

## **Legislators set public hearing March 14 on opioid nuisance law**

By Rick Miller, County Reporter | February 22, 2018

LITTLE VALLEY — A proposed local law declaring the opioid epidemic in Cattaraugus County a public nuisance was approved by two county legislature committees Wednesday.

County lawmakers will vote next Wednesday to set a public hearing on the local law for March 14. Legislators would vote on the law after the hearing.

Legislator Joseph Snyder, R-Ischua, vice chairman of the Human Services Committee, and one of the local law's cosponsors, said he thought it was too broadly written.

"It essentially declares all opioid use a public nuisance," he told the committee. "There are some very good uses for opioids, but the way it's written it declares all opioid use bad."

County Attorney Eric Firkel said opioid prescriptions led to many individuals becoming addicted.

Dr. Kevin D. Watkins, county public health director, specified that the proposed local law will let the county go after the opioid manufacturers, who he said have used deceptive marketing for opioids.

Watkins specified he did not plan to target distributors, though he said distribution of the product has been "unsafe." He added in most cases, doctors could have prescribed other products that were non-addictive.

"You can have a tooth pulled and be 12 years old and get an opioid. It's not necessary," Watkins said.

Snyder asked to change language in two paragraphs from prescribed to overprescribed.

Minority Leader John Padlo, D-Olean, another co-sponsor, said the key is “the deceptive practices of the drug companies.”

Snyder said he thought the local law, as proposed, “charges our county to go after anyone prescribing them.”

Watkins said the local law will help the county recoup the costs of the heroin and opioid epidemic.

Cattaraugus County was in the top 10 of New York counties in per-capita prescriptions of opioid drugs. It ranked ninth. In 2016, there were 62,215 opioid prescriptions in the county, down 16 percent since 2010. In 2015, there were 68,337 prescriptions written in the county and in 2014 there were 69,344 opioid prescriptions.

Three other Western New York counties, Chautauqua, Erie and Niagara, are also in the top 10 counties with the highest per capita opioid prescriptions.

There were 14 heroin/opioid deaths in Cattaraugus County in each of the last two years. So far there has been one death attributed to a heroin/opioid overdose this year, Watkins said.

Watkins said since last July, opioid deaths in the county have plateaued, adding, “we hope to see that decline continue.”

Padlo said there are 30 other counties in New York state suing drug companies over deceptive marketing of opioid drugs. “I’m glad we are taking action on this,” he said.

Firkel, the county attorney, asked for an executive session during the Human Services Committee meeting to discuss potential litigation.

Cattaraugus County has already engaged outside counsel, Napoli Scholnik of New York City, to represent the county in a lawsuit against

opioid manufacturers. The firm represents Niagara County and several other counties in the state in a similar lawsuit.

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