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AB-186 Controlled substances: safer drug consumption program. (2017-2018)

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AMENDED IN ASSEMBLY MARCH 23, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 186

**Introduced by Assembly Member Eggman
(Principal coauthor: Senator Wiener)
(Coauthor: Assembly Member Friedman)**

January 19, 2017

An act to add *and repeal* Section 11376.6 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 186, as amended, Eggman. Controlled substances: safer drug consumption program.

Existing law makes it a crime to possess specified controlled substances or paraphernalia. Existing law makes it a crime to use or be under the influence of specified controlled substances. Existing law additionally makes it a crime to visit or be in any room where specified controlled substances are being unlawfully used with knowledge that the activity is occurring, or to open or maintain a place for the purpose of giving away or using specified controlled substances. Existing law makes it a crime for a person to rent, lease, or make available for use any building or room for the purpose of storing or distributing any controlled substance. Existing law authorizes forfeiture of property used for specified crimes involving controlled substances.

This bill ~~would authorize a city, county, or city and county~~ would, until January 1, 2022, authorize specified counties or cities within those counties to authorize the operation of supervised injection services programs for adults that satisfies specified requirements, including, among other things, a space supervised by healthcare professionals or other trained staff where people who use drugs can consume preobtained drugs, sterile consumption supplies, and access to referrals to addiction treatment. The bill would require any entity operating a program under its provisions to provide an annual report to the city, county, or city and county, as specified. The bill would exempt a person from existing criminal sanctions while he or she is using or operating a supervised injection services program for adults authorized by a city, county, or city and county.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11376.6 is added to the Health and Safety Code, to read:

11376.6. (a) Notwithstanding any other law, ~~a city, county, or a city and county, with or without a health department, the Counties, or cities within the Counties, of Alameda, Fresno, Humboldt, Los Angeles, Mendocino, San Francisco, San Joaquin, and Santa Cruz,~~ may approve entities to establish and operate a safer drug consumption program for persons 18 years of age or older that satisfies the requirements set forth in ~~paragraph subdivision~~ (b).

(b) In order for an entity to be approved to operate a safer drug consumption program pursuant to this section, the entity shall demonstrate that it will, at a minimum:

(1) Provide a space supervised by ~~healthcare~~ *health care* professionals or other trained staff where people who use drugs can consume preobtained drugs.

(2) Provide sterile consumption supplies, collect used hypodermic needles and syringes, and provide secure hypodermic needle and syringe disposal services.

(3) Answer questions on safe consumption practices.

(4) Administer first aid, if needed, monitor participants for potential overdose, and provide treatment as necessary to prevent fatal overdose.

(5) Provide access or referrals to addiction treatment services, medical services, and social services.

(6) Educate participants on the risks of contracting HIV and viral hepatitis.

(7) Provide overdose prevention education and access to or referrals to obtain naloxone.

(8) Educate participants regarding proper disposal of hypodermic needles and syringes.

(9) Provide reasonable security of the program site.

(10) Establish operating procedures for the program *that are publicly noticed, including, but not limited to, standard hours of operation, a minimum number of personnel required to be on site during those hours of operations, an established maximum number of individuals that can be served at one time, and an established relationship with the nearest emergency care facility,* as well as eligibility criteria for program participants.

(11) Train staff members to deliver services offered by the program.

(12) Establish a good neighbor policy to address neighborhood concerns and complaints.

(13) Establish a policy for informing local government officials and neighbors about the approved entity's complaint procedures, and the contact number of the operator of the approved entity.

(c) An entity operating a safer drug consumption program under this section shall provide an annual report to the approving city, county, or city and county at a date set by the city, county, or city and county which shall include:

(1) The number of program participants.

(2) Aggregate information regarding the characteristics of program participants.

(3) The number of hypodermic needles and syringes distributed for use onsite.

(4) The number of overdoses experienced and the number of overdoses reversed onsite.

(5) The number of individuals directly and formally referred to other services and the type of service.

(d) Notwithstanding any other law, a person or entity, including, but not limited to, property owners, managers, employees, volunteers, and clients or participants, shall not be arrested, charged, or prosecuted pursuant to ~~Sections~~ *Section* 11350, 11364, 11365, 11366, 11366.5, or 11377, or subdivision (a) of Section 11550, including for attempt, aiding and abetting, or conspiracy to commit a violation of any of those sections, or have his or her property subject to forfeiture, or otherwise be penalized solely for involvement in a safer drug consumption services program approved by a city, county, or a city and county pursuant to subdivision (a).

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.