



## Staff Report

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**TO:** Honorable Mayor and Members of the Town Council  
**FROM:** Wes Heathcock, Town Manager  
**DATE:** September 7, 2023  
**RE:** Needle Exchange and Distribution Program

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### **Recommendation**

1. Adopt an urgency ordinance prohibiting the establishment, operation, use, and/or participation in needle exchange or distribution programs within the Town of Loomis.
2. Determine that the proposed action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and is not a project pursuant to section 15378.

### **Issue Statement and Discussion**

In July of 2023, an application for a needle exchange and distribution program, also known as a syringe services program, was submitted by Safer Alternatives through Networking & Education (SANE) to the California Department of Public Health (CDPH). The program offers home delivery and pickup of needles the same or next business day. SANE estimates that it will distribute 200,000 syringes annually to the southwest portion of Placer County between Lincoln and Auburn, including the cities of Lincoln, Auburn, Loomis, Rocklin and Roseville. The syringes will go to an expected 400 participants, or up to roughly 500 syringes per participant. CDPH determined SANE's application met the baseline requirements and circulated the application for public comment. The public comment period will close on September 21st and CDPH is expected to issue a decision on the application any time after the close of the public comment.

The improper collection and disposal of used hypodermic needles and syringes presents an imminent threat to the health, property, safety and welfare of the public. Syringe services programs that provide services near schools, parks and playgrounds have especially negative effects since they result in improper disposal of syringes and

the congregation of persons addicted to drugs near schools, parks and playgrounds. Cities within the County, as well as County departments, opposed the application during the public comment period. The letter sent in opposition to the application are attached to this report as Attachment B.

Of note, 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. Those existing activities would not change with the proposed prohibition.

The Town 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 Town and its residents. Syringe services programs negatively impact the Town, by degrading the visual and scenic resources of the community and increasing the risk of injury and illness due to treatment and disposal of hazardous materials.

The proposed urgency ordinance would prohibit the establishment, operation, use and/or participation in syringe services programs within the unincorporated portion of the County for forty-five days, until October 27, 2023. Staff is unaware of any syringe services programs authorized to operate in the Town of Loomis, and the ordinance is intended to prevent any new programs from operating, thereby addressing concerns regarding potential secondary impacts to the neighborhoods identified within the application. The prohibition would also provide additional time for the Town to monitor jurisdictions in California that permit and regulate syringe services programs for regulatory best practices and improvements in business practices. Staff anticipates bringing back a permanent ordinance at the Council's October meeting.

State law (Health and Safety Code section 121349) does allow the state to permit certain syringe services programs, notwithstanding any other laws. State regulations all CDPH to reject an application if there is "evidence of projected harm to public safety, presented by local law enforcement . . . [that] is, in the department's judgment, greater than evidence of projected benefits to public health." (17 CCR 7004(c).) The letter from the Placer County Sheriff (Attachment B) provides that evidence.

The proposed ordinance is essentially identical to an ordinance being presented for adoption to the Placer County Board of Supervisors. Several counties and cities have adopted similar bans of syringe services programs, including Butte County, Sutter County, and the cities of Anaheim, Chico, Orange, Oroville, Santa Ana and Yuba City. 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.

### **CEQA Requirements**

The proposed action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and is not a project pursuant to section 15378 because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

### **Financial and/or Policy Implications**

There is no fiscal impact to the Town by approving this request.

### **Attachments**

- A. Proposed Urgency Ordinance
- B. Letter from Placer County Sheriff



# Item 10 Attachment A

## ORDINANCE NO. 293

### **AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS ADDING CHAPTER 5.24 OF THE MUNICIPAL CODE PROHIBITING THE ESTABLISHMENT, OPERATION, USE, AND/OR PARTICIPATION IN NEEDLE EXCHANGE OR DISTRIBUTION PROGRAMS WITHIN THE TOWN OF LOOMIS**

WHEREAS, an application for a syringe services program was submitted by Safer Alternatives through Networking & Education (SANE) to the California Department of Public Health (CDPH) on or around July 31, 2023 that seeks to collect and provide syringe distribution through home delivery and pickup within Placer County, including the Town of Loomis; and

WHEREAS, CDPH determined the application met the baseline requirements in Health and Safety Code section 121349, the public comment period for the application closes on September 21, 2023, and CDPH is expected to issue a decision on the application at any time afterwards; and

