TO: Honorable Board of Supervisors  
FROM: Daniel Chatigny, Acting Assistant County Executive Officer  
BY: Amanda Flaa, Management Analyst  
SUBJECT: Adoption of an Urgency Ordinance Prohibiting Needle Exchange or Distribution Programs and an Ordinance Amending Placer County Code Chapter 5, Article 5.24

ACTIONS REQUESTED

1. Conduct a public hearing and adopt an urgency ordinance, originally adopted on September 12, 2023, to extend the prohibition on the establishment, operation, use, and/or participation in needle exchange or distribution programs within the unincorporated areas of the County until November 30, 2023.

2. Adopt an ordinance, introduced on September 26, 2023, to amend Chapter 5, Article 5.24 to add Section 5.24.090 prohibiting the establishment, operation, use, and/or participation in needle exchange or distribution programs within the unincorporated areas of the County.

3. Determine that the proposed actions are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and is not a project pursuant to section 15378.

BACKGROUND

Urgency Interim Ordinance
On September 12, 2023, the Board of Supervisors adopted an urgency ordinance to prohibit on an interim basis the establishment, operation, use, and/or participation in needle exchange or distribution programs within the unincorporated areas of the County. The ordinance was temporary in nature and will expire within 45 days, on October 27, 2023. As discussed below, a permanent ordinance would not be effective until November 16, 2023, so an extension of time is needed until November 30, 2023 to ensure the prohibition lasts until the effective date of the permanent ordinance. An extension of an urgency ordinance requires notice and a public hearing. Notice of this hearing was done in accordance with state law.

Permanent Ordinance
On September 26, 2023, an ordinance was introduced, and oral reading was waived, to make the prohibition of needle exchange programs permanent by codifying it within the Placer County Code (Attachment B). No changes were requested to the ordinance after its introduction. If adopted, the ordinance will be in effect in 30 days, on November 16, 2023.

The ordinance codifies the prohibition on needle exchange programs within the Placer County Code at Chapter 5, Business Licenses and Regulations. Any identified needle exchange
programs would not receive business licenses with the County and would also be in violation of the Placer County Code and therefore subject to Code Enforcement and potential determinations that their activity is a public nuisance.

Needle Exchange Programs
The catalyst for the ordinances was an application for a needle exchange and distribution program, also known as a syringe exchange program or syringe services program, submitted to the California Department of Public Health (CDPH). The application was submitted by Safer Alternatives though Networking & Education (SANE) and was a request to offer home delivery of needles, estimated at 200,000 needles annually, to the southwest portion of Placer County between Lincoln and Auburn, including the cities of Lincoln, Auburn, Loomis, Rocklin and Roseville. The application was withdrawn at the end of September, but the risk of needle exchange and distribution programs remains in existence within the County since SANE could re-submit for an application or another program seeking to distribute syringes within the County could apply for state authorization to pursue an equivalent program.

The improper collection and disposal of used hypodermic needles and syringes present a threat to the health, property, safety and welfare of the public. The threats are explained more fully in the September 12th and 26th staff reports and attached letters (Attachment C). Syringe services programs that provide services near schools, parks and playgrounds have especially negative effects since they result in improper disposal of syringes and the congregation of persons addicted to drugs near schools, parks and playgrounds.

Residents who require syringe exchange services for medical purposes are currently able to acquire these services at pharmacies and hospitals, which provide new syringes and the proper disposal of used syringes. Those existing activities would not change with the proposed prohibition.

Ordinance Authority
The County has police power, as granted broadly under Article XI, Section 7 of the California Constitution and Section 102 of the Charter of the County of Placer, to enact and enforce ordinances and regulations for the public peace, health and welfare of the County and its residents. Syringe services programs negatively impact the County’s General Plan, by degrading the visual and scenic resources of the County and increasing the risk of injury and illness due to treatment and disposal of hazardous materials.

State law (Health and Safety Code section 121349) does allow the state to permit certain syringe services programs, notwithstanding any other laws. The state’s permitting of programs is analogous to authorizing of licenses to serve alcohol, while the state can allow the programs, it is up to local jurisdictions to determine based on their land use authority where the programs can operate.
This staff report also serves as the written report required pursuant to Government Code section 65858(d) describing the measures taken to alleviate the condition which led to the original adoption of the urgency ordinance. The measures being taken by the County consist of adoption of a permanent ordinance to prohibit needle exchange programs from occurring within the unincorporated portion of the County.

ENVIRONMENTAL IMPACT
The proposed actions are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and is not a project pursuant to section 15378 because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT
There is no fiscal impact to the County by approving this ordinance, although there may be some costs related to enforcement for any violations of the ordinance.

ATTACHMENTS
Attachment A – Urgency Ordinance
Attachment B – Ordinance to Amend Placer County Code Chapter 5, Article 5.24
Attachment C – September 26, 2023 Staff Report and attachments
In the matter of:
An Urgency Ordinance Extending the Prohibition on the Establishment, Operation, Use, and/or Participation in Needle Exchange or Distribution Programs within the County of Placer

The following Urgency Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on ______________, by the following vote:

Ayes:
Noes:
Absent:

Signed and approved by me after its passage.

