



# 2018 New York State YMCA

## Youth And Government

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FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate 3

Bill #: S-22

1 **Sponsors:** Will Braxton and Ethan Murphy

2

3 **An Act To:** to make it illegal for medical physicians to prescribe any type of opioids  
4 or derivatives of opioids to patients for acute pain. To also make it illegal for  
5 pharmaceutical companies to engage in direct-to-consumer (DTC) advertising.

6

7 *The People of the State of New York, represented in the Senate and Assembly to enact as follows:*

8

9 **Purpose:** The purpose of Bill # 1234567890 is to significantly reduce the epidemic  
10 level of opioid and heroin use among Americans.

11

### 12 **Summary of Provisions:**

13

#### 14 **Section 1:** Definitions

15

16 **Opioids** - are a class of drugs that include the illegal drug heroin, synthetic opioids  
17 such as fentanyl, and pain relievers available legally by prescription, such as  
18 oxycodone (OxyContin®), hydrocodone (Vicodin®), codeine, morphine, and many  
19 others. These drugs are chemically related and interact with opioid receptors on  
20 nerve cells in the body and brain. They are highly addictive

21 **Acute Pain** - There are different types of pain. Acute pain is a type of pain that  
22 typically lasts less than 3 to 6 months, or pain that is directly related to soft tissue  
23 damage such as a sprained ankle or a paper cut. Acute pain is of short duration but it  
24 gradually resolves as the injured tissues heal. Acute pain is distinct from chronic pain  
25 and is relatively more sharp and severe.

26 **Addiction** - is defined as a chronic, relapsing brain disease that is characterized by  
27 compulsive drug seeking and use, despite harmful consequences. It is considered a  
28 brain disease because drugs change the brain; they change its structure and how it  
29 works.

30 **Direct-To-Consumer Advertising (DTC)** - usually refers to the marketing of  
31 pharmaceutical products but also applies to the **direct** marketing of medical  
32 devices, **consumer** diagnostics and sometimes financial services. This form  
33 of **advertising** is directed toward patients, rather than healthcare professionals.

34

#### 35 **Section 2:**

36 The two main provisions of this bill are:

- 37 (1) Medical physicians cannot prescribe opioid base drugs for acute pain.  
38 (2) Pharmaceutical companies and/or any agents of said pharmaceutical  
39 companies cannot engage in the practice of direct-to-consumer (DTC)  
40 advertising.

41

42 **Justification:** According to a December 21, 2017 report from the Centers For  
43 Disease Control (CDC), life expectancy in the United States has declined for the second  
44 year in a row. This has not happened since 1962. The main reason is opioid overdoses



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1 among people aged 24 to 35. According to the CDC, opioid and heroin use are at  
2 epidemic levels. The US accounts for about 27% of the world's drug overdose deaths.  
3 International data shows that despite making up 4.4% of the global population, the US  
4 gobbles up a disproportionate amount of the world's opioid supply, about 30% of the  
5 total. Prior to 1990, United States doctors prescribed very little opioids to treat acute  
6 pain such as sprained ankles and broken bones. The shift in attitude was fed by drug  
7 manufactures like Purdue Pharma, which were attempting to increase sales of narcotics  
8 like OxyContin, an opioid. Prescription opioid sales quadrupled from 1999 to 2015,  
9 even though the US did not report a change in the amount of pain that was felt.  
10 Almost 50% of young people who inject heroin surveyed in three recent studies  
11 reported abusing prescription opioids before switching to heroin. Many reported  
12 switching because heroin is cheaper and easier to obtain than the prescription opioids.

13  
14 It is true that opioids reduce pain. However, according to **The Journal Of the**  
15 **American Medical Association (JAMA)**, it has been shown that a combination of  
16 Tylenol and Advil worked just as well as opioids for relief of pain in emergency rooms.  
17 Since opioids are so highly addictive and there are non-addictive alternatives to opioids,  
18 it makes little sense for doctors to prescribe opioids for acute pain. The short-term  
19 benefit of pain relief from an opioid is incredibly minor relative to the most likely life of  
20 hell due to its addictive qualities.

21  
22 As briefly mentioned earlier, pharmaceutical companies play a significant role in the  
23 opioid epidemic. Since they are allowed to engage in direct-to-consumer advertising,  
24 they promote the benefits of drugs such as OxyContin without explaining the significant  
25 risks. Even though ethics should prevail, when a patient asks their doctor for a  
26 particular drug they saw advertised on TV, the doctor often feels obliged to grant their  
27 patients request out of concern of losing that patient to another doctor. Doctors have  
28 much more knowledge and context about which drug is best for their patients than the  
29 patient themselves. Doctors should be allowed to do the best job they can without  
30 pressure from uneducated patients. To solve this problem, DTC advertising should be  
31 prohibited from the pharmaceutical companies and/or their agents.

32  
33 **Fiscal Implications:** There would be little fiscal implications. As a whole,  
34 pharmaceutical companies would make roughly the same amount of money and  
35 roughly pay the same amount of taxes that they currently pay. Manufacturers of drugs  
36 like OxyContin would probably make less money and manufactures of Advil would  
37 probably make more money.

38  
39 **Effective Date:** This bill shall go into effect immediately.

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