



City Council Staff Report

Subject: Urgency Ordinance and Regular Ordinance Prohibiting Syringe Exchange Programs

Date: September 12, 2023

Submitted By: Rustin Banks, Police Chief

Department: City Manager's Office

Recommendation:

- A. Adopt an Urgency Ordinance of the City Council of the City of Rocklin adding Chapter 5.46 to Title 5 of the Rocklin Municipal Code prohibiting syringe exchange programs from operating in the City of Rocklin, and Finding and Determining that the Urgency Ordinance is not subject to the California Environmental Quality Act pursuant to the CEQA Guidelines Sections 15061(b)(3), and 15378.
- B. Introduce, waive full reading, and read by title only an Ordinance of the City Council of the City of Rocklin adding Chapter 5.46 to Title 5 of the Rocklin Municipal Code prohibiting syringe exchange programs from operating in the City of Rocklin, and Finding and Determining that the Ordinance is not subject to the California Environmental Quality Act pursuant to the CEQA Guidelines Sections 15061(b)(3), and 15378.

Background:

In August 2023, the Rocklin Police Department received a notification concerning an application received by the California Department of Public Health, Office of AIDS (CDPH/OA) seeking authorization to establish a Syringe Service Program (SSP) within a proposed service area, which includes the City of Rocklin. The application is included as Attachment 4.

The California Department of Public Health (CDPH) is authorized by California Health and Safety Code section 121349 et seq. to approve syringe exchange programs (SEPs) to provide sterile syringes and collect used syringes for people who inject drugs. An SEP may be authorized to operate by a county, city government, or the CDPH. According to the CDPH, there are more than fifty SEPs operating in California.

Any SEP authorized by CDPH to operate in a city must comply with applicable local ordinances. No provision of the Rocklin Municipal Code specifically addresses SEPs. Absent sufficient local regulation, a SEP may operate anywhere and have greater negative impacts on the public health, safety, and welfare.

California Government Code section 36937(b) authorizes the City Council to adopt by a four-fifths vote an urgency ordinance for the immediate preservation of the public peace, health, or safety. The City has police power, as granted broadly under Article XI, Section 7 of the California Constitution, to enact and enforce ordinances and regulations for the public peace, health and welfare of the City and its residents.

Upon review of the application and proposal submitted to CDPH/OA by Safer Alternatives through Networking & Education (SANE), there are several concerns with the planned operation for the proposed SSP. The proposed SSP would offer home delivery and pickup of needles the same or next business day. The CDPH applicant SANE proposes that it will distribute 200,000 syringes annually to the southwest portion of Placer County between Lincoln and Auburn, including within the cities of Rocklin, Auburn, Lincoln, and Roseville, and the Town of Loomis. The syringes will go to an expected 400 participants, or up to roughly 500 syringes per participant. CDPH determined that SANE's application met the baseline requirements and circulated the application for public comment. The City of Rocklin submitted a comment letter to CDPH voicing the City's concerns about the proposed SANE application (Attachment 3).

The public comment period will close on September 21, and CDPH may issue a decision on the application any time after the close of the public comment.

The SANE application could create a situation where needles are not disposed of properly and it is unclear the location and timing of the distribution of the syringes within the City. The applicant proposes providing services without sufficiently demonstrated safety procedures and protocols. City staff is concerned that the proposed program has not been adequately coordinated with other agencies and entities and without sufficient outreach to local neighborhood associations and interest groups within the City of Rocklin.

SANE proposes home delivery and pick-up in the southwest areas of Placer County; no further West than Lincoln, and no further East than Auburn, Tuesday-Saturday from 3:00pm-10:00pm. This being said, the application is primarily focused on addressing the needs of the unhoused within the proposed area of operation. The proposal is unclear on how the applicant will provide "home delivery" or arrange for those who are unhoused. Many of Placer County's unhoused residents do not have access to transportation. Not having transportation to the applicant's fixed location eliminates the "pick-up" method for majority, if not all, of the County's unhoused residents. The home delivery, pick-up, and collection points appear to be lacking in a thoughtful approach to addressing the actual concerns of the very at-risk group the applicant indicates they are trying to help. The applicant does not address the concern of deliveries occurring in public spaces, such as parks, areas around schools, and other areas open to the public nor any measures to mitigate these concerns.

The applicant has not done their own due diligence to research the effected entities in which they were proposing to operate. There has been no community outreach on the part of the applicant prior to the proposal, which, more than likely, would have provided the applicant with community feedback and objection. The proposal lacks significant details on such an important and, more than likely, a potentially challenging program within the City of Rocklin.

Although State law requires that used syringes be transported to a collection center in containers and prohibits the loose disposal of home-generated syringe waste in trash or recycling containers, people continue to dispose of contaminated syringes in manners that

increases the risk that others will come into contact with them. Syringe and needle waste represents a potential public health hazard for children, adults, and public employees through unnecessary exposure and risk of injury due to improper disposal of syringes. Improper disposal of used hypodermic syringes and needles has been documented in parks, roads, sidewalks, trails, and private property in Rocklin.

Since 2015, licensed pharmacies throughout California have been authorized to sell syringes to adults without a prescription with no limits on the number of syringes that may be sold. California law allows adults to purchase and possess an unlimited number of syringes for personal use when acquired from a pharmacy, physician or authorized SEP. Residents who require syringe exchange services for medical purposes are currently able to acquire these services at pharmacies and hospitals, which provide new syringes and the proper disposal of used syringes. This would not change with the adoption of an ordinance prohibiting SEPs.

In order to address the immediate risk posed by not having a prohibition on such SEPs, the Urgency Ordinance (Attachment 1) is provided to create an immediate prohibition on SEPs. The Urgency Ordinance would be effective immediately upon adoption. A non-urgency version of the Ordinance is also presented (Attachment 2) for introduction, with second reading and adoption required at a future meeting. The non-urgency Ordinance would take effect thirty (30) days after adoption. Approval of the ordinances would result in a complete prohibition in the City of Rocklin. A prohibition would provide additional time to monitor jurisdictions in California that permit and regulate SEPs for regulatory best practices and improvements in business practices by SEP operators with a longer track record.

The proposed ordinance is similar to ordinances prohibiting SEPs which are being considered by the City of Auburn on September 11, 2023, and by the County of Placer on September 12, 2023. The City of Lincoln will also discuss this matter on September 12. The proposed ordinance includes language stating that the prohibition would not apply if it is determined to be in conflict with any state or federal laws.

Environmental Analysis:

The proposed ordinances are not subject to review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Fiscal Impact:

There is no direct fiscal impact to the staff recommendation.

ATTACHMENTS:

- [1. Urgency Ordinance](#)
- [2. Ordinance](#)
- [3. City of Rocklin Comment Letter](#)
- [4. Safer Alternatives through Networking & Education \(SANE\) Syringe Services Program Application](#)