

1 **2023 NYSAC Legislative Conference**  
2 **Standing Committee on Public Health/Mental Health**  
3 **Resolution #2**

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5 **Resolution Calling on Governor Kathy Hochul to Declare a State of**  
6 **Emergency Regarding the Overdose Epidemic in New York State to Remove**  
7 **Statutory Barriers to Local Data Sharing Necessary for Timely**  
8 **Interventions**  
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10 **WHEREAS**, the use of opioids, such as hydrocodone, oxycodone, fentanyl, carfentanil,  
11 tramadol, methadone, and heroin can be fatal or cause severe side effects; and

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13 **WHEREAS**, a 2022 report released by the New York State Comptroller showed that, in  
14 2020, opioid overdose deaths increased 38 percent nationally and 44 percent in New  
15 York and in several New York State counties continues to rise, with some reports  
16 showing an increase of 68 percent in New York State alone between 2019 and 2021; and

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18 **WHEREAS**, overdoses involving opioids in New York State increased to 85 percent in  
19 2020 and 2021, with synthetic opioids accounting for 78 percent in 2021, compared to  
20 11 percent in 2010; and

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22 **WHEREAS**, New York State counties continue to experience an upward trend in drug  
23 overdose deaths and non-fatal overdoses, particularly those resulting from opioids; and

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25 **WHEREAS**, drugs, including but not limited to heroin, cocaine, opioids, and Xanax are  
26 being laced with fentanyl; and

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28 **WHEREAS**, while pharmaceutical fentanyl is 50-100 times more potent than  
29 morphine, illicitly manufactured fentanyl can contain even higher concentrations,  
30 increasing the danger of overdose, with two out of every five pills laced with fentanyl  
31 containing a potentially lethal dose; and

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33 **WHEREAS**, since 2019, the increase of counterfeit pills containing fentanyl seized by  
34 the federal Drug Enforcement Agency (DEA) has increased by 430 percent; and

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36 **WHEREAS**, access to data is critical to identifying and quickly adjusting response to  
37 local trends in drug use and the presence of additives, such as fentanyl and xylazine,  
38 which increases the risk of death and the potential impact response options; and

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40 **WHEREAS**, the American Medical Association's 2022 Overdose Epidemic Report  
41 notes data gaps as a limiting factor to evidence-based public health interventions and  
42 outcomes; and

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44 **WHEREAS**, currently available data remains incomplete, or delayed, and is not  
45 standardized for comparison, and often lags years behind current year trends; and

1 **WHEREAS**, statutory reporting requirements typically flow from state to local, with no  
2 statutory mechanism or bi-directional data processes to allow real-time data access and  
3 sharing at the local level; and

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5 **WHEREAS**, NYSDOH must move towards an enhanced capacity to conduct  
6 surveillance to respond to this and other health conditions in real time; and

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8 **WHEREAS**, improving standardization, quality, and timeliness of data collection and  
9 analyses will help advance local prevention, treatment and harm reduction efforts to  
10 improve outcomes and reduce overdose and death; and

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12 **WHEREAS**, the federal Health Insurance Portability and Accountability Act (HIPAA)  
13 and Code of Federal Regulations (CFR) 42 permit covered entities to disclose protected  
14 health information, without authorization, to public health authorities who are legally  
15 authorized to receive such reports for the purpose of preventing or controlling disease,  
16 injury, or disability; and

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18 **WHEREAS**, barriers exist in various sections of New York State Law that constrain  
19 local ability to access and share critical information regarding opioid use and overdoses,  
20 include electronic death records, toxicology reports, emergency response reports, and  
21 other vital events.

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23 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
24 Counties (NYSAC) calls upon Governor Kathy Hochul to declare a state of emergency  
25 regarding the overdose epidemic to address statutory barriers to local data access and  
26 sharing; and

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28 **BE IT FURTHER RESOLVED**, we encourage the Governor to enact Executive  
29 Order(s) to allow for immediate local data sharing as permitted under HIPAA to  
30 increase transparency and access that can be used locally to save lives from the overdose  
31 epidemic; and

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33 **BE IT FURTHER RESOLVED**, that the Governor and Legislature should work with  
34 NYSDOH to develop a system of data sharing to allow for advanced surveillance data by  
35 county departments of health; and

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37 **BE IT FURTHER RESOLVED**, the Governor and Legislature should pursue statutory  
38 changes to permanently allow for local data access and sharing to facilitate real-time  
39 identification of local trends in drug use, including non-fatal and fatal overdoses to  
40 allow for timely interventions to reduce preventable injuries and deaths; and

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42 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of  
43 New York encouraging member counties to enact similar resolutions; and

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45 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to  
46 Governor Kathy Hochul, the New York State Legislature, NYSDOH Acting  
47 Commissioner James McDonald, and all others deemed necessary and proper.