

NEW YORK STATE SENATE DEMOCRATIC MAJORITY

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Senate Majority Takes Major Steps To Combat The Opioid Crisis

(Albany, NY) The Senate Majority today advanced bills to combat substance misuse and protect New York communities from the scourge of opioid addiction. Additionally, the Senate Majority released a report generated by the Joint Senate Task Force on Opioids, Addiction & Overdose Prevention. The Task Force was charged with holding hearings, visiting treatment sites, and speaking with experts and families impacted by opioid misuse, and using those experiences to guide the Senate Majority on how to best address this crisis. The legislation passed by the Senate Majority takes into consideration the complexity of the opioid epidemic; providing support to those fighting addiction and health care providers, as well as expanding government services.

"The opioid crisis has destroyed lives and devastated communities throughout our state," **Senate Majority Leader Andrea Stewart-Cousins** said. "The Joint Senate Task Force on Opioids, Addiction & Overdose Prevention has worked tirelessly holding hearings, coordinating with experts, and helping develop legislation to address this crisis. I thank Senators Carlucci, Harckham, and Rivera, for co-chairing this task force, and I commend all of the task force members and bill sponsors for their hard work generating this report and advancing this legislation. The Senate Majority will continue our fight to protect New York communities and New Yorkers' health."

The Joint Senate Task Force on Opioids, Addiction & Overdose Prevention is led by Co-Chairs, Senator David Carlucci, the Chair of the Senate Committee on Mental Health and Developmental Disabilities, Senator Pete Harckham, the Chair of the Senate Committee on Alcoholism and Substances Abuse, and Senator Gustavo Rivera, the Chair of the Senate Committee on Health. The bi-partisan, 12-member Task Force conducted hearings, roundtable discussions, and site visits throughout New York State, and used those experiences to generate a report and offer guidance for the legislation advanced by the Senate Majority.

List of Hearings and Roundtables conducted by the Joint Senate Task Force on Opioids, Addiction & Overdose Prevention:

- August 9 Public Hearing, St. Barnabas Hospital, The Bronx
- August 26 Roundtable, Madison County Office Building, Wampsville
- September 16 Roundtable, St. John's University, Staten Island
- October 3 Roundtable, Putnam County Training and Operations Center, Carmel
- October 3 Public Hearing, Putnam County Training and Operations Center, Carmel
- October 15 Public Hearing, Patchogue Theatre of the Performing Arts, Patchogue
- October 30 Roundtable, Catholic Health Medical Center, Buffalo
- November 15 Public Hearing, Legislative Office Building, Albany

List of Site Visits conducted by the Senate Joint Task Force on Opioids, Addiction & Overdose Prevention:

• August 27 – Site Visit, Roswell Park Comprehensive Cancer Center, Buffalo

- August 27 Site Visit, Neonatal Abstinence Unit, Sisters Hospital, Buffalo
- August 29 Site Visit, Overdose Prevention Center, Parkdale Queen West Community Health Center, Toronto
- October 4 Site Visit, Russell E. Blaisdell Addiction Treatment Center, Orangeburg
- October 30 Site Visit, Niagara County Jail, Lockport
- November 21 Site Visit, Interborough Development and Consultation Center, Brooklyn

In addition to generating a <u>report</u>, the work undertaken by the Joint Senate Task Force on Opioids, Addiction & Overdose Prevention helped identify ways state government would be better able to combat the opioid crisis and help New Yorkers suffering from substance misuse and addiction. The legislation passed by the Senate Majority includes:

Medical Education

- **Expands SBIRT Program**: This bill, <u>S.2507</u>, sponsored by Senator Anna Kaplan, requires OASAS to develop new training materials for use by qualified health professionals to encourage the screening, brief intervention, and referral to treatment (SBIRT) program beyond hospital emergency rooms.
- Training for Controlled Substance Prescribers: This bill, <u>S.7102-A</u>, sponsored by Senator Brian Benjamin, would require DOH to update the mandatory three-hour training for prescribers of controlled substances to include the most up-to-date guidance and evidence-based best practices.
- Pain Management and Substance Use Disorder Education: This bill, <u>S.7132</u>, sponsored by Senator Toby Stavisky, would require medical and mental health providers to receive training in pain management and substance use disorders (SUD).