_______________________________
Chair, Board of Supervisors

Attest:

_______________________________
Clerk of said Board

WHEREAS, on September 12, 2023, the Board of Supervisors adopted an Urgency Ordinance prohibiting the establishment, operation, use, and/or participation in a syringe services program within the unincorporated areas of the county that will expire on October 27, 2023 and an extension of time is needed to implement a formal change to the County Code; and

WHEREAS, improper collection and disposal of used hypodermic needles and syringes presents an imminent threat to, the health, property, safety and welfare of the public; and

WHEREAS, syringe services programs that provide services near schools, parks and playgrounds have especially negative effects since they result in improper disposal of syringes and the congregation of persons addicted to drugs near schools, parks and playgrounds; and

WHEREAS, pursuant to the County’s police power, as granted broadly under Article XI, Section 7 of the California Constitution and Section 102 of the Charter of the County of Placer, the
Board of Supervisors of the County of Placer has the authority to enact and enforce ordinances and regulations for the public peace, health and welfare of the County and its residents; and

WHEREAS, Government Code Section 25845 authorizes the County, through its legislative body, to declare actions and activities that constitute a public nuisance; and

WHEREAS, the operation of syringe services programs carry the risk of negatively impacting the Goals of the Land Use Element of the County’s General plan including but not limited to Goal 1.K., requiring protection of the visual and scenic resources of Placer County as important quality-of-life amenities for County residents and a principal asset in the promotion of recreation and tourism; and

WHEREAS, the operation of syringe services programs carry the risk of negatively impacting the Goals of the Health and Safety Element of the County’s General plan including but not limited to Goal 8.F., requiring minimization of the risk of loss of life, injury, serious illness, damage to property and the environment due to the use, transport, treatment and disposal of hazardous materials and hazardous waste; and

WHEREAS, this ordinance is an interim urgency ordinance adopted pursuant to the authority granted to the County by Government Code Sections 25123 and 65858, and is for the immediate preservation of the public peace, health, safety and welfare. The facts constituting the urgency are:

1. The California Department of Public Health has authority to certify a syringe services program that would provide home delivery and pickup of syringes within Placer County in conflict with the County’s General Plan and Zoning Code;
2. While there are currently no pending syringe exchange programs authorized within the County, a prior applicant could resubmit an application or another syringe services program may be authorized within the County that would result in an imminent threat to, the health, property, safety and welfare of the public;
3. Absent the adoption of this Ordinance, the establishment of a syringe services program in the County is expected to result in an increase in nuisance conditions negatively affecting the well-being of the community, thereby diminishing property values and introducing incompatible land uses to existing neighborhoods or in close proximity thereto; and

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER
ORDAINS AS FOLLOWS:

Section 1. Placer County Code Chapter 5, Article 5.24, Section 5.24.090 is added on an interim uncodified basis for the effective period of this ordinance as follows:

**5.24.090 Syringe Exchange Programs — Public nuisance.**

A. Purpose and Intent. The board of supervisors recognizes that the establishment and operation of a syringe services program will increase improperly disposed needles which pose a serious risk to the public health, safety and welfare, given the potential for personal bodily injury, property damage, and contaminated waterways. It is the purpose and intent of this section to prohibit the establishment, operation, use, and/or
participation in a syringe services program within the unincorporated areas of the county to protect the public health, safety, and general welfare of its residents.

B. Definition. “Syringe services program” means a program authorized by the County of Placer or the California Department of Public Health and operating within the County of Placer that acts as a point of access to health education and care for people who inject drugs, where hypodermic needles and/or syringes are dispensed, or where used syringes are collected pursuant to the authority of Chapter 18 of Part 4 of Division 105 of the California Health and Safety Code, or successor section or chapter thereof, such that persons participating in and/or operating such programs are exempt from criminal prosecution for acts related to the possession of needles and/or syringes.

C. Prohibition. It shall be unlawful and a public nuisance for any person to create, establish, operate, conduct, or participate in a syringe services program within the unincorporated areas of the County of Placer.

D. Conformance to Law. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the county to be in violation of any such law(s).

Section 2. The recitals and statements of fact set forth in this ordinance are true and correct, constitute a substantive part of this ordinance, and are incorporated herein by this reference. Based on those facts, the County finds, determines and declares that this ordinance is necessary as an emergency measure for the immediate preservation of the public peace, health or safety pursuant to, and as authorized by, Government Code section 65858(a).

Section 3. The Board hereby declares, based on the findings set forth above, that there is an immediate need to preserve the public peace, health and safety constituting the urgency for adoption of this ordinance pursuant to Government Code section 25123(d). Accordingly, this ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption until November 30, 2023, unless otherwise repealed or extended as provided in California Government Code Section 65858.

Section 4. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.
In the matter of:
An Ordinance Amending Placer County Code
Chapter 5, Article 5.24 to Prohibit
Needle Exchange or Distribution Programs
within the County of Placer

Ordinance No.: ____________
Introduced: ____________

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer
at a regular meeting held on ______________, by the following vote:

Ayes: __________
Noes: __________
Absent: __________

Signed and approved by me after its passage.

