



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senate approves legislation sponsored by O'Mara to strengthen state-level responses to the heroin and opioid crisis

THOMAS F. O'MARA June 13, 2017

| ISSUE: **COMBATING HEROIN AND OPIOID ADDICTION**

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Albany, N.Y., June 13—State Senator Tom O'Mara (R,C,I-Big Flats), a member of the Senate Task Force on Heroin and Opioid Addiction, is co-sponsoring a series of legislative measures

aimed at combating the heroin epidemic spreading throughout the Southern Tier and Finger Lakes regions, and statewide.

The Senate plans to act on the legislative package later today. It seeks to build on existing state-level laws, programs and services enacted over the past several years to strengthen awareness and education, prevention, and treatment and recovery efforts.

It also takes aim at heroin traffickers and dealers.

It includes legislation (**S2761**) to allow law enforcement to charge a drug dealer with homicide, a class A-1 felony carrying a penalty of 15-25 years in prison, if a person dies of an overdose of heroin or other opiate-controlled substance sold by that dealer. The measure targets mid- to high- level drug suppliers who profit from heroin sales.

“Awareness and education, prevention and treatment are fundamental responses. But so are tough laws and law enforcement, especially when it comes to heroin traffickers and dealers. I agree that we can’t arrest our way out of this crisis, but we shouldn’t hesitate to throw the book at the pushers and suppliers of this deadly drug,” said O’Mara.

Other pieces of legislation O’Mara is co-sponsoring, many of which have bipartisan support in the Legislature, include measures to:

- > facilitate the conviction of drug dealers (**S638**) by establishing a felony crime of intent to sell for possessing 50 or more packages of a Schedule I opium derivative, or possessing \$300 or more worth of such drugs. Under current law, dealers can carry large quantities of the drug before triggering a felony charge of possession;

- > add six new derivatives of Fentanyl to the controlled substance schedule regulated by the state Department of Health (**S5884**). Fentanyl and fentanyl-laced heroin have caused many

of the overdose deaths statewide;

> create new criminal penalties for heroin sales that take into account the lighter weight of heroin. Heroin weighs less than other drugs and, consequently, more doses of heroin are needed to trigger various, existing criminal offenses (**S880**);

> make the sale of a controlled substance by an adult to a minor under the age of 14 a Class A-II felony (**S3845**); and

> require require health care practitioners to consult with patients on the risks associated with an opioid prescription and the patient's option to have the prescription written for a lower quantity (**S5670**).

The Senate created its heroin task force in 2014 at a time when local police departments and addiction centers, including many across the Southern Tier and Finger Lakes regions, were pointing to the alarming rise in the availability and use of heroin. O'Mara sponsored a task force hearing at Elmira College in early 2014 and another in Yates County early last year. He said that since 2014, while the work of the task force has helped enact important new state-level laws and other responses, the heroin crisis has grown increasingly urgent.

Consequently, task force members are continuing to develop legislative recommendations for preventing the drug's spread and treating those addicted.

O'Mara credits the local input senators have received at the forums for driving increased state funding and new laws over the past three years. The task force has heard testimony from regional law enforcement officers, treatment professionals, recovering addicts and family members, social services and mental health professionals, and other experts about the range of complex challenges posed by heroin including addiction prevention and treatment options, awareness and education, drug-related crimes, and other community and public

safety impacts.

O'Mara said, "This input from those on the front lines locally have targeted the necessary responses. We need to keep working, at every level of government, to keep our laws, programs and services ahead of this public health crisis. We can't let up for one second on the alarming threat of heroin, opioids, meth, synthetic substances, bath salts and other illegal drugs spreading throughout our communities. In particular, the growing heroin crisis is far too great a risk to spiral out of control and overwhelm individual lives along with local systems of health care, law enforcement, criminal justice and social services."