WHEREAS, improper collection and disposal of used hypodermic needles and syringes presents an imminent threat to, the health, property, safety and welfare of the public; and

WHEREAS, syringe services programs that provide services near schools, parks and playgrounds have especially negative effects since they result in improper disposal of syringes and the congregation of persons addicted to drugs near schools, parks and playgrounds; and

WHEREAS, pursuant to the Town's police power, as granted broadly under Article XI, Section 5 of the California Constitution, the Town Council of the Town of Loomis has the authority to enact and enforce ordinances and regulations for the public peace, health and welfare of the Town and its residents; and

WHEREAS, Government Code Section 38771 et seq. authorizes the Town, through its legislative body, to declare actions and activities that constitute a public nuisance; and

WHEREAS, the Loomis Municipal Code sets forth regulatory, penal and administrative ordinances of the Town, and as to the use of land, and of buildings thereon, Chapter 13 (Zoning) of the Loomis Municipal Code is intended to promote the growth of the Town in an orderly manner and promote and protect the public health, safety, peace, comfort and general welfare in conformance with the Town's General Plan; and

WHEREAS, syringe services programs are not an enumerated use under the Zoning Code and the Loomis Municipal Code does not specifically address or regulate syringe services programs within the Town; and

WHEREAS, this ordinance is an interim urgency ordinance adopted pursuant to the authority granted to the Town by Government Code Section 65858, and is for the immediate preservation of the public health, safety and welfare. The facts constituting the urgency are:

1. The California Department of Public Health is expected to certify a syringe services program that would provide home delivery and pickup of syringes within the Town of Loomis in conflict with the Town's Zoning Code;

2. Absent the adoption of this Ordinance, the establishment of a syringe services program in the Town is expected to result in an increase in nuisance conditions negatively affecting the well-being of the community, thereby diminishing property values and introducing incompatible land uses to existing neighborhoods or in close proximity thereto; and

3. Absent the adoption of this Ordinance, the establishment of a syringe services program in the Town will increase the burden upon Town services due to enforcement of the established standards and regulations relating to syringe services programs;

4. In a letter dated September 6, 2023, the Placer County Sheriff, on behalf of the County and the Town of Loomis, identified numerous health and public safety concerns specific to the syringe services program under consideration for approval by the California Department of Public Health.

WHEREAS, this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility it will have a significant effect on the environment, and it is not a "project", as defined in Section 15378 of the CEQA Guidelines.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOOMIS ORDAINS AS FOLLOWS:**

Section 1. Loomis Municipal Title 5, Chapter 5.24, is added on an interim uncodified basis for the effective period of this ordinance as follows:

**CHAPTER 5.24 MISCELLANEOUS BUSINESS REGULATIONS**

**5.24.010 Syringe Exchange Programs — Public nuisance.**

A. Purpose and Intent. The Town Council recognizes that the establishment and operation of a syringe services program will increase improperly disposed needles which pose a serious risk to the public health, safety and welfare, given the potential for personal bodily injury, property damage, and contaminated waterways. It is the purpose and intent of this section to prohibit the establishment, operation, use, and/or participation in a syringe services program within the Town of Loomis to protect the public health, safety, and general welfare of its residents.

B. Definition. "Syringe services program" means a program authorized by the County of Placer or the California Department of Public Health and operating within the Town of Loomis that acts as a point of access to health education and care for people who inject drugs, where hypodermic needles and/or syringes are dispensed, or where used syringes are collected pursuant to the authority of Chapter 18 of Part 4 of Division 105 of the California Health and Safety Code, or successor section or chapter thereof, such that persons participating in and/or operating such programs are exempt from criminal prosecution for acts related to the possession of needles and/or syringes.

C. Prohibition. It shall be unlawful and a public nuisance for any person to create, establish, operate, conduct, or participate in a syringe services program within the Town of Loomis.

D. Conformance to Law. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the Town to be in violation of any such law(s).

Section 2. The recitals and statements of fact set forth in this ordinance are true and correct, constitute a substantive part of this ordinance, and are incorporated herein by this reference. Based on those facts, the Town Council finds, determines and declares that this ordinance is necessary as an emergency measure for the immediate preservation of the public peace, health or safety pursuant to, and as authorized by, Government Code section 65858(a).

