	s30 Perkins	s35 Stewart-
s03 Croci	s20 Hamilton	s45 Little	s19 Persaud	Cousins
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s61 Ranzzenhofer	s53 Valesky
s32 Diaz	s36 Hassell-	s43 Marchione	s48 Ritchie	s08 Venditto
s18 Dilan	Thompson	s07 Martins	s33 Rivera	s57 Young

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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## IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

IN ASSEMBLY--Introduced by M. of A.

a049 Abbate	a034 DenDekker	a011 Jean-Pierre	a003 Murray	a076 Seawright
a092 Abinanti	a054 Dilan	a135 Johns	a133 Nojay	a087 Sepulveda
a084 Arroyo	a081 Dinowitz	a077 Joyner	a037 Nolan	a027 Simanowitz
a035 Aubry	a147 DiPietro	a094 Katz	a130 Oaks	a052 Simon
a120 Barclay	a115 Duprey	a074 Kavanagh	a069 O'Donnell	a036 Simotas
a106 Barrett	a004 Englebright	a142 Kearns	a051 Ortiz	a104 Skartados
a060 Barron	a109 Fahy	a040 Kim	a091 Otis	a099 Skoufis
a082 Benedetto	a071 Farrell	a131 Kolb	a132 Palmesano	a022 Solages
a042 Bichotte	a126 Finch	a105 Lalor	a002 Palumbo	a114 Stec
a079 Blake	a008 Fitzpatrick	a013 Lavine	a088 Paulin	a110 Steck
a117 Blankenbush	a124 Friend	a134 Lawrance	a141 Peoples-	a127 Stirpe
a098 Brabenec	a095 Galef	a050 Lentol	Stokes	a112 Tedisco
a026 Braunstein	a137 Gantt	a125 Lifton	a058 Perry	a101 Tenney
a044 Brennan	a007 Garbarino	a072 Linares	a086 Pichardo	a001 Thiele
a119 Brindisi	a148 Giglio	a102 Lopez	a089 Pretlow	a061 Titone
a138 Bronson	a080 Gjonaj	a123 Lupardo	a073 Quart	a031 Titus
a093 Buchwald	a066 Glick	a010 Lupinacci	a019 Ra	a055 Walker
a118 Butler	a023 Goldfeder	a121 Magee	a012 Raia	a146 Walter
a103 Cahill	a150 Goodell	a129 Magnarelli	a006 Ramos	a141 Weinstein
a065 Cancel	a075 Gottfried	a064 Malliotakis	a043 Richardson	a024 Weprin
a062 Castorina	a005 Graf	a030 Markey	a078 Rivera	a059 Williams
a145 Ceretto	a100 Gunther	a090 Mayer	a056 Robinson	a113 Woerner
a047 Colton	a046 Harris	a108 McDonald	a068 Rodriguez	a143 Wozniak
a032 Cook	a139 Hawley	a014 McDonough	a067 Rosenthal	a070 Wright
a144 Corwin	a083 Heastie	a017 McKeivitt	a025 Rozic	a096 Zebrowski
a085 Crespo	a028 Hevesi	a107 McLaughlin	a116 Russell	a020
a122 Crouch	a048 Hikind	a038 Miller	a149 Ryan	a033
a021 Curran	a018 Hooper	a015 Montesano	a009 Saladino	
a063 Cusick	a128 Hunter	a136 Morelle	a111 Santabarbara	
a045 Cymbrowitz	a029 Hyndman	a057 Mosley	a016 Schimel	
a053 Davila	a097 Jaffee	a039 Moya	a140 Schimminger	

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

### \*EDUCLA\*

(Relates to providing limited  
exemptions from professional miscon-  
duct, reporting opioid overdose data  
to the counties, and hospital  
substance use disorder policies and  
procedures)

Ed L. opioid addiction services

### AN ACT

to amend the education law, in  
relation to providing limited  
exemptions from professional miscon-  
duct (Part A); to amend the public  
health law, in relation to reporting  
opioid overdose data to the counties  
(Part B); and to amend the public  
health law, in relation to hospital  
substance use disorder policies and  
procedures (Part C)

1) Single House Bill (introduced and printed separately in either or both  
houses). Uni-Bill (introduced simultaneously in both houses and printed as one  
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed  
copies of bill and 4 copies of memorandum in support (single house); or 4 signed  
copies of bill and 8 copies of memorandum in support (uni-bill).

06/13/16

2

58 \* LISNARDON  
12079-01-6

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

1 Section 1. This act enacts into law major components of legislation  
2 related to addressing the issue of heroin and opioid addictions. Each  
3 component is wholly contained within a Part identified as Parts A  
4 through C. The effective date for each particular provision contained  
5 within such Part is set forth in the last section of such Part. Any  
6 provision in any section contained within a Part, including the effec-  
7 tive date of the Part, which makes a reference to a section "of this  
8 act", when used in connection with that particular component, shall be  
9 deemed to mean and refer to the corresponding section of the Part in  
10 which it is found. Section three of this act sets forth the general  
11 effective date of this act.