_______________________________
Chair, Board of Supervisors

Attest: _________________________
Clerk of said Board

WHEREAS, pursuant to the County’s police power, as granted broadly under Article XI, Section 7 of the California Constitution and Section 102 of the Charter of the County of Placer, the Board of Supervisors of the County of Placer has the authority to enact and enforce ordinances and regulations for the public peace, health and welfare of the County and its residents; and

WHEREAS, Government Code Section 25845 authorizes the County, through its legislative body, to declare actions and activities that constitute a public nuisance; and

WHEREAS, the operation of syringe services programs carry the risk of negatively impacting the Goals of the Land Use Element of the County’s General plan including but not limited to Goal 1.K., requiring protection of the visual and scenic resources of Placer County as important quality-of-life amenities for County residents and a principal asset in the promotion of recreation and tourism; and
WHEREAS, the operation of syringe services programs carry the risk of negatively impacting the Goals of the Health and Safety Element of the County’s General plan including but not limited to Goal 8.F., requiring minimization of the risk of loss of life, injury, serious illness, damage to property and the environment due to the use, transport, treatment and disposal of hazardous materials and hazardous waste; and

WHEREAS, this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility it will have a significant effect on the environment, and it is not a "project", as defined in Section 15378 of the CEQA Guidelines.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

Section 1. Placer County Code Chapter 5, Article 5.24, Section 5.24.090 is added as follows:

5.24.090 Syringe exchange programs — Public nuisance.

A. Purpose and Intent. The board of supervisors recognizes that the establishment and operation of a syringe services program will increase improperly disposed needles which pose a serious risk to the public health, safety and welfare, given the potential for personal bodily injury, property damage, and contaminated waterways. It is the purpose and intent of this section to prohibit the establishment, operation, use, and/or participation in a syringe services program within the unincorporated areas of the county to protect the public health, safety, and general welfare of its residents.

B. Definition. “Syringe services program” means a program authorized by the County of Placer or the California Department of Public Health and operating within the County of Placer that acts as a point of access to health education and care for people who inject drugs, where hypodermic needles and/or syringes are dispensed, or where used syringes are collected pursuant to the authority of Chapter 18 of Part 4 of Division 105 of the California Health and Safety Code, or successor section or chapter thereof, such that persons participating in and/or operating such programs are exempt from criminal prosecution for acts related to the possession of needles and/or syringes.

C. Prohibition. It shall be unlawful and a public nuisance for any person to create, establish, operate, conduct, or participate in a syringe services program within the unincorporated areas of the County of Placer.

D. Conformance to Law. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the county to be in violation of any such law(s).

Section 2. This ordinance shall take effect and be in full force thirty (30) days after the date of its adoption. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.
TO: Honorable Board of Supervisors

FROM: Daniel Chatigny, Acting Assistant County Executive Officer

BY: Amanda Fiaa, Management Analyst

SUBJECT: Ordinance Amending Placer County Code Chapter 5, Article 5.24 to Prohibit Needle Exchange or Distribution Programs

 ACTION REQUESTED

1. Introduce and waive oral reading of an ordinance to amend Chapter 5, Article 5.24 to add Section 5.24.090 prohibiting the establishment, operation, use, and/or participation in needle exchange or distribution programs within the unincorporated areas of the County.

2. Determine that the proposed action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and is not a project pursuant to section 15378.

BACKGROUND

On September 12, 2023, the Board of Supervisors adopted an urgency ordinance to prohibit on an interim basis the establishment, operation, use, and/or participation in needle exchange or distribution programs within the unincorporated areas of the County. The proposed ordinance would make the prohibition permanent by codifying it within the Placer County Code at Chapter 5, Business Licenses and Regulations. Any identified needle exchange programs would not receive business licenses with the County and would also be in violation of the Placer County Code and therefore subject to Code Enforcement and potential determinations that their activity is a public nuisance.

The catalyst for the ordinance was an application for a needle exchange and distribution program, also known as a syringe services program, submitted to the California Department of Public Health (CDPH). The application was submitted by Safer Alternatives though Networking & Education (SANE) and is a request to offer home delivery of needles, estimated at 200,000 needles annually, to the southwest portion of Placer County between Lincoln and Auburn, including the cities of Lincoln, Auburn, Loomis, Rocklin and Roseville. The application remains pending as of the date of this report.

The improper collection and disposal of used hypodermic needles and syringes presents an imminent threat to the health, property, safety and welfare of the public. Syringe services programs that provide services near schools, parks and playgrounds have especially negative effects since they result in improper disposal of syringes and the congregation of persons addicted to drugs near schools, parks and playgrounds.

Residents who require syringe exchange services for medical purposes are currently able to acquire these services at pharmacies and hospitals, which provide new syringes and the proper disposal of used syringes. Those existing activities would not change with the proposed prohibition.
The County has police power, as granted broadly under Article XI, Section 7 of the California Constitution and Section 102 of the Charter of the County of Placer, to enact and enforce ordinances and regulations for the public peace, health and welfare of the County and its residents. Syringe services programs negatively impact the County’s General Plan, by degrading the visual and scenic resources of the County and increasing the risk of injury and illness due to treatment and disposal of hazardous materials.

The proposed ordinance would make the prohibition permanent and serves as a measure to alleviate the condition which led to the original adoption of the urgency ordinance. The prohibition would also allow the County to monitor jurisdictions in California that permit and regulate syringe services programs in case those programs modified to address the concerns of County residents and law enforcement agencies.

State law (Health and Safety Code section 121349) does allow the state to permit certain syringe services programs, notwithstanding any other laws. This ordinance would serve as the identified local law to prohibit the syringe services program from operating within the unincorporated portion of the County. The cities of Auburn, Rocklin and Roseville and the town of Loomis also recently adopted urgency ordinances either prohibiting or restricting the programs, and the City of Rocklin will consider adoption of a permanent ordinance prohibiting the programs this evening. The County’s proposed ordinance includes language stating that the prohibition would not apply if it is determined to be in conflict with any state or federal laws.

If the Board introduces and waives oral reading of the ordinance, staff will bring the ordinance forward at a following meeting for adoption.

