

1 [Safe Consumption Sites - Behested Payment Waiver]

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3 **Resolution authorizing the Mayor, officers and employees of the Office of the Mayor,**  
4 **and officers and employees of the Department of Public Health to solicit donations to**  
5 **support the opening and operation of safe consumption sites from various private**  
6 **entities and foundations, notwithstanding the Behested Payment Ordinance.**

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8 WHEREAS, San Francisco is experiencing a fatal drug overdose epidemic that has  
9 claimed the lives of nearly 1,900 San Franciscans since January 2020; and

10 WHEREAS, To address this crisis, many private organizations that provide services to  
11 people with substance use disorders are exploring innovative ways to prevent overdose  
12 deaths, including opening safe consumption sites, which are places where people can use  
13 preobtained drugs safely; and

14 WHEREAS, Nearly 200 safe consumption sites operate around the world, including  
15 two in New York City that have been operated by the non-profit organization OnPoint NYC for  
16 over a year; and

17 WHEREAS, These safe consumption sites have been proven to save lives, reduce  
18 crime in the surrounding area, and improve overall street conditions; and

19 WHEREAS, Since the opening of its sites, OnPoint NYC has reversed over 700  
20 overdoses, registered over 2,300 participants, and prevented nearly 1.5 million units of  
21 hazardous waste from entering the community; and

22 WHEREAS, It costs OnPoint NYC roughly \$1.4 million dollars annually to offer safe  
23 consumption services at its sites, and OnPoint NYC has raised that money through private  
24 donations and foundation funding; and

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1           WHEREAS, The Department of Public Health and the Office of the Mayor both partner  
2 with numerous nonprofit organizations, grantmakers, and foundations, often through contracts  
3 or grant agreements; and

4           WHEREAS, The Mayor and the Department of Public Health seek a waiver of the  
5 City’s Behested Payment Ordinance (Campaign and Governmental Conduct Code, Section  
6 3.600 et seq.) to the extent it restricts the Mayor and officers and employees of the Office of  
7 the Mayor and Department of Public Health from soliciting financial support from entities that  
8 would be considered interested parties to support local non-profits to operate safe  
9 consumption sites; now, therefore, be it

10          RESOLVED, That under Section 3.620(f) of the Campaign and Governmental Conduct  
11 Code, the Board of Supervisors hereby waives application of the Behested Payment  
12 Ordinance as to the Mayor and officers and employees of the Office of the Mayor and the  
13 Department of Public Health so that they may solicit donations from private organizations,  
14 grantmakers, and foundations to support the opening and operation of safe consumption sites  
15 by local non-profits in San Francisco; and be it

16          FURTHER RESOLVED, That granting this waiver serves the public interest by  
17 preventing and reducing overdose deaths, reducing criminality in areas surrounding the sites,  
18 and improving overall street conditions; and, be it

19          FURTHER RESOLVED, That granting this waiver does not create an appearance of  
20 impropriety.