

File No. 190221

Committee Item No. 4

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: April 11, 2019

Board of Supervisors Meeting:

Date: \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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                                 |
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| <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                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Assembly Bill 362 - February 4, 2019</u> |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                                       |
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Prepared by: John Carroll

Date: April 5, 2019

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Supporting California State Assembly Bill No. 362 (Eggman, Wiener, Friedman) - Three-Year  
2 Pilot Program for Supervised Drug Consumption]

3 **Resolution supporting California State Assembly Bill No. 362, introduced by Assembly**  
4 **Member Susan Eggman, authored by Senator Scott Wiener and co-authored by**  
5 **Assembly Member Laura Friedman, creating a three-year pilot program allowing San**  
6 **Francisco to implement an overdose prevention program through the operation of safe**  
7 **injection sites.**

8  
9 WHEREAS, On June 27, 2017, the San Francisco Board of Supervisors unanimously  
10 voted in favor of a resolution supporting Assembly Bill No. 186 authorizing the operation of  
11 supervised injection services (SIS) programs for adults; and

12 WHEREAS, Assembly Bill No.186 passed in both the Assembly and the Senate on  
13 August 21, 2018; and

14 WHEREAS, Former Governor Brown succumbed to the pressure of the federal  
15 government and sided with law enforcement's archaic national war on drugs rhetoric when he  
16 vetoed Assembly Bill No. 186 on September 30, 2018; and

17 WHEREAS, Former Governor Brown ignored the harm reduction approach advocated  
18 by public health experts who have been vocal about the benefits of unsanctioned safe  
19 injection sites in the United States; and

20 WHEREAS, Mayor Breed has been a firm advocate of SIS and has been quoted  
21 saying, "I am committed to opening one of these sites here in San Francisco, no matter what it  
22 takes, because the status quo is not acceptable," and

23 WHEREAS, After Governor Brown's veto of Assembly Bill No. 186 Mayor Breed stated,  
24 "[d]espite this veto, we will still continue to work with our community partners on trying to  
25 come up with a solution to move this effort forward;" and

1 WHEREAS, In response to former Governor Brown's veto, on February 4, 2019,  
2 Assembly Member Eggman introduced California State Assembly Bill No. 362, a three-year  
3 pilot program allowing San Francisco to implement an overdose prevention program through  
4 the operation of a safe injection site; and

5 WHEREAS, California State Assembly Bill No. 362 is authored by Senator Scott  
6 Wiener, co-authored by Assembly Member Laura Friedman; and

7 WHEREAS, Existing law makes it a crime to possess specified controlled substances  
8 or paraphernalia and to use or be under the influence of specified controlled substances; and

9 WHEREAS, Existing law makes it a crime to open or maintain a place for the purpose  
10 of using, giving away, or storing, specified controlled substances; and

11 WHEREAS, California State Assembly Bill No. 362 would amend existing law and add  
12 section 11376.6 to the Health and Safety Code, to allow the City and County of San Francisco  
13 to approve entities within their jurisdiction to establish SIS locations for persons 18 years of  
14 age; and

15 WHEREAS, California State Assembly Bill No. 362 mandates a good neighbor policy  
16 that facilitates communication from and to local businesses and residences, to address any  
17 neighborhood concerns if a SIS location is created in the City and County of San Francisco;  
18 and

19 WHEREAS, San Francisco has an estimated 22,000 people who inject drugs (PWID)  
20 according to the San Francisco Department of Public Health; and

21 WHEREAS, Injection drug use in San Francisco is responsible for approximately 100  
22 deaths a year from overdoses; and

23 WHEREAS, According to the California Department of Public Health, drug overdose is  
24 a leading cause of accidental death in California; and

1 WHEREAS, According to the federal Centers for Disease Control and Prevention,  
2 in 2010 nearly 4,000 new cases of HIV were attributed to unsafe injections, and

3 WHEREAS, Heroin overdose mortality in the United States nearly tripled between 2010  
4 and 2014; and

5 WHEREAS, Many of the most marginalized and high risk drug users, who lack housing  
6 and other support systems, inject in public spaces without clean equipment or a readily  
7 accessible method of disposal; and