ENVIRONMENTAL IMPACT
The proposed actions are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and are not a project pursuant to section 15378 because they will not result in a direct or reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT
There is no fiscal impact to the County by approving this ordinance, although there may be some costs of enforcement for any violations of the ordinance.

ATTACHMENTS
Attachment A – Ordinance
Attachment B – September 12, 2023 Staff Report
In the matter of:
An Ordinance Amending Placer County Code Chapter 5, Article 5.24 to Prohibit Needle Exchange or Distribution Programs within the County of Placer

Ordinance No.: __________
Introduced: ______________

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on ______________, by the following vote:

Ayes: 
Noes: 
Absent:

Signed and approved by me after its passage.

_______________________________
Chair, Board of Supervisors

Attest:

_______________________________
Clerk of said Board

WHEREAS, pursuant to the County’s police power, as granted broadly under Article XI, Section 7 of the California Constitution and Section 102 of the Charter of the County of Placer, the Board of Supervisors of the County of Placer has the authority to enact and enforce ordinances and regulations for the public peace, health and welfare of the County and its residents; and

WHEREAS, Government Code Section 25845 authorizes the County, through its legislative body, to declare actions and activities that constitute a public nuisance; and

WHEREAS, the operation of syringe services programs carry the risk of negatively impacting the Goals of the Land Use Element of the County’s General plan including but not limited to Goal 1.K., requiring protection of the visual and scenic resources of Placer County as important quality-of-life amenities for County residents and a principal asset in the promotion of recreation and tourism; and
WHEREAS, the operation of syringe services programs carry the risk of negatively impacting the Goals of the Health and Safety Element of the County’s General plan including but not limited to Goal 8.F., requiring minimization of the risk of loss of life, injury, serious illness, damage to property and the environment due to the use, transport, treatment and disposal of hazardous materials and hazardous waste; and

WHEREAS, this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility it will have a significant effect on the environment, and it is not a "project", as defined in Section 15378 of the CEQA Guidelines.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

Section 1. Placer County Code Chapter 5, Article 5.24, Section 5.24.090 is added as follows:

5.24.090 Syringe exchange programs — Public nuisance.
A. Purpose and Intent. The board of supervisors recognizes that the establishment and operation of a syringe services program will increase improperly disposed needles which pose a serious risk to the public health, safety and welfare, given the potential for personal bodily injury, property damage, and contaminated waterways. It is the purpose and intent of this section to prohibit the establishment, operation, use, and/or participation in a syringe services program within the unincorporated areas of the county to protect the public health, safety, and general welfare of its residents.
B. Definition. “Syringe services program” means a program authorized by the County of Placer or the California Department of Public Health and operating within the County of Placer that acts as a point of access to health education and care for people who inject drugs, where hypodermic needles and/or syringes are dispensed, or where used syringes are collected pursuant to the authority of Chapter 18 of Part 4 of Division 105 of the California Health and Safety Code, or successor section or chapter thereof, such that persons participating in and/or operating such programs are exempt from criminal prosecution for acts related to the possession of needles and/or syringes.
C. Prohibition. It shall be unlawful and a public nuisance for any person to create, establish, operate, conduct, or participate in a syringe services program within the unincorporated areas of the County of Placer.
D. Conformance to Law. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the county to be in violation of any such law(s).

Section 2. This ordinance shall take effect and be in full force thirty (30) days after the date of its adoption. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.
MEMORANDUM
COUNTY EXECUTIVE OFFICE
County of Placer

TO: Honorable Board of Supervisors
FROM: Jane Christenson, County Executive Officer
BY: Bekki Riggan, Deputy County Executive Officer
DATE: September 12, 2023
SUBJECT: Urgency Ordinance Prohibiting the Establishment, Operation, Use and/or Participation in Needle Exchange or Distribution Programs

ACTIONS REQUESTED
1. Adopt an urgency ordinance prohibiting the establishment, operation, use, and/or participation in needle exchange or distribution programs within the unincorporated areas of the County.
2. Determine that the proposed action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and is not a project pursuant to section 15378.

BACKGROUND
In July of 2023, an application for a needle exchange and distribution program, also known as a syringe services program, was submitted by Safer Alternatives though Networking & Education (SANE) to the California Department of Public Health (CDPH). The program offers home delivery and pickup of needles the same or next business day. SANE estimates that it will distribute 200,000 syringes annually to the southwest portion of Placer County between Lincoln and Auburn, including the cities of Lincoln, Auburn, Loomis, Rocklin and Roseville. The syringes will go to an expected 400 participants, or up to roughly 500 syringes per participant. CDPH determined SANE’s application met the baseline requirements and circulated the application for public comment. The public comment period will close on September 21 and CDPH is expected to issue a decision on the application any time after the close of the public comment.

The improper collection and disposal of used hypodermic needles and syringes presents an imminent threat to the health, property, safety and welfare of the public. Syringe services programs that provide services near schools, parks and playgrounds have especially negative effects since they result in improper disposal of syringes and the congregation of persons addicted to drugs near schools, parks and playgrounds. Cities within the County, as well as County departments, opposed the application during the public comment period. The letters sent in opposition to the application are attached to this report as Attachment B.

Of note, residents who require syringe exchange services for medical purposes are currently able to acquire these services at pharmacies and hospitals, which provide new syringes and the proper disposal of used syringes. Those existing activities would not change with the proposed prohibition.

