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***State Lawmakers, Consumers, Physicians, Pharmacists United in Call for
Rejection of Governor's Opioid Excise Tax in Final Budget***

(Albany, N.Y.)– Organizations representing consumers, physicians and pharmacists joined state lawmakers today at the Capitol to express their very serious concerns with the Governor's Budget proposal to impose an excise tax on the sale of opioid medications. Together, they issued a collective call for rejection of the proposal in the Final Budget due April 1st.

While this proposal is being characterized as a tax imposed on manufacturers of opioids, the budget clearly states, "*The economic incidence of the tax imposed by this article may be passed to a purchaser.*" This means that the manufacturer can increase the price of the medication to cover the cost of the tax and pass it down to patients and those who care for them like hospitals and pharmacies.

"Opioid manufacturers helped create the overdose crisis, yet a plan to tax patients in pain and people who got hooked on opioids because of reckless marketing practices of opioid manufacturers is in the offing in the State budget. This is not smart budgeting, it's not smart policy, and it must be roundly rejected," said **Assemblymember Linda B. Rosenthal (D/WF-Manhattan)**, Chair of the Assembly Committee on Alcoholism and Drug Abuse.

"Patients and pharmacists are certainly not the ones responsible for the opioid epidemic, but they will be the ones paying this tax," said **Assembly Health Committee Chair Richard N. Gottfried**. "This won't generate any real money for substance use treatment, but will make it harder for patients to get needed pain medications."

Assemblymember John T. McDonald III said, "The proposed opioid tax if implemented will not reach the intended goal since it will change behavior to the extreme and patients undergoing chronic pain management will be the victims, especially the disabled and hospice patients. Therefore, it is critical that we follow the lead of the NYS Assembly and dismiss this proposed tax and look at alternatives for the budget."

Patients with legitimate needs for pain or anxiety relief like those battling cancer, or with other acute or chronic pain, patients in hospice, those with physical disabilities or injuries like veterans or individuals recovering from major surgeries will now have a tax imposed by the State on their needed medications. For individuals who are uninsured, underinsured or with high deductible plans, as well as seniors with Medicare who are in the 'donut hole,' they would immediately see the price of their medications increase due to this tax. Health care is already unaffordable for many and this would only exacerbate this untenable situation.

"The proposed tax is bad. We shouldn't simply be trying to raise revenue off of individuals that are legitimately prescribed pain medication. We still have chronic illness to consider, and taxing prescription opioids to try and address the opioid crisis does nothing to address the other crisis we are facing – the pain crisis," said **Keith Gurgui, a person with a spinal cord injury living in Kingston, NY** and former Systems Advocate at the Resource Center for Accessible Living.

Kathryn Carroll, Policy Analyst for the Center for Disability Rights agreed that the tax is poor policy. “Disabled people are constantly having to fight for access to the services, supports, and other healthcare that allow us to live our daily lives. Unaffordability already keeps us from so many things we need. We should not add effective pain management to the list.”

In New York and other states, medications and most health care services are not taxed. This proposal sets a dangerous precedent of taxing a necessary health care treatment for patients.

“If enacted, New York would be the first state in the country to impose an excise tax on a prescription medication,” stated **Jose (Jun) David, MD, a family physician practicing in Albany and Past-President of the NYS Academy of Family Physicians**. “Worse, it is a tax on some of our most vulnerable patients who rely on these medications to provide needed pain relief to help mitigate suffering. This is going too far- New York should not be taxing medications or other health care services to fill a budget hole.”

In the case where individuals have prescription drug coverage, the tax would be passed down to pharmacies, hospice providers and hospitals providing their medications. With these providers already struggling to remain viable, it would be near impossible to absorb a tax for these medications and continue to provide them to patients.

“New York should not be balancing its budget by inventing a tax that endangers New Yorkers in need of medically necessary prescription medications. If this tax is enacted, it will absolutely be passed down to pharmacies and patients, essentially guaranteeing that patient access to life saving medications will be jeopardized. Patients will be unable to purchase their prescriptions or pharmacies will be unable to stock them since neither can afford to absorb this tax,” said **Mike Duteau, R.Ph, President, Community Pharmacy Association of NYS**.

A recent survey conducted by Altarum (March 2019) found that *21% of New Yorkers did not fill a prescription and 23% cut pills in half or skipped medication doses due to cost*. Prescription drugs and healthcare are the last place New York should be looking to impose a new tax.

The groups also warned of a very serious unintended consequence to this proposal being falsely sold as helping to address the opioid epidemic. If patients can no longer afford or access the prescription medications they need to relieve their serious pain, the State may see an increase in the use of illicit drugs to fill this void, only worsening the crisis.

“Although the New York American College of Emergency Physicians supports efforts to fund combating the opioid epidemic, establishing an excise tax on opioids is not the right answer. Doing so creates a dangerous precedent of taxing medicine and will no doubt be passed along to consumers – who already pay exorbitant prices for pharmaceuticals in this country. Worse, given the tremendous reductions in opioid prescriptions through changes in provider prescribing patterns, such a tax will disproportionately affect those patients who are prescribed opioids for legitimate medical reasons such as cancer pain, for which there are no other options,” said **Jeremy T. Cushman, MD FACEP, President, New York American College of Emergency Physicians**.

“We appreciate the goals of this proposed tax to generate needed revenue to assist in combatting the opioid and heroin abuse epidemic we face” stated **Dr. Thomas Madejski, President of the Medical Society of the State of New York**. “However, we are very concerned about the possibility of manufacturers and distributors passing on this cost to our community pharmacies, hospitals and, ultimately, patients. In some cases, it could be more difficult for patients to receive their needed medications. We are also very concerned regarding the precedent it would set in taxing a health care service or treatment, which MSSNY strongly opposes.”