8 WHEREAS, SIS is an evidence-based harm reduction strategy that allows individuals  
9 to inject or consume illicit drugs in a hygienic environment under the supervision of trained  
10 staff; and

11 WHEREAS, The SIS framework is centered in the philosophy of meeting people where  
12 they are free from judgment and social stigma; and

13 WHEREAS, Individuals can come into a clean, non-judgmental space where they are  
14 provided with a sterile needle to inject pre-obtained drugs under the supervision of health  
15 workers, who are ready to intervene if the patient overdoses; and

16 WHEREAS, SIS is a holistic approach at tackling the opioid crisis by proactively  
17 engaging a highly vulnerable and difficult to reach population with compassion and treatment  
18 options; and

19 WHEREAS, Adopting a harm reduction strategy is not about enabling drug use--it's  
20 about saving the lives of those who are already vulnerable and addicted to drugs; and

21 WHEREAS, SIS offers PWID an opportunity to engage in addiction treatment and other  
22 health and social services; and

23 WHEREAS, SIS promotes safe disposal of syringes and decreases public health  
24 concerns like discarded syringes on the sidewalks and public spaces; and  
25

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

5 WHEREAS, According to the San Francisco Department of Public Health, a cost  
6 benefit analysis of opening one SIS location could result in annual net savings of \$3.5 million  
7 in health care costs; and

8 WHEREAS, According to the San Francisco Department of Public Health, research has  
9 found that opening just one SIS location has widespread public health benefits and annually  
10 could prevent 3.3 HIV and 19 Hepatitis C infections, reduce hospital stays by 415 days, and  
11 facilitate 110 people entering assisted-outpatient treatment; and

12 WHEREAS, A 2014 review (Potier, et al.) entitled "Supervised Injection Services: What  
13 has been Demonstrated? A Systematic Literature Review" showed that SIS can operate and  
14 fulfill their harm reduction objectives without enhancing drug use or drug trafficking; and

15 WHEREAS, This new approach towards harm reduction is needed because the City  
16 and County of San Francisco is suffering from a public health crisis with the opioid epidemic;  
17 and

18 WHEREAS, There are approximately 120 SIS currently operating in twelve countries  
19 around the world in Australia, Canada, Denmark, France, Germany, Luxembourg, the  
20 Netherlands, Norway, Spain and Switzerland to reduce overdose death and injury; and

21 WHEREAS, Other cities in the United States are advocating for the opening of SIS in  
22 their cities, including Seattle, Baltimore, Boston, Denver, Ithaca, New York City, Philadelphia,  
23 and Portland; and

1           WHEREAS, If approved, the measure would create a 3-year pilot program that remains  
2 in effect until January 1, 2026, making San Francisco the first of such sanctioned sites in the  
3 country; now, therefore be it

4           RESOLVED, That the City and County of San Francisco Board of Supervisors urges  
5 the California Legislature and Governor Newsom to support and pass California State  
6 Assembly Bill No. 362; and, be it

7           FURTHER RESOLVED, That the City and County of San Francisco Board of  
8 Supervisors directs the Clerk of the Board to transmit this Resolution to the California State  
9 Legislature and Governor Gavin Newsom.

**ASSEMBLY BILL**

**No. 362**

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

February 4, 2019

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

LEGISLATIVE COUNSEL'S DIGEST

AB 362, as introduced, Eggman. Controlled substances: overdose prevention 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, until January 1, 2026, authorize the City and County of San Francisco to approve entities to operate overdose prevention programs that satisfy specified requirements, including, among other things, the provision of a hygienic space supervised by healthcare professionals, as defined, where adults who use drugs can consume preobtained drugs, sterile consumption supplies, and access to referrals

to substance use disorder treatment. The bill would require the City and County of San Francisco, prior to authorizing an overdose prevention program in its jurisdiction, to provide local law enforcement officials, local public health officials, and the public with an opportunity to comment in a public meeting. The bill would require any entity operating a program to provide an annual report to the city and county, as specified. The bill would exempt a person from, among other things, civil liability, professional discipline, or existing criminal sanctions, solely for actions or conduct on the site of an overdose prevention program for adults authorized by the city and county.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco.

