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Statement by District Attorneys Darcel D. Clark, Eric Gonzalez, Michael E. McMahon, Cyrus R. Vance Jr. and Acting District Attorney John M. Ryan

“As the District Attorneys who serve all of the residents of New York City, we are committed to using every tool at our disposal to prevent fatal drug overdoses and to working in partnership with public health officials and community leaders. It is encouraging to see fewer people suffered fatal overdoses in New York City in 2018, as demonstrated by new data released today by the Department of Health and Mental Hygiene. However, 1,444 lives lost in one year to drug overdose in our city remains unacceptably high and deaths continue to rise in areas of the city.

The dangerously potent synthetic opioid fentanyl and its variants, known as fentanyl analogs, are largely responsible for the spike in drug-related deaths in recent years. In New York City in 2018, fentanyl and fentanyl analogs were involved in 60% of all overdose deaths, a larger proportion than in past years.

Fentanyl analogs are largely unregulated under New York State law and are typically imported at higher purity levels in small packages or through the mail. A recent [Grand Jury report](#) announced by the Office of the Special Narcotics Prosecutor identifies fentanyl analogs as a major factor in New York City overdose deaths. Since the beginning of 2017, approximately 900 people suffered fatal overdoses linked to fentanyl analogs in all five boroughs of New York City. The report describes challenges for law enforcement and makes a series of recommendations.

We call on New York State lawmakers to prohibit unregulated distribution of all fentanyl analogs, which are nearly identical to fentanyl in chemical structure and potentially more lethal. This can be accomplished by passing legislation to add all current and future variants of fentanyl to Schedule I of controlled substances under New York State Public Health Law PBH § 3306. Additionally, we support increased funding for public awareness campaigns and for Police Laboratories, Coroners and Medical Examiners across New York State.

Current law inhibits prosecutors and police from most effectively using all available enforcement tools, including search warrants, wiretaps and arrests, to remove fentanyl analogs from our streets. A lack of resources prevents experts from identifying them. By improving our ability to link overdoses and deaths to fentanyl analogs in autopsies and drug evidence, we can better protect the public and focus strategies on saving lives in our communities.

Fentanyl analogs serve no legitimate medical purpose and are produced by clandestine laboratories outside of the U.S. New types of fentanyl analogs are continually emerging as international labs slightly tweak chemical formulations. As long as fentanyl analogs in all their variants remain unregulated in New York State, they will proliferate unchecked and more lives will be lost.”

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