Opioid Prescribing

- "Pill Mill" Surveillance: This bill, <u>S.5653-A</u>, sponsored by Senator Jen Metzger, will ensure that DOH's periodic analysis of data from the prescription drug monitoring program include an examination of potential inappropriate or illegal prescribing, frequently referred to as "Pill mills."
- Access to Abuse Deterrent Formulations: This bill, <u>S.6397</u>, sponsored by Senator David Carlucci, will ensure that insurance plans cannot substitute non-abuse-deterrent drugs when an abuse-deterrent form is ordered and that insurance coverage does not disadvantage access for patients.
- **Partial Fill Prescription**: This bill, <u>S.7115</u>, sponsored by Senator Gustavo Rivera, would allow patients to request a partially filled prescription without limiting future access to the rest of the prescription.
- **Opioid Antagonist Prescription**: This bill, <u>S.5150-B</u>, sponsored by Senator Pete Harckham, will require prescribers to co-prescribe an opioid antagonist with the first opioid prescription of the year to combat accidental overdoses.

Access to Overdose Reversal Medications

- Take-Home Opioid Antagonist: This bill, <u>S.6650</u>, sponsored by Senator Pete Harckham, will require individuals diagnosed with an opioid use disorder who are discharged from treatment facilities, state prisons, and hospitals to be provided with an overdose reversal drug (such as naloxone) prior to discharge.
- Access to Life Insurance Coverage: This bill, <u>S.3159-A</u>, sponsored by Senator Pete Harckham, will prohibit insurers from denying life insurance to, or otherwise discriminating against, individuals who are prescribed an overdose reversal drug (such as naloxone), as many nurses and health care providers carry this lifesaving drug without a specific patient prescription.
- Use of Opioid Antagonist by Public Accommodations: This bill, <u>S.5457</u>, sponsored by Senator Pete Harckham, will expand the list of entities authorized to possess, distribute, and administer an overdose reversal drug (such as naloxone) to include public accommodations, such as restaurants and bars.

- **Substance Abuse Sensitivity Training**: This bill, <u>S.1063-A</u>, sponsored by Senator Roxanne Persaud, will require SUD counselors to receive sensitivity training and up-to-date training on how to provide the best care to individuals suffering from an SUD and their families.
- Chemical Dependence Treatment Bill of Rights: This bill, <u>S.4599</u>, sponsored by Senator Kevin Parker, creates an explicit list of rights for patients receiving treatment in a SUD program that must be clearly placed throughout treatment facilities and given to every patient upon intake.
- "Stephen's Law": This bill, <u>S.4741-B</u>, sponsored by Senator Pete Harckham, will require treatment programs to notify patients of their right to identify emergency contacts and require OASAS to develop guidelines for protocols to be used by treatment programs in communicating with these contacts.

Insurance

• **Behavioral Health Insurance Rate Working Group**: This bill, <u>S.6694</u>, sponsored by Senator David Carlucci, will establish a workgroup to conduct an analysis on rates for behavioral health services to ensure service providers have fiscally viable programs.

Recovery

• **Recovery Living Task Force**: This bill, <u>S.4496-A</u>, sponsored by Senator Monica Martinez, will establish the recovery living task force to develop best practice guidelines for recovery housing and offer recommendations for legislation to put these recommendations into practice.

Criminal Justice

• **SUD Treatment in Correctional Facilities:** <u>S.6288-A</u>, sponsored by Senator Luis Sepúlveda, will require the Office of Addiction Services and Supports to provide the Legislature with annual reports on the extent and nature of SUD and treatment access within New York State correctional facilities.

Child Welfare

• **Infant Recovery Centers:** This bill, <u>S.5480</u>, sponsored by Senator Gustavo Rivera, will require that DOH and OASAS establish a pilot program with at least four infant recovery centers in areas of need in the state.

Bill sponsor, Task Force Co-Chair and Chair of the Senate Committee on Mental Health and Developmental Disabilities, Senator David Carlucci said, "Drug addiction continues to ravage communities and does not discriminate. New York has to lead the way and save lives. Our legislation and report takes a multifaceted approach to aggressively and comprehensively addressing addiction prevention, treatment, and recovery."

