NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 30, 2024

3:41 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

I ask everyone present to please rise and recite the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT BAILEY: Rabbi Mordechai Schwab, of Yeshiva Rabbi Samson Raphael Hirsch, in Wesley Hills, New York, will deliver today's invocation.

Rabbi?

RABBI MORDECHAI SCHWAB: Good afternoon.

With permission from my father, who is with us here today, who came close to 90 years ago to this great country and to the United States of America -- as a German immigrant, age of one years old, he came to this great State of New York and was given the opportunity of life.

Thank you for all of those who serve here and those who have served here in the past, who have given that opportunity of life to so many others.

Thank you to the great

Senator Weber, for all you do for so many. A great, magnanimous, gracious, kind and wonderful person, who takes care of the details of all his constituents. And from all of those in Rockland County, for all that you do for each and every one of us, thank you. Thank you so much.

I stand here today with a feeling of reverence, awe, humility and great pride, and I would like to share with you why. It was 1948, and my grandfather, an immigrant as well, the Grand Rabbi of the German Jewry of Washington Heights, went into the Pennsylvania Station at 12:15 on a Wednesday in March, and there he went to see the great President Truman.

With reverence he said, This man was given the power by God to end World War II and the Holocaust, saving so many from suffering. And with great fervor he said {Hebrew}: "Blessed are You, God, King of the Universe, who has given to man from His glory."

Well, it's 75 years later. I stand here with awe, reverence, humility, and great pride in these hallowed halls. I say to each and every one of {Hebrew}: "Blessed are You, God, King of the Universe, who has given to man from

His honor."

For all you have done in the past and all you can continue to do in the future, to each and every one of you, thank you.

It was close to 44 years ago, we were sitting the synagogue on Shabbos morning. My father reached over to me and he said, Son, I want to teach you an important prayer. It's a prayer that I want you to say for the rest of your life every Shabbos, every Saturday morning. I want you to say it and I want your children to say it as well. It's the great prayer of {Hebrew}, the prayer that we say every Shabbos for the American government and those who serve in it.

Well, Father, it's 44 years later. And I still say that tefillah, that prayer, every single Shabbos. I say it and my children say it as well. And now, as you instructed me, I would like to call you up to this podium and stand beside me that we could say this prayer together again. And I would like to call up my sons to stand beside me as well, three generations together, praying for the welfare of the United States of America, for the New York State

Senators, for the great New York State and all those who serve this great country.

{Hebrew}, He who gives salvation to great Kings and dominion and power to lords. He who delivered the servant David from the enemy. He that has done so much. May He {Hebrew}, the Master of the World, bless, keep, preserve, rescue, exalt, magnify and lift higher and higher our government officials, our Senators, the United States of America, and all those that serve this great country.

{Hebrew}, the Kings of Kings, defend them, protect them, have mercy on them, and save them from all distress and harm. May the King of Kings, for His goodness' sake, take care of all our dignitaries and all who serve this great country. Please have mercy on them and put into their heart and the heart of all the counselors and attendees. Show mercy on them that they should show mercy to all their people and to humanity.

We ask the One above to allow us to dwell in safety and peace. And let us all say {Hebrew}. Let us say amen.

Thank you all for this great and

awesome opportunity.

ACTING PRESIDENT BAILEY: Reading of the Journal.

THE SECRETARY: In Senate, Monday, January 29, 2024, the Senate met pursuant to adjournment. The Journal of Sunday, January 28, 2024, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT BAILEY: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Cleare moves to discharge, from the Committee on Rules, Assembly Bill Number 8521 and substitute it for the identical Senate Bill 8062, Third Reading Calendar 50.

Senator Fernandez moves to discharge, from the Committee on Rules, Assembly Bill Number 8564 and substitute it for the identical Senate Bill 8021, Third Reading Calendar 175.

Senator Cleare moves to discharge, from the Committee on Rules, Assembly Bill

Number 8519 and substitute it for the identical Senate Bill 8046, Third Reading Calendar 185.

Senator Mannion moves to discharge, from the Committee on Rules, Assembly Bill Number 8486 and substitute it for the identical Senate Bill 8049, Third Reading Calendar 188.

ACTING PRESIDENT BAILEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

I move to adopt the Resolution Calendar, with the exception of Resolutions 1738 and 1740.

ACTING PRESIDENT BAILEY: All those in favor of adopting the Resolution Calendar, with the exception of Resolutions 1738 {singing} --

(Laughter.)

ACTING PRESIDENT BAILEY: -- and 1740, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Let's begin with Resolution 1738, by Senator Serrano, read its title only, and recognize Senator Serrano.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 1738, by Senator Serrano, congratulating the Cardinal Hayes High School Football Team upon the occasion of capturing the 2023 New York State Catholic High School Athletic Association Championship on December 2, 2023.

ACTING PRESIDENT BAILEY: Senator Serrano on the resolution.

SENATOR SERRANO: Thank you, Mr. President.

It is a tremendous honor to rise and

recognize the outstanding achievement of the Cardinal Hayes High School Football Team on winning the 2023 New York State Catholic High School Championship. They are the state champs.

I am very proud and honored to represent them in my district, but I am also a proud alumni of Cardinal Hayes High School. And it's hard to believe it was 38 years ago, in 1986, when I first set foot as a freshman in Cardinal Hayes. But it is amazing to see how this program, the football program, has moved. And to win this, it is a tremendous accomplishment.

I would like to thank Coach O'Neil and all of the coaching staff for this tremendous accomplishment, and of course colleague in the Assembly, Assemblymember Amanda Septimo, for carrying this resolution as well in the New York State Assembly.

What's more remarkable about this accomplishment is the adversity that this team has overcome: Inadequate training facilities, difficulties with their training room and weight room. So many different things that they overcame. Last year they did not have a winning

record; I believe they were 2 and 8. To then turn that around and win the championship this year is amazing.

I asked one of the players earlier today what was different, what changed from last year to this year. And he said it was the camaraderie. He said it was the cohesiveness of the team, working together prior to the season, building those relationships. And we see how that has transpired into this winning program that we can all be proud of.