The County has police power, as granted broadly under Article XI, Section 7 of the California Constitution and Section 102 of the Charter of the County of Placer, to enact and enforce ordinances and regulations for the public peace, health and welfare of the County and its
residents. Syringe services programs negatively impact the County’s General Plan, by degrading the visual and scenic resources of the County and increasing the risk of injury and illness due to treatment and disposal of hazardous materials.

The proposed urgency ordinance would prohibit the establishment, operation, use and/or participation in syringe services programs within the unincorporated portion of the County for forty-five days, until October 27, 2023. There are currently no syringe services programs authorized to operate in the unincorporated portion of the County, and the ordinance would prevent any new programs from operating, thereby addressing concerns regarding potential secondary impacts to the neighborhoods identified within the application. The prohibition would also provide additional time for the County to monitor jurisdictions in California that permit and regulate syringe services programs for regulatory best practices and improvements in business practices. Staff anticipates bringing back a permanent ordinance at one of the next Board meetings.

State law (Health and Safety Code section 121349) does allow the state to permit certain syringe services programs, notwithstanding any other laws. This urgency ordinance would serve as the identified law to prohibit the syringe services program from operating within the unincorporated portion of the County. Several counties and cities have adopted similar bans of syringe services programs, including Butte County, Sutter County, and the cities of Anaheim, Chico, Orange, Oroville, Santa Ana and Yuba City. The proposed ordinance includes language stating that the prohibition would not apply if it is determined to be in conflict with any state or federal laws.

ENVIRONMENTAL IMPACT
The proposed action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and is not a project pursuant to section 15378 because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT
There is no fiscal impact to the County by approving this request.

ATTACHMENTS
Attachment A – Urgency Ordinance
Attachment B - Letters
Before the Board of Supervisors  
County of Placer, State of California

In the matter of:  
An Urgency Ordinance Prohibiting the establishment, operation, use, and/or participation in Needle Exchange or Distribution Programs within the County of Placer

The following Urgency Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on ______________, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_______________________________  
Chair, Board of Supervisors

Attest:

_______________________________  
Clerk of said Board

WHEREAS, an application for a syringe services program was submitted by Safer Alternatives though Networking & Education (SANE) to the California Department of Public Health (CDPH) on or around July 31, 2023 that seeks to collect and provide syringe distribution through home delivery and pickup within Placer County; and

WHEREAS, CDPH determined the application met the baseline requirements in Health and Safety Code section 121349, the public comment period for the application closes on September 21, 2023, and CDPH is expected to issue a decision on the application at any time afterwards; and

WHEREAS, improper collection and disposal of used hypodermic needles and syringes presents an imminent threat to, the health, property, safety and welfare of the public; and
WHEREAS, syringe services programs that provide services near schools, parks and playgrounds have especially negative effects since they result in improper disposal of syringes and the congregation of persons addicted to drugs near schools, parks and playgrounds; and

WHEREAS, pursuant to the County’s police power, as granted broadly under Article XI, Section 7 of the California Constitution and Section 102 of the Charter of the County of Placer, the Board of Supervisors of the County of Placer has the authority to enact and enforce ordinances and regulations for the public peace, health and welfare of the County and its residents; and

WHEREAS, Government Code Section 25845 authorizes the County, through its legislative body, to declare actions and activities that constitute a public nuisance; and

WHEREAS, the Placer County Code sets forth regulatory, penal and administrative ordinances of the County, and as to the use of land, and of buildings thereon, Chapter 17 (Zoning) of the Placer County Code is intended to promote the growth of the County in an orderly manner and promote and protect the public health, safety, peace, comfort and general welfare in conformance with the County’s General Plan; and

WHEREAS, syringe services programs are not an enumerated use under the Zoning Code and the Placer County Code does not specifically address or regulate syringe services programs within the County; and

WHEREAS, the operation of syringe services programs carry the risk of negatively impacting the Goals of the Land Use Element of the County’s General plan including but not limited to Goal 1.K., requiring protection of the visual and scenic resources of Placer County as important quality-of-life amenities for County residents and a principal asset in the promotion of recreation and tourism; and

WHEREAS, the operation of syringe services programs carry the risk of negatively impacting the Goals of the Health and Safety Element of the County’s General plan including but not limited to Goal 8.F., requiring minimization of the risk of loss of life, injury, serious illness, damage to property and the environment due to the use, transport, treatment and disposal of hazardous materials and hazardous waste; and

WHEREAS, this ordinance is an interim urgency ordinance adopted pursuant to the authority granted to the County by Government Code Section 65858, and is for the immediate preservation of the public health, safety and welfare. The facts constituting the urgency are:

1. The California Department of Public Health is expected to certify a syringe services program that would provide home delivery and pickup of syringes within Placer County in conflict with the County’s General Plan and Zoning Code;
2. Absent the adoption of this Ordinance, the establishment of a syringe services program in the County is expected to result in an increase in nuisance conditions negatively affecting the well-being of the community, thereby diminishing property values and introducing incompatible land uses to existing neighborhoods or in close proximity thereto; and
3. Absent the adoption of this Ordinance, the establishment of a syringe services program in the County will increase the burden upon County services due to enforcement of the established standards and regulations relating to syringe services programs.