Section 3. The Town Council hereby declares, based on the findings set forth above, that there is an immediate need to preserve the public peace, health and safety constituting the urgency for adoption of this ordinance pursuant to Government Code section 36937(c). Accordingly, this ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption until October 27, 2023, unless otherwise repealed or extended as provided in California Government Code Section 65858.

Section 4. The Town Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 36933.

I, CAROL PARKER, DEPUTY TOWN CLERK OF THE TOWN OF LOOMIS, HEREBY CERTIFY this ordinance was PASSED and ADOPTED by the Town Council of the Town of Loomis at a regular meeting on September 12, 2023.

AYES:

NOES:

ABSENT:

ABSTAIN:

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Danny Cartwright, Mayor

ATTEST:

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Carol Parker, Deputy Town Clerk







PLACER COUNTY  
SHERIFF'S  
OFFICE

WAYNE WOO  
SHERIFF-CORONER-MARSHAL

SHAYNE WRIGHT  
UNDERSHERIFF

August 29, 2023

SENT VIA EMAIL ONLY TO

[MARJORIE.KATZ@CDPH.CA.GOV](mailto:MARJORIE.KATZ@CDPH.CA.GOV)

[SHILO@STAYSAFER.ORG](mailto:SHILO@STAYSAFER.ORG)

California Department of Public Health / Office of AIDS

To Whom It May Concern:

The Placer County Sheriff's Office, in partnership with the Placer County Probation Department and the Town of Loomis (for whom the Sheriff's Office provides contract law enforcement services), opposes Safer Alternatives through Networking & Education's (SANE) application to the California Department of Public Health, Office of AIDS (CDPH/OA) to add home delivery and pick-up of syringes in Placer County for the reasons outlined below.

Historical Information Does Not Support the Efficacy of SSPs

SANE's executive director Shilo Jama, who is the Syringe Services Program (SSP) Administrator named on the application, is a lifelong drug user himself, who was formerly the director of the People's Harm Reduction Alliance (PHRA) in Seattle and has spent his career advocating for drug users NOT against drug use.<sup>1</sup> In 2017, he was head of the US's most extensive needle exchange program, handing out 34 million syringes<sup>2</sup> and having no account of how many syringes they collected in exchange. Millions of unaccounted syringes are on the streets, in the parks, and in the community. SANE now expects to distribute 200,000 syringes annually in Placer County, and their estimate to collect 200,000 syringes is not supported by any empirical evidence of past practices. In fact, while they keep a strict account of how many syringes they hand out, they only collect data on "pounds" of used syringes/waste collected. This is clearly an opaque figure that lacks the transparency necessary for public officials to make informed decisions on programs that directly impact the citizens of this County.

Historically, PHRA in Seattle failed to account for or even acknowledge the unintended consequences of the needle exchange program Jama directed there.

SANE's SSP shares many of the same characteristics as needle exchange programs. First and foremost, the end user does not have to hand over a dirty needle to get a clean one.

<sup>1</sup> See, <https://www.thestranger.com/news/2019/02/07/38678944/director-of-peoples-harm-reduction-alliance-targeted-for-helping-drug-users>

<sup>2</sup> See, <https://www.theguardian.com/us-news/2017/dec/07/seattle-washington-drug-overdose-safe-use-spaces>



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SHERIFF-CORONER-MARSHAL

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UNDERSHERIFF

In Seattle, local harm reduction practitioners like King County Public Health and the People's Harm Reduction Alliance handed out clean syringes to anyone who asked, which could be picked at one of their pop-up tables or at any of several office locations. While this is sometimes called needle exchange, that term is misleading, since the client does not have to hand over a dirty needle to get a clean one. Instead of needle exchanges, these locations should be called needle dispensaries. A single drug user may be given hundreds of needles at a time, and boxes of them are often given to known drug dealers, who then hand them out to their customers, streamlining the process for everyone.

Along with needles, harm reduction practitioners in Seattle hand out other drug paraphernalia, including tourniquets (to raise veins for injection drug use); candles and glass pipes ("bubbles") for smoking crack or meth; and foil, for smoking fentanyl. Drug testing kits are also available to help users determine whether their supply of heroin, meth, or cocaine has been cut with fentanyl.<sup>3</sup> The Placer County Sheriff's Office is adamantly opposed to any program that normalizes and promotes illegal drug use in this County.