And I think that's a valuable lesson for all of us, that actually endeavoring to build more cohesiveness is really the way to build strength and opportunity for people.

And it's also very, I think, profound to think about the neighborhood in which Cardinal Hayes represents, the South Bronx, where I've lived all my life. Where, for decades, sort of cast aside, people not believing in the Bronx in the way that it should be respected. And their accomplishment I think is indicative of the strength and resilience of the Bronx, of the South Bronx in particular, with this tremendous history, with these tremendous roots.

Again, I could go on and on for days talking about how proud I am of this team, all they've overcome, and how they've achieved this level of greatness through their perseverance and through their cohesiveness. I think it's a wonderful lesson for folks in the Bronx and throughout New York City, and throughout the state. They are the state champs.

So it gives me great pleasure to bring forth this resolution. And I'm thankful to all of my colleagues here for supporting it. And again, with that, I will say, Up Hayes!

(Response from gallery: "And All its Loyal Men!")

SENATOR SERRANO: Thank you.

ACTING PRESIDENT PERSAUD: Senator Bailey.

SENATOR BAILEY: Thank you, Madam President.

Thank you, Senator Serrano, for this great resolution. I am -- I'd like to think of myself as an honorary Hayesman. The best man at my wedding was a Hayesman. My best friend growing up from church is a Hayesman, Class of 2000, where you've had in that class a true

World Champion, Willie Colon, and a number of other Division I players. There's been a rich tradition of great talent at Cardinal Hayes down on the Concourse.

But you've achieved something greater than beating them out on Thanksgiving, and it is the first inner-city school to win a state championship in football. I think that is something that we have never seen before. And we saw it come from the Bronx. We saw it come from resilient young men who would not be defeated. We saw it come from an institution who has seen the likes of Regis Philbin and Edward Caban walk through their halls. But they have never seen state champions until now. You young men have done something that nobody that has walked through the halls of your hallowed institution has ever done.

So when you look back at this season and when -- 10, 20, 30 years in the future, in whatever career you are succeeding in, I want you to realize that you are breaking barriers, that you have broken barriers. And let that be an inspiration to you in your future career endeavors, whether they be on the field of

competition or in the boardrooms or in the chambers of the New York State Senate or Assembly.

Football is the ultimate team sport. They didn't let us play football at Bronx Science. We didn't have a team. They wouldn't even let us play flag football, for whatever reason.

But the ultimate team sport took a lot of things like sacrifice. It took not just your on-the-field training, not just your off-season regimen, but it took you time to gel as a team, to recover from that season that you had last year, to do something that has been never done before.

And so I salute you, not just as a through-and-through Bronxite, not just as an avid sports fan, not just as an honorary Hayesman, but as someone who is excited about the future being in your hands. Continue to harness the greatness that you have. And remember, life is the ultimate team sport. That you will encounter people upon the field of life that you may not agree with. And, much like you did this year, just run through.

Congratulations to the Cardinal Hayes Football Team. And Marco, if I may, can I get an Up Hayes?

(Response: "And All its Loyal Men!")

SENATOR BAILEY: Thank you, Madam President.

ACTING PRESIDENT PERSAUD: The question is on the resolution.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

To our guests, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: At this time, Madam President, can we recognize Senator Mannion

for an introduction.

ACTING PRESIDENT PERSAUD: Senator Mannion for an introduction.

SENATOR MANNION: Thank you, Madam President.

I rise to welcome distinguished guests to our chamber. They are New Yorkers with incredible determination. Their hard work, training, and sportsmanship make them role models for all of us. They're fierce competitors. They are fast -- not just on the track, but in pursuit of their goals. They are strong -- not just in the weight room, but in their unwavering spirit.

These remarkable individuals are of course our very own Special Olympics athletes.

Their presence in this chamber isn't simply a visit, it's a testament to the transformative power of sports, and a symbol of New York's commitment to building a welcoming and just society.

Alongside these athletes are incredible coaches, volunteers, and someone whose dedication has empowered countless individuals, and that's Special Olympics New York President and CEO Stacey Hengsterman. There's no

bigger champion for inclusivity and unified sports than Stacey, and she deserves this body's respect and admiration.

To the athletes, families, coaches and Stacey, you represent more than just victories and medals. Special Olympics is not just a game or a competition, it is a force for good. I'm proud to know all of you, proud to advocate for our athletes. My wife and I are inspired by you. Next month we'll be cheering you on at the New York State Special Olympics Winter Games in Syracuse, New York.

You're all champions, every one of you. I'm proud to call you champions, competitors, and our friends.

And with that, Mr. President, I ask that you welcome these champions to the halls of the Senate chamber.

Thank you.

ACTING PRESIDENT BAILEY: To our guests, I welcome you on behalf of the Senate.

We extend to you all of the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we now move to previously adopted Resolution 1461, by Senator Thomas, read its title, and recognize Senator Thomas.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 1461, by Senator Thomas, memorializing Governor Kathy Hochul to proclaim January 26, 2024, as Indian Republic Day in the State of New York.

ACTING PRESIDENT BAILEY: Senator Thomas on the resolution.

SENATOR THOMAS: Thank you, Mr. President.

Namaste, everyone.

I rise today to speak on a resolution commemorating the 75th Republic Day of India. I also take great pride in speaking on this, because I'm the first Indian American in this chamber, and I'm happy that Senator Cooney has also joined me in this chamber as a member as well. And we hope more Indian Americans make it

here.

Seventy-five years ago, India adopted its constitution and laid the foundation for the largest democracy in the world. India's journey from colonial rule to a sovereign republic mirrors a struggle that the United States has also experienced in our own pursuit of a more perfect union. This is why the Indian constitution sounds similar to the U.S. Constitution, because it borrows some of the fundamental rights we hold sacred here.

The constitution of India reflects the idea of inclusivity, the values of an inclusive India where every Indian is equal, irrespective of their religion, their language, their place of birth, their ethnicity or caste.

