

**PUBLIC SAFETY AND EMERGENCY SERVICES COMMITTEE**

**AGENDA**

**THURSDAY, DECEMBER 13, 2018**

**3:30 P.M.**

**COMMITTEE MEMBERS:** Kevin W. Hines, Chair

Kathy Stegenga, Joseph J. Minuta, John S. Vero, Thomas J. Faggione, Joel Sierra, Rob Sassi, Kevindaryan Lujan

**I. CARL E. DUBOIS, SHERIFF  
KENNETH T. JONES, UNDERSHERIFF  
ANTHONY MELE, CORRECTIONS ADMINISTRATOR**

**a. Corrections Report**

**b. Sheriff's Report**

**II. ROBERT J. CONFLITTI, EXECUTIVE ASSISTANT DISTRICT ATTORNEY**

**Resolution calling for New York State Legislative action to classify as controlled substances certain Fentanyl "Analogues" that are responsible for opioid overdose deaths**

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Rules  
✓ PS & ES  
Opioid II

**RESOLUTION CALLING FOR NEW YORK STATE LEGISLATIVE ACTION TO CLASSIFY AS CONTROLLED SUBSTANCES CERTAIN FENTANYL "ANALOGUES" THAT ARE RESPONSIBLE FOR OPIOID OVERDOSE DEATHS**

**WHEREAS**, for nearly a decade, Orange County, New York State, and the rest of the United States have been experiencing an unprecedented epidemic in the abuse of legal and illegal opioid drugs, resulting in, nationwide, the addiction of millions of people and the overdose deaths of hundreds of thousands; and

**WHEREAS** in Orange County, as of November 27, 2018, 102 people have died this year alone from overdoses of opioid drugs, more deaths than occurred from opioid overdoses in the County in all of 2017; and

**WHEREAS** fentanyl, a prescription opioid painkiller that is a controlled substance in the State of New York, is responsible for some of those overdose deaths, as are many substances known as fentanyl "analogues," drugs that have been designed to mimic the pharmacological effects of fentanyl, but that are not controlled substances in the State of New York because they are not listed on the appropriate schedules that classify controlled substances in New York State Public Health Law Section 3306; and

**WHEREAS**, of the 102 opioid-related overdose deaths that have occurred in Orange County so far in 2018, eighteen were the result, in part, of the deceased's use of one or more fentanyl analogues that were not controlled substances and, hence, were not illegal when the deceased used them; and

**WHEREAS** the ability of law enforcement officers in New York State to investigate and prosecute sellers of deadly opioid drugs is hampered by the gap in the law that results in some fentanyl analogues not begin classified as controlled substances because the New York State Legislature has not acted to add those analogues to the appropriate Public Health Law schedules; and

**WHEREAS**, under federal law, pursuant to 21 CFR Section 1308.11(i), the Administrator of the United States Drug Enforcement Administration has lawfully defined "fentanyl-related substance" to mean any substance related to fentanyl by certain specified chemical modifications; and

**WHEREAS**, if New York State classified as controlled substances any substances that meet the above federal definition of "fentanyl-related substance," the aforementioned gap in the law with regard to fentanyl analogues would largely be

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closed, and law enforcement would be able to investigate and prosecute sellers of currently-legal fentanyl analogues that are responsible for many of the overdose deaths;

**NOW, THEREFORE,** be it hereby

**RESOLVED,** that We, the Orange County Legislature, do hereby call on the State of New York, New York Governor Andrew Cuomo, the New York State Senate, and the New York State Assembly, to amend New York Public Health Law Section 3306 to include as a controlled substance any substance that meets the definition of "fentanyl-related substance," as defined in 21 CFR Section 1308.11(i); and it is further

**RESOLVED,** that the Clerk of the Orange County Legislature forward a certified copy of this resolution to the Honorable Andrew Cuomo, Governor of the State of New York; the Speaker of the New York State Assembly; the Majority Leader of the New York State Senate; and all Senators and Assembly Members whose Legislative Districts are in whole or in part in Orange County.