



NEW YORK STATE SENATOR

David J. Valesky

## Senator Valesky, Members of Senate's Joint Task Force on Heroin and Opioid Addiction Release Report and Legislative Recommendations

DAVID J. VALESKY May 28, 2014

| ISSUE: **FAMILIES, CODES, AUTHORITIES AND COMMISSIONS, HEALTH, INVESTIGATIONS**

State Senator David J. Valesky (D-Oneida), a member of the Senate Joint Task Force on Heroin and Opioid Addiction today joined colleagues in releasing a report summarizing the findings of statewide forums held to examine the issues surrounding the increase in drug abuse, addiction and drug-related crimes in New York. The report includes a comprehensive package of bills recommended for action this legislative session that target prevention, treatment, and enforcement issues raised during extensive testimony provided by dozens of experts, parents, and concerned New Yorkers.

“The heroin and opioid epidemic sweeping the state is deadly and is doing significant damage to our communities in Central New York,” Senator Valesky said. “This comprehensive legislative package addresses the scourge on all fronts and it is my hope we can affect positive change with its passage.”

Over the past nine weeks, task force members held 18 forums across the state, including Cayuga, Jefferson and Oneida counties in Central New York. Testimony at the forums directed the task force's legislative response to three key areas: preventing drug abuse and overdoses; increasing the availability and efficacy of addiction treatment; and enhancing the tools provided to law enforcement to keep heroin off the streets. As a result, the task force is recommending the following 25 bills, co-sponsored by Senator Valesky, be considered during the 2014 legislative session.

### **Preventing Opioid Abuse and Overdoses**

- Preventing opioid overdoses in schools (S7661): Clarifies that school districts, Board of Cooperative Educational Services (BOCES) programs, charter schools, and other educational entities may possess and administer naloxone to treat opioid overdoses, and will be protected by Good Samaritan laws.

- Increasing the effectiveness of overdose prevention (S7649): Provides that naloxone kits distributed through an opioid overdose prevention program must include an informational card with instructions on steps to take following administration, as well as information on how to access addiction treatment and support services. Opioid overdose prevention programs provide those at risk of an overdose, their family members and their friends with naloxone kits and training on proper administration.
- Limiting prescriptions for acute pain (S2949A): Limits the number of Schedule II and III controlled substances prescribed for acute pain to a 10-day supply to prevent excess pharmaceuticals from being dispensed, and therefore reduce the risk of diversion. This restriction would not apply to the treatment of cancer pain, chronic pain or palliative care. Further, the bill provides that only one co-payment may be charged for a 30-day supply.
- Increasing public awareness (S7654): Requires the Office of Alcoholism and Substance Abuse Services (OASAS) and the Department of Health (DOH) to establish the Heroin and Prescription Opioid Pain Medication Addiction Awareness and Education Program. The program would utilize social and mass media to reduce the stigma associated with drug addiction, while increasing public's knowledge about the dangers of opioid and heroin abuse, the signs of addiction, and relevant programs and resources.
- Establishing school drug prevention programs (S7653): Adds age-appropriate information about the dangers of illegal drug use to junior high school and high school health class curriculums.
- Promoting pharmaceutical take-back events (S6691): Requires OASAS to post guidelines and requirements for conducting a pharmaceutical collection event on its website. According to the Substance Abuse and Mental Health Service Administration (SAMHSA), nearly 70 percent of those who first abuse prescription drugs get the pills from a friend or relative. Facilitating proper and timely disposal of unused narcotics helps to reduce the danger of diversion.
- Ensuring prescribing practitioners stay abreast of best practices (S7660): Creates a continuing medical education program for practitioners with prescribing privileges. DOH and the State Education Department (SED) would establish standards for three hours of biennial instruction on topics including Internet System for Tracking Over-Prescribing (I-STOP) requirements, pain management, appropriate prescribing, acute pain management, palliative medicine, addiction screening and treatment, and end-of-life care.

### **Increasing the Availability and Efficacy of Addiction Treatment**

- Creating a new model of detoxification and transitional services (S2948): Establishes the Opioid Treatment and Hospital Diversion Demonstration Program, requiring the development of a new model of detoxification and transitional services for individuals seeking to recover from opioid addiction that reduces reliance on emergency room services.
- Establishing a relapse prevention demonstration program (S7650): Creates a Wraparound Services Demonstration Program through which OASAS would provide case management or referral services for nine months to individuals who successfully complete substance abuse treatment programs. These community supports - access to which is intended to prevent a relapse - include educational resources, peer-to-peer support groups, social services and family services and counseling, employment support and counseling transportation assistance, medical services, legal services, financial services, and child care services.
- Enabling parents to require children to undergo treatment (S7652): Provides that a parent or guardian may petition to have a minor child designated as a Person in Need of Supervision (PINS) due to a substance use disorder, and that a court may require a PINS child to undergo substance abuse treatment.
- Establishing assisted outpatient treatment for substance use disorders (S7651): Enables a court to order Assisted Outpatient Treatment (AOT) for an individual with a substance use disorder who, due to his or her addiction, poses a threat to him or herself or others.
- Promoting the affordability of substance abuse services (S7662: Improves the utilization review process for determining insurance coverage for substance abuse treatment disorders, and requires insurers to continue to provide coverage throughout the appeals process.

### **Providing Additional Resources to Law Enforcement**

- Studying the conversion of correctional facilities to treatment centers (S7655A): Directs OASAS and the Department of Corrections and Community Supervision (DOCCS) to study the feasibility of converting closed correctional facilities to provide treatment for substance use disorders. Agencies would examine the feasibility of such centers providing both inpatient residential and outpatient care.
- Establishing the crime of homicide by sale of an opioid controlled substance (S7657): Creates an A-I felony for the unlawful transportation or sale of an opioid that causes the death of another.

