Legislation Details (With Text)

File #:	Int 0056-2022 **Version:** A	**Name:**	Establishing a nightlife opioid antagonist program.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Mental Health, Disabilities and Addiction
On agenda:	2/24/2022		
Enactment date:	10/12/2022	**Enactment #:**	2022/092

Title: A Local Law to amend the administrative code of the city of New York, in relation to establishing a nightlife opioid antagonist program

Sponsors: Chi A. Ossé, Keith Powers, Shahana K. Hanif, Crystal Hudson, Sandy Nurse, Rafael Salamanca, Jr., Tiffany L. Cabán, Lincoln Restler, Rita C. Joseph, Amanda C. Farías, Jennifer Gutiérrez, Lynn C. Schulman, Eric Dinowitz, Farah N. Louis, Francisco P. Moya, Nantasha M. Williams, Shekar Krishnan, Erik D. Bottcher, Althea V. Stevens, Pierina Ana Sanchez, Linda Lee, Kamillah Hanks, Julie Menin, Mercedes Narcisse, Julie Won, Shaun Abreu, Marjorie Velázquez, Carmen N. De La Rosa, Oswald J. Feliz, Carlina Rivera, Kevin C. Riley, Kristin Richardson Jordan, James F. Gennaro, Justin L. Brannan, Diana I. Ayala, Christopher Marte, Alexa Avilés, Darlene Mealy, David M. Carr

Indexes: Report Required

Attachments: 1. Summary of Int. No. 56-A, 2. Summary of Int. No. 56, 3. Int. No. 56, 4. February 24, 2022 - Stated Meeting Agenda, 5. Hearing Transcript - Stated Meeting 2-24-22, 6. Minutes of the Stated Meeting - February 24, 2022, 7. Committee Report 4/21/22, 8. Hearing Testimony 4/21/22, 9. Hearing Transcript 4/21/22, 10. Proposed Int. No. 56-A - 8/4/22, 11. Committee Report 9/13/22, 12. Hearing Transcript 9/13/22, 13. Committee Report - Stated Meeting, 14. September 14, 2022 - Stated Meeting Agenda, 15. Hearing Transcript - Stated Meeting 9-14-22, 16. Minutes of the Stated Meeting - September 14, 2022, 17. Int. No. 56-A (FINAL), 18. Fiscal Impact Statement, 19. Mayor's Letter, 20. Local Law 92

Date	Ver.	Action By	Action	Result
2/24/2022	*	City Council	Introduced by Council	
2/24/2022	*	City Council	Referred to Comm by Council	
3/14/2022	*	City Council	Re-referred to Committee by Council	
4/21/2022	*	Committee on Mental Health, Disabilities and Addiction	Hearing Held by Committee	
4/21/2022	*	Committee on Mental Health, Disabilities and Addiction	Laid Over by Committee	
4/21/2022	*	Committee on State and Federal Legislation	Hearing Held by Committee	
4/21/2022	*	Committee on State and Federal Legislation	Laid Over by Committee	
9/13/2022	*	Committee on Mental Health, Disabilities and Addiction	Hearing Held by Committee	
9/13/2022	*	Committee on Mental Health, Disabilities and Addiction	Amendment Proposed by Comm	
9/13/2022	*	Committee on Mental Health, Disabilities and Addiction	Amended by Committee	
9/13/2022	A	Committee on Mental Health, Disabilities and Addiction	Approved by Committee	Pass
9/14/2022	A	City Council	Approved by Council	Pass
9/14/2022	A	City Council	Sent to Mayor by Council	

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9/30/2022	A	Mayor	Hearing Held by Mayor
10/12/2022	A	Mayor	Bill Signing Scheduled by Mayor
10/12/2022	A	Mayor	Signed Into Law by Mayor
10/14/2022	A	City Council	Recved from Mayor by Council