Bill sponsor, Task Force Co-Chair and Chair of the Senate Committee on Alcoholism and Substances Abuse, Senator Pete Harckham said, "The passage of these important bills addressing the opioid crisis demonstrates that my Senate colleagues and I are taking a multi-faceted approach to saving lives. Along with Stephen's Law, which allows certified treatment providers to make emergency contacts for patients, the bills also ensure that certain patients be prescribed an opioid antagonist like naloxone to prevent an overdose, and also be given educational materials and instructions regarding overdose prevention and treatment. We also made it easier for Good Samaritans to administer opioid antagonists in public places without fear of legal liability. These are important steps toward a larger and critical awareness that lives can be saved, and must be saved, with smart, thoughtful policies regarding treating Substance Use Disorder and preventing overdose fatalities."

Bill sponsor, Task Force Co-Chair and Chair of the Senate Committee on Health, Senator Gustavo Rivera, said, "By including my bills to establish recovery centers for infants suffering from opioid withdrawal symptoms, and to allow patients to partially fill controlled substance prescriptions, the Senate Majority will be working to implement efficient and common sense measures to fight the opioid crisis. We need to take action immediately and these bills will go a long way in preventing addiction and saving New Yorkers' lives. The

Senate Task Force on Opioids, Addiction, and Overdose Prevention heard from many New Yorkers about the changes needed to address this crisis and I am proud that we are taking what is only an initial step in implementing its recommendations"

Bill sponsor, Senator Brian A. Benjamin said, "The opioid crisis has taken its toll on our state and left its mark on the people of the district I represent. I'm proud to be a part of the response to this crisis by sponsoring S7102A, which will ensure that prescribers of controlled substances include best practices for patient-centered care, social determinants of health, and co-occurring disorders."

Bill sponsor, Senator Anna M. Kaplan said "The opioid crisis affects every community on Long Island and throughout the state, and it's going to take all of us working together on comprehensive solutions to address it. I'm proud to have sponsored legislation that will help break the cycle of addiction as part of the Senate's efforts to combat this crisis, and I will continue to relentlessly pursue solutions that make our community safer, and ensure that people can get the help they need."

Bill sponsor, Senator Monica R. Martinez said, "The establishment of the Recovery Living Task Force is an essential component to assist individuals who are struggling with chemical dependency. The members of the task force will be charged with ensuring these safe havens are safe with properly trained staff and supplied with equipment and funding to best prepare the patient for recovery. This legislation allows New York State to begin the regulatory process for recovery homes and to ensure the best care for patients and safety standards for the caregivers, are provided."

Bill sponsor, Senator Jen Metzger said, "The communities I represent have been deeply affected by the opioid crisis, with Ulster, Sullivan, Orange, and Delaware counties all facing staggering opioid-related death rates that exceed--and in the case of Ulster, nearly double--the state average. There is no doubt that the package of opioid legislation passed today will save lives. The Department of Health has data at its disposal to track flagrant over-prescribing of opioids, and the legislation I've introduced as part of this package will give the Department a valuable tool to crack down on this illegal practice and help prevent addiction and its devastating consequences."

Bill sponsor, Senator Kevin Parker said, "The so-called War on Drugs ravished Black and Brown communities from Flatbush to Emerson, and its chilling and catastrophic effects are visible everywhere you turn today in communities of color today. The package of anti-opioid legislation that the Senate Majority passed today is a long overdue step towards justice and fairness for Black and Brown people. These bills illustrate the progress we have made as a state, and although late and with tremendous consequence to traditionally marginalized communities, I remain hopeful because the new Senate Democratic Majority is leading the charge to rethink the way we address drug abuse and addiction, criminal punishment, and mass incarceration."

Bill sponsor, Senator Roxanne J. Persaud said, "When seeking treatment for substance abuse, an individual is at a particularly low point in life. It is vital that those responsible for providing counseling to these individuals understand that each person has had unique experiences, in order to provide them the best-individualized care as possible. This legislation is a step in the right direction to producing more successful outcomes during recovery from substance disorders."

Bill sponsor, Senator Luis Sepúlveda said, "In order to provide effective care for incarcerated individuals suffering from addiction, it is crucial to be aware of an individual's substance abuse, history of treatment, and personal history of mental illness or trauma. A clear understanding is needed to adequately address the underlying issues that come with their addiction and the kind of treatment that is best required. My bill, which creates an annual report on the adequacy of such rehabilitative programs, is a step towards a healthier, safer, and efficient recovery for incarcerated individuals who suffer from substance abuse."