- Restricting drug dealers from participating in the SHOCK incarnation program (S7656): Holds drug dealers accountable by preventing participation in the SHOCK incarceration program – under which young adults receive substance abuse treatment, academic education, and other services to promote reintegration – by individuals convicted of a A-II felony drug offense, except if he or she tests positive for a controlled substance upon arraignment.
- Improving safety at judicial diversion programs (S1879): Requires a court, in determining a defendant's eligibility for a judicial diversion program for alcohol or substance abuse treatment, to consider the underlying charges and the defendant's propensity for violent conduct. The bill also requires the facility treating a defendant under this diversion program to notify the local law enforcement of the defendant's placement and arrest record, and to submit a security plan to the Division of Criminal Justice Services (DCJS) to provide for the safety of staff, residents and the community. Finally, this bill allows a defendant to appear via video conference, and makes unauthorized departure from a rehabilitation facility a D felony.
- Reallocating funds from asset forfeitures (S7658): Reduces the state share of certain asset forfeitures to increase allocations for the reimbursement of expenses incurred by localities for investigation and prosecution, and provides additional monies for the Chemical Dependence Service Fund.
- Creating Drug-Free Zones around treatment facilities (S1388): Establishes a B felony for the sale of a controlled substance within 1,000 feet of a drug or alcohol treatment center or methadone clinic.
- Expanding the crime of operating as a major trafficker (S7663): Facilitates convictions for operating as a major trafficker by reducing the number of people that must have participated from four to three, and lowering the minimum required proceeds from the sale of controlled substances during a 12-month period from \$75,000 to \$25,000.
- Establishing the crime of transporting an opioid controlled substance (S7659): Allows prosecution for a new crime when an individual unlawfully transports an opioid any distance greater than five miles within the state, or from one county to another county within the state, to address diversion and distribution of heroin and prescription drugs.
- Facilitating the conviction of drug dealers (S7169): Provides that possession of 50 or more packages of a Schedule I opium derivative, or possession of \$300 or more worth of such drugs, is presumptive evidence of a person's intent to sell.

- Preventing illegal drug sales by doctors and pharmacists (S2941): Provides for an enhanced penalty – a B felony – for practitioners and pharmacists who abuse the standards of their respective profession and violate the public trust by illegally selling controlled substances.
- Establishing criminal penalties for the theft of blank official New York State prescription forms (S2940): Expands grand larceny in the fourth degree to include the theft of a blank official New York State prescription form. This bill would also redefine criminal possession of stolen property in the fourth degree to include the possession of a stolen New York State prescription form, and create an A misdemeanor of criminal possession of a prescription form.
- Increasing the penalties for theft of controlled substances (S2431, Passed Senate 3/24/2014): Provides enhanced penalties for the theft of controlled substances, treating such crimes similarly to a theft of firearms, credit or debit cards, scientific secrets, or certain methamphetamine precursors.
- Prosecuting acts by street gangs (S4444A): Creates the Criminal Street Gang Enforcement and Prevention Act to provide a comprehensive approach to protecting the public from gang-related crimes and violence, including those that relate to drug trafficking, and establishing the criminal street gang prevention fund.

The full report can be viewed online at [www.valesky.nysenate.gov](http://www.valesky.nysenate.gov).

The report also highlights other recent legislative actions to protect the well-being of people suffering from the drug addiction. In 2012, the state enacted a law to create the successful Internet System for Tracking Over-Prescribing (I-STOP) Act (S7637), which created a real-time database for healthcare practitioners to consult prior to prescribing potentially addictive medicines such as oxycodone and hydrocodone.

Earlier this year, the Senate passed a bill (S6477B) to allow authorized health care professionals to increase public access to Narcan/naloxone. Also, the Fiscal Year 2015 enacted budget included \$3.3 million in funding to support substance abuse services.

The task force is chaired by Senator Phil Boyle (R-C-I, Suffolk County), Chairman of the Senate Committee on Alcoholism and Drug Abuse. Other members include Vice-Chair David Carlucci (D-Rockland), Chairman of the Senate Committee on Mental Health and Developmental Disabilities; Vice-Chair Michael Nozzolio (R-C, Fayette), Chairman of the Senate Codes Committee; Senator Greg Ball (R-C-I, Patterson), Senator John Bonacic (R-C-I, Mount Hope), Senator Simcha Felder (D-Brooklyn), Senator Pat Gallivan (R-C-I, Elma), Senator Martin J. Golden (R-C-I, Brooklyn), Senator Joseph A. Griffo

(R, Rome), Senator Kemp Hannon (R, Nassau), Senator Andrew Lanza (R-I-C, Staten Island), Senator William Larkin (R-C, Cornwall), Senator Betty Little (R-C-I, Queensbury), Senator Carl L. Marcellino (R, Syosset), Senator Kathleen A. Marchione (R-C, Halfmoon), Senator Jack Martins (R-C-I, Mineola), Senator George Maziarz (R-C, Newfane), Senator Thomas O'Mara (R-C, Big Flats), Senator Michael Ranzenhofer (R-C-I, Amherst), Senator Patty Ritchie (R-C, Heuvelton), Senator Joseph Robach (R-C-I, Rochester), Senator Diane Savino (D, Staten Island/Brooklyn), Senator James L. Seward (R-I-C, Oneonta), Senator David J. Valesky (D-Oneida), and Senator Cathy Young (R-I-C, Olean).