

AMENDED IN SENATE SEPTEMBER 8, 2017

AMENDED IN SENATE JULY 13, 2017

AMENDED IN ASSEMBLY MARCH 23, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 186

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

January 19, 2017

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

LEGISLATIVE COUNSEL'S DIGEST

AB 186, as amended, Eggman. Controlled substances: safer drug consumption 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, 2022, authorize specified counties or cities within those counties to authorize the operation of supervised injection services programs for adults that satisfies specified requirements, including, among other things, a hygienic space supervised by health care professionals, as defined, where people who use drugs can consume preobtained drugs, sterile consumption supplies, and access to referrals to substance use disorder treatment. The bill would require any entity operating a program under its provisions to provide an annual report to the city, county, or city and county, as specified. The bill would exempt a person from existing criminal sanctions solely for actions or conduct on the site of a safer drug consumption services program for adults authorized by a city, county, or city and county.

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, upon the action
 4 of a county board of supervisors or upon the action of a city council
 5 and mayor, the Counties, or cities within the Counties, of Alameda,
 6 ~~Fresno~~, Humboldt, Los Angeles, Mendocino, San Francisco, ~~San~~
 7 ~~Joaquin, and Santa Cruz~~ and *San Joaquin* may approve entities to
 8 establish and operate a safer drug consumption program for persons
 9 18 years of age or older that satisfies the requirements set forth in
 10 subdivision (b). An action by a county board of supervisors shall
 11 only pertain to the areas of the unincorporated county outside of
 12 municipal jurisdictions, and an action of a city council and mayor
 13 shall only pertain to an action within the city boundary and
 14 jurisdiction.
 15 (b) In order for an entity to be approved to operate a safer drug
 16 consumption program pursuant to this section, the entity shall
 17 demonstrate that it will, at a minimum:
 18 (1) Provide a hygienic space supervised by health care
 19 professionals where people who use drugs can consume
 20 preobtained drugs. For purposes of this paragraph, “health care
 21 professional” includes, but is not limited to, a physician, physician
 22 assistant, nurse practitioner, licensed vocational nurse, registered
 23 nurse, psychiatrist, psychologist, licensed clinical social worker,

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

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

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

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

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

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

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

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

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

31 (10) Train staff members to deliver services offered by the
32 program.

33 (11) Establish a good neighbor policy to address neighborhood
34 concerns and complaints.

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

39 (c) An entity operating a safer drug consumption program under
40 this section shall provide an annual report to the approving city,

- 1 county, or city and county at a date set by the city, county, or city
2 and county which shall include:
- 3 (1) The number of program participants.
 - 4 (2) Aggregate information regarding the characteristics of
5 program participants.
 - 6 (3) The number of hypodermic needles and syringes distributed
7 for use onsite.
 - 8 (4) The number of overdoses experienced and the number of
9 overdoses reversed onsite.
 - 10 (5) The number of individuals directly and formally referred to
11 other services and the type of service.
- 12 (d) Notwithstanding any other law, a person or entity, including,
13 but not limited to, property owners, managers, employees,
14 volunteers, and clients or participants, shall not be arrested,
15 charged, or prosecuted pursuant to Section 11350, 11364, 11365,
16 11366, 11366.5, or 11377, or subdivision (a) of Section 11550,
17 including for attempt, aiding and abetting, or conspiracy to commit
18 a violation of any of those sections, or have his or her property
19 subject to forfeiture, or otherwise be penalized solely for actions
20 or conduct on the site of a safer drug consumption services program
21 approved by a city, county, or a city and county pursuant to
22 subdivision (a).
- 23 (e) This section shall remain in effect only until January 1, 2022,
24 and as of that date is repealed.