

Proposed Local Law Number 11 Of 2020

County of Ulster

A Local Law Requiring Naloxone Stations Next To Every Automatic Defibrillator Equipment (AED) Unit At A Public Location

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT.

Ulster County Legislature is engaged in proactive actions to reduce deaths resulting from opioid overdoses including but not limited to access to NARCAN® (naloxone HCl) and public outreach to recognize signs of substance abuse and overdoses. The reported cases of drug overdoses are from opioids including both prescription opioid pain relievers such as hydrocodone, oxycodone, and morphine, as well as heroin and opium.

A life-saving NYS Public Health law changed Section 3309 and took effect on April 1, 2006, making it legal in New York State for non-medical persons to administer Naloxone to another individual to prevent an opioid/heroin overdose from becoming fatal. All registered opioid overdose programs are furnished Naloxone by the NYSDOH.

NYS Public Health Law §225 requires places of public assembly used for public or private sponsored events or activities require the owners, operators and administrators responsible for such place of public assembly ensure that each place of public assembly shall provide and maintain onsite automated external defibrillators (AED), as defined in paragraph (a) of subdivision one of section three thousand-b of §225, in quantities and types deemed by the commissioner to be adequate to ensure ready and appropriate access for use during emergencies.

Under the Good Samaritan Law, non-professional rescuers may render aid to those in need of assistance without fearing liability if something goes wrong, provided the situation meets certain conditions.

The Ulster County Legislature recognizes the critical value of expedited access to Naloxone and supports the existing model of “medical cabinets” next to automatic defibrillator equipment in public areas. The purpose of this law is to require installation of emergency Naloxone stations at all public locations with existing automatic defibrillator equipment, for use in the event of an opioid overdose.

SECTION 2. DEFINITIONS.

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(a) **"Automated external defibrillator"** or **"AED"** means a medical device, approved by the United States Food and Drug Administration, that: (i) is capable of recognizing the presence or absence, in a patient, of ventricular fibrillation and rapid ventricular tachycardia; (ii) is capable of determining, without intervention by an operator, whether defibrillation should be performed on the patient; (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to the patient's heart; and (iv) then, upon action by an operator, delivers an appropriate electrical impulse to the patient's heart to perform defibrillation.

(b) **"Naloxone"** means the FDA approved formulation for the treatment of known or suspected opioid overdose which may counteract the life-threatening effects of an opioid overdose.

(c) **"Narcan"** means nasal formulation of naloxone. Narcan is FDA approved for the treatment of known or suspected opioid overdose. Designed for use in the community, Narcan Nasal Spray is needle-free and ready to use by first responders, as well as family, friends, and caregivers—with no medical training required.

(d) **"Public access defibrillation provider/Naloxone station"** means a person, firm, organization or other entity possessing or operating an automated external defibrillator and Naloxone station.

(e) **"Opioid Prevention Program or OPP"** are New York State Department of Health registered opioid overdose programs that may obtain naloxone at no cost by ordering it through the Opioid Overdose Prevention Program System.

SECTION 3. REGULATIONS.

(a) Notwithstanding the provisions in Public Health Law §225 sanitary code mandating that each place of public assembly shall provide and maintain onsite automated external defibrillators at each location of public assembly in quantities and types deemed by the NYSDOH to be adequate to ensure ready and appropriate access for use during emergencies, access to Naloxone shall also be available supporting ~~the existing model of~~ **placement of Naloxone kits in AED cases and/or** "medical cabinets" next to automatic defibrillator equipment in public areas in Ulster County.

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(b) Places of public assembly with onsite automated external defibrillators shall ~~install a~~ **place Naloxone kits inside AED cases and/or install a Naloxone** station containing Narcan at each AED.

(c) The public access defibrillation provider is required under NYSDOH to post a sign or notice at the main entrance to the facility or building in which the automated external defibrillator is stored, indicating the location where any such automated external defibrillator is stored or maintained in such building or facility on a regular basis, and shall also include a sign for the Naloxone station.

SECTION 4. PREEMPTION.

This local law shall not supersede any state or local laws.

SECTION 5. ENFORCEMENT.

The County Executive shall designate a County Department to have primary responsibility for the implementation of this Chapter. The Director of the designated Department is authorized to promulgate rules and regulations and to take any and all other actions reasonable and necessary to enforce this Chapter.

SECTION 4.6. SEVERABILITY.

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Code of the County of Ulster which shall remain in full force and effect.

SECTION 5.7. EFFECTIVE DATE.

This Local Law shall take effect upon filing with the Secretary of State.