

File No. 240214

Committee Item No. _____

Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: March 12, 2024

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OTHER

- Assembly Bill 3073 - 2/16/24
- CSAC and LCC Standings - 3/5/24
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Prepared by: Lisa Lew

Date: March 8, 2024

Prepared by: _____

Date: _____

1 [Supporting California Assembly Bill No. 3073 (Haney) - Wastewater Drug Testing Act]

2
3 **Resolution supporting California State Assembly Bill No. 3073, introduced by**
4 **Assembly Member Matt Haney, to require local water agencies to collect and test**
5 **wastewater samples for drugs such as fentanyl, cocaine, methamphetamine, and**
6 **xylazine (also known as Tranq).**

7
8 WHEREAS, The increase in illicit drug use, particularly the use of fentanyl and
9 Tranq, has significantly exacerbated the overdose epidemic in California, with San
10 Francisco alone witnessing more than 750 overdose-related deaths in 2023; and

11 WHEREAS, Traditional methods of monitoring and responding to the rise in drug
12 use have proven insufficient in addressing the rapid and deadly spread of these
13 substances within communities; and

14 WHEREAS, Wastewater-based drug testing has been successfully implemented
15 in Europe for over a decade, enabling local governments to identify and respond to
16 spikes in illicit drug use at a granular, neighborhood level; and

17 WHEREAS, The same wastewater testing technology was effectively utilized
18 during the COVID-19 pandemic in the United States, under the US National Wastewater
19 Surveillance System (NWSS), to provide critical community-level data; and

20 WHEREAS, Assembly Bill No. 3073, introduced by Assembly Member Matt
21 Haney, seeks to empower the State Water Board, in collaboration with the State
22 Department of Public Health, to mandate local water agencies to collect and analyze
23 wastewater samples for drugs such as fentanyl, cocaine, methamphetamine, and
24 xylazine at least twice weekly; and

1 WHEREAS, tThe data obtained from this testing will be instrumental in enabling
2 public health departments and law enforcement agencies to accurately allocate
3 resources and implement targeted interventions to prevent drug overdoses and save
4 lives; and

5 WHEREAS, The availability of this data on the State Department of Public
6 Health’s website will enhance community awareness and preparedness regarding local
7 drug trends and emerging threats; now, therefore, be it

8 RESOLVED, That the San Francisco Board of Supervisors supports California
9 State Assembly Bill No. 3073; and, be it

10 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges its
11 swift passage and implementation as a critical step towards combating the opioid
12 epidemic and reducing drug-related fatalities in California; and, be it

13 FURTHER RESOLVED, That the Clerk of the Board send a copy of this
14 Resolution to Governor Gavin Newsom, President pro Tempore Mike McGuire, and
15 Speaker of the State Assembly Robert Rivas.

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ASSEMBLY BILL

No. 3073

Introduced by Assembly Member Haney

February 16, 2024

An act to add Section 13192 to the Water Code, relating to wastewater.

LEGISLATIVE COUNSEL'S DIGEST

AB 3073, as introduced, Haney. Wastewater testing: illicit substances.

Existing law requires the State Water Resources Control Board to classify types of wastewater treatment plants, as defined, for the purpose of determining the levels of competence necessary to operate them. Existing law requires a person who operates a nonexempt wastewater treatment plant to possess a valid, unexpired wastewater certificate of the appropriate grade.

This bill would require the state board to create a program to test for illicit substances, including, but not limited to, cocaine, fentanyl, methamphetamine, and morphine, in wastewater, as provided. The bill would require local sanitation agencies to collect wastewater sample for testing by the state board. By imposing additional duties on local agencies, this bill would impose a state-mandated local program. The bill would require the state board to transmit the results of its wastewater testing to the State Department of Public Health for the department to post on its internet website.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13192 is added to the Water Code, to
2 read:

3 13192. (a) (1) The state board shall create a program to test
4 for illicit substances in wastewater.

5 (2) The State Department of Public Health shall advise the state
6 board on what illicit substances to test for, including, but not
7 limited to, cocaine, fentanyl, methamphetamine, and morphine.

8 (b) The state board, in consultation with other jurisdictions
9 operating wastewater drug testing programs in the United States
10 and abroad, shall develop uniform standards for testing.

11 (c) Local sanitation agencies shall collect wastewater samples
12 for testing by the state board.

13 (d) Testing may include testing for the substances, their
14 metabolites, or other markers.

15 (e) Testing shall occur twice a week, with one test on a weekday
16 and one on a weekend, or more frequently, as determined by the
17 state board in consultation with the State Department of Public
18 Health.

19 (f) The state board shall transmit the results of its wastewater
20 testing to the State Department of Public Health which shall post
21 the results on its internet website.

22 SEC. 2. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

O

From: [Donovan, Dominica \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Stefani, Catherine \(BOS\)](#); [Del Rosario, Mick \(BOS\)](#)
Subject: SCS Introduction (3/5): Resolution - Wastewater Testing
Date: Tuesday, March 5, 2024 3:16:11 PM
Attachments: [2024.03.05 - Resolution - Supporting AB 3073 - Wastewater Drug Testing Act \(Stefani\).docx](#)
[SCS - Introduction Form - Reso - 03.05.2024.pdf](#)
[AB 3073.pdf](#)

Dear Clerk Staff:

Please see the attached resolution for introduction from Supervisor Stefani.

This matter is not contentious in nature.

The California State Association of Counties and the League of California Cities have **not** taken a position on the bill.

Thank you!

Dominica Donovan | Chief of Staff
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San Francisco Board of Supervisors, District 2
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(415) 554-7752

www.sfbos.org/Stefani

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Stefani

Subject:

Supporting California Assembly Bill No. 3073 (Haney) – Wastewater Drug Testing Act

The text is listed:

Resolution in support of California State Assembly Bill 3073, introduced by Assemblymember Matt Haney, to require local water agencies to collect and test wastewater samples for drugs such as fentanyl, cocaine, methamphetamine, and xylazine (aka Tranq).

Signature of Sponsoring Supervisor: /s/ Catherine Stefani

For Clerk's Use Only