

Your Right to Methadone and Buprenorphine in New York Jails & Prisons

New York jails and prisons must give all people with opioid use disorder (OUD) access to medication to treat opioid use disorder (MOUD). A 2022 law requires this for people who are entering a jail or prison AND currently in a jail or prison.

The law that applies to jails is N.Y. MENTAL HYG. LAW § 19.18-c and the law that applies to prisons is N.Y. CORRECT. LAW § 626.

The jail or prison must provide:

- All forms of MOUD – methadone, buprenorphine, & naltrexone. There are some exceptions if the jail you are in is unable to provide access to methadone.
- A medical screening for OUD and need for MOUD.
- A treatment plan individualized to you.
- A qualified health care professional who is properly licensed or certified to make any decisions about your medication type, dose, and duration.
- Discharge planning and transition services between facilities or into the community.
- *Also*, you may not be denied admission or removed from the MOUD program because of any disciplinary infraction, included but not limited positive toxicology screen.

If you think your rights have been violated, here's what you can do:

If you are in a New York Prison and want to share your experience, you may contact the Correctional Association of New York (CANY) through **legal mail**:

P.O. Box 793
Brooklyn, NY 11207
(212) 254-5700*

*To call CANY, they must be added to the list of approved callers

If you are in a New York state prison or a New York City Jail and need help advocating for your rights, you may contact the Legal Aid Society's Prisoners' Rights Project. You or a family member can call: 212-577-3530.

Denying MOUD to people with OUD also violates the **Americans with Disabilities Act (ADA)** and other laws that protect people with disabilities from discrimination. If you are in a jail or prison, you can file a complaint with the US Department of Justice (DOJ), which enforces the ADA. Send your complaint to:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

You can also ask someone to file a complaint for you online, at: <https://civilrights.justice.gov/report/>.

LAC: 225 Varick St. 4th Fl., New York, New York 10014/(212) 243-1313

More on MOUD: <https://www.lac.org/resource/mat-advocacy-toolkit>

©2023 This document is informational and does not constitute legal advice.