WHEREAS, this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility it will have a significant effect on the environment, and it is not a "project", as defined in Section 15378 of the CEQA Guidelines.
NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER
ORDAINS AS FOLLOWS:

Section 1. Placer County Code Chapter 5, Article 5.24, Section 5.24.090 is added on an interim uncodified basis for the effective period of this ordinance as follows:

5.24.090 Syringe Exchange Programs — Public nuisance.
   A. Purpose and Intent. The board of supervisors recognizes that the establishment and operation of a syringe services program will increase improperly disposed needles which pose a serious risk to the public health, safety and welfare, given the potential for personal bodily injury, property damage, and contaminated waterways. It is the purpose and intent of this section to prohibit the establishment, operation, use, and/or participation in a syringe services program within the unincorporated areas of the county to protect the public health, safety, and general welfare of its residents.
   B. Definition. “Syringe services program” means a program authorized by the County of Placer or the California Department of Public Health and operating within the County of Placer that acts as a point of access to health education and care for people who inject drugs, where hypodermic needles and/or syringes are dispensed, or where used syringes are collected pursuant to the authority of Chapter 18 of Part 4 of Division 105 of the California Health and Safety Code, or successor section or chapter thereof, such that persons participating in and/or operating such programs are exempt from criminal prosecution for acts related to the possession of needles and/or syringes.
   C. Prohibition. It shall be unlawful and a public nuisance for any person to create, establish, operate, conduct, or participate in a syringe services program within the unincorporated areas of the County of Placer.
   D. Conformance to Law. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the county to be in violation of any such law(s).

Section 2. The recitals and statements of fact set forth in this ordinance are true and correct, constitute a substantive part of this ordinance, and are incorporated herein by this reference. Based on those facts, the County finds, determines and declares that this ordinance is necessary as an emergency measure for the immediate preservation of the public peace, health or safety pursuant to, and as authorized by, Government Code section 65858(a).

Section 3. The Board hereby declares, based on the findings set forth above, that there is an immediate need to preserve the public peace, health and safety constituting the urgency for adoption of this ordinance pursuant to Government Code section 25123(d). Accordingly, this ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption until October 27, 2023, unless otherwise repealed or extended as provided in California Government Code Section 65858.

Section 4. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.
August 29, 2023

SENT VIA EMAIL ONLY TO
MARJORIE.YATZ@CDPH.CA.GOV
SHILO@STAYSAFER.ORG

California Department of Public Health / Office of AIDS

To Whom It May Concern:

The Placer County Sheriff’s Office, in partnership with the Placer County Probation Department and the Town of Loomis (for whom the Sheriff’s Office provides contract law enforcement services), opposes Safer Alternatives through Networking & Education’s (SANE) application to the California Department of Public Health, Office of AIDS (CDPH/OA) to add home delivery and pick-up of syringes in Placer County for the reasons outlined below.

**Historical Information Does Not Support the Efficacy of SSPs**

SANE’s executive director Shilo Jama, who is the Syringe Services Program (SSP) Administrator named on the application, is a lifelong drug user himself, who was formerly the director of the People’s Harm Reduction Alliance (PHRA) in Seattle and has spent his career advocating for drug users NOT against drug use.\(^1\) In 2017, he was head of the US’s most extensive needle exchange program, handing out 34 million syringes\(^2\) and having no account of how many syringes they collected in exchange. Millions of unaccounted syringes are on the streets, in the parks, and in the community. SANE now expects to distribute 200,000 syringes annually in Placer County, and their estimate to collect 200,000 syringes is not supported by any empirical evidence of past practices. In fact, while they keep a strict account of how many syringes they hand out, they only collect data on “pounds” of used syringes/waste collected. This is clearly an opaque figure that lacks the transparency necessary for public officials to make informed decisions on programs that directly impact the citizens of this County.

Historically, PHRA in Seattle failed to account for or even acknowledge the unintended consequences of the needle exchange program Jama directed there.

SANE’s SSP shares many of the same characteristics as needle exchange programs. First and foremost, the end user does not have to hand over a dirty needle to get a clean one.

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In Seattle, local harm reduction practitioners like King County Public Health and the People’s Harm Reduction Alliance handed out clean syringes to anyone who asked, which could be picked at one of their pop-up tables or at any of several office locations. While this is sometimes called needle exchange, that term is misleading, since the client does not have to hand over a dirty needle to get a clean one. Instead of needle exchanges, these locations should be called needle dispensaries. A single drug user may be given hundreds of needles at a time, and boxes of them are often given to known drug dealers, who then hand them out to their customers, streamlining the process for everyone.

Along with needles, harm reduction practitioners in Seattle hand out other drug paraphernalia, including tourniquets (to raise veins for injection drug use); candles and glass pipes ("bubbles") for smoking crack or meth; and foil, for smoking fentanyl. Drug testing kits are also available to help users determine whether their supply of heroin, meth, or cocaine has been cut with fentanyl. The Placer County Sheriff’s Office is adamantly opposed to any program that normalizes and promotes illegal drug use in this County.

Nor do we need to limit our examination to the experiences in Seattle. The City of Santa Ana, California, vigorously opposed the Harm Reduction Institutes (HRI) Syringe Program Application in May of this year for many of the same reasons listed above. The City in opposing HRI’s application, listed its past experience with the Orange County Needle Exchange Program (OCNEP) operated in the Civic Center in Santa Ana.

Despite the City’s pleas, OCNEP failed to properly recover and safely dispose of used hypodermic needles and syringes distributed at the Civic Center, resulting in thousands of used hypodermic needles being discarded in or on the adjacent public buildings, libraries, streets, sidewalks, parks, and waterways both in Santa Ana and elsewhere in Orange County, as documented by Santa Ana in a letter to OCNEP dated December 6, 2017.