This was no easy road. And I recall the words of the first Indian prime minister when he said: "Long years ago, they made a tryst with destiny," a destiny that has led to India transforming its economy, lifting people out of poverty, and becoming a major democracy in the region.

India has achieved a lot in the past year. They have hosted the G20 summit, grown its

DDP, and even landed on the moon.

Today, to commemorate India Republic Day, we are joined by the Consul General of India to New York and the Deputy Consul General as well, both dedicated career diplomats who serve Indians around the world in different missions.

His Excellency Binaya Srikanta Pradhan just took up the new role after serving in Tanzania as the ambassador. And His Excellency Dr. Varun Jeph, the Deputy Consul General, is a medical doctor, but his passion for foreign service led him to serving in different capacities all around the world before being appointed here in New York.

Thank you for your service.

The deep history and achievements of the Indian community, including here in our own communities, serve as a living testament to the strength of our people.

But there is always more work to be done. And as we look towards the future, we must continue to work together to build a stronger and more prosperous Indian American community here in New York.

Jai Hind, and God bless America.

ACTING PRESIDENT BAILEY: Thank you, Senator Thomas.

To our guests, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: The resolution was previously adopted on January 9th.

Senator Gianaris.

SENATOR GIANARIS: Next up, Mr. President, previously adopted Resolution 1463, also by Senator Thomas. Please read its title and recognize Senator Thomas again.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 1463, by Senator Thomas, memorializing Governor Kathy Hochul to proclaim January 27, 2024, as Holocaust Remembrance Day in the State of New York.

ACTING PRESIDENT BAILEY: Senator Thomas on the resolution.

SENATOR THOMAS: I want to start a

out with a quote from a survivor of Auschwitz. "It happened; therefore it can happen again. It can happen anywhere."

Today we come together and commit to the millions of murdered souls and all survivors that it must never happen again.

January 27, 2024, marks the 79th anniversary of the liberation of Auschwitz. We pay tribute to the 6 million Jews and millions of others murdered by the Nazi regime.

Over the years we have all seen images of the Nazi concentration camps and have heard anguished accounts from many survivors. Decades later, it remains almost impossible to come to terms with the nature and scale of this genocidal crime.

Honoring the victims and survivors begins with our renewed recognition of the value and dignity of each person. It demands from us the courage to protect the persecuted and speak out against bigotry and hatred.

The recent October 7th terrorist attacks serve as a painful reminder of hatred that still remains around the world. This anniversary is an opportunity to reflect on the

progress we have made confronting this terrible chapter in human history and the responsibility to combat hate speech, discrimination and violence in all forms.

In spite of this dark chapter in human history, the Jewish community has shown remarkable strength and courage. Their perseverance reminds us of the power and resiliency of the human spirit.

However, a recent rise in antisemitism rhetoric on college campuses and other forms of hate speech on social media have shown us that this legislative body has to do more to hold organizations accountable.

We must stand up to all forms of hate and bigotry across this state and choose community and understanding over division and hate. For all the victims, let us affirm that we will never forget.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Mayer on the resolution.

SENATOR MAYER: Thank you, Mr. Speaker. I want to thank my colleague Senator Thomas for bringing this incredibly

important resolution to the floor, and for the opportunity to speak about it.

You know, in 2021 the Conference on Jewish Material Claims Against Germany started a campaign called "It Started With Words." And it's worth remembering this year, at this moment, that it started with words.

I've had the honor of working with the Westchester Jewish Community Services with Holocaust survivors in my district, who are funded by the Conference on Jewish Material Claims Against Germany, and able to live middle-class lives that they would not have been able to live.

But we are losing this generation of survivors. And it is more important now than ever, now than ever before, that we hear their stories and remember it started with words.

Let me quote Gideon Taylor, president of the Claims Conference: "The Holocaust started with words, hateful words that were yelled in the park, spat on the street, and roared in the classroom. These words alienated, belittled and shocked. But worse, these words gave birth to the horrific massacre of 6 million

Jews. The "It Started with Words" campaign will show, through firsthand survivor testimony, that the Holocaust didn't come out of nowhere, it literally started with words.

And another quote in line with this is from Holocaust survivor Charlotte Knobloch: "It began with words. They came before the acts, the murders, the crimes. I was four years old when I was in the courtyard of the house across the street. I wanted to play with the neighbor's children. I did that almost every day. But now the gate was suddenly locked. My friends looked at me silently. Before I could understand what was going on, the concierge's wife came in and started yelling at me: 'Jewish children are not allowed to play with our children.' I was four years old. I didn't even know what Jews were."

It started with words, Mr. Speaker. And now we must remember that words pose an incredible danger in our country and in this world. After October 7th and the acts that have occurred since then, in some of the speech that we have heard in our country, we have an obligation as elected officials of all faiths to stand up and speak out.

We have to reaffirm our responsibility to take action to ensure that the history and the story of the Holocaust is told and remembered to the next generation.

And we must never forget. And we will never let it happen again.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Mayer.

Senator Canzoneri-Fitzpatrick on the resolution.

SENATOR CANZONERI-FITZPATRICK: Thank you, Mr. President.

Thank you to my colleague for bringing this resolution to the floor.

I had the distinct honor of going to Israel this past September, just one month before the horrific attack on October 7th. I had the opportunity to visit Yad Vashem, the World Holocaust Remembrance Center in Jerusalem. To see the shoes of the many Holocaust victims and to see the many physical reminders of that tragic, tragic history is really powerful.

There's a book of names where they list all of the Holocaust survivors, and they

attempt to list everybody who died in the Holocaust, whether they were Jewish or not.

And I have to share the story of my dear friend Ellie Gross. Her maiden name was Berkowitz. She died in October of 2022 at the age of 93. She was just a teenager when she went to Auschwitz with her mother and her brother. She had the tattoo of the numbers on her arm and showed me that.

And she told me the story of how she felt that she killed her mother. And I said, "Ellie, how is that possible?" And she said that on the line into Auschwitz, there were two lines. And her brother, who was much younger than her, went on one line, and Ellie went on the other line. And her mother went with Ellie. And she said, "No, mommy, you go with my brother. He's so much younger."

