



MEMORANDUM
COUNTY EXECUTIVE OFFICE
ADMINISTRATION
County of Placer

TO: The Honorable Board of Supervisors

FROM: Todd Leopold, County Executive Officer
By: Joel Joyce, Senior Management Analyst

DATE: April 27, 2021

SUBJECT: Proposed State Regulatory Changes to Syringe Exchange Programs

ACTION REQUESTED

Approve and send comment letter to California Department of Public Health regarding their proposed regulatory changes to the Syringe Exchange Program.

BACKGROUND

On February 19, 2021, the California Department of Public Health (CDPH) published its proposed regulatory changes entitled, "DPH-19-001 Syringe Exchange Program Regulatory Consistency". Notably, CDPH proposes to remove the words "local ordinances" from CCR Title 17, Section 7002(a)(13)(A) and Section 7014.

California Health and Safety Code Section 121349 states that CDPH may authorize SEP operations "notwithstanding any other law." CDPH is now pointing to this code section to demonstrate legislative intent to exempt SEPs from adhering to any local ordinance requirement.

Many local governments, including Placer County, have used their authority of ordinances to regulate the imposition of programs they consider not in the general public interest. It is not in the public interest for State agencies, in this case, CDPH, to specify the terms and operation of SEPs. Furthermore, such decisions, made without any input, control, or regulation by the locally elected Board of Supervisors could lead to unintended consequences, community backlash, and ultimately, failure of the program.

It is important to note, that sending this letter does not commit or prohibit the Board of Supervisors from setting up a SEP within Placer County's jurisdiction. The letter affirms the policy of the Board of Supervisors to allow local control over SEPs. Local control is a policy that has been adopted year after year in the Board's Legislative Platform.

FISCAL IMPACT

There is not fiscal impact regarding this action.

Attachment – Comment Letter to CDPH

County of Placer

Board of Supervisors

175 FULWEILER AVENUE
AUBURN, CALIFORNIA 95603
530-889-4010 • FAX: 530-889-4009
PLACER CO. TOLL FREE # 800-488-4308

BONNIE GORE
District 1

ROBERT M. WEYGANDT
District 2

JIM HOLMES
District 3

SUZANNE JONES
District 4

CINDY GUSTAFSON
District 5



April 27, 2021

California Department of Public Health
PO Box 997377
MS0500
Sacramento, CA 95899-7377

RE: Proposed Regulatory Changes to Syringe Exchange Programs

To Whom It May Concern:

Syringe exchange programs (SEPs) have been operating in California, providing sterile syringes, collecting used ones, and acting as points of access to health education and care for people who inject drugs for decades. SEPs can act as a critical part of efforts to protect and improve the health of all Californians and are one of the cornerstones of efforts to improve the health and wellbeing of people who inject drugs.

On February 19, 2021, the California Department of Public Health published its proposed regulatory changes entitled, "DPH-19-001 Syringe Exchange Program Regulatory Consistency". Notably, CDPH proposes to remove the words "local ordinances" from CCR Title 17, Section 7002(a)(13)(A) and Section 7014.

The existing wording in these regulations facilitates and preserves local authority for the syringe exchange program. This local authority is important, as local elected officials are the closest arm of government to their constituents and should be allowed to determine what is best given local priorities, culture, and values.

The Placer County Board of Supervisors opposes the proposed changes in CCR Title 17, Section 7002(a)(13)(A) and Section 7014. This opposition stems from the intent of this regulation to rescind authority of the local governing body to make decisions for its community. We believe this level of authority should rest with local government officials who are elected to represent the community's best interests.

Sincerely,

Robert Weygandt, Chair (District 2)
County of Placer, Board of Supervisors

Cc: Placer County Board of Supervisors
SYASL