



Legislation Text

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Int. No. 359

By Council Members Ossé, Sanchez, Narcisse, Cabán, Salaam, Abreu, Hanif, Gennaro, Riley, Krishnan, Williams, Hudson and Louis (in conjunction with the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to including food service establishments, retail establishments, and health clubs in the opioid antagonist program

Be it enacted by the Council as follows:

Section 1. Chapter 21 of title 17 of the administrative code of the city of New York, as added by local law number 92 for the year 2022, is amended to read as follows:

CHAPTER [21]22

[NIGHTLIFE] OPIOID ANTAGONIST PROGRAM FOR BUSINESSES

[§ 17-2101] § 17-2201 Definitions. As used in this chapter, the following terms have the following meanings:

Covered establishment. The term “covered establishment” means a food service establishment, retail establishment, health club, or nightlife establishment operating in the city that has been approved for participation in the opioid antagonist program pursuant to this chapter.

Food service establishment. The term “food service establishment” means a premises or part of a premises where food is provided directly to a person, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

Health club. The term “health club” means a commercial establishment offering instruction, training, or assistance, or the facilities for the preservation, maintenance, encouragement, or development of physical fitness or well-being. Such term shall include, but not be limited to, health spas, health studios, gymnasiums,

weight control studios, martial arts and self-defense schools or any other commercial establishment offering a similar course of physical training.

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, naran 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.

Retail establishment. The term “retail establishment” means a place where goods, wares or merchandise are offered to the public for sale.

[§ 17-2102 Nightlife opioid] § 17-2202 Opioid antagonist program. The commissioner shall coordinate with the director of the office of nightlife to establish a program whereby an employee or owner of a [nightlife] covered 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] § 17-2203 Terms and conditions. a. An employee or owner of a [nightlife] covered establishment may request up to 5 kits of an opioid antagonist at one time.

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

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

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

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

[§ 17-2104] § 17-2204 Training and administration of an opioid antagonist. The department shall offer a [nightlife] covered establishment resources and training for employees on opioid overdose prevention and administration of an opioid antagonist. An employee or owner of a [nightlife] covered 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] § 17-2205 Disclaimer of liability for [nightlife] covered establishments, their owners, 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] covered establishment or an employee or owner 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 contained in this chapter or in the administration or application [hereof] of the provisions of this chapter shall be construed as creating any private right of action against a [nightlife] covered establishment or an employee or owner of such establishment for use of or failure to use an opioid antagonist in the event of an overdose.

[§ 17-2106] § 17-2206 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] § 17-2207 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 or owner of a [nightlife] covered establishment; and

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

§ 17-2208 Outreach. The commissioner shall conduct outreach and education about the program established by this chapter to employees and owners of eligible establishments.

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

Session 13
LS 11891/13001/13225
1/25/2024

Session 12
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LS 11891/13001/13225
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