What she didn't realize was that was the line to the gas chamber. And because Ellie was a little older and was able to work, she was put on a different line.

Ellie lived with that horror her entire life. And on today, the Holocaust Memorial Day, it's important that we remember

Ellie's story, because that's one of millions.

So today thank you for allowing me to share Ellie's story. She took her tragedy and wrote books about it, spoke often at schools, and shared her tragedy so that people would never forget.

And I believe that that's a story that we all need to share, so that we never let this repeat itself. By sharing these stories, we know that it was real and we know that it is something that we should never allow to continue.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Scarcella-Spanton on the resolution.

SENATOR SCARCELLA-SPANTON: Thank you, Mr. President.

And thank you, Senator Thomas, for your work in honoring the memories of the millions lost to the atrocities of the Holocaust through this resolution.

My Senate district, in particular the southern Brooklyn portion, is home to one of the largest number of Holocaust survivors in the State of New York. And it is critical that we reflect on the horrors that they and their loved

ones witnessed and experienced and vowed to never forget.

I am so proud that among these survivors we have organizations like the Holocaust Remembrance Association, led by my dear friend Mr. Sam Bykov; the American Association of Invalids and Veterans of World War II; the Association of East European Jewry; and many others who work day in and day out to make sure that their history is remembered, their stories are shared, and that survivors have the resources and services they need to thrive in our communities.

Just last year I was proud to host a celebration honoring many of my district's Holocaust survivors and World War II veterans, and it was a true privilege to hear their stories firsthand, especially as chair on the Committee for Veterans.

My district's Holocaust survivor population is so large and so strong in its resolve that we have the Holocaust Memorial Park in Sheepshead Bay, at which we gather throughout the year to truly ensure that these lives are never forgotten and that history never repeats

itself.

Thank you to everyone continuing to do the work to memorialize this part of our collective history. And especially in light of the horrific terrorist attack on October 7th, it's more important than ever that we never forget.

Thank you.

ACTING PRESIDENT BAILEY: Senator Rhoads on the resolution.

SENATOR RHOADS: Thank you, Mr. President.

And thank you, Senator Thomas, for bringing this resolution to the floor.

It's so incredibly important that we rise today to remember what happened and to remember this example of man's inhumanity to their fellow man, the capacity for our fellow human beings to do unspeakable acts of evil to our fellow human beings.

It's important not only to remember what happened, as Senator Mayer pointed out, because that generation, due to the passage of time, is fading away. But it's particularly important to pay attention to the acts that are

going on right in front of us today.

October 7th, again, you witnessed the capacity for man's inhumanity to man. We have all stood at Holocaust Remembrance ceremonies. We have all stood and uttered the words "Never again." But on October 7th there was probably no clearer message that never is now.

What we witnessed by terrorist organizations like Hamas indiscriminately killing civilians, taking families, tying them together and burning them, as its own Holocaust -- it's incredible to watch that and then turn around and see on college campuses, turn around and see in the streets of New York City and all across this state, turn around and see even from some members, that those actions were not only excused but celebrated, should be a stark reminder to us all how much work still needs to be done.

In plain view we have one of our own American hostages, who is still being held by Hamas, a young man by the name of Omer Neutra. The horror that that family continues to experience every single day. Imagine the parents who wake up each morning, go to bed each night,

not knowing where their son is, not knowing his condition, not even knowing whether he's alive or dead.

Those are the actions, just like the Holocaust before, during and a little after World War II -- those are the actions that we need to remember.

And so while it's incredibly fitting that we stand on the Senate floor today and we remember the Holocaust, let's not turn a blind eye to the fact that evil exists in this world today, that the battle of good versus evil is a battle that hasn't been won. It's a battle that we fight every single day. Evil very much exists in this world, and we saw it on October 7th. Let's not make excuses for it. Let's have the courage to stand up and recognize it for what it is.

And let's rally together and use today as an opportunity to inspire us to fight against those horrors that still exist. Together, as one body, as one people. That's paying tribute to those who lost their lives in the Holocaust, to those who live with the ugly memories of what happened.

And so again, Senator Thomas, I want to thank you for bringing up this resolution and providing us all the opportunity to refocus our energy to fight against the hate, to fight against the antisemitism, and to fight against the horrors that we still see today.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Weber on the resolution.

SENATOR WEBER: Thank you, Mr. President.

And thank you to Senator Thomas for this important resolution.

You know, Saturday we commemorated International Holocaust Remembrance Day in memory of the 6 million Jews and millions of others murdered during the Holocaust by the Nazi regime. You know, "Never forget" and "Never again" need to be more than just slogans and catch phrases. Let me say that again. "Never forget" and "Never again" need to be more than just slogans and catch phrases.

I proudly support this resolution. Thank you to the sponsor for this important resolution here today.

Thank you.

ACTING PRESIDENT BAILEY: Senator Comrie on the resolution.

SENATOR COMRIE: Thank you, Mr. President.

I rise to speak on Senator Thomas's resolution to recognize Holocaust Remembrance Day in New York.

I have the honor and privilege of representing a good deal of the Jewish community in Queens. On Sunday I was able to meet some Holocaust survivors. Listening to their stories, listening to what they had to endure. Some actually had to take bodies and bury them. Some went from camp to camp, losing family members along the way.

But they all had a resolution of spirit. They all had a positive attitude in life. But they all wanted us to never forget. They all wanted to be able to tell their stories and remind people and pass down what happened to them so that people could feel it.

Everybody in the room was moved to tears. Everybody in the room was moved to thought and compassion. Everybody in the room

wanted to hug them for being able to persevere and have the strength and energy to make sure that they were able to pass their stories along, talk about their family members that they lost, talk about the people that they understood did not survive -- and also understand that it was words and deeds and actions by other human beings that caused this tragedy.

