



NEW YORK STATE SENATOR

Kenneth P. LaValle

## Senator Ken LaValle Reports Senate Approval of Ten Bills to Save Lives and Stop Drug Dealers

KENNETH P. LAVALLE May 2, 2018

IMPORTANT INFORMATION FROM  
**SENATOR KEN LAVALLE**  
HEROIN RESOURCES AND  
HOW TO COMBAT ADDICTION

*NOTE: Click on the link above the photo to download Senator LaValle's Heroin Resources Brochure*

May 2, 2018 - Senator Ken LaValle reports that the State Senate approved a package of legislation that put a critically important focus on strengthening laws to stop drug dealers and others who are profiting from the deadly heroin epidemic that continues to grip the state.

The legislation that includes stronger penalties for big-time drug dealers selling heroin, as well as for fraudulent medication prescriptions that fuel opioid addictions; measures to protect dealers from preying on children; and legislation that expands the types of dangerous controlled substances regulated by the state, among others.

**Senator Ken LaValle said, “Heroin and opioid addition continue to harm our communities. As one of the original founding members of the Senate’s Task Force on Heroin and Opioid Addition, I continue to make fighting this scourge a top priority. We have made progress over the last few years, yet there is still a long way to go. The measures we approved are important items in our fight, and I urge the Assembly and the Governor to act quickly to make these Law. Be assured, I remain dedicated to eradicating the Heroin and Opioid epidemic and its effect upon our families.”**

In addition to the new measures, the NY State budget approved last month includes a major increase in funding to combat the opioid epidemic for a new record investment of \$247 million. The budget also increased the tools available to law enforcement to get dangerous drugs off the streets, added two new derivatives of fentanyl and several new hallucinogenic drugs, synthetic cannabinoids, and cannabimimetic agents to the state’s controlled substances schedule.

The measures advanced by the Senate continue to reflect the four-pronged approach the Senate’s Joint Task Force on Heroin and Opioid Addiction has advocated: prevention, treatment, recovery and enforcement. The Task Force has had extensive input received from the New York’s law enforcement community, health professionals, former addicts, and others who have been impacted by the opioid epidemic and participated in the forums and initiatives put forth by the Task Force.

The legislation approved in this package include:

**Making it Easier to Prosecute Heroin Dealers:**

S638, assists in the prosecution of heroin dealers by creating a presumption that the

possession of 50 or more individual packages containing heroin and/or having an aggregate value of \$300 is possession with intent to sell. Currently, dealers can carry large quantities of the drug before triggering a felony charge of possession.

**Establishing New Penalties for Heroin Sales:**

S880, creates appropriate-level penalties for heroin sales, taking into account the lighter weight of heroin. Heroin weighs less than other drugs and therefore more doses of heroin are needed to trigger various existing criminal offenses.

**Creating Drug Free Zones Around Drug or Alcohol Treatment Centers:**

S1127, criminalizes the sale of a controlled substance on the grounds of a drug or alcohol treatment center, or within 1,000 feet of such facilities. Statistics show that drug dealers often prey on individuals with addictions by sitting in the immediate vicinity of a drug or alcohol treatment center or methadone clinic waiting for people to come out so they can sell them drugs.

**Cracking Down on Black Market Prescription Drugs:**

S2814, establishes the offense of fraudulent prescription, dispensing, and procurement of non-controlled substance prescription medications and devices, and establish the offense of unlawful possession of non-controlled substance prescription medications and devices. The gaps in existing law and the growth of a black market make it self-evident that change is necessary. This bill will address the problem by increasing or establishing criminal penalties that better fit these crimes.

**Toughening Penalties for Sale of a Controlled Substance to Minors:**

S3845, helps curb rising drug abuse among high school students and other youth by making

the sale of a controlled substance by an adult to a minor under the age of 14 a class A-II felony.

**Cracking Down on The Sale of Carfentanil:**

S623, makes the sale of 2 milligrams or more of Carfentanil a Class A-II felony and the sale of 10 milligrams or more of Carfentanil a Class A-I felony. Carfentanil is synthetic opioid and a schedule II controlled substance, which is 100 times deadlier than fentanyl, and 10,000 times stronger than morphine.

**Criminalizing Alpha-PVP / “Flakka”:**

S816, designates Alpha-PVP, also known as “Flakka” or “Gravel” as a controlled substance. Similar to bath salts and methamphetamine, use of this designer drug has been known to cause violent behavior, with side effects including nausea, vomiting, paranoia, hallucinations, delusions, suicidal thoughts, seizures, chest pains, and increased blood pressure and heart rate.

The Senate also acted on important legislation to increase prevention, treatment, and recovery as part of the multi-pronged approach to help those impacted by heroin and opioid addiction, including:

**Limiting Children’s Opioid Exposure:**

S5949, helps address the increasing risk of children becoming addicted to opioids and heroin after being prescribed painkillers for medical procedures or illegally sharing extra prescriptions. The bill requires a health practitioner to receive written consent from a minor’s parent or legal guardian in order to prescribe a medical treatment containing opioids, as well as to discuss the risks of addiction and dangers of overdose associated with the

medication. The bill also limits the prescription for a controlled substance containing an opioid to a seven-day duration unless there is a medical emergency that puts the child's health or safety at risk.

**Expanding Access to Funding for State Substance Abuse Services:**

S898A, authorizes the state Office of Alcoholism and Substance Abuse Services (OASAS) to provide funding to substance use disorder and/or compulsive gambling programs operated by for profit agencies. Current statute states all funds issued by OASAS to provide addiction prevention, treatment, and recovery services must be awarded to non-profit providers. For-profit organizations - which provide similar services - are unable to apply for state contracts through OASAS and such restrictions limits competition within the RFP process that would ensure state dollars are being used in the most efficient way possible.

**Coordinating of Prescriptions Following an Overdose:**

S2639, requires hospital and emergency room physicians to notify a patient's prescriber when a patient is being treated for a controlled substance overdose. The measure enhances the effectiveness of the Prescription Monitoring Program (PMP) Registry when prescribing controlled substances by ensuring that vital medical information is shared among health care practitioners. The bill requires an emergency room or hospital practitioner treating a patient with an opioid overdose to consult the PMP registry and notify the patient's prescriber of the overdose. Without such notification of the overdose, it is very possible that the prescriber/practitioner would not know that the patient had suffered an overdose of the opioid.

The bills were transferred to the Assembly for consideration.

###