

# Working to End Overdose in New York: **Summary of the Safer Consumption Services Act**



## A. 8534 (Rosenthal)

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### Background

Punitive responses and criminal justice strategies have not been effective in their goal of curbing drug use and reducing overdose deaths in New York State. Instead, punitive drug policies have isolated people who use drugs and pushed them further to the margins of society where their access to services is scarce, their drug use practices are riskier, and their susceptibility to overdose is higher. Furthermore, current responses to drug use are not grounded in science or compassion and fail to address the public health crisis at hand. The Safer Consumption Services Act (SCS Act) will address the public health crisis of New York State's skyrocketing drug overdose death rates and numbers by utilizing a humanizing public health approach that will meet people where they are—acknowledging that drug use will continue to exist even with prohibition and working to save lives and provide resources to make drug use less risky.

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**The Safer Consumption Services Act (SCS Act) allows local health districts and the New York State Department of Health to authorize community-based organizations to operate as safer consumption spaces (SCS), in which people can legally consume previously-purchased illicit drugs with supervision from trained staff. This legislation extends immunity to participants, staff members, and property owners from arrest, charges, and prosecution for criminal offenses and penalties for their participation or involvement in approved SCS programs.**

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### The SCS Act Prioritizes Compassion and Humanity

Drug overdose deaths now surpass motor vehicle accident deaths and homicide combined. Many New Yorkers have lost loved ones to drug overdose deaths, and a number of counties across New York State have seen the number and rate of deaths increase for six consecutive years. Unfortunately, due to stigma and shame surrounding drugs and people who use drugs, individuals have been isolated—forced to engage in risky behaviors and unable to access necessary services.

The SCS Act addresses the issue of stigma and shame by providing individuals with a space to use previously-obtained illicit drugs in a judgement-free zone and under trained supervision. By providing people with a space to to legally consume drugs, the SCS Act increases opportunities to engage with people who use drugs rather than isolating them.

The implementation of SCS programs within community-based organizations and harm reduction agencies gives service providers an additional opportunity to compassionately welcome people who use drugs with open arms and treat them with the dignity and respect they deserve. The SCS Act enables programs to treat the whole person through potential wraparound services—truly meeting people where they are. In addition, it opens doors for people who use drugs to build rapport with staff who can help make their drug use safer, respond immediately to overdoses, and connect them with medical care, drug treatment, and social services.

### The SCS Act Centers Public Health and the Greater Good

By meeting people where they are and acknowledging that illicit drugs and drug use exist in our society, the SCS Act recognizes that a one-size-fits-all approach will not mitigate the drug overdose crisis. But rather, it will add another tool to the toolbox to help end overdose and increase overall public health.

The SCS Act addresses the immediate need to save lives in the current public health crisis. While centering public health by responding to the overdose crisis with a public health intervention rather than punitively, the SCS Act

simultaneously contributes to the greater good of society by decreasing public disorder and making communities safer and cleaner as a result of decreased public drug use and improper syringe disposal, as well as lowered risks of HIV and HCV transmission.

### **The SCS Act Limits Engagement Between Law Enforcement & People Who Use Drugs**

The SCS Act limits engagement between law enforcement and people who use drugs—decreasing the likelihood of potential criminalization of drug use that could lead to risky behaviors and eventual overdose deaths. It restores the role of addressing public health concerns to public health professionals and other social service providers. By addressing the overdose crisis with a public health approach and implementing SCS programs, the SCS Act allows law enforcement to focus on their role of keeping communities safe by placing the responsibility of addressing public health concerns on health care professionals and trained staff within SCS programs and providing immunity to participants, professionals/staff, and owners for their affiliation with SCS programs.

### **The SCS Act Advances Research**

The SCS Act includes a reporting requirement for all programs authorized/approved by the New York State Department of Health and/or local health districts. By requiring programs to collect and submit data in an annual report, the SCS Act will help programs make continual improvements to best meet the needs of the population they intend to serve.

The reporting requirement within the SCS Act functions as a built-in program evaluation. Additionally, the findings of such reports and evaluations can contribute to potential research that may help decrease risky behaviors and problematic drug use. Lastly, since the only SCS programs that exist in North America are in Canada, all research that exists about SCSs is based on international models; as such, the SCS Act will place New York State in the position to be at the forefront of US-based SCS research that could potentially be used to help reduce the number of overdose deaths nationwide.