I just want to remind people that, as other Senators have already said, this can happen again if we're not vigilant. The evil in the world can come back and dominate, just like the actions of October 7th. We need to make sure that we focus as legislators to eliminate hate, to tell the story so that people can understand it, to tell the stories of all the cultures so that people can appreciate and respect each other, so that people that have never understood or have any family members can understand every culture, so that we can reduce hate.

The Holocaust Remembrance resolution should be a call for all of us to make sure that happens, to make sure that we all can find a way to respect each other and to never let this type of thing happen again.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Stavisky on the resolution.

SENATOR STAVISKY: Thank you, Mr. President.

And thank you, Senator Thomas, for introducing this resolution.

Obviously, it's personal. My husband's grandparents were killed in the Holocaust. They never left Poland. And there are so many people here who are second-generation and third-generation survivors.

However, as a former social studies teacher, I know how important it is to teach about the Holocaust and other crimes that have been committed, because the current generation of survivors, they're not going to live forever and the numbers are dwindling.

And I'm not going to repeat what was said. However, number one, in response to some of the comments, let me say that I was proud that the chancellors of SUNY and CUNY, right after October 7th, spoke out emphatically about the issue of antisemitism on the college campuses.

There were others who were not so

forthcoming. But fortunately, we understand that there's an issue.

However, in Queens County, an area that I represent, we have two organizations that really have done a remarkable job in terms of helping us remember. One is the Queens Jewish Community Council, and the Senate has provided funding for them for one of their Holocaust survivor programs.

But the other is a really unusual group. They're based in Little Neck. They're called Commonpoint, and they have programs for Holocaust survivors. And several months ago I was privileged to visit one of the luncheons that they were organizing for the Holocaust survivors. And it was an upbeat, happy moment. But you have to understand what these people have been through. And to come to the United States and participate in community activities I think is remarkable.

And there's another organization that I really should mention, and that's Selfhelp, that was founded by Holocaust survivors with German reparation money. They have done extensive really on-the-ground help. They have

many housing units, particularly in Senator Liu's district in downtown Flushing, but really throughout the city. They provide programs for Holocaust survivors.

And it's these organizations that I really think are helping so much to tell the story and to help people and their first-generation survivors to deal.

And let us, again, never forget.

Thank you.

ACTING PRESIDENT BAILEY: Senator Hoylman-Sigal on the resolution.

SENATOR HOYLMAN-SIGAL: Thank you, Mr. President.

I wanted to thank Senator Thomas as well for this resolution, and for all of our colleagues for speaking so movingly about Holocaust Remembrance Day.

I wanted to recall the fact that our government was complicit in the years leading up to the Holocaust and even shortly thereafter. There was a Nazi rally in my district in 1937 at Madison Square Garden. There was a Hitler Youth camp on Long Island.

And of course we all know the

story -- I hope -- of the St. Louis, a ship filled with Jewish refugees from Europe that was repeatedly turned away by Western nations and ultimately sent back to Europe by the United States government after they were denied entry at the Port of Miami. Those refugees, seeking comfort and shelter from the United States, saw the lights of Miami blinking on the horizon but could not dock. Half of them were gassed or tortured or murdered in concentration camps.

And as we reflect on those horrific times, I join my colleagues in ascertaining how far in fact have we come, if at all. Because the treatment that we see in the media and among certain segments of our population, parts of our country, toward immigrants truly raises serious questions as to whether we have learned our lesson from that terrible time.

In the Jewish religion, welcoming the stranger is a tenet of faith. I hope that we in this body and elsewhere take that to heart as we consider the tens of thousands of asylum seekers seeking their own refuge, comfort and security in the State of New York.

And thank you to my colleagues. Let us never forget. And let us always remember our responsibility to welcome the stranger.

I vote aye.

ACTING PRESIDENT BAILEY: Senator Fernandez on the resolution.

SENATOR FERNANDEZ: Thank you, Mr. President.

I appreciate this resolution for the fact that we're doing the simple thing of talking about it, recognizing it, and addressing the wrongs of the past.

I had the privilege this fall to visit Dachau Concentration Camp in Munich, Germany. And I was there, on the grounds where it happened, the grounds that the SS started to train, that soon turned into one of the biggest concentration camps, that soon turned into an extermination camp.

And I'm almost shaking now remembering the feeling that I had walking those grounds. Seeing the gates where it says "Work Sets You Free." Being in the intake room. Walking past the rows and rows and rows of barracks where they brutally held Jewish people

to ultimately wait for their demise.

And it was walking through those gas chambers that I broke down to just think that this was something real that happened.

And the only gleam of light at that time was seeing the many students on the grounds, the buses of classrooms coming to see themselves and learn themselves what had happened.

And I'm grateful that Germany has taken those steps to mandate that this be something we speak about, that we learn about, and that we almost make a promise to never repeat. And it should be a promise.

And it's something that we should continue to do here to make sure our young people, growing up, have the experience, the education, and the knowledge of what had happened to never allow these things to happen again.

So I really appreciate this resolution. And I thank you, Senator Thomas, and this conference and this body for speaking about it, addressing it, and never forgetting.

Thank you.

ACTING PRESIDENT BAILEY: The resolution was adopted January 9th.

Senator Gianaris.

SENATOR GIANARIS: Next up, Mr. President, is previously adopted Resolution 1516, by Senator Persaud. Read that resolution's title and recognize Senator Persaud.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Resolution 1516, by Senator Persaud, recognizing February 1, 2024, as World Hijab Day.

ACTING PRESIDENT BAILEY: Senator Persaud on the resolution.

SENATOR PERSAUD: Thank you, Mr. President.

Well, what a thing to follow as we are speaking about tolerance. I rise to speak about World Hijab Day.

I remember the first year in this chamber when I spoke on World Hijab Day, and it was not necessarily welcome. I remember some of my colleagues taking offense to me talking about women wearing a hijab.

I speak on this resolution in solidarity with those who wish to show their pride in their religion. That's all. As we

speak about tolerance, I want us all to remember that someone wearing a hijab is also a human being and also a person that we should tolerate.

