

File No. 170767

Committee Item No. _____

Board Item No. 38

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: June 27, 2017

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

- | | | |
|--------------------------|-------------------------------------|------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | California State Assembly Bill 186 |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Lisa Lew

Date: June 22, 2017

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill 186 (Eggman, Wiener, and Friedman) - Controlled
2 Substances: Safer Drug Consumption Program]

3 **Resolution supporting California State Assembly Bill 186, introduced by Assembly**
4 **Member Susan Eggman, authored by Senator Scott Wiener and Assembly Member**
5 **Laura Friedman, which would authorize specified counties or cities within those**
6 **counties to authorize the operation of supervised injection services programs for**
7 **adults that satisfies specified requirements.**

8
9 WHEREAS, San Francisco has an estimated 22,500 people who inject drugs (PWID)
10 according to the Department of Public Health; and

11 WHEREAS, Injection drug use in San Francisco is responsible for approximately 100
12 deaths a year from overdoses and continued health risks for thousands; and

13 WHEREAS, The public, unsupervised use of injected drugs creates dangerous and
14 alarming conditions in public spaces for residents, visitors and PWID themselves; and

15 WHEREAS, San Francisco acknowledges that more must be done to promote public
16 safety and that the public health risks from inaction are beyond what is tolerable for a caring
17 city; and

18 WHEREAS, On September 5, 2000, the Health Commission unanimously passed a
19 resolution adopting a Harm Reduction Policy for the Department of Public Health; and

20 WHEREAS, Harm reduction is a public health philosophy that offers multiple, non-
21 judgmental approaches to meet individuals "where they are" and assist them in their
22 movement toward better health; and

23 WHEREAS, The harm reduction model promotes methods of reducing the physical,
24 social, emotional, and economic harms associated with drug and alcohol use and other
25 harmful behaviors on individuals and their community; and

1 WHEREAS, Safe Injection Services (SIS), also known as Supervised Consumption
2 Services, are an evidence-based harm reduction strategy that allows individuals to inject or
3 consume illicit drugs in a hygienic environment under the supervision of trained staff and have
4 opportunities to engage in other health and social services; and

5 WHEREAS, SIS, embedded in a harm reduction-oriented system of care and support
6 services, has the potential to address many of the concerns and issues listed above and is
7 worth evaluating for their potential costs and benefits; and

8 WHEREAS, SIS reduce overdose deaths for entire neighborhoods around the sites,
9 and there has never been a recorded overdose death in any of the nearly 100 sites around
10 the world, despite many overdoses in those sites; and

11 WHEREAS, SIS attract and retain a population of people who inject drugs and are at a
12 high risk for infectious disease and overdose, who are more likely to be homeless or
13 marginally housed, and who are at heightened risk for violence and trauma; and

14 WHEREAS, A 2010 study (Kral et. al.) entitled "Acceptability of a Safe Injection Facility
15 among Injection Drug Users in San Francisco" showed that 85% of the 602 people who inject
16 drugs that were surveyed said that they would use safe injection services, three quarters of
17 whom would use it at least three days per week; and

18 WHEREAS, SIS provide multiple health benefits, including reducing HIV and hepatitis
19 C risk behavior (i.e. syringe sharing); reducing the prevalence and harms of bacterial
20 infections; saving costs due to a reduction in disease, overdose deaths, and need for
21 emergency medical services; providing safer injection education, subsequently increasing
22 safer injecting practices; and increasing linkage to medical and social services; and

23 WHEREAS, A 2014 systematic review concluded that, "All studies converged to find
24 that SIFs [Safe Injection Facilities] were efficacious in attracting the most marginalized people
25 who inject drugs, promoting safer injection conditions, enhancing access to primary health

1 care, and reducing the overdose frequency. SIFs were not found to increase drug injecting,
2 drug trafficking or crime in the surrounding environments. SIFs were found to be associated
3 with reduced levels of public drug injections and dropped syringes”; and

4 WHEREAS, A cost-benefit analysis of potential SIS in San Francisco (Irwin et al.,
5 2016) found that the City would save \$3.5 million per year if one SIS program were opened, or
6 \$2.33 for every dollar spent on the services; and

7 WHEREAS, SIS have been supported by the Mayor’s Hepatitis C Task Force in 2011,
8 the HIV Prevention Planning Council and HIV Health Services Planning Councils in 2015, and
9 the Human Rights Commission’s community report on their hearing on the war on drugs in
10 2014; and

11 WHEREAS, The Mayor raised the issue in his 2017 State of the City speech, saying, “I
12 will continue to learn about the effectiveness of safe injection facilities. We must thoroughly
13 assess whether the public health and safety benefits outweigh any negative impacts”; and

14 WHEREAS, On April 11, 2017, San Francisco Board of Supervisors voted unanimously
15 to create a Safe Injection Services Task Force to make recommendations to the Mayor, the
16 Board of Supervisors, and City departments regarding supervised injection services; and

17 WHEREAS, Other cities in the United States are actively evaluating the impact of SIS,
18 including Seattle, which has already decided to move forward with opening two sites,
19 Baltimore, Boston, Denver, Ithaca, New York City, Philadelphia, and Portland; and

20 WHEREAS, There are approximately 100 SIS currently operating in over 65 cities
21 around the world in ten countries (Switzerland, Germany, the Netherlands, Norway,
22 Luxembourg, Spain, Denmark, France, Australia, and Canada); and

23 WHEREAS, There is momentum at the state level to address issues around injected
24 drug use with California State Assembly Bill 186, introduced by Assembly Member Susan
25 Talamantes Eggman and co-authored by Senator Scott Wiener and Assembly Member Laura

1 Friedman, which would further allow localities such as San Francisco to explore the possibility
2 of such services and enhance legal protections for the operation and use of such services;
3 and

4 WHEREAS, AB 186 provides narrow exemptions to certain controlled substance laws
5 for programs permitted by localities by allowing the operation and utilization of live-saving
6 public health and medical intervention programs intended to reduce death, disease, or injury
7 related to the use and administration of controlled substances; and

8 WHEREAS, AB 186 as currently amended provides that only specified jurisdictions
9 could pilot these programs and includes a four-year sunset, which will provide an opportunity
10 to demonstrate that these programs will succeed in a California context, proving that they are
11 cost-effective interventions to save lives and reduce public disorder; now, therefore be it

12 RESOLVED, That the City and County of San Francisco Board of Supervisors urges
13 the California Legislature and Governor Brown to support and pass AB 186; and, be it

14 FURTHER RESOLVED, That the City and County of San Francisco Board of
15 Supervisors directs the Clerk of the Board to transmit this resolution to the California State
16 Legislature and Governor Jerry Brown.



California

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

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Date Published: 03/23/2017 09:00 PM

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.*

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 JUN 20 PM 4:22
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 [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) 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 a Imperative Form.

Sponsor(s):

President London N. Breed

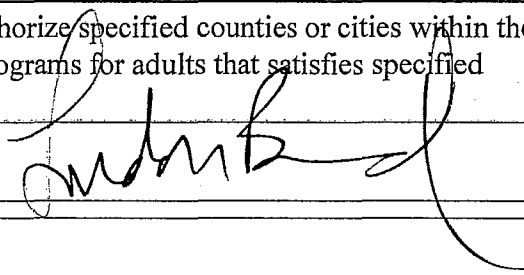
Subject:

[Supporting California State Assembly Bill 186 – Controlled Substances: Safer Drug Consumption Program]

The text is listed below or attached:

Resolution supporting California Assembly Bill 186 which would authorize specified counties or cities within those counties to authorize the operation of supervised injection services programs for adults that satisfies specified requirements.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only: