



NEW YORK STATE SENATOR

Thomas F. O'Mara

## **O'Mara says legislative agreement on anti-heroin legislation takes crucial first responses, but he criticizes lack of tougher sanctions against dealers**

Thomas F. O'Mara

June 18, 2014

ISSUE:

- [Controlled Substances](#)



**Albany, N.Y., June 18**—A three-way agreement announced today between both houses of the Legislature and Governor Andrew Cuomo will enact a series of anti-heroin initiatives co-sponsored by Senator Tom O'Mara (R,C-Big Flats) to respond to the growing heroin crisis across the Southern Tier and Finger Lakes regions, and statewide.

The new laws, which will be approved by the Senate and Assembly by the end of the week, and then signed into law by the governor, will enhance prevention and treatment services, heighten public awareness and education on heroin's dangers, and increase some criminal penalties to try to deter the spread of the highly addictive drug.

"We're acting swiftly to try save lives and prevent more heroin-related tragedies and violence regionally and across the state," said O'Mara. "The Legislature and the governor have recognized that heroin's resurgence is a public health and safety crisis that can't wait. It's putting individual lives and communities at risk. We're taking these first steps to respond, especially to get addicts and their families the help they need, and to begin public awareness and educational campaigns to deter the drug's spread. It's a solid bipartisan effort."

Many of the new measures mirror a series of legislative initiatives first put forth in May by the Senate's joint, bipartisan Senate Task Force on Heroin and Opioid Addiction, on which O'Mara served as a member. The task force held nearly 20 public forums across the state beginning in early April, [including one O'Mara sponsored at Elmira College](#).

O'Mara and his legislative colleagues solicited more than 50 hours of testimony from regional law enforcement officers and leaders, drug addiction counselors, treatment providers, educators, social services and mental health professionals, and other experts – as well as recovering addicts -- about the range of complex challenges posed by heroin including addiction prevention and treatment options, drug-related crimes, and other community and public safety impacts.

While O'Mara largely praised today's overall agreement, he remained critical of the Assembly Democratic leadership for its long standing refusal to enact stricter penalties for criminals like heroin traffickers.

"I think the Assembly leadership is dead wrong to ignore the law enforcement part of the equation. Tougher laws can serve as deterrents to crimes like dealing heroin, and tougher laws deliver an appropriate dose of justice to victims," said O'Mara.

"Today's heroin is more addictive and deadlier than anything we've encountered before. We should be throwing the book at major heroin traffickers or sellers whose actions result in a death."

The agreement includes legislation, all co-sponsored by O'Mara, to:

- > require the state Office of Alcoholism and Substance Abuse Services (OASAS) and the state Department of Health (DOH) to establish the "Heroin and Prescription Opioid Pain Medication Addiction Awareness and Education Program." The program will utilize social and mass media to reduce the stigma associated with drug addiction, while increasing public knowledge about the dangers of opioid and heroin abuse, the signs of addiction, and relevant programs and resources;

- > establish school-based drug prevention programs to add age-appropriate information about the dangers of illegal drug use to junior high and high school health class curriculums;

- > provide 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;

- > establish 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;

- > enable parents with a child suffering from substance use disorder to receive an assessment for the disorder through the Person in Need of Supervision (PINS) diversion process and thereby access a variety of counseling and treatment

services;

> create a “Relapse Prevention Demonstration Program” to allow OASAS to provide referral services for individuals while they’re participating in a substance abuse treatment program, and for nine months afterwards. The community support referrals, aimed at preventing relapses, include educational resources, peer-to-peer support groups, social services and family services and counseling, employment support, transportation assistance, legal services, and child care services;

> promote the affordability of substance abuse services by requiring insurers to comply with federal substance abuse parity laws, strengthening and standardizing the utilization review process for determining insurance coverage for substance abuse treatment disorders, and requiring insurers to continue to provide and reimburse for treatment throughout the appeals process;

> authorize DOH Bureau of Narcotic Enforcement (BNE) investigators to directly access the criminal histories of individuals suspected of criminally diverting prescription medications;

> penalize obtaining a controlled substance by fraud or deceit; and

> make the sale of a controlled substance by a physician or pharmacist a Class C felony.

Read more on today's agreement [HERE](#).

The full report of the Senate Task Force on Heroin and Opioid Addiction can be viewed [HERE](#).