We should not look on someone wearing a hijab in a negative way if they have not done anything to us. Women choose to wear hijabs to show their modesty and to show their commitment to their God. We all strive to show our commitment to our God in our own way. Some of us in this chamber, every Tuesday morning at 8 o'clock, we sit together to show our commitment to our God. And that's -- this is what these women do when they wear their hijab.

So I remember also speaking to Nazma Khan, an immigrant from Bengal -- from Bengali -- from Bangladesh, I'm sorry, who started the conversation, who started the World Hijab Day. And she started it because she wanted to have a conversation to show people what wearing a hijab meant to her. Because when she came into this country, she was ridiculed, she was tormented just because she chose to cover her hair and part of her face.

And she wanted people to have that conversation, the same way we're having that

tough conversation. She wanted people to understand what it means. She wanted no other person to be ridiculed the way she was ridiculed.

Today, across the world, over 190 countries are talking about World Hijab Day, are coming together in solidarity with women who choose to wear a hijab.

I ask everyone, when you see someone wearing a hijab, don't look down upon them. In the spirit of humanity, in the spirit of tolerance that we all speak of, let us do the same to a woman who walks by you wearing a hijab.

The first year I did the resolution, again, I wore a hijab, a covering on my head -- it wasn't a hijab -- just to show that the young women, some of whom live in my district, and some of whom are afraid to walk around because they have a hijab on, they're always looking behind them -- I wanted to show them that I stand with them wearing their hijab. Because it's their choice. If it's their choice, it's their choice. I have nothing against them deciding to exercise their choice.

So today, World Hijab Day is truly celebrated. Let us always remember that if we're

intolerant to one, we're intolerant to all. The tolerance we seek is also the tolerance we must show to others.

And I hope that I have no one who will call me again to talk about why did I come to the floor to speak about World Hijab Day. I am speaking about it because those young women in my district who wear a hijab every day, who are afraid to walk by some people, should not have to go through that.

So to all the young women in Senate District 19 and beyond who choose to wear a hijab, Senator Roxanne Persaud stands with you and says: Do you.

Thank you, Mr. Speaker.

ACTING PRESIDENT BAILEY: Thank you, Senator Persaud.

Senator Chu on the resolution.

SENATOR CHU: Thank you, Mr. President, for allowing me to speak on this important resolution.

First, I would like to thank my colleague Senator Persaud for introducing this important resolution, which recognizes and celebrate the millions of Muslim individuals and

sisters who wear a hijab around the world.

The district that I represent is home to many diverse Muslim communities. These families came from countries like West Pakistan, Yemen, Bangladesh, Pakistan, Egypt and many more. As there are over half a million Muslims in New York State, it is imperative that we continue to respect and acknowledge days like these in this chamber. For many Muslim women, a hijab is not just a piece of cloth. To wear one is a deeply personal choice of empowerment, and it represents a commitment to oneself and faith.

World Hijab Day was created to build bridges of understanding, awareness and education about the hijab and the experience of Muslim women and girls. However, it is unfortunate that we continue to see concerning numbers of reported hate crimes and incidents of Islamophobia targeting women wearing hijabs and traditional clothing even in mosques.

Hate has no place in New York, and we must stand firm in our values, that no matter your region, skin color, language you speak, you can be proud of who you are. We must work every day to build a society that one can practice

faith, go to houses of worship, and go about life safely.

As we push back on discrimination and Islamophobia, we must uplift and empower women and Muslim women. I proudly vote aye on this resolution and would like to dedicate this to all the Muslim women and young girls in my district and throughout the State of New York. Be proud of yourself, my sisters who wear a hijab.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: The resolution was previously adopted on January 9th.

Senator Gianaris.

SENATOR GIANARIS: And now, Mr. President, Resolution 1740, by Senator Brisport. Read its title and recognize Senator Brisport.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 1740, by Senator Brisport, mourning the death of Viola Plummer, distinguished citizen and devoted member of her community.

ACTING PRESIDENT BAILEY: Senator

Brisport on the resolution.

SENATOR BRISPORT: Thank you, Mr. President.

Ms. Viola Plummer was a leader in the movement for Black Liberation whose contributions and accomplishments are too vast to fit adequately in a single resolution. Among them include serving as the chief of staff to Assemblymembers and City Councilmembers Charles and Inez Barron, cofounding the December 12th Movement, and opening Sistas' Place, a cultural landmark in Bed-Stuy, Brooklyn, that has provided a nurturing space for art, activism and community.

She passed away on Martin Luther King Day this year, and she embodied his vision with every fiber of her being.

I met Ms. Viola Plummer about three and a half years ago. I hadn't taken office yet, and I was still working as a middle school teacher. I was at a reparations rally at the African Burial Ground in Manhattan, and I felt someone wrap their arm around mine and pull me in close to them. And I turned to see Ms. Plummer grinning at me, telling me she was excited to

work together and that we needed to talk about organizing together as soon as possible.

So that's who Ms. Plummer was, a constant community organizer. She had already given so much of her life fighting on the front lines for Black Liberation, healthcare and housing. But there she was, still in the streets with her people and seizing the moment to bring another young Black man deeper into the cause.

She cofounded the December 12th Movement in 1987, the year I was born. And because of her and the December 12th Movement, this body was able to pass a reparations task force last year. Through the December 12th Movement she built a community with decades of collective wisdom on issues like reparations that will continue to be a guiding light and a driving force.

Her legacy lives on in the work of the December 12th Movement and in all the extraordinary ways she has made life better for our community.

I do, however, feel a desperately heavy heart about one aspect of her legacy that we in this body have not yet seen through. It is

a tragedy that she did not live to see us pass the New York Health Act, which she so passionately fought for.

But Ms. Plummer proved again and again throughout her life that when we refuse to give up, and when we embrace the courage of our convictions, we can move the world forward. I hope we honor her and that unshakable force of will and love by bringing the New York Health Act across the finish line.

As they say in the December 12th Movement: Straight ahead.

