

Working to End Overdose in New York: **Summary of Safer Consumption Services Act (SCSA) Bill**



[S399A/A338A](#) (Rivera/L.Rosenthal)

Background

Over 6,080 New Yorkers died from a *preventable* overdose in 2021 alone – the second record breaking year in New York State history. Every hour and 26 minutes a New Yorker passes away from an overdose across our state -- and overdose continues to take more New Yorkers' lives than car accidents, suicides, and homicides combined. Based on the instability of the drug supply and preliminary CDC data trends, it is likely every year will continue to break records unless a drastic scale-up of the care and harm reduction infrastructure.

Tough-on-crime and prohibitionist policies have created the conditions for a poisoned drug supply -- fentanyl is now involved in [more than 80%](#) of overdose deaths in New York City. Stimulant and fentanyl related overdose deaths are rapidly increasing throughout New York State, particularly among low-income communities and Black and Brown neighborhoods . In New York City, overdose has remained the [leading](#) cause of death for homeless New Yorkers for [the past 8 years](#).

Overdose Prevention Centers (OPCs) are controlled health care settings where people can more safely use pre-obtained drugs under clinical supervision and receive health care, counseling, and referrals to health and social services, including drug treatment. OPCs are able to prevent fatal overdoses especially for high-risk populations, like street homeless individuals, and they foster stigma-free spaces for engaging a population that has traditionally been unlikely to participate in formal health care services.

With preventable overdoses surging, and an evermore toxic drug supply, it's time New York State expands and funds life saving Overdose Prevention Centers statewide by passing the Safer Consumption Services Act (SCSA).

The Safer Consumption Services Act (SCSA) allows the New York State Department of Health to authorize and fund community-based organizations to operate Overdose Prevention Centers (OPCs). Overdose Prevention Centers would be regulated by the New York State Department of Health, identically to Syringe Service Programs (current policies and procedures for SSPs [here](#)).

Community-based programs who desire to open an OPC outside of currently operating syringe service programs would need to apply and successfully complete the extensive waiving process provided by the New York State Department of Health. The New York State Department of Health, in turn, would be required to create uniform policies and procedures to regulate and monitor OPCs.

SCSA would also uniformly define the legality of OPCs. The bill 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 OPC programs. Passing SCSA would allow a sense of security to be built among communities that have historically not trusted neither law enforcement nor the healthcare system, particularly those who actively use drugs.

The global success of Overdose Prevention Centers highlights the undeniable reality: OPCs save lives. OPCs have been operational for more than 35 years, with more than 100 OPCs operating in 66 cities, and yet **no fatal overdose has ever been recorded.**

New York City Mayor Bill de Blasio and the New York City Department of Health approved the nation's first two OPCs on November 30, 2021 (managed by the non-profit OnPoint in Washington Heights and East Harlem), making New York City a pillar in harm reduction in the country. In one year of operation, the OPCs successfully intervened in over 600 overdoses without a single fatality, all the while being located in two areas with [high concentrations](#) of overdoses.

This bolstered the growing national support and recognition of OPCs. Numerous localities are working to establish sustainable OPCs. [Rhode Island, whose Governor](#) approved a bill in 2021 to implement and [fund](#) these lifesaving centers by 2022. Additionally, Arizona, Illinois, Maryland, Missouri, New Jersey, New Hampshire, Kentucky, and New Mexico have pending state legislation to authorize OPCs.

Overdose Prevention Centers are endorsed by the [American Medical Association](#), the American Public Health Association, the HIV Medicine Association, and the Infectious Disease Society of America, and National Alliance Of State & Territorial Aids Directors (NASTAD). On December 20, 2021, the New York City Board of Health, through unanimous vote, issued a [statement](#) urging New York State to authorize OPCs.

The bi-partisan support for OPCs has also indicated a shift of public opinion and support for these life-saving centers. According to a Data for Progress Poll released in 2021, [64% of New Yorkers statewide support Overdose Prevention Centers](#). Opening OPCs was proposed in the [New York State's Blueprint to End the AIDS Epidemic](#), and included in the [Hepatitis C Elimination Plan](#).

Numerous peer-reviewed scientific studies have proven the positive impacts of OPCs. These benefits include, but are not limited to:

- [Increased access to drug treatment](#), especially among people who distrust the treatment system and have higher barriers to access.
- [Reduced HIV and hepatitis C](#) risk behavior (e.g. syringe and other injection equipment sharing).
- [Reduced the prevalence and harms](#) of bacterial infections.
- Successfully managing overdoses
- [Cost savings](#) resulting from reduced disease, overdoses, and [need for emergency medical services](#), and [increased preventative health care](#) and drug treatment utilizations.

Overdose Prevention Centers keep people and communities safe, and are placed in areas with high need based on overdose rates. Research of sites across the world demonstrate OPCs:

- Do not increase [community drug use](#)
- Do not increase [initiation into injection drug use](#).
- Do not increase [drug-related crime](#) and [public disorder](#)
- Decrease [public injection and syringe litter](#)

Authorizing Overdose Prevention Centers through the Safer Consumption Services Act (SCSA) would dramatically shift the tide in the overdose crisis in New York State. Allowing community members to use their pre-obtained substances in safe, controlled, and stigma-free spaces has proved to be effective in keeping people alive and communities safe around the world. That coupled with the sustainable harm reduction infrastructure SCSA would lay the groundwork for meeting people where they are within the scope of harm reduction.