



NEW YORK STATE SENATOR

Jeffrey D. Klein

## Senator Klein, NY Pharmacists, Unveil Legislation to Combat Prescription Drug Epidemic

JEFFREY D. KLEIN April 11, 2012

| ISSUE: **CONTROLLED SUBSTANCES, DRUGS**



### *New Figures Show Spike in Prescription Drug Diversion/ Pharmacy Burglaries*

**NEW YORK, N.Y.** – Surrounded by pharmacists from across New York, Senator Jeffrey D. Klein, (D-Bronx/ Westchester), unveiled new legislation today to increase penalties for stealing prescription drugs and breaking into pharmacies.

These measures, designed to combat the rising prescription drug epidemic, comes amid reports of escalating violence committed in trying to unlawfully secure painkillers and similar controlled substances.

Senator Klein additionally released new statistics showing a sharp increase in arrests for black market diversion of prescription drugs and a rise in pharmacy break-ins in New York.

“Pharmacists, who are an important part of our healthcare system, now find themselves on the front lines of this increasingly dangerous public health crisis,” Senator Klein, Chairman of the Senate Standing Committee on Alcoholism and Drug Abuse, said. “By stiffening the penalties for breaking into a pharmacy, or stealing a prescription drug, we are aiming to lessen the amount of pills that end up in the wrong hands, as well as provide some additional protections to pharmacists and those who work for them.”

New data by the federal Drug Enforcement Administration, which was provided to Senator Klein’s office, shows that the number of arrests in New York State for “diverting” prescription drugs from a legal pharmacy to illegal drug markets increased dramatically. While there were only 59 such arrests in 2009, that number spiked 268 percent to 217 arrests in 2011. Additionally, pharmacy robberies increased from just four in 2006 to 30 in 2010.

In New York City, pharmacy break-in are on the rise. While there were only three reported burglaries in 2010, there were eight in 2011, according to New York City Police Department statistics.

"I'm in favor of changing these laws due the recent burglaries in the Bronx. Thieves stole over \$25,000 of worth of drugs from my store, not to mention the cost of repairs," said Shawn Nealis of Emerald Pharmacy in the Woodlawn section of the Bronx.

Senator Klein unveiled his legislation at HealthSource Pharmacy, the site of an armed robbery this past January.

The legislative package includes (S.6724), which stiffens penalties on pharmacy break-ins.

**Specifically:**

| Crime | Burglary or trespass charges<br>in current law | Charges und<br>propo |
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| <b>Enter or remain in a pharmacy without permission</b>   | Criminal trespass in the 3 <sup>rd</sup> degree – class B misdemeanor<br><br>(punishable by up to 90 days in jail) | Criminal trespass in the 3 <sup>rd</sup> degree – class A misdemeanor (punishable by up to a year in jail)      |
| <b>Enters or remains in a pharmacy illegally for the purpose of committing another crime</b>  | Burglary in the 3 <sup>rd</sup> degree – class D felony<br><br>(punishable by up to 2 1/3 - 7 years in prison)     | Burglary in the 3 <sup>rd</sup> degree – class C felony<br><br>(punishable by up to 1 - 5 years in prison)      |
| <b>Enters or remains in a pharmacy illegally for the purpose of committing another crime and while gaining entry or taking flight is armed with a deadly weapon or explosives, causes a physical injury to anyone other than a co-conspirator, uses or threatens the immediate use of a dangerous instrument, or displays a firearm</b> | Burglary in the 2 <sup>nd</sup> degree – class C felony<br><br>(punishable by up to 5 -15 years in prison)         | Burglary in the 2 <sup>nd</sup> degree – class B felony<br><br>(punishable by up to 8 1/3 - 25 years in prison) |

The second piece of legislation (S.6725) increases penalties for stealing controlled substances.

**Specifically:**

| <b>Crime</b> | <b>Larceny charges under current law</b> | <b>Larceny charges under Klei</b> |
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| <b>Steal controlled substances under \$1,000 in value.</b>                       | Petit Larceny – Class A misdemeanor<br><br>(punishable by up to a year in jail)                                      | Grand Larceny in the 4 <sup>th</sup> degree – Class D felony<br><br>(punishable by up to 1 1/3 to 4 years in prison)  |
| <b>Steal controlled substances with a value between \$1,000 and \$3,000</b>      | Grand Larceny in the 4 <sup>th</sup> degree – Class E felony<br><br>(punishable by up to 1 1/3 to 4 years in prison) | Grand Larceny in the 3 <sup>rd</sup> degree – Class D felony<br><br>(punishable by up to 2 1/3 - 7 years in prison)   |
| <b>Steal controlled substances with a value between \$3,000 and \$50,000</b>     | Grand Larceny in the 3 <sup>rd</sup> degree – Class D felony<br><br>(punishable by up to 2 1/3 - 7 years in prison)  | Grand Larceny in the 2 <sup>nd</sup> degree – Class C felony<br><br>(punishable by up to 5 -15 years in prison)       |
| <b>Steal controlled substances with a value between \$50,000 and \$1,000,000</b> | Grand Larceny in the 2 <sup>nd</sup> degree – Class C felony<br><br>(punishable by up to 5 -15 years in prison)      | Grand Larceny in the 1 <sup>st</sup> degree – Class B felony<br><br>(punishable by up to 8 1/3 to 15 years in prison) |

**Ray Macioci, President of New York City Pharmacists Society, said:** “ Patients who are in true pain depend on their pharmacists to maintain adequate supplies of medications that are properly prescribed for their conditions. Many of these medications are controlled drugs, which are highly sought-after by dealers and by those individuals who abuse those drugs. Pharmacy owners often walk a tightrope, servicing their patients' legitimate needs, while

trying to not make themselves, their employees or their customers targets of potential violence. Acknowledging there are no easy answers, we believe that Senator Klein's proposed legislation will bring much-needed attention to the serious issue of crimes in pharmacies, by substantially raising the penalties for those who violate the law. The pharmacy community thanks Senator Klein for his valiant efforts on behalf of the citizens of New York State."

**Robert Single, President of the Pharmacists Society of the State of New York, said:** "Senator Klein's legislation that increases criminal penalties for stealing pain medications and burglarizing pharmacies is a step in the right direction as it will make pharmacies safer places for our pharmacists, their employees and members of the public alike. The bills are a logical response to the tragedies that have occurred on Long Island and we are optimistic that if enacted into law, these measures will be a deterrent to crimes in the future. On behalf of practicing pharmacists throughout the state, we applaud Senator Klein's interest in this issue and his effort to make New York a safer place to live and work."