



December 8, 2023

RE: Opioid Settlement Fund Advisory Board

Dear Chairwoman Pantin and Members of the Board,

On behalf of all New Yorkers, including The Office of Addiction Services and Supports (“OASAS”), the Office of Mental Health (“OMH”), and the Department of Health (“DOH”) (collectively “Agencies”), we truly appreciate the time and energy you have devoted as members of the Opioid Settlement Fund Advisory Board (“Board”). The work of the Board continues to play a meaningful role as the State navigates the overdose crisis.

As provided for in the Board’s authorizing statute (Mental Hygiene Law 25.18), and the Opioid Settlement Agreements, the Board is tasked with providing recommendations on how to best use opioid settlement funds to reduce opioid overdoses. These recommendations were summarized and submitted to the Agencies as a written report dated November 1, 2023 (“Annual Report”). The Agencies are pleased that the Annual Report contains many suggestions that will help save lives amid the ongoing overdose epidemic.

While this year’s Annual Report was intended by the Board to serve as an Addendum to the original Report issued by the Board in 2022, the Agencies remain committed to implementing the Board’s recommendations to the extent practicable. As such, the same standards apply to the State’s acceptance of the Board’s original recommendations from 2022:

- limited to the allocation of the Opioid Settlement Fund Monies; and
- do not violate State or Federal Laws, rules, and/or regulations; and
- do not violate the New York State Constitution, specifically, regarding the authority to direct and spend State monies; and
- do not create a recurring cost for the State that is not fully funded by Opioid Settlement Fund Monies; and
- in compliance with court ordered Opioid Settlement Agreements.

Pursuant to Section V(B) of the Settlement Agreements, if the State rejects a Board recommendation it must provide a written explanation of the reasons for its decision within 14 days of that decision being made. The Board may then respond to the State’s decision within 14 days of receipt of such decision. The Agencies are actively evaluating all of the recommendations put forth in the Annual Report, but again reiterate that pursuant to the aforementioned standards, the State rejects the language related to Overdose Prevention Centers. Lastly, as noted in the Annual Report, the position

statements put forth in the Annual Report are outside of the scope of the Board's statutory authority and as such the Agencies will not be responding specifically to those positions.

Once again, thank you for your time and dedication in serving the people of New York State. We truly appreciate your commitment and persistence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chinazo Cunningham', with a stylized flourish at the end.

Chinazo Cunningham

CC:

Governor Kathy E. Hochul

Senator Andrea Stewart-Cousins, President Pro Tempore and Majority Leader

Assemblymember Carl E. Heastie, Speaker

Senator Liz Krueger

Assemblymember Helene E. Weinstein

Senator Nathalia Fernandez

Assemblymember Phil Steck