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

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

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

3 11376.6. (a) Notwithstanding any other law, the City and  
4 County of San Francisco may approve entities within their  
5 jurisdiction to establish and operate overdose prevention programs  
6 for persons 18 years of age or older that satisfy the requirements  
7 set forth in subdivision (c).

8 (b) Prior to approving an entity within their jurisdiction pursuant  
9 to subdivision (a), the City and County of San Francisco shall  
10 provide local law enforcement officials, local public health  
11 officials, and the public with an opportunity to comment in a public  
12 meeting. The notice of the meeting to the public shall be sufficient  
13 to ensure adequate participation in the meeting by the public. The  
14 meeting shall be noticed in accordance with all state laws and local  
15 ordinances, and as local officials deem appropriate.

16 (c) In order for an entity to be approved to operate an overdose  
17 prevention program pursuant to this section, the entity shall  
18 demonstrate that it will, at a minimum:

19 (1) Provide a hygienic space supervised by healthcare  
20 professionals where people who use drugs can consume  
21 preobtained drugs. For purposes of this paragraph, "healthcare  
22 professional" includes, but is not limited to, a physician, physician  
23 assistant, nurse practitioner, licensed vocational nurse, registered



1 nurse, psychiatrist, psychologist, licensed clinical social worker,  
2 licensed professional clinical counselor, mental health provider,  
3 social service provider, or substance use disorder provider, trained  
4 in overdose recognition and reversal pursuant to Section 1714.22  
5 of the Civil Code.

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

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

12 (4) Provide access or referrals to substance use disorder  
13 treatment services, medical services, mental health services, and  
14 social services.

15 (5) Educate participants on the risks of contracting HIV and  
16 viral hepatitis.

17 (6) Provide overdose prevention education and access to or  
18 referrals to obtain naloxone hydrochloride or another overdose  
19 reversal medication approved by the United States Food and Drug  
20 Administration.

21 (7) Educate participants regarding proper disposal of hypodermic  
22 needles and syringes.

23 (8) Provide reasonable security of the program site.

24 (9) Establish operating procedures for the program, made  
25 available to the public either through an internet website or upon  
26 request, that are publicly noticed, including, but not limited to,  
27 standard hours of operation, a minimum number of personnel  
28 required to be onsite during those hours of operation, the licensing  
29 and training standards for staff present, an established maximum  
30 number of individuals who can be served at one time, and an  
31 established relationship with the nearest emergency department  
32 of a general acute care hospital, as well as eligibility criteria for  
33 program participants.

34 (10) Train staff members to deliver services offered by the  
35 program.

36 (11) Establish a good neighbor policy that facilitates  
37 communication from and to local businesses and residences, to  
38 the extent they exist, to address any neighborhood concerns and  
39 complaints.

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

(d) An entity operating an overdose prevention program under this section shall provide an annual report to the city and county, that 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 persons referred to drug treatment.

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

(e) 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 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 their property subject to forfeiture, or otherwise be penalized solely for actions or conduct on the site of an overdose prevention program approved by the City and County of San Francisco pursuant to subdivision (a).

(f) 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 subject to civil, administrative, disciplinary, employment, credentialing, professional discipline, contractual liability, or medical staff action, sanction, or penalty or other liability solely for actions or conduct on the site of an overdose prevention program approved by the City and County of San Francisco pursuant to subdivision (a).

(g) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California

- 1 Constitution because of the unique needs of the City and County
- 2 of San Francisco.

O

**Introduction Form**

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2019 FEB 26

PM 3:52  
Time stamp  
or meeting dateBY 

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:

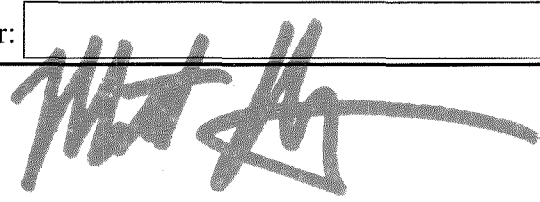
- ☐ Small Business Commission      ☐ Youth Commission      ☐ Ethics Commission
- ☐ Planning Commission      ☐ Building Inspection Commission

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: 

For Clerk's Use Only