



## Legislation Text

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**File #:** Res 0063-2024, **Version:** \*

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### Res. No. 63

Resolution calling on the New York State Legislature to pass and the Governor to sign, S.399A/A.338A, to enact the Safer Consumption Services Act, which provides for the establishment of overdose prevention centers.

By Council Members Cabán, Sanchez, Hanif, Avilés, Brewer, Nurse, Gutiérrez and Hudson

Whereas, According to the Center for Disease Control and Prevention (CDC), an estimated 108,000 drug overdose deaths-the highest number ever recorded-occurred within the United States in 2021; and

Whereas, In January 2023, the New York City Department of Health and Mental Hygiene (DOHMH) reported 2,668 overdose deaths occurred in New York City in 2021, reflecting an increase of 565 deaths from the 2,103 overdose fatalities reported in 2020; and

Whereas, DOHMH has attributed the majority of the overdose deaths in New York City to the synthetic opioid fentanyl, which is 50 to 100 times more potent than morphine; and

Whereas, A 2023 New York University (NYU) study found that more than 80 percent of its study participants who had injected drugs tested positive for fentanyl, while only 18 percent of those participants reported they had done so knowingly; and

Whereas, According to NYU, the prevalence of fentanyl in the illicit drug supply causes people who use drugs to unknowingly ingest fentanyl, which substantially increasing their risk of overdose and which, over time, increases their tolerance to fentanyl, potentially requiring increased amounts of the drug to elicit the same effects; and

Whereas, Given the lethality and prevalence associated with fentanyl in the New York City illicit drug supply, NYU emphasized the need to provide continued support for evidenced-based practices such as needle

exchanges, medication assisted therapy and treatment programs including OPC; and

Whereas, According to DOHMH, Overdose Prevention Centers (OPC) are places where people can safely use previously obtained drugs under the supervision of trained clinical and medical staff to reduce the potential risks of fatal overdoses, while clients are also introduced to harm reduction techniques and referrals for medical and behavioral health treatment; and

Whereas, Since November 2021, the two OPC's currently operating in New York City-located in East Harlem and Washington Heights-have intervened and successfully prevented 945 potentially fatal overdoses; and

Whereas, Despite the fact that federal law has deemed the activities at OPC's to be unlawful, President Biden's Administration has embraced the harm reduction model, and in a February 2022 statement to the Associated Press, Attorney General Merrick Garland reported the Department of Justice is evaluating supervised consumption sites, "including discussions with state and local regulators about appropriate guardrails for such sites as an overall approach to harm reduction and public safety"; and

Whereas, The Opioid Settlement Fund Advisory Annual Report received by Governor Kathy Hochul on November 1, 2022 included recommendations for continued investments in evidenced-based treatment as well as increased support for syringe services programs, including funding for OPC's; and

Whereas, S.399-A, sponsored by New York State Senator Gustavo Rivera, and companion bill S. 338-A, sponsored by State Assembly Member Linda Rosenthal, would authorize the New York State Department of Health in conjunction with local health departments to allow the safe injection sites to continue to offer service provision while providing staff members with immunity from criminal or civil liability; now, therefore be it

Resolved, That the Council of the City of New York Resolution calls upon on the New York State Legislature to pass and the Governor to sign, S.399A/A.338A, to enact the Safer Consumption Services Act, which provides for the establishment of overdose prevention centers.

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LS #9268  
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