



NEW YORK STATE SENATOR

Robert G. Ortt

Ortt Announces Action to be Taken on Bills to Fight New York's Heroin Crisis

ROBERT G. ORTT June 3, 2015

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Senate Heroin Task Force Expected to Pass Several Heroin-Related Bills Before End of Session

New York State Senate Joint Task Force on Heroin and Opioid Addiction Co-Chair, Senator Rob Ortt (R,C,I – North Tonawanda) today announced the Senate will soon be acting on several bills to help decrease heroin deaths and put more drug dealers behind bars for selling dangerous opioids. Senator Ortt, along with Task Force Co-Chairs Senator George A. Amedore, Jr. (R,C,I – Rotterdam) and Senator Terrence Murphy (R,C,I – Yorktown), said the

Senate is expected to vote on the package of bills next week, before the end of the legislative session.

The legislation follows a series of Task Force forums held over the past several weeks in Lewiston, Rochester, Yorktown, and Albany. The forums were meant to collect information and examine the issues created by increased heroin abuse that is causing hundreds of deaths in communities across the state. The bills address concerns raised by law enforcement, health and mental health experts, victims' advocates, local residents, and other participants.

"We've gathered input from experts and community members and have now taken the next step to fight this war against drugs," said **Senator Ortt**. "This sensible legislation will help prevent drug abuse, addiction and related crime, and provide families with better access to treatment programs. While these new laws are the Task Force's next step, they are certainly not the last. Our fight will not end when session does this month. We are committed to remaining vigilant in order to put an end to this widespread epidemic."

Senator Amedore said, "These bills will build on the laws enacted last year and this year's state budget, which increased funding for heroin treatment and prevention. There is no one solution that is going to end this crisis. We must continue to work to increase prevention, provide treatment, support continued recovery and crack down on the dealers who bring this dangerous drug into our streets. The legislation is a good step in our continued efforts to eradicate this epidemic once and for all."

Senator Murphy said, "The first round of hearings provided valuable insight as to the obstacles we as a state must overcome to win the war on heroin and opioid addiction. This legislative package will advance important legislation from last year's Task Force as well as address new issues, which have been identified as a result of the most recent hearings. Ultimately, we must continue our fight everyday to curb the scourge of this epidemic by holding drug dealers accountable and by providing realistic options for prevention and those

in recovery.”

The preliminary package of bills to be acted on next week build on the Senate legislation successfully enacted last year as a result of the Task Force’s efforts. In addition, the 2015-16 state budget included significant funding for programs targeting the heroin crisis, including: \$7.8 million in funding for statewide prevention, treatment and recovery services; \$450,000 to purchase Narcan kits given out for free to individuals who participate in a Narcan training class; and \$140,000 to finance the cost of Narcan kits for staff and nurses authorized to administer Narcan in the event of a heroin or opioid overdose at school.

Next week’s legislative package will include:

- Establishing the crime of homicide by sale of an opioid controlled substance, also known as “Laree’s Law” (S4163), sponsored by Senator Amedore: Allows law enforcement to charge a drug dealer with homicide if a person died from an opiate controlled substance sold by that dealer. The law specifically targets those who seek to profit from heroin and other opioid sales – not a witness or other person who may have been doing drugs (i.e. a “co-user”) with the victim at the time of the accidental overdose. In 2011, New York adopted a “Good Samaritan” law that shields individuals from charges related to an accidental overdose if they try to help the victim by timely reporting the incident.

- Expanding the crime of operating as a major trafficker (S4177), sponsored by Senator Murphy: Helps strengthen the laws relating to major drug traffickers to more accurately reflect the nature of their criminal enterprises and increase successful prosecutions. The bill changes the number of persons needing to be involved and charged as part of a drug organization from four to three. Also, to reflect the low street prices of heroin, the bill lowers the minimum required proceeds from the sale of controlled substances during a 12 month period from \$75,000 to \$25,000.

- Facilitating the conviction of drug dealers (S100), sponsored by Senator Phil Boyle (R,C,I – Suffolk County): Allows someone to be charged with the crime of intent to sell if they possessed 50 or more packages of a Schedule I opium derivative, or possessed \$300 or more worth of such drugs. Because of the physical nature of heroin, dealers can carry large quantities of the drug before triggering a felony charge of possession. Conversely, due to the nature of heroin use and addiction, most heroin users do not possess more heroin than they intend to use at that time, as someone high on heroin has no impulse control and will continue to consume all heroin available until it is gone.

- Improving safety at judicial diversion programs (S1901), sponsored by Senator John Bonacic (R,C,I – Mount Hope): 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 class D felony.

- Preventing the sale of synthetic opioids (S1640), sponsored by Senator Jeffery D. Klein (D – Bronx): Expands the list of controlled substances in schedules I, II, III, IV, and V to include any controlled substance which is intended for human consumption and is structurally or pharmacologically substantially similar to, or is represented as being similar to heroin, opium, or other opioid-based narcotic. This would help combat the quickly-moving world of designer drugs.

- Expanding treatment options for individuals in judicial diversion programs for opioid abuse or dependence (S4239B), sponsored by Senator Murphy: Provides that under no circumstances

shall a defendant who requires treatment for opioid abuse or dependence be deemed to have violated the release conditions on the basis of his or her participation in medically prescribed drug treatments while under the care of a qualified and licensed physician acting within the scope of his or her lawful practice.

- Establishing assisted outpatient treatment for substance use disorders (S631), sponsored by Senator David Carlucci (D – Rockland): 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.

- Increasing the effectiveness of abuse prevention (S2847), sponsored by Senator Andrew Lanza (R,C,I – Staten Island): Requires the Department of Health to assign at least one investigator from the Bureau of Narcotics Enforcement to each county within New York City.

Additional forums will be planned for more New York communities in the fall. The Task Force will then issue a comprehensive report with recommendations for further legislative action.