Bill sponsor, Senator Toby Stavisky said, "Part of fighting the opioid crisis is recognizing the issue when you see it. It is important that professionals, who regularly interact with the public treating clients, can observe the warning signs of opioid abuse. I am proud to sponsor this bill that will require training for those in the healthcare professions so that they can provide prompt care."

Senate Deputy Leader Michael Gianaris said, "Too many lives have been devastated by the opioid epidemic. I am proud our Senate Majority is taking decisive action to save lives and help more people enter recovery."

Senator Joseph Addabbo, Jr. said, "These bills are the culmination of statewide expert testimony and personal accounts from individuals impacted by this devastating public health crisis. As a supporter of these bills, I appreciate the focus on much-needed training for healthcare professionals, prescription management, recovery and treatment programs, which will not only thwart addiction but also enhance services for New Yorkers struggling with addiction to drugs or alcohol."

Senator Alessandra Biaggi said, "The opioid crisis has impacted every corner of our community. Over the last four years, the number of overdose deaths in the Bronx have risen 54%. With the passage of this legislative package, we will expand access to abuse-deterrent painkillers, curb insurance discrimination against individuals who are prescribed opioid blockers, empower bystanders to administer emergency overdose treatment, and increase familial intervention for individuals at risk of relapsing. I want to thank Senate Majority Leader Andrea Stewart Cousins and the bill sponsors for their leadership on this issue, and I look forward to continuing our fight to end the opioid epidemic in New York State."

Senator Simcha Felder said, "Opioid addiction does not discriminate. Families and communities everywhere are enduring its pain and trauma. I was pleased that the Joint Senate Task Force joined me to tour a facility on the front lines of the fight. These recommendations will map the necessary steps to stop this crisis dead in its tracks and improve health and recovery outcomes for all New Yorkers."

Senator Jim Gaughran said "The opioid crisis is a silent killer that has ravaged communities across the country. This package of legislation will address this public health crisis and help stem the over prescription of opioids, and place a greater focus on expanded access to education and treatment. I thank Leader Stewart-Cousins for her leadership in moving these important bills to the floor and I will continue fighting to protect New Yorkers and end the opioid crisis."

Senator Andrew Gounardes said, "No neighborhood has been spared from the opioid epidemic which continues to devastate families all across Brooklyn, our City and our State. Today, the Senate passes legislation to help people recover from opioid addiction so that fewer families will have to experience the horror of losing a loved one to this terrible disease. The Legislature has made key progress on this issue and today we advance more essential legislation to combat opioid addiction."

Senator Brad Hoylman said, "Over the last decade, the number of New Yorkers who died of an opioid overdose has skyrocketed; in 2018 alone, there were 1,824 fatal overdoses in New York. These heartbreaking deaths should never have happened. Under the leadership of Majority Leader Andrea Stewart-Cousins, the Senate Democratic Conference is tackling the opioid crisis head-on with compassionate, sensible legislation that helps those struggling with addiction and expands access to life-saving medication. I'm proud to vote for this legislative package and look forward to reviewing the Joint Senate Task Force's recommendations on how to move forward."

Senator Robert Jackson said, "This package of bills and publication of the report from the Joint Task Force is an important step in addressing the opioid crisis that ravages many portions of the state, including in my own district. Washington Heights will benefit from increased access to evidence-based treatment and greater distribution of overdose reversal drugs. I thank my colleagues, especially Senators Rivera, Carlucci, and Harckham, for their tireless work to solve this public health emergency of opioids. With legislation like this and

with further funding in this year's budget, we get closer to turning a corner on this crisis by ensuring our constituents with substance use disorder have access to the people-centered treatment they need."

Senator Todd Kaminsky said, "To successfully combat the opioid crisis and prevent further tragedies in our communities, it's imperative we tackle this problem from every angle. Today we took an important step by offering a robust package of bills that will reduce barriers for those seeking treatment, provide more at home health care options and limit access to this addictive drug."

Senator James Sanders Jr. said, "While often prescribed legally as a pain reliever, the overuse or misuse of opioids can lead to addiction and even death. It is so important that we put into place measures to combat this crisis, which affects the public's health as well as the social and economic welfare of all New Yorkers. Every day, more than 130 people in the United States die after overdosing on opioids, according to the National Institute on Drug Abuse. We need to take action to stop this madness, and I believe the bills we are introducing today are an important step in that process."

