

THE SENATE
STATE OF NEW YORK



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May 4, 2021

Honorable Andrew M. Cuomo
Governor of New York State
NYS Capitol Building
Albany, NY 12224

Re: Opioid Settlement Funds

Dear Governor Cuomo:

I am writing to express my opposition to your Administration's diversion of \$21 million from the State's McKinsey settlement funding and to urge you to use the full \$32 million to bolster addiction treatment and support efforts, rather than sweep this funding into the State's general fund or to simply supplant existing State funding for these services. Money resulting from these types of settlements should be placed in a "lockbox" specifically dedicated to rectifying the wrongdoings that led to that settlement, and the State must ensure that this is done immediately with the \$32 million McKinsey settlement.

As you know, the McKinsey & Company agreement and consent judgment stated that the money "paid to the participating States will be used, to the extent practicable, to remediate the harms caused to the Settling States and their citizens by the opioid epidemic within each State." The financial damages paid by bad actors for the devastation caused by the opioid epidemic should never be used as a slush fund to bolster the state's general fund—a move that is especially egregious and entirely unnecessary at a time when the State has recently received a substantial windfall of more than \$12 billion from the Federal government. Rather, this funding must be apportioned to efforts and services that seek to directly undo the damage that countless New Yorkers and their families have suffered as a result of these actions.

I was supportive of a measure included in the Senate One-House Budget proposal to lay out requirements in statute regarding statewide opioid settlement agreements, but was disappointed that it was ultimately left out of the final Enacted State Budget. Such a measure would ensure that settlement funds are utilized in the manner it was intended, and in a manner that is appropriate given the context of how they were acquired. No amount of money will bring the countless lives lost to addiction back, but we can work to prevent further devastation by using opioid settlement funds expressly for this purpose. To use these funds for any purpose other than tackling this issue does a disservice to the lives lost and the loved ones left behind in the wake of this epidemic.

As you know, the COVID-19 pandemic has wreaked havoc on our state, and it has also exacerbated the ongoing opioid epidemic. In the last year we have seen increases in overdose deaths not only in the Mid-

Hudson, but in communities all across the State. Now is not the time for clever bookkeeping to utilize settlement money to free up other state monies—we need to honor the tragic loss of life that resulted in this settlement by expressly dedicating this funding to bolster recovery, treatment and prevention programs and services. Furthermore, the state should seek direct input from key stakeholders such as addiction recovery advocates, including individuals in recovery and their families, regarding expenditures of such monies.

We must solemnly bear in mind the great cost that led to the State receiving this funding, and it is essential that we make every effort to utilize it appropriately to prevent further devastation caused by addiction.

I thank you for your time, and I appreciate your consideration of this urgent request.

Sincerely,



Senator Sue Serino

41st District