

Supervised consumption services





Community presentation

1. Policy context for a state of emergency – Laura Thomas, SFAF
2. Research background – Alex Kral, RTI
3. Safer Inside Coalition and urgency of the current overdose crisis – Paul Harkin & Daniela Wotke

What are supervised consumption services or safe injection facilities?

- **legally protected places** where
- drug users **consume pre-obtained drugs**
- in a **safe, non-judgmental environment**
and
- may receive **health care, counseling,** and referrals to other health and social services, including **drug treatment**

Insite



2017 SIS Task Force Findings

1. Support creation of safe injection services in San Francisco.
2. Recognize legal and real estate barriers to operating safe injection services and devise necessary contingency plans.
 - “San Francisco must be deliberate in formulating a way forward for local agencies, community organizations, and building owners that includes local protections and procedures to respond to potential legal repercussions.”

From: <https://www.sfdph.org/dph/files/SISTaskforce/SIS-Task-Force-Final-Report-2017.pdf>

Where are we now

State legislation is stalled until 2022 – earliest would go into effect is January 2023.

New Federal Administration – no statement of position yet

Negative ruling in Third Circuit for Safehouse case

Increasing urgency of overdose crisis in San Francisco

California legislation

AB 2495 (2016):
Not voted on

AB 186 (2017-
2018): Vetoed by
Gov. Brown

AB 362 (2019-
2020): Passed
Assembly in 2019.
Not voted on in
Senate.

**SB 57 (2021-
2022): Passed
Senate. On hold
in Assembly until
2022.**

Creates legal
protections for
staff, volunteers,
participants, and
program
operators, for
programs allowed
by the local health
jurisdiction.

Changing Local Policy Environment

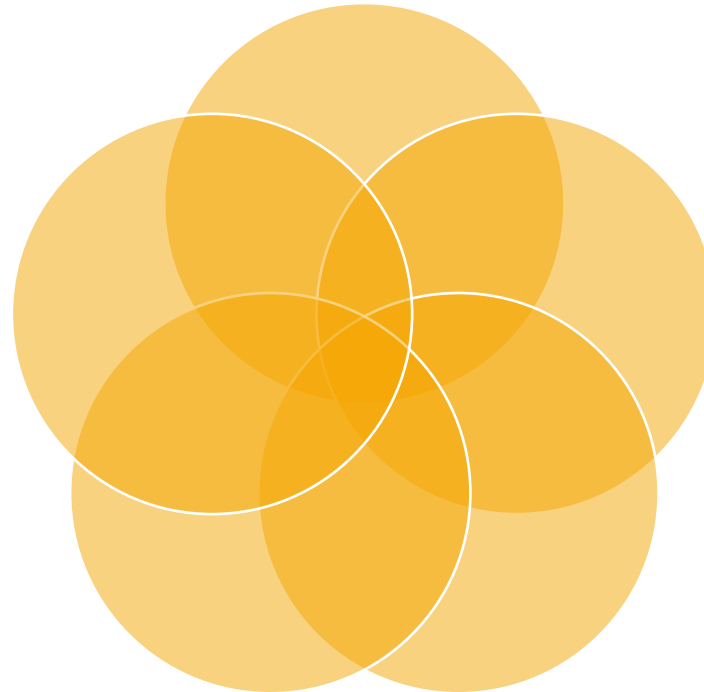
Mental Health/SF &
Our City, Our Home

SFDPH gathering
input and planning
for SCS
implementation

Newly
funded/expanded
overdose initiatives,
including treatment
expansion

Board of
Supervisors-
created permit
process (2020
ordinance)

Incoming City
Attorney Chiu



National policy context

- Rhode Island passed state legislation authorizing SCS – planning to open in March 2022
- *Safehouse* case: amicus brief signed by 80 prosecutors and law enforcement leaders, September 2021
- American Society of Addiction Medicine issued policy statement of support for SCS, July 2021

Newspaper editorial support

EDITORIAL *On Overdoses*

Deadly dithering over drug crisis

Judging by the number of lives lost, San Francisco's overdose crisis dwarfs its COVID danger. The official response — not so much.

An Assembly committee this week bottled up legislation by state Sen. Scott Wiener, D-San Francisco, to allow life-saving supervised injection sites in San Francisco, Oakland and Los Angeles, promising at least six more months of deadly dithering over a bill Wiener and local officials have advocated for years.

Assembly Member Jim Wood, the Santa Rosa Democrat who chairs the chamber's Health Committee, said he wanted to give U.S. Attorney General Merrick Garland more time to formulate a position on the legality of the facilities, calling it "the prudent thing to do." But there's nothing prudent about the state and federal failure to take a small political risk with lives on the line.

Seven hundred people died of drug overdoses in San Francisco last year, more than twice the number lost to COVID-19 during that period and a

59% increase over the previous year's toll. The most recent statistics suggest this year's losses could be greater. The rapid growth of fatal overdoses is driven by use of the powerful opioid fentanyl, the spread of which threatens more cities in California and the West with comparable losses.

Safe injection sites provide users with access to addiction treatment and medical assistance as well as an alternative to train stations and city sidewalks. Despite the qualms of misguided moralists and drug warriors, research has shown they prevent over-

dose deaths and disease without promoting more drug use. They have been legal in Canada, Australia and Europe for years.

Former Gov. Jerry Brown nevertheless vetoed a bill to allow the sites in San Francisco in 2018, while the Trump administration threatened to prosecute anyone who opened a site. President Biden is expected to be less hostile to the idea, and Gov. Gavin Newsom has said he is "open" to it, though neither appears to be going out of his way to change policy. The mayors of San Francisco, Oakland and other cities have urged the Biden administration to clarify its position to no avail.

In signing the first state law clearing the way for safe injection sites this week, Rhode Island's governor provided an example of leadership that Cali-



Nick Otto / Special to The Chronicle 2020

Paramedics treating an overdose victim in San Francisco's Tenderloin last year.

ifornia policymakers should emulate. Given the danger to their constituents, waiting for official permission from Washington is tantamount to waiting for more people to die.

“Skittishness over overdose-prevention facilities, also known as safe injection sites, is destructive and, too often, grounded in cowardly political calculation.”

– *Los Angeles Times*,
9/17/2021

Public health state of emergency

Recognition that overdose deaths are an emergency in San Francisco

Statement of intention by the city to open services

Answer the community call to action

Support non-profits willing to operate services

Not the only possible legal strategy



Historical use of Public Health State of Emergency

- COVID-19 (2020)
- Syringe access (1993)
 - Initially declared by Mayor Frank Jordan
 - Repeated every two weeks by the Board of Supervisors
 - Used to authorize and fund syringe access in CA until state law was changed in 2005
 - Provided legal cover for SFAF to operate services