John Coppola, Executive Director of the New York Association of Addiction Services and Professionals, said, "The Task Force Report identifies key issues related broadly to addiction and specifically to the opioid crisis. It also zeroes in on key prevention, treatment, recovery, and harm reduction strategies that are critical to addressing this critical public health challenge. The package of legislative proposals resulting from the Task Force's work will be a major step forward in reversing this statewide crisis."

Amy Dorin, President & CEO of The Coalition for Behavioral Health, said, "The Senate Opioid Task Force report provides an in-depth and critical look at further actions New York can take to end the overdose epidemic. The Senate's focus throughout the report on supporting the treatment workforce is crucial, as we cannot end this crisis when there are not enough clinicians. We are encouraged that the Senate is taking immediate action to implement these recommendations, including several to increase access to naloxone. Our providers stand ready to implement these new laws in their programs and to partner with the State to continue to improve substance use treatment. As the Senate continues this important work, we hope to see additional consideration of syringe decriminalization and overdose prevention centers."

Dr. Chinazo Cunningham, MD, MS, Professor of Medicine and Associate Chief, Division of General Internal Medicine, Montefiore Health System & Albert Einstein College of Medicine, said, "I commend the Joint Senate Task Force on Opioids for its listening tour, recommendations, and package of legislation that addresses the opioid epidemic. The comprehensive recommendations and bills address prevention and treatment of opioid use disorder, harm reduction, and vulnerable populations, including people involved with the criminal justice system, pregnant women, and infants. Bills that will be particularly impactful include those that improve access to life-saving medications to treatment opioid addiction and improve access to naloxone to prevent opioid overdoses."

Allegra Schorr, President of The Coalition of Medication-Assisted Treatment providers and Advocates of New York State (COMPA), said, "COMPA commends the Senate Opioid Task Force for responding to the voices of key stakeholders in the opioid addiction and overdose crisis. These recommendations, and the accompanying legislative package, place an emphasis on evidence-based approaches that have been proven to be effective and save lives, such as providing medication-assisted treatment, along with education, and removing unnecessary barriers to care. The Task Force is also making recommendations for policy reforms that may affect the underlying causes of addiction -- and may stimulate a positive change."

Dr. Angelia Smith-Wilson, Executive Director of FOR-NY, said, "Friends of Recovery- New York (FOR-NY) is grateful to the Joint Senate Task Force On Opioids, Addiction & Overdose Prevention for conducting hearings and roundtables statewide and inviting those impacted by addiction and recovery to contribute to the discussion," "We are especially pleased to see so much of our community's needs being addressed in these recommendations and bill package including, but not limited to the establishment of recovery housing standards

(with input of the recovery community); improved compliance with parity laws; investment in prevention and treatment workforce; and improving access to evidence based treatment. These points align seamlessly with the 2020 FOR-NY policy agenda. We would be remiss if we didn't say that we would like to see a greater financial investment in recovery support systems of care including recovery centers and youth clubhouses funded in every county of the state. These services are evidence based and have been put into practice in over thirty counties throughout the state. However, more investment is needed. People in recovery need services that wrap around them and support them in the community, as the recovery community simultaneously can support the greater New York state community through re-entrance in the workforce, reintegration with family and civic engagement. We are appreciative to be a part of the Senate Task Force discussions as we work together towards a more inclusive state that supports the recovery community and provides a comprehensive approach to mitigating the current overdose crisis."

Linda Ventura, Founder of Thomas' Hope Foundation, said, "The Senate Task Force has listened to the concerns around the State and has designed an effective bill package. We can no longer be reactive to the Substance Use Disorder epidemic- We need to be REACTIVE to the needs of a vulnerable population and empower and educate our youth. I do not want ANY more members of a club who are serving a life sentence without our loved ones."

