MEMORANDUM IN SUPPORT
SS457 (Harkham)
Passed Senate

AN ACT to amend the public law, in relation to authorizing the use of opioid antagonists by public accommodations for opioid overdose prevention

The New York American College of Emergency Physicians (New York ACEP) supports SS457 (Harkham). This legislation would expand the list of entities authorized to possess, distribute, and administer an opioid antagonist to reverse an opioid-related overdose to persons employed by restaurants, bars, and retail establishments and protects them from legal liability.

According to the Centers for Disease Control (CDC) and Prevention Injury Center, from 1999 to 2017 more than 702,000 people died from drug overdoses in the U.S. In 2017, more than 70,000 people died from drug overdoses, making it a leading cause of injury-related death in the U.S. Of those deaths, almost 68% involved a prescription or an illicit opioid.

The expansion of access to opioid antagonists is a low risk intervention that has been shown to decrease mortality from opioid overdose. A study by Morbidity and Mortality Weekly (Opioid Overdose Prevention Programs Providing Naloxone to Laypersons-United States, 2014) found that “naloxone is an eminently safe and nonabusable substance that has one pharmacological function: to reverse the effects of opioids on the brain and respiratory system in order to prevent the ultimate adverse event, death.”

Opioid-related overdose deaths frequently occur in spaces that are open to the public. New York State Law provides legal protection from liability for the administration of an opioid antagonist in certain settings such as schools and libraries. Senate bill 5457 (Harkham) extends those legal protections to public or private businesses that are open to the public, including but not limited to: restaurants, bars, retail stores, shopping malls, barber shops, beauty parlors, theaters, sporting or event centers, inns, hotels, and motels. This legislation will improve mortality from opioid overdose in New York State.

For the aforementioned reasons, New York ACEP strongly supports SS457 (Harkham).
S 5457  HARCKHAM  Same as A 7812  Rosenthal L
ON FILE: 05/01/19  Public Health Law
TITLE....Authorizes the use of opioid antagonists by
public accommodations for opioid overdose prevention
Currently on Senate Committee Agenda
Senate Standing Committee on Alcoholism and
Substance Abuse
Senator Peter Harckham, Chair
12 Noon, Monday, January 13, 2020
Room 813 LOB
05/01/19  REFERRED TO ALCOHOLISM AND
          SUBSTANCE Abuse
05/30/19  1ST REPORT CAL.1030
06/03/19  2ND REPORT CAL.
06/04/19  ADVANCED TO THIRD READING
06/12/19  PASSED SENATE
06/12/19  DELIVERED TO ASSEMBLY
06/12/19  referred to health
01/08/20  died in assembly
01/08/20  returned to senate
01/08/20  REFERRED TO ALCOHOLISM AND
          SUBSTANCE ABUSE

A7812  Rosenthal L  Same as S 5457  HARCKHAM
Public Health Law
TITLE....Authorizes the use of opioid antagonists by
public accommodations for opioid overdose prevention
05/23/19  referred to health
01/08/20  referred to health
STATE OF NEW YORK

5457

2019-2020 Regular Sessions

IN SENATE

May 1, 2019

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse

AN ACT to amend the public health law, in relation to authorizing the use of opioid antagonists by public accommodations for opioid overdose prevention

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

Section 1. Subparagraph (iv) of paragraph (a) of subdivision 3 of section 3309 of the public health law, as amended by chapter 68 of the laws of 2016, is amended and a new subparagraph (v) is added to read as follows:

(iv) "Opioid antagonist recipient" or "recipient" means a person at risk of experiencing an opioid-related overdose, or a family member, friend or other person in a position to assist a person experiencing or at risk of experiencing an opioid-related overdose, or an organization registered as an opioid overdose prevention program pursuant to this section or a public accommodation, school district, public library, board of cooperative educational services, county vocational education and extension board, charter school, non-public elementary and/or secondary school in this state or any person employed by such public accommodation, district, library, board or school.

(v) "Public accommodation" means a public or private business that is open to the public, including, but not limited to, restaurants, bars, retail stores, shopping malls, barber shops, beauty parlors, theaters, sporting or event centers, inns, hotels, and motels.

§ 2. Subdivision 4 of section 3309 of the public health law, as amended by chapter 68 of the laws of 2016, is amended to read as follows:

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

LBD10802-02-9
4. **(a)** Use of an opioid antagonist pursuant to this section shall be considered first aid or emergency treatment for the purpose of any statute relating to liability.

(b) A recipient, opioid overdose prevention program, public accommodation, school district, public library, board of cooperative educational services, county vocational education and extension board, charter school, non-public elementary school and/or secondary school in the state, or any person employed by such public accommodation, district, public library, board or school under this section, acting reasonably and in good faith in compliance with this section, shall not be subject to criminal, civil or administrative liability solely by reason of such action.

§ 3. This act shall take effect immediately.