



**Office of Addiction  
Services and Supports**

**OASAS. Every Step of the Way.**

# **State of Emergency Overview**

**Opioid Settlement Advisory Board Meeting – September 13, 2024**

**Chinazo Cunningham, MD, MS, Commissioner, NYS Office of Addiction Services and Supports**

# What is a State of Emergency?

A disaster is defined as an: **“occurrence or imminent, impending or urgent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes...”**

*NYS [Exec. Law § 20](#)*

Orders are a time limited solution, remaining in effect for a period not to exceed six months or until rescinded by the governor, whichever occurs first. They cannot be used to suspend federal laws or constitutional provisions.



# State of Emergency Overview

- State of Emergency Declarations/Executive Orders (EOs) give the Governor broad authority to combat the relevant emergency<sup>1</sup>
- EOs can suspend specific provisions of “any statute, local law, ordinance, or orders, rules or regulations, or parts thereof...”<sup>2</sup>
- NYS legal framework can be temporarily modified when disaster declared
- State of Emergency often declared through EO following weather-related disasters (also used during COVID)

<sup>1</sup>NYS Executive Law §§ [28](#) & [29](#)

<sup>2</sup> NYS Executive Law § [29\(a\)](#)



# State of Emergency vs Public Health Emergency

- EOs for a State of Emergency differ from Public Health Emergency (PHE)
- PHE typically results from Department of Health (DOH) emergency regulations—or directives to localities (often issued simultaneously)
- Caution is warranted in evaluating a declaration of emergency to prevent legal challenges
  - Determine if appropriate/necessary to effectively combat opioid crisis

# State of Emergency Limitations: Scope

## Limitations of suspending statutes/local laws/orders/rules/regulations/ordinances

- Must safeguard public health/welfare—and is 'reasonably' necessary to disaster effort
- Must specify statute, local laws, ordinance, order, rule or regulation to be suspended—and the terms/conditions of suspension
- May provide suspension only under certain circumstances—and may:
  - Alter/modify requirement of such statutes, local laws, etc.
  - Include other terms/conditions
- Suspension orders must provide for the minimum deviation from requirements of such statute, local law, etc. that was suspended consistent with the disaster action deemed necessary

# State of Emergency Limitations: Time

- Legislature can terminate EOs at any time
  - Note: Legislature has previously called on Governor to use emergency powers to combat overdose epidemic
- Suspensions cannot exceed 30 days—but additional extensions can be made for up to 30 days each if warranted



# Emergency Declarations in Other States: Naloxone

**Most emergency declarations in other states request actions already made in New York State—such as increased Naloxone access and opioid prescription limits/controls**

## Naloxone Access

- Massachusetts (2014): prohibited prescribing/dispensing certain drugs and expanded Naloxone access; declaration continued in 2018
- Alaska (2017): standing order for distribution of Naloxone kits—expanded to include incident command center
- Virginia (2016): development of leadership team and standing order for Naloxone; enacted to spur federal government to declare emergency and draw public attention



# Emergency Declarations in Other States: Coordination

## Coordination

- Maryland (2017): EO dealt with the crisis, as informed by data, with efforts to reduce overdoses, establish coordination structures, and respond to gaps in care and enforcement
- Maryland (2023): New/updated EO on opioid overdoses—including racial disparity in treatment
- Florida (2017): EO allowed state to accelerate distribution of federal funding
- Arizona (2017): EO served as a catalyst for the state's action plan
- South Carolina (2018): EO proclaimed emergency and established response team to ensure coordination/collaboration between agencies
- Pennsylvania (2018): Proclamation enhanced coordinated state/local response, increased access to treatment, increased data collection, and improved tools
- Oregon (2024): Declaration targeted fentanyl and the City of Portland and Multnomah County; directs all levels of government to direct resources to unified response/creates a command center
- New Mexico (2023): Declaration calls for agency coordination; allocates funding to the agencies





# Questions?



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