



NEW YORK STATE SENATOR

Pete Harckham

## Harckham's Good Samaritan Bill for Administering Overdose Drug Signed into Law

PETE HARCKHAM August 24, 2020

| ISSUE: **SUBSTANCE ABUSE, OPIOID OVERDOSE PREVENTION, GOOD SAMARITAN LAW, TELEHEALTH**



*Peekskill, NY* – New York State Senator Pete Harckham applauded today Governor Andrew M. Cuomo's signing into law a bill allowing "good Samaritans" to administer opioid overdose drugs like naloxone in retail stores, restaurants, hotels and other public accommodation venues without fear of legal liability.

The new law, which Harckham introduced and sponsored in the Senate, expands the entities that are authorized to possess, distribute and administer an opioid antagonist or “overdose reversal” drug to include retail bars, shopping malls, barber shops, beauty parlors, theaters, sporting or event center, inns and motels.

“Governor Cuomo and my colleagues in the State Legislature deserve thanks for helping me make opioid overdose reversal medications more readily available in public gathering places, which will save countless lives each year,” said Harckham. “And by authorizing the use of these reversal drugs without fear of liability, this new law will also provide peace of mind to residents and business owners around the state who are inclined to help those in desperate need of medical assistance.”

Previously, it was lawful in New York for people at-risk of an opioid overdose, their close associates and regulated prevention programs to possess and administer naloxone. In the past several years, this list grew to include school districts (plus private and charter schools) and their employees, BOCES and public libraries. Liability protections were extended to those who administered the drug in good faith as well.

“We have made tremendous progress in combating addiction across New York, and while we have seen a reduction in opioid deaths over the past 10 years, there is still work to be done,” Governor Cuomo said. “This expansion of the Good Samaritan law gives our public entities the ability to save the life of an individual suffering from addiction without penalty. New York State will continue to do everything we can to expand access to critical care as we fight this deadly scourge and save lives.”

Harckham also expressed his satisfaction today with Governor Cuomo’s announcement that the state had received over \$4.5 million from a federal grant to help boost telehealth services aimed at Substance Use Disorder. The grant awards, which will be disbursed to 33 treatment

providers across the state, will be administered by the state's Office of Addiction Services and Supports.

"Telehealth providers nationwide have been forced to handle an increased need for their services while dealing with less resources, so more funding at this critical point during the Covid-19 pandemic is certainly welcome news," said Harckham, chair of the Senate Committee on Alcoholism and Substance Abuse. "Governor Cuomo deserves thanks for securing these grants to expand telehealth capacity, which will reach community members otherwise not served and thus save lives."

Harckham sponsored legislation (S.8609A) last June to require insurance companies to fully reimburse treatment providers for telehealth consultations and treatments.

The legislation, which has passed in the Senate, grew from Harckham hearing from providers that they were increasingly utilizing online resources and videoconferencing to meet with clients because of the shutdown restrictions caused by the Covid-19 pandemic. But the providers, who were underfunded before the start of the pandemic, were not able to bill telehealth treatment at the same rate as an in-person consultation.

One effective mode of Substance Use Disorder treatment, Harckham noted, was through peer support programs, where individuals who have achieved significant recovery are able to counsel others being treated. Harckham's bill is designed to support these programs.

Among the treatment providers receiving a grant award for telehealth services in Lexington Center for Recovery, which has offices in Peekskill and Mount Kisco.

There has been a spike in overdose deaths across the United States during the pandemic, increasing by 18% according to a recent study. Last year, overdose death rose by 5% according to a Center for Disease Control and Prevention report.

The bill to expand protections to good Samaritans isn't the only measure sponsored by Harckham designed to combat substance misuse and protect New York communities from increased overdose. Other bills that have passed the Senate expand access to opioid antagonists (such as naloxone) include access to training for individuals suffering from substance use disorder being released from state prison, a hospital, or treatment; require prescribers to co-prescribe an opioid antagonist at the time a prescription for an opioid prescription is being written; prohibit insurers from denying life insurance to individuals who carry this life saving medicine.

Waiting on the Governor's desk is first-in-the-nation legislation ("Stephen's Law") sponsored by Senator Harckham to encourage treatment programs to engage with a patient's loved ones, and require OASAS to develop guidelines for protocols to be used by treatment programs in communicating with a patient's trusted support system.

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#### RELATED LEGISLATION

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### **2019-S8259**

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- Introduced
  
- ◦ In Committee Assembly
  - In Committee Senate
  
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Authorizes the use of opioid antagonists by public accommodations for opioid overdose prevention

April 29, 2020

Senate Floor Calendar

Sponsored by **Pete Harckham**

Do you support this bill?