ACTING PRESIDENT BAILEY: Senator Brisport to be recorded in the affirmative.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: At the request of the various sponsors of these resolutions,

they are all open for cosponsorship.

ACTING PRESIDENT BAILEY: These resolutions are all open for cosponsorship. Should you choose not to be a cosponsor on the resolutions, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: Please take up the reading of the calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 50, Assembly Bill 8521, by Assemblymember Dinowitz, an act to amend the State Technology Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2023.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 50, voting in the negative are

Senators Lanza and Weber.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 77, Senate Print 604, by Senator Skoufis, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 78, Senate Print 966, by Senator Rivera, an act to amend the Elder Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of April.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 80, Senate Print 4786A, by Senator Rivera, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 91, Senate Print 504A, by Senator Rivera, an act to amend the Insurance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect January 1, 2025.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 91, voting in the negative: Senator Gallivan.

Ayes, 61. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 92,

Senate Print 1267, by Senator Breslin, an act to amend the Insurance Law and the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 92, voting in the negative are Senators Borrello and Oberacker.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 94, Senate Print 6738A, by Senator Myrie, an act to amend the Insurance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 150th day after it

shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 94, voting in the negative are Senators Borrello, Martins, Oberacker and Weik. Also Senator Stec.

Ayes, 57. Nays, 5.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 112, Senate Print 3518, by Senator Fernandez, an act to amend the General Business Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator

Fernandez to explain her vote.

SENATOR FERNANDEZ: Thank you, Mr. President.

This bill would add transparency -- and that word alone we should all love. We want to know what's happening, when it's happening, so wrong things don't happen. And this bill would address the pharmaceutical companies' procedure of paying to delay generic drugs from coming to the market.

So my bill would notify the Attorney General's office when these situations happen so we see the atrocities, sometimes, of what they're doing to keep drug prices high for their profit and not helping the needing constituent, consumer, obtain needed drugs for their health.

So I thank this body for bringing this bill to the floor. And let's always fight for transparency so we can catch the wrongdoings and the unethical practices.

Thank you.

ACTING PRESIDENT BAILEY: Senator Fernandez to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 112, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Mattera, Palumbo, Rhoads, Stec, Tedisco and Weik.

Ayes, 51. Nays, 11.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 174, Senate Print 8020, by Senator Hinchey, an act to amend the Public Authorities Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2023.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 174, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming,

Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco, Weber and Weik.

Ayes, 47. Nays, 15.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 175, Assembly Bill Number 8564, by Assemblymember Otis, an act to amend the State Technology Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2023.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 185, Assembly Bill Number 8519, by Assemblymember Kim, an act to amend the

Elder Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 187, Senate Print 8048, by Senator Hinchey, an act to amend the Emergency Tenant Protection Act of 1974.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2023.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 187, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Weber and Weik.

Ayes, 41. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 188, Assembly Bill Number 8486, by Assemblymember Hevesi, an act to amend the Social Services Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2023.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 189, Senate Print 8051, by Senator Harckham, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2023.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 196, Senate Print 8072, by Senator Bailey, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2023.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the reading of the noncontroversial calendar.

SENATOR GIANARIS: On to the controversial calendar, Mr. President.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 77, Senate Print 604, by Senator Skoufis, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Senator Lanza, why do you rise?

SENATOR LANZA: Mr. President, I believe there's an amendment at the desk. I

waive the reading of that amendment and ask that you recognize Senator Murray.

ACTING PRESIDENT BAILEY: Thank you, Senator Lanza.

Upon review of this amendment, in accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR LANZA: Accordingly, Mr. President, I appeal the ruling of the chair and ask that Senator Murray be heard.

ACTING PRESIDENT BAILEY: The appeal has been made and recognized, and Senator Murray may be heard.

SENATOR MURRAY: Thank you, Mr. President. I rise to appeal the ruling of the chair.

The proposed amendment is germane to the bill at hand because the bill at hand relates to the importation of drugs by creating a prescription drug importation program, and the proposed amendment would add xylazine to the list of Schedule 1 controlled substances under the Public Health Law, which would help to combat the illegal importation and distribution of this dangerous drug.

Xylazine is primarily a horse and large animal tranquilizer that can also be used off-label for smaller animals, but certainly is not fit for human use or consumption. It's also known as Tranq on the streets, and it's been labeled an emerging threat by the White House's Office of National Drug Policy.

This threat continues to increase as more and more illegal opioids and synthetic opioids seized by law enforcement contain xylazine. This incredibly dangerous drug, which can cause dramatic drops in blood pressure, slowed breathing, slowed heart rate, and necrotic skin ulcers at the point of injection -- which can lead, actually, to amputation. And unlike opioids, the effect of this drug cannot be reversed by opioid antagonists like naloxone.

The fentanyl crisis is already killing thousands of New Yorkers, and now, at continually increasing rates, we're seeing xylazine mixed in. They're using xylazine to cut the fentanyl, making an already dangerous situation much, much worse.

According to the New York State Department of Health, overdose deaths involving

xylazine have risen nearly 20 times from 2015 to 2020. In fact, per the Suffolk County DA's office, in 2023 in Suffolk County alone there were over 400 overdose deaths. The toxicology report stated that 15 percent of those deaths showed the presence of xylazine.

This drug is particularly dangerous for those who are already suffering from substance abuse. They are unknowingly taking the fentanyl and now xylazine, completely unaware that the already harmful street drug that they are taking has been laced with this deadly substance.

Now, while this drug poses a serious health threat to those who take it and is being found in illegal street drugs at higher rates, it is not classified as a controlled substance in the Public Health Law, limiting the ability of law enforcement to tackle this emerging threat.

Now, this amendment is essential to protect New Yorkers, especially those that are struggling with substance abuse from xylazine, by allowing for serious criminal penalties for those who are manufacturing or distributing this drug. Now, unless we treat this dangerous drug the same

way that we treat all street drugs that are killing vulnerable New Yorkers, we will never be able to reverse the alarming trend of xylazine-involved overdose deaths.

For these reasons, I strongly urge you, Mr. President, to reconsider your ruling.

