

By Legislators Smith and Wilcox

Intro. No. 2

LOCAL LAW NO. 2 OF 2021

**ENACTING LOCAL LAW ENTITLED “PHARMACIES TO PROVIDE NOTICE ON THE AVAILABILITY OF NALOXONE”**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Legislative Intent. While our community has made significant efforts to support residents battling opioid addiction, we must continue to remove barriers to treatment and end the stigma associated with this public health crisis.

Opioid antagonists, such as naloxone/Narcan, are effective in neutralizing the effects of an opioid overdose. Over 100 pharmacies in Monroe County provide this life-saving medicine without a prescription through standing orders pursuant to New York State Public Health Law. It is the intent of this local law to ensure that the public is aware that this resource is available; promote the spread of information as to the causes, nature, and prevention of opioid use disorder; and preserve and improve public health.

Section 2. Definitions. The following terms used in this local law shall have the meanings indicated:

1. “Opioid” means an opiate as defined in section 3302 of the Public Health Law.
2. “Opioid antagonist” means a drug approved by the Food and Drug Administration, that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body. An opioid antagonist is limited to naloxone or other medications approved by the New York State Department of Health for this purpose.
3. “Pharmacy” means a pharmacy registered in accordance with Article 137 of the New York State Education Law.
4. “Public Health Notice” means notice of the availability of an opioid antagonist at a particular pharmacy in a form provided by the Monroe County Department of Public Health.
5. “Standing order” means a non-patient specific prescription to dispense an opioid antagonist to a consumer.

Section 3. Pharmacies to Notify Customers of Availability of Opioid Antagonists with the Delivery of an Opioid.

1. All pharmacies within Monroe County that maintain a standing order must provide a Public Health Notice to customers to whom the pharmacy dispenses an opioid. Such Public Health Notices must be signed by the customer to acknowledge receipt prior to the dispensation of an opioid in accordance with Section 3(2), below.
2. Pharmacies within Monroe County that maintain a standing order must provide a Public Health Notice:
  - a. The first time a customer fills an opioid prescription at the pharmacy;

- b. The first time a customer renews, refills, and/or fills a new prescription for an opioid after the effective date of this local law; or
  - c. Any time there is a change in a customer's prescription, including but not limited to dosage amount or frequency.
3. The provisions of this local law shall not limit the authority of a health care professional to prescribe, dispense or distribute, or of a pharmacist to dispense, an opioid antagonist under any other provision of local, state, or federal law.

Section 4. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date. This local law shall take effect 90 days after it is filed with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

Committee of the Whole; December 15, 2020 - CV: 29-0  
File No. 20-418.LL

ADOPTION: Date: February 9, 2021                      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_  
SIGNATURE: *Cheryl Belle* DATE: 3/10/2021  
EFFECTIVE DATE OF LOCAL LAW: 3/10/2021