**SANE’s Application Lacks Transparency and Should Be Denied**

It is the Sheriff’s Office’s position that SANE has provided insufficient information to the public to allow the County and its community members to provide meaningful public comment. The information released to the public on the CDPH’s website states that SANE’s syringe services will be by home delivery and pick-up, Tuesday-Saturday from 3:00 pm-10:00pm within Placer County. However, the information fails to provide the locations where SANE will be collecting and possibly distributing its needles on Tuesday-Saturday. The County, the Town and their residents have a right to know whether needles are going to be collected and possibly distributed near their neighborhoods, schools, libraries, and parks. Further, the County and Town should be afforded an opportunity to comment on whether the needle collection and possible distribution would be compatible with the surrounding land uses.

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1 See, https://roominate.com/blog/2022/harm-reduction/
SANE Operating in Placer County Will Have a Negative Effect on Public Health and Result in Environmental Impacts on Surrounding Communities

The information and data provided are illustrative of the fact that cities and counties have a significant interest in the operation of Syringe Services Programs (SSP) within their jurisdiction due to the potential for negative impacts on the community and the documented failure to comply with the provisions of Health and Safety Code Section 121349. In particular, these provisions include the minimum requirement that the SSP be able to provide funding to "provide for the safe recovery and disposal of used syringes and sharps waste from all of its participants." (Health and Safety Code Section 121349 (d)(3)(C).) Given the extremely troubled history of prior SSPs, the Placer County Sheriff's Office vehemently objects to a Syringe Services Program in its jurisdiction.

The Sheriff's Office and its allied law enforcement agencies have long battled the drug epidemic that has plagued the United States. In Placer County, we have consistently fought against the acceptance of illicit drug use through educational programs, including "1 Pill Can Kill", "Drug Abuse Awareness Education (DARE)," "Red Ribbon Week," "Every 15 Minutes", and "The Right Choice." These programs are time and resource-intensive and require hundreds of hours of staff time and funding. Their primary goal is to reduce the acceptance of drug abuse in our communities, reduce the number of lives destroyed, and prevent the deaths of our vulnerable residents. Additionally, the Sheriff's Office has designated detectives whose sole focus is to identify and hold accountable individuals who are responsible for distributing illicit substances in our jurisdiction. The proposed SSP significantly undermines these efforts. This is precisely the wrong message to send to our most vulnerable population in the name of "harm reduction."

By giving free needles to intravenous drug users, this SSP will encourage and promote the use of addicting drugs. It also increases drug use acceptance, leading to higher drug abuse rates. This is precisely the opposite of the goal that Placer County law enforcement, local government, and non-profits have worked for decades to decrease.

In the jurisdictions where intravenous drug users are encouraged to safely participate in needle exchange programs, enforcement of drug laws is discouraged. This will undoubtedly pressure local law enforcement to ignore illegal drug use in those areas targeted for needle exchanges. It will also lessen the feeling of safety for those locals who frequent those areas for legitimate purposes due to the influx of addicts looking for free needles.

In addition to normalizing illegal drug use, the distribution of hypodermic needles will undoubtedly increase the number of hypodermic needles circulating throughout our County. Regrettably, the individuals receiving free needles for drug use are not typically the most accountable for properly disposing of them. We oppose models increasing the amount of dirty needles discarded recklessly in our
parks, streets, and recreational areas, putting our residents in danger. When drug use increases, this behavior harms public safety, property values, community growth, and local businesses.

In addition to the concerns surrounding SANE's street-based outreach, there is no guarantee that needles delivered to residences will be used privately at that residence. We have repeatedly seen homeowners allow the use of their addresses by those in our homeless community for mail and other services. While this isn't undesirable, allowing this same practice to distribute needles will inevitably increase the use of these needles in public areas. Our Homeless Liaison Deputies and Probation Officers report finding needles routinely when patrolling in areas frequented by transients; these also happen to be the same areas where families and children recreate, including bike trails, parks, and walking paths.

Placer County has aggressively sought solutions to address the local homelessness issue and reduce the tragic deaths resulting from illegal drug use. We know unlawful drug use is a significant problem among our homeless population. By taking steps to lessen the stigma of intravenous drug use and encouraging illegal drug use through implementing an SSP, we are actively working against all our best efforts to reduce these tragic deaths, reduce the problems surrounding homelessness, and actively undermine the anti-drug educational programs aimed towards our residents and children.

The Placer County Sheriff's Office Requests a Meeting with the California Department of Public Health, Office of AIDS (CDPH/OA) to Meet and Confer on This Application

Pursuant to the requirements set forth in Cal. Health & Safety Code 121349(c), the Placer County Sheriff's Office requests a face-to-face meeting with the California Department of Public Health, Office of AIDS (CDPH/OA), to meet and confer on the issues raised in this objection to SANE's application and ensure the questions and concerns of the local community are heard by the State.

Respectfully,

Wayne Woo, Sheriff
Placer County Sheriff's Office

Marshall Hopper, Chief
Placer County Probation Department
DATE: September 4, 2023

TO: Marjorie Katz
California Department of Public Health

FROM: Troy Bergstrom
Chief of Police

RE: SANE Application Comments

On behalf of the Roseville Police Department and the City of Roseville, following is our response to the application by SANE for the syringe services program here in Placer County and specifically here in the City of Roseville. We have reviewed SANE’s application and have a series of concerns and comments with the application as follows:

- There is concern about the parameters of the delivery of syringes and supplies program as it is loosely defined in the proposal as offering “home delivery and pickup” to areas in southwest Placer County. Under Section 6 of the “Program Information/Statement of Need” portion of the Application, SANE fails to describe what type of home delivery and pick-up is contemplated. There is no mention of a specific fixed location or whether “home delivery” requires delivery to a location with a mailing address, or alternatively if “home delivery” is intended to cover any type of location whereby an individual requests delivery (e.g., a park, open space, parking garage or parking lot, etc.) Without specifics regarding a delivery location or a specific location for needle drop-off, how can we be certain of where syringes will be delivered and how would accountability to that process be ensured so that we do not have boxes of syringes being delivered anywhere without oversight? This also raises the question about the ability to collect used needles in a sanitary capacity that will effectively reduce harm to either the user or innocent citizen that may happen upon an inappropriately discarded syringe at a park, walking trail, or other common location.