ACTING PRESIDENT BAILEY: Thank you, Senator Murray.

I want to remind the house that this vote is on the procedures of the house and the ruling of the chair. Those in favor of overruling the chair, signify by saying aye.

SENATOR LANZA: Request a show of hands.

ACTING PRESIDENT BAILEY: A show of hands has been requested and so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT BAILEY: The ruling of the chair stands, and the bill-in-chief is before the house.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, we've agreed to return this bill to the noncontroversial calendar.

Please take it up that way.

ACTING PRESIDENT BAILEY: The bill will be returned to the noncontroversial calendar.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 77, those Senators voting in the negative are Senators Borrello, Gallivan, Lanza, Oberacker and Stec.

Ayes, 57. Nays, 5.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 80, Senate Print 4786A, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Senator Lanza, why do you rise?

SENATOR LANZA: Mr. President, I

believe there's an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Rhoads.

ACTING PRESIDENT BAILEY: Thank you, Senator Lanza.

Upon review of this amendment, in accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR LANZA: Accordingly, Mr. President, I appeal the ruling of the chair and ask that Senator Rhoads be heard on the appeal.

ACTING PRESIDENT BAILEY: The appeal has been made and recognized, and Senator Rhoads may be heard.

SENATOR RHOADS: Thank you, Mr. President. Mr. President, I rise to appeal the ruling of the chair.

The proposed amendment is germane to the bill at hand because the bill at hand relates to the manufacture of drugs by expanding New York's role in the manufacturing of drugs, and the proposed amendment targets those who illegally manufacture, sell and distribute synthetic opioids.

Ladies and gentlemen, we all know that there's an opioid crisis. We talk about in committees, we talk about it on the floor, we see it in the newspaper every day, we see it in our own communities. Opioids are taking over our communities, and we have an obligation to do something to stop it. And so the amendment that I offer today, which is in accordance with my bill, 7816, aims to do just that.

The statistics back up the fact that we have a tremendous problem. Fentanyl, for example, is 50 to 100 times more powerful than morphine, and highly addictive. Between 2010 and 2020, the number of opioid deaths has tripled. From 2019 to 2021 here in the State of New York there's been an increase in opioid deaths of 70 percent. In 2021 alone, fentanyl took the lives of 5,000 New Yorkers. In the 12 months ending in July of 2022: 100,000 fentanyl deaths nationwide.

This is something that we cannot ignore. Yet that is something that we continue to do.

The amendment that I'm offering today would address what I think is one of the

unintended failures of bail reform. The issue that you see with prosecutors is that they are unable to request bail for someone who is a merchant of death, who can possess up to 8 ounces of fentanyl and, unless they happen to kill somebody, will simply be released on an appearance ticket to go back out into the community and continue to sell.

And to give you some idea of perspective, most of us have these in our pockets. This is a penny. One regular Lincoln-head cent. The amount of fentanyl that it takes to kill you is an amount that would just cover the nose of Abraham Lincoln on this penny.

Eight ounces of fentanyl, which is the amount that you must have on you in order to be bail-eligible, is enough -- for those Met fans who happen to be here in the audience -- is enough to fill Citi Field twice, kill everyone inside of it, and then kill another 25,000 people who are sitting in the parking lot.

Even the most ardent supporter of bail reform, Mr. President, could not have anticipated and would not support the idea that someone who possesses that quantity of fentanyl,

a quantity of fentanyl that is enough to kill 113,000 of our fellow New Yorkers, does not present a danger to their fellow New Yorkers -- a danger to their fellow New Yorkers that prosecutors and judges are unable to protect against because they must release them back out into the community where they have the opportunity to do it again.

We must do more to protect New Yorkers from these vicious drug dealers. And it's time we give law enforcement agencies the tools that they need to combat the illicit sale of these deadly drugs.

This particular amendment, Mr. President, would amend the Criminal Procedure Law to allow bail on Class A-2 felonies for the criminal sale of controlled substances, criminal possession of controlled substances like LSD, methamphetamines, fentanyl, nitazene and other dangerous narcotics.

It is a commonsense step that I think we should all be able to get behind, because the ultimate goal is to protect each and every one of the citizens that we represent, to protect the kids that are actually purchasing

drugs that are laced with these deadly chemicals at the hands of merchants of death who indiscriminantly put them out there into our community.

We have a responsibility to protect them. And the easiest way that we can protect them is by giving the sworn individuals who have a responsibility to protect us -- our police, our prosecutors and our judges -- the ability to use their discretion to hold those individuals in jail pending trial so that they can't go out and repeat their criminal activity and potentially kill more individuals.

So, Mr. President, I ask you to reconsider your decision. But if you don't, Mr. President, I ask the fellow members of my chamber to allow this amendment to take place to overrule the decision of the chair and allow this important amendment to become part of 4786A, and work together to protect our fellow New Yorkers.

Mr. President, thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Rhoads.

I'd like to remind the house that once again this vote is on the procedures of the

house and the ruling of the chair.

Those in favor of overruling the chair, signify by saying aye.

(Response of "Aye.")

SENATOR LANZA: Request a show of hands.

ACTING PRESIDENT BAILEY: A show of hands has been requested and so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT BAILEY: The ruling of the chair stands, and the bill-in-chief is before the house.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, we've also agreed to restore this to the noncontroversial calendar.

ACTING PRESIDENT BAILEY: The bill will be restored to the noncontroversial calendar.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of January.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 80, those Senators voting in the negative are Senators Ashby, Gallivan, Helming, Lanza, Oberacker, O'Mara, Ortt, Palumbo, Stec and Weik.

Ayes, 52. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the reading of today's calendar.

ACTING PRESIDENT BAILEY: Is there any further business at the desk?

ACTING PRESIDENT BAILEY: There is no further business at the desk.

SENATOR GIANARIS: Move to adjourn until tomorrow, Wednesday, January 31st, at 12:00 noon.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Wednesday, January 31st, at 12:00 p.m.

(Whereupon, at 4:58 p.m., the Senate adjourned.)