



State Authorization of SSPs in CA

Carol Newark, Ph.D.
Executive Director
Harm Reduction Institute



Legality of SSPs in California

Legality of SSPs in CA

- Local authorization
 - Health and Safety Code Section 121349
 - Any city or county can authorize a syringe exchange project

AB 604 and the Legality of SSPs in CA

- Local authorization
 - Health and Safety Code Section 121349
 - Any city or county can authorize a syringe exchange project
- Physician/Pharmacist led
 - Business and Professions Code 4145.5
 - A physician or pharmacist may furnish anyone over the age of 18 hypodermic needles for personal use

AB 604 and the Legality of SSPs in CA

- Local authorization
 - Health and Safety Code Section 121349
 - Any city or county can authorize a syringe exchange project
- Physician/Pharmacist led
 - Business and Professions Code 4145.5
 - A physician or pharmacist may furnish anyone over the age of 18 hypodermic needles for personal use
- AB 604
 - Health and Safety Code Section 121349
 - Maintains local authorization
 - Gives authority to the CA Department of Public Health (CDPH) to authorize SSPs
 - Applications go through a public comment period. CDPH must consult with local law enforcement and county public health officer

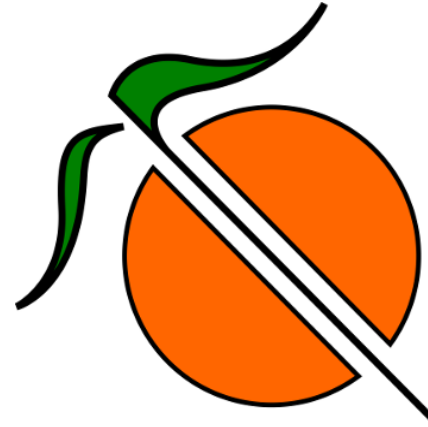


AB 604 and OCNEP

Orange County's first syringe services
program opens

Orange County Needle Exchange Program opens February 20, 2016

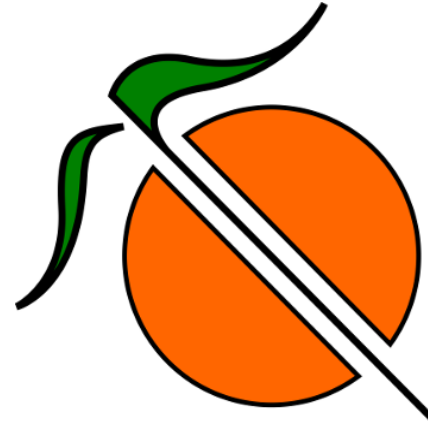
- Opposition from NIMBYs begins in 2017
- Santa Ana passes an ordinance that bans people from providing services without a permit
- OCNEP's permit request is denied January 17, 2018, forcing the program to close
- CDPH rules and regulations state that SSPS must "follow local laws and ordinances"



Received authorization in August 2018 to reopen as a mobile program

OCNEP and CDPH are sued by the county, the OC Flood Control District, and 3 cities

- Claim that CDPH violated the CA Environmental Quality Act (CEQA) by authorizing OCNEP
- CDPH and OCNEP lose lawsuit in 2019



AB 1344 and CDPH Rules and Regulations Change

- Following the OCNEP court ruling, two other CEQA lawsuits are filed against CDPH and programs operating in Chico and Santa Cruz
- Cities across California begin passing ordinances that ban state authorized SSPs, shutting them down
- AB1344 passes in 2021, granting a CEQA exemption for SSPs
- CDPH makes changes to SSP rules and regulations removing the part about SSPs following local ordinances



HRI & BPC

4145.5

Syringe services return to OC

In June 2020 HRI is launched as a physician-led SSP in Santa Ana

- Operating under BPC 4145.5

Immediately there are issues

- Santa Ana passes ban on state authorized SSPs, believing OCNEP has started operating again

HRI ultimately closes program when its certificate of occupancy for their building is revoked



As HRI is being shut down,
AB1344 and the CDPH rules
and regs changes go into effect

HRI applies for state
authorization in January 2023

CDPH authorizes HRI August
11, 2023

HRI prepares to launch
October 2023



Current issues with State Authorization: Grant Park Decision

- August 14, 2023 CA Court of Appeals makes decision in Grant Park Neighborhood Association Advocates v. CDPH & HRCSCC
- Judge reverses decision of lower court, finding that CDPH did not adequately consult with law enforcement
- HRI's authorization is revoked pending further consultation w/ law enforcement
 - Multiple programs are told to reapply for authorization
- Creates a wave of opposition against SSPs all over CA