Robert Shade Rivera, Peer Navigator with Positive Health Project/Housing Works, said, "As a former Marine, criminal offender, person who once used drugs and current Harm Reduction Peer Navigator, I'm grateful that the Senate Addiction and Overdose Task Force has released its recommendations to the public. I especially support the Task Force's recommendations to make it easier for people to get and administer Naloxone to prevent overdose, and the much needed elimination of barriers to Medication Assisted Treatment (MAT) for people with opioid use disorder. However, I urge the Task Force to reconsider three pivotal measures that would undoubtedly save lives: removing unnecessary barriers to syringe access, establishing an overdose prevention center pilot initiative, and decriminalizing low level drug possession."

Michael Brady, Chief Executive Officer of the Third Avenue Business Improvement District, said, "Public health is intrinsically connected to economic development and community wealth. Today's passage of opioid use and overdose prevention legislation marks a significant milestone in New York State's history and highlights the State's ability to lead with thoughtful policies that can be duplicated throughout the nation while advancing the health, wealth, and wellness of our communities. It is my hope that this legislative package is the first of several and lays the groundwork for policies that reduce barriers for syringe access programs, establish a research-based overdose prevention center pilot initiative, and create funding mechanisms that support the important work of community based organizations. I am encouraged by the Senate's commitment over the past year and know that through collaboration and engagement New York will lead on implementing scientifically proven tools to save lives."

Jasmine Budnella, Drug Policy Coordinator at VOCAL-NY, said, "In a moment where New Yorkers feel disheartened by a lack of leadership on the overdose crisis, the Co-Chairs of this taskforce have instilled hope, promise, direction, and true leadership. This report, and their tireless work over the summer, proves the Co-Chair's commitment to radically shift from the failed criminalization approaches of the past to compassionate, evidence-based solutions known to end the overdose crisis. We urge the entire Senate to follow their lead and recommendations to create a more just and healthy New York."

Tracie M. Gardner, LAC's Vice President for Policy Advocacy, said, "The Legal Action Center applauds the Joint Senate Task Force on Opioids, Addiction and Overdose Prevention for its recommendations to address the full spectrum of issues related to the current public health crisis of addiction and overdose. We thank the Chairs for their leadership and dedication to hearing from those impacted by this crisis and the experts who have worked on this issue for so many years. LAC has long called for an approach to substance use centered on public health, rather than criminal justice. We are therefore excited that the Task Force chose to focus its recommendations on promoting such an approach. We strongly support the Senate Task Force's calls for: using

best practices to address parental drug use and to keep families together; ensuring that all New Yorkers have access to medication-assisted treatment, including requiring emergency rooms to provide MAT and looking for additional venues where this life-saving treatment can be provided; removing the remaining insurance barriers to care facing New Yorkers, such as ongoing rate disparities between addiction and mental health care compared to other health issues and the lack of insurer standards for network adequacy; and highlighting the need to not only improve addiction care for incarcerated individuals, but to better facilitate transitional care for them upon their reentry to the community. The Legal Action Center also commends the Task Force for its recommendations to advance evidence-based youth prevention efforts; investing in both the prevention and treatment workforces; incentivizing screening and early intervention; and expanding harm reduction efforts, such as drug user health hubs and crisis stabilization centers."

Joyce Rivera, Founder and Chief Executive Officer of St. Ann's Corner of Harm Reduction, said, "Our public health system needs to be grounded in community and evidenced-based care combined with a deep commitment to human agency and innovation. Today's report and bill package released by New York State's Senate Taskforce on Opioids, Addiction and Overdose Prevention takes encouraging steps in the areas of mandatory training and education, prescription requirements, increased access to overdose reversal medications, decreased scrutiny and discrimination by insurance companies, and tools for infant recovery centers. Notably missing from the bill package are mechanisms to expand syringe access and the creation of scientific, researchbased pilot programs for Overdose Prevention Centers (OPCs). These two elements are crucial, scientifically supported lifesaving tools and will prevent the history of the HIV/AIDS epidemic from repeating itself. New York State cannot rely on the voter if the State cannot protect her life and those of her community. These bills are the start of what we believe to be comprehensive steps from New York State – steps that will only be strengthened and made more meaningful by establishing overdose prevention center pilot initiatives, decriminalizing syringe possession and decreasing barriers to syringe access programs, and empowering successful community-based programs with meaningful revisions to DSRIP funding. It is only when all of these tools work in harmony that New York State will lead on addressing the largest challenge to public health in recent memory. Again, we are encouraged by these steps, but must insist that there is significant, lifesaving work left to be done."

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