



# Healthcare Policy Roundup

August 21, 2018

## Catch the Highlights!

- *New York State sues opioid manufacturer Purdue for deceptive marketing*
- *Cuomo signs bill prohibiting smoking in child care centers outside hours of operation*
- *City ordered to update Rikers facilities to comply with the Americans with Disabilities Act*

## Questions? Comments?

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## New York files suit against opioid maker Purdue:

Last Tuesday, New York State became the 27th state to sue drug manufacturer Purdue Pharma LP, claiming the company used deceptive marketing to increase sales of the opioid product OxyContin. The case is among thousands of lawsuits filed by cities, states, and Native American tribes alleging Purdue and other opioid manufacturers played a lead role in fueling the opioid epidemic.

The lawsuit accuses Purdue of misleading providers and patients by overstating the benefits of opioid medication while downplaying the risks of long-term addiction. According to New York State Attorney General Barbara Underwood, the Connecticut-based company made over 114,000 visits to New York State between August 2015 and December 2017 as part of an aggressive marketing campaign to increase sales.

In a recent statement, Purdue denied the state's allegations but shared its concerns over the growing epidemic. In 2007, Purdue was sued for \$635 million by the U.S. Department of Justice over misbranding of its product OxyContin. Earlier this year, New York City brought a similar lawsuit against Purdue and seven other manufacturers for using misleading marketing campaigns to increase drug sales.

## New bill prohibits smoking in public and private child care centers:

Beginning this week, New Yorkers will be prohibited from smoking in child care centers, including private residences, regardless of whether children are present. The bill, which was signed into law on Monday, will require all child care facilities to comply with the ban by the end of September.

Public and private daycare centers were previously permitted to use cigarette products outside of standard hours of operation, as long as children were not present. According to Governor Andrew Cuomo, the new law seeks to protect children from secondhand smoke and residual contamination – or “third-hand smoke” – from tobacco products lingering on surfaces for up to several days.



According to the Centers for Disease Control and Prevention (CDC), exposure to second and third-hand smoke can lead to increased risk for asthma, ear infections, and pneumonia among young children and sudden infant death syndrome (SIDS) among newborn babies. The new legislation builds on Cuomo's previous efforts to limit childhood exposure to smoking products, including a 2015 bill that prohibits smoking near facilities hosting after-school programs and a 2017 law that bans electronic cigarettes on school property.

## City ordered to update Rikers facilities for inmates with disabilities:

Over the next six years, the New York City Department of Corrections will be required to make significant architectural changes to its Rikers facilities following a settlement with the Manhattan U.S. Attorney's office that found three buildings in violation of the Americans with Disabilities Act (ADA).

The settlement follows a recent site inspection that found two facilities housing inmates with mobility and visual impairments to have widespread violations, including showerheads and toilet paper dispensers mounted out of reach of wheelchair users. The inspection also found Rikers' Central Visits Control Building inaccessible to disabled inmates and their visitors.

As part of the settlement, Rikers will be required to work with the Department of Corrections and NYC Health + Hospitals to amend the buildings' physical structure and provide auxiliary services for inmates with vision and hearing impairments. The prison will also be required to provide special medical equipment to inmates with special needs. With Mayor Bill de Blasio pledging to close the entire prison complex by 2027, however, it is unclear how many of the changes will be implemented.



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