Int. No. 56-A

By Council Members Ossé, Powers, Hanif, Hudson, Nurse, Salamanca, Cabán, Restler, Joseph, Farías, Gutiérrez, Schulman, Dinowitz, Louis, Moya, Williams, Krishnan, Bottcher, Stevens, Sanchez, Lee, Hanks, Menin, Narcisse, Won, Abreu, Velázquez, De La Rosa, Feliz, Rivera, Riley, Richardson Jordan, Gennaro, Brannan, Ayala, Marte, Avilés, Mealy and Carr

A Local Law to amend the administrative code of the city of New York, in relation to establishing a nightlife opioid antagonist program

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

CHAPTER 21

NIGHTLIFE OPIOID ANTAGONIST PROGRAM

§ 17-2101 Definitions. As used in this chapter, the following terms have the following meanings:

Nightlife establishment. The term "nightlife establishment" means an establishment in the city that is open to the public for entertainment or leisure and serves alcohol or where alcohol is consumed on the premises. Such term includes, but is not limited to, bars, entertainment venues, clubs and restaurants.

Opioid antagonist. The term "opioid antagonist" means naloxone, narcan or any other medication approved by the New York state department of health and the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.

§ 17-2102 Nightlife opioid antagonist program. The commissioner shall coordinate with the director of the office of nightlife to establish a program whereby an employee of a nightlife establishment may request an opioid antagonist from the department that is intended to be administered to individuals on the premises of such establishment. Such program shall be operated in compliance with existing federal, state and local laws, rules

and regulations relating to the distribution of an opioid antagonist.

§ 17-2103 Terms and conditions. a. An employee of a nightlife establishment may request up to 5 kits of an opioid antagonist at one time.

b. To request an opioid antagonist, such employee shall provide the following information to the department:

1. Name, mailing address, zip code and contact information of such employee or establishment;

2. Number and type of opioid antagonist kits requested; and

3. Any other information the department determines is required to provide an opioid antagonist to such employee.

c. The department shall not charge a fee for receiving an opioid antagonist.

d. Such employee shall comply with all applicable federal, state and local laws, rules and regulations, including the requirements of this chapter.

§ 17-2104 Training and administration of an opioid antagonist. The department shall offer a nightlife establishment resources and training for employees on opioid overdose prevention and administration of an opioid antagonist. An employee of a nightlife establishment who has received such training, who has received training from another opioid overdose prevention program approved pursuant to section 3309 of the public health law, or who is otherwise in compliance with relevant federal, state and local laws, rules, and regulations regarding the administration of opioid antagonists may administer an opioid antagonist to a person such employee reasonably believes is experiencing an opioid overdose.

§ 17-2105 Disclaimer of liability for nightlife establishments and their employees. The administration of an opioid antagonist pursuant to this chapter shall be considered first aid or emergency treatment for the purpose of any statute relating to liability. A nightlife establishment or an employee of such establishment, acting reasonably and in good faith in compliance with this section and section 3309 of the public health law, shall not be subject to criminal, civil or administrative liability solely by reason of such action. Nothing

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contained in this chapter or in the administration or application hereof shall be construed as creating any private right of action against a nightlife establishment or an employee of such establishment for use of or failure to use an opioid antagonist in the event of an overdose.

§ 17-2106 Construction. Nothing in this chapter prohibits any other program or policy to provide an opioid antagonist to any person allowed to obtain and use an opioid antagonist in accordance with federal, state and local laws, rules and regulations.

§17-2107 Report. a. No later than March 1, 2023, and annually thereafter, the department shall submit a report to the mayor and the speaker of the council on the program established by this chapter.

b. Such report shall include, but need not be limited to, the following information for the previous calendar year:

1. The total number of opioid antagonist trainings offered by the department to an employee of a nightlife establishment; and

2. The total number of opioid antagonist kits provided to an employee of a nightlife establishment, disaggregated by zip code.

§ 2. This local law takes effect 120 days after it becomes law.

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