

LEGISLATIVE DIGEST

[Health, Business and Tax Regulations Codes - Overdose Prevention Programs]

Ordinance amending the Health Code to authorize overdose prevention programs (OPPs) by, among other things: requiring OPPs to obtain a permit from the Department of Public Health, establishing operating standards for OPPs; authorizing the imposition of fines and penalties for violation of local and state laws governing OPPs and establishing a process by which OPPs may appeal a fine or permit penalty; making it a City policy to deprioritize enforcement of laws prohibiting the possession of illegal drugs against individuals who have accepted referral to an OPP; amending the Business and Tax Regulations Code regarding appeals of certain OPP permit decisions; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

City law does not authorize or regulate overdose prevention programs.

Amendments to Current Law

An overdose prevention program is an evidence-based harm reduction strategy that allows individuals to inject or consume illicit drugs in a hygienic environment under the supervision of trained staff, who are ready to intervene if the patient overdoses. The program also provides access and referrals to substance use disorder treatment services, medical services, mental health services, and other social services.

The proposed ordinance would authorize the Department of Public Health (“DPH”) to issue regulatory permits to overdose prevention programs in the City. Any permit issued by DPH under the ordinance will not become operative until the State enacts a law that authorizes the City to approve overdose prevention program operators. The proposed ordinance sets application requirements, operational standards, and creates processes for permit suspension and revocation and for administrative enforcement against programs that do not have a permit and those that violate the ordinance or permit conditions.

The proposed ordinance also makes it City policy to deprioritize enforcement of criminal laws prohibiting possession of illegal drugs and drug paraphernalia against individuals who access an overdose prevention program.

Background Information

Currently pending in the California Legislature is a bill (AB-362) that would authorize the City to approve overdose prevention program operators and would provide immunity from state criminal and civil liability related to the approval and operation of a program permitted by the City. The proposed ordinance would implement the pending state legislation.

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