12

## PART A

13 Section 1. The education law is amended by adding a new section 6509-d  
14 to read as follows:

15 § 6509-d. Limited exemption from professional misconduct. Notwith-  
16 standing any other provision of law to the contrary, it shall not be  
17 considered professional misconduct pursuant to this sub-article for any  
18 person who is licensed under title eight of this chapter and who would  
19 otherwise be prohibited from prescribing or administering drugs pursuant  
20 to the article that licenses such individual, to administer an opioid  
21 antagonist in the event of an emergency.

22 § 2. This act shall take effect immediately.

23

## PART B

1 Section 1. Subdivision 6 of section 3309 of the public health law, as  
2 added by a chapter of the laws of 2016 amending the public health law  
3 relating to reporting of opioid overdose data, as proposed in legisla-  
4 tive bills numbers S.6516-A and A.9251-A, is amended to read as follows:

5 6. The commissioner shall provide the current information and data  
6 specified in subdivision five of this section to each county [on a  
7 monthly basis] every three months. Such information and data may be  
8 utilized by a county or any combination thereof as it works to address  
9 the opioid epidemic.

10 § 2. This act shall take effect on the same date and in the same  
11 manner as a chapter of the laws of 2016 amending the public health law  
12 relating to reporting of opioid overdose data, as proposed in legisla-  
13 tive bills numbers S.6516-A and A.9251-A, takes effect; provided that  
14 the amendments to subdivision 6 of section 3309 of the public health  
15 law, made by section one of this act, shall not affect the expiration of  
16 such subdivision, and shall be deemed repealed therewith.

17

## PART C

18 Section 1. The public health law is amended by adding a new section  
19 2803-u to read as follows:

20 § 2803-u. Hospital substance use disorder policies and procedures. 1.  
21 The office of alcoholism and substance abuse services, in consultation  
22 with the department, shall develop or utilize existing educational mate-  
23 rials to be provided to general hospitals to disseminate to individuals  
24 with a documented substance use disorder or who appear to have or be at  
25 risk for a substance use disorder during discharge planning pursuant to  
26 section twenty-eight hundred three-i of this chapter. Such materials

1 shall include information regarding the various types of treatment and  
2 recovery services, including but not limited to: inpatient, outpatient,  
3 and medication-assisted treatment; how to recognize the need for treat-  
4 ment services; information for individuals to determine what type and  
5 level of treatment is most appropriate and what resources are available  
6 to them; and any other information the commissioner deems appropriate.

7 2. Every general hospital shall: (a) within existing or in addition to  
8 current policies and procedures, develop, maintain and disseminate,  
9 written policies and procedures, for the identification, assessment and  
10 referral of individuals with a documented substance use disorder or who  
11 appear to have or be at risk for a substance use disorder as defined in  
12 section 1.03 of the mental hygiene law;

13 (b) establish and implement training, within existing or in addition  
14 to current training programs, for all individuals licensed or certified  
15 pursuant to title eight of the education law who provide direct patient  
16 care regarding the policies and procedures established pursuant to this  
17 section; and

18 (c) except where an individual has come into the hospital under  
19 section 22.09 of the mental hygiene law, if the hospital does not  
20 directly provide substance use disorder services, then it shall refer  
21 individuals in need of substance use disorder services to and coordinate  
22 with substance use disorder services programs that provide behavioral  
23 health services, as defined in section 1.03 of the mental hygiene law.

24 3. Upon commencement of treatment, admission, or discharge of an indi-  
25 vidual with a documented substance use disorder or who appears to have  
26 or be at risk for a substance use disorder, including discharge from the  
27 emergency department, such hospital shall inform the individual of the

1 availability of the substance use disorder treatment services that may  
2 be available to them through a substance use disorder services program.

3 4. The commissioner, in consultation with the commissioner of the  
4 office of alcoholism and substance abuse services, shall make regu-  
5 lations as may be necessary and proper to carry out the provisions of  
6 this section.

7 § 2. This act shall take effect on the one hundred eightieth day after  
8 it shall have become a law; provided, however, that the commissioner of  
9 health and the commissioner of alcoholism and substance abuse services  
10 shall make regulations and take other actions reasonably necessary to  
11 implement this act on such date.

12 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
13 sion, section or part of this act shall be adjudged by any court of  
14 competent jurisdiction to be invalid, such judgment shall not affect,  
15 impair, or invalidate the remainder thereof, but shall be confined in  
16 its operation to the clause, sentence, paragraph, subdivision, section  
17 or part thereof directly involved in the controversy in which such judg-  
18 ment shall have been rendered. It is hereby declared to be the intent of  
19 the legislature that this act would have been enacted even if such  
20 invalid provisions had not been included herein.

21 § 3. This act shall take effect immediately provided, however, that  
22 the applicable effective date of Parts A through C of this act shall be  
23 as specifically set forth in the last section of such Parts.