Int. No. 1385

By Council Members Lee, Sanchez, Restler, Hanif, Brannan, Hanks and Narcisse

A Local Law to amend the administrative code of the city of New York, in relation to establishing a construction site 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 22 to read as follows:

CHAPTER 22

CONSTRUCTION SITE OPIOID ANTAGONIST PROGRAM

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

Construction site. The term "construction site" means a project for construction or demolition of a major building for which a site safety professional is required pursuant to sections 3301.13.3 or 3310.5 of the building code.

Construction worker. The term "construction worker" means an individual employed to perform work at a construction site.

Opioid antagonist. The term "opioid antagonist" means naloxone 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.

Major building. The term "major building" has the same meaning as set forth in section 202 of the building code.

Site safety professional. The term "site safety professional" means a site safety manager, site safety

coordinator, or construction superintendent certified by the department to supervise safety at a construction site.

§ 17-2202 Construction site opioid antagonist program. The commissioner, in coordination with the commissioner of buildings, shall establish a program through which the department shall provide a site safety professional at each construction site with opioid antagonists that may be administered to individuals on a construction site experiencing an opioid overdose. The commissioner shall operate such program in compliance with existing federal, state, and local laws and regulations relating to the distribution of an opioid antagonist.

§ 17-2203 Terms and conditions. a. The department shall provide a site safety professional at each construction site 5 kits of an opioid antagonist. Each site safety professional shall notify the department when an opioid antagonist kit has been used or is determined to be unusable, and such site safety professional may request additional kits of an opioid antagonist if less than 5 kits are maintained at such site safety professional's construction site at the time of the request.

b. To request an opioid antagonist for a construction site pursuant to this chapter, a site safety professional shall provide the following information to the department:

1. Name, mailing address, zip code of residence, and contact information of the site safety professional;

2. Address and zip code for the construction site, and contact information for the site safety professional at the construction site;

3. The number of opioid antagonist kits requested;

4. The number of opioid antagonist kits maintained by the site safety professional at the construction site at the time of the request;

5. The total number of construction workers working at the construction site at the time of the request; and

6. Any other information the commissioner determines is necessary for the department to provide an opioid antagonist to such site safety professional and construction site.

c. The department shall not charge a fee associated with the receipt of an opioid antagonist distributed through the program established by this chapter.

d. Upon completion of all work at a construction site, the site safety professional shall notify the department of such completion and the department shall coordinate the collection of any unused opioid antagonist kits.

e. Each site safety professional, construction worker, or other individual shall comply with all applicable federal, state, and local laws and regulations, including the requirements of this chapter, relating to the receipt and use of opioid antagonists.

§ 17-2204 Training. The commissioner shall ensure that training on the administration of opioid antagonists is available to all site safety professionals, and that such training is available to construction workers. A site safety professional, construction worker, or other individual who has received such training, or 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 and regulations regarding the administration of opioid antagonists may administer an opioid antagonist to an individual such site safety professional, construction worker, or other individual reasonably believes is experiencing an opioid overdose.

§ 17-2205 Disclaimer of liability. The administration of an opioid antagonist distributed pursuant to this chapter is considered first aid or emergency treatment for the purpose of any statute relating to liability. A site safety professional or construction worker acting reasonably and in good faith in compliance with this section and section 3309 of the public health law, is not subject to criminal, civil, or administrative liability solely by reason of such action. Nothing contained in this chapter or in the administration or application of this chapter shall be construed as creating any private right of action against any individuals or entities associated with a construction site, a site safety professional, or a construction worker for the use of or failure to use an opioid

antagonist in the event of an opioid overdose.

§ 17-2206 Construction. Nothing in this chapter shall be construed to prohibit any other program or policy to provide an opioid antagonist to any individual allowed to obtain and use an opioid antagonist in accordance with federal, state, and local laws and regulations.

§17-2207 Report. a. No later than 1 year after the effective date of the local law that added this chapter, and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council and post on the department's website a report 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 construction sites;

2. The total number of opioid antagonist kits provided by the department to each construction site;

3. The total number of opioid antagonist kits used by each construction site;

4. The total number of site safety professionals;

5. The total number of trainings on administration of an opioid antagonist provided to site safety professionals;

6. The total number of construction workers; and

7. The total number of trainings on administration of an opioid antagonist provided to construction workers.

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

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