- In line with the above lack of specifying what “home delivery” means, in the Proposal Needs statement under Section 9, the proposal talks primarily about homeless needs. Yet the proposal does not address how it would deliver syringes and other services to our homeless population as the proposal only generally talks about “home delivery”. How would the program deliver to our homeless population? How would they ensure our parks and other spaces do not become drop off points for syringes and “supplies” where these supplies are common items used to facilitate the use of drugs? There are no parameters identified in the proposal for how this would occur in a proposal that is clearly identified to deliver these supplies to our homeless population wrapped in a proposal for “home delivery”.

- One of SANE’s main services offered in the application is a rapid, on-site HIV and HCV screening. It appears however, that is a service only offered in Sacramento, which is an inconvenient distance for residents of Roseville to take advantage of this offering. This is particularly difficult for those experiencing homelessness or have limited options for travel, or those who simply need this
service closer to their county of residence where they may already be accessing programs offered through Placer County Health and Human Services. Has SANE done any outreach through Placer HHS to see what is offered in our community and how those services are offered? If SANE is going to offer services in our community, a basic first step would have been to ask our local providers what is already offered and what is needed. Those questions do not appear to have been asked before this proposal was submitted.

- The information provided for the return/exchange/collection of syringes and needles does not appear to be specific to ensure a consistent option for returning used syringes or a location where users can responsibly dispose of the syringes in the interest of public health. The application only mentions that users can arrange for pick-up during delivery hours or drop off sharps waste during office hours. However, both delivery and office hours are limited, there is no mention of where drop-off locations will be located, and there is no information about what plan SANE has to address individuals who want to discard used syringes outside of these two limited options. It seems presumptuous to assume that those in need of needle exchange services will always plan ahead with requesting pick-up of used needles or will make arrangements to ensure return of used needles to fixed locations (which again, do not appear to be specified in the application). Without fidelity to a specific plan for collection, users may leave used needles in places where children or other citizens come upon them jeopardizing their health and safety. This ties directly into the programs’ delivery of these items to our homeless population where discarding these items in a safe manner would be of great concern to our community.

- SANE does not appear to offer a specific plan to account for needle and syringe exchanges. The number of needles delivered and collected should be scrupulously accounted for. Instead, SANE appears to rely on estimated numbers of needles dropped off or collected, which provides little confidence from the public’s standpoint about overall program management and safety practices.

- SANE does not offer a partnership with local providers who need to collaborate for program legitimacy and effectiveness. Additionally, who is SANE accountable to in the event they do not act according to the standards set forth in the application? What overarching program exists to provide oversight, accountability, and management for needle users so the exchange is taking place with the entirety of public health in mind? Time and investment on SANE’s behalf seem necessary to facilitate that support from County partnerships who are daily engaged with those SANE seeks to serve. If a true partnership with our community was what SANE was interested in building, they could have heard our community’s concerns ahead of time, worked to alleviate those concerns, and submitted plans for addressing those concerns in their application, however that was not done.

- Community Outreach ahead of the program appears to have been limited to non-existent. Under the section “steps program has taken to address any reasonable concerns” there is a list of fifteen neighborhood associations in our City, however there is no information included as to whether any outreach was actually done with any of these neighborhoods. Our Department is well connected to our Roseville Coalition of Neighborhood Associations (RCONA) where this list of neighborhoods was obtained. If this proposal had been made to any of these associations, I am highly confident the associations next steps would have been to contact our Department to get more information. We have received no feedback from our neighborhood associations which leads me to believe this was just a list taken from the internet for the application process and no actual outreach has been done. Had that outreach been done, you would likely find widespread objection to a syringe delivery program in our neighborhoods.

The Roseville Police Department is highly integrated with Placer County Health and Human Services in providing needed services to our community. As a result, we rely heavily on the expertise of Placer HHS
when implementing or supporting new programs in our city. There may be some potential service gaps that SANE could fill in order to provide residents with a broader harm reduction. However, without an endorsement from our local health authority that this is a viable program to assist our community, it is difficult to support this program. It is our request that SANE collaborate with Placer County HHS to learn what services are offered here and how they could help. Further, they need to engage in community engagement and learning prior to offering needle exchange services. This learning process is important for hearing from our residents about solutions that would support both those in need of services alongside the needs of our community where services are offered. However, nowhere in the application is there evidence of this collaboration that would be required before our Department could support this program application. Without these very necessary questions answered in their proposal, our Department is against the proposal to the California Department of Public Health and request that you deny the application as submitted.

Thank you again for the opportunity to provide comment and if you have any questions regarding our comments or need any additional information, we would be more than happy to participate in a meeting to discuss this further.

Respectfully Submitted,

Troy Bergstrom
Chief of Police
Roseville Police Department
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tbergstrom@roseville.ca.us