



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senate approves legislation O'Mara co-sponsors to strengthen response to heroin and opioid crisis: O'Mara, colleagues continue multi-pronged response

THOMAS F. O'MARA May 1, 2018

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



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Albany, N.Y., April 30—The State Senate today approved legislation co-sponsored by Senator Tom O'Mara (R,C,I-Big Flats), a member of the Senate Task Force on Heroin and Opioid

Addiction, to further combat the heroin and opioid epidemic spreading throughout the Southern Tier and Finger Lakes regions, and statewide.

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Earlier this session the Senate approved legislation O'Mara co-sponsors (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," said O'Mara. The Senate approved the following measures today to:

- > make the sale of 2 milligrams or more of Carfentanil a Class A-II felony, and the sale of 10 milligrams or more of Carfentanil an A-I felony. Carfentanil is a synthetic opioid 100 times deadlier than fentanyl, and 10,000 times stronger than morphine (623);

- > facilitate the conviction of drug dealers 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 (S638);

- > 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);
- > criminalize the sale of a controlled substance on or within 1,000 feet of the grounds of a drug or alcohol treatment center (S1127);
- > establish the crime of fraudulent prescription, dispensing, and procurement of non-controlled substance prescription medications and devices, and establish the offense of unlawful possession of controlled substance prescription medications and devices (S2814);
- > 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 health care practitioners to receive written consent from a minor's parent or legal guardian before prescribing a medical treatment involving opioids, and to discuss the risks of addiction and overdose (S5949).