Nor do we need to limit our examination to the experiences in Seattle. The City of Santa Ana, California, vigorously opposed the Harm Reduction Institutes (HRI) Syringe Program Application in May of this year for many of the same reasons listed above. The City in opposing HRI's application, listed its past experience with the Orange County Needle Exchange Program (OCNEP) operated in the Civic Center in Santa Ana.

Despite the City's pleas, OCNEP failed to properly recover and safely dispose of used hypodermic needles and syringes distributed at the Civic Center, resulting in thousands of used hypodermic needles being discarded in or on the adjacent public buildings, libraries, streets, sidewalks, parks, and waterways both in Santa Ana and elsewhere in Orange County, as documented by Santa Ana in a letter to OCNEP dated December 6, 2017.

### SANE's Application Lacks Transparency and Should Be Denied

It is the Sheriff's Office's position that SANE has provided insufficient information to the public to allow the County and its community members to provide meaningful public comment. The information released to the public on the CDPH's website states that SANE's syringe services will be by home delivery and pick-up, Tuesday-Saturday from 3:00 pm-10:00pm within Placer County. However, the information fails to provide the locations where SANE will be collecting and possibly distributing its needles on Tuesday-Saturday. The County, the Town and their residents have a right to know whether needles are going to be collected and possibly distributed near their neighborhoods, schools, libraries, and parks. Further, the County and Town should be afforded an opportunity to comment on whether the needle collection and possible distribution would be compatible with the surrounding land uses.

<sup>3</sup> See, <https://roominate.com/blog/2022/harm-reduction/>



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## SANE Operating in Placer County Will Have a Negative Effect on Public Health and Result in Environmental Impacts on Surrounding Communities

The information and data provided are illustrative of the fact that cities and counties have a significant interest in the operation of Syringe Services Programs (SSP) within their jurisdiction due to the potential for negative impacts on the community and the documented failure to comply with the provisions of Health and Safety Code Section 121349. In particular, these provisions include the minimum requirement that the SSP be able to provide funding to "provide for the safe recovery and disposal of used syringes and sharps waste from all of its participants." (Health and Safety Code Section 121349 (d)(3)(C).) Given the extremely troubled history of prior SSPs, the Placer County Sheriff's Office vehemently objects to a Syringe Services Program in its jurisdiction.

The Sheriff's Office and its allied law enforcement agencies have long battled the drug epidemic that has plagued the United States. In Placer County, we have consistently fought against the acceptance of illicit drug use through educational programs, including "1 Pill Can Kill", "Drug Abuse Awareness Education (DARE)", "Red Ribbon Week", "Every 15 Minutes", and "The Right Choice." These programs are time and resource-intensive and require hundreds of hours of staff time and funding. Their primary goal is to reduce the acceptance of drug abuse in our communities, reduce the number of lives destroyed, and prevent the deaths of our vulnerable residents. Additionally, the Sheriff's Office has designated detectives whose sole focus is to identify and hold accountable individuals who are responsible for distributing illicit substances in our jurisdiction. The proposed SSP significantly undermines these efforts. This is precisely the wrong message to send to our most vulnerable population in the name of "harm reduction."

By giving free needles to intravenous drug users, this SSP will encourage and promote the use of addicting drugs. It also increases drug use acceptance, leading to higher drug abuse rates. This is precisely the opposite of the goal that Placer County law enforcement, local government, and non-profits have worked for decades to decrease.

In the jurisdictions where intravenous drug users are encouraged to safely participate in needle exchange programs, enforcement of drug laws is discouraged. This will undoubtedly pressure local law enforcement to ignore illegal drug use in those areas targeted for needle exchanges. It will also lessen the feeling of safety for those locals who frequent those areas for legitimate purposes due to the influx of addicts looking for free needles.

In addition to normalizing illegal drug use, the distribution of hypodermic needles will undoubtedly increase the number of hypodermic needles circulating throughout our County. Regrettably, the individuals receiving free needles for drug use are not typically the most accountable for properly disposing of them. We oppose models increasing the amount of dirty needles discarded recklessly in our





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parks, streets, and recreational areas, putting our residents in danger. When drug use increases, this behavior harms public safety, property values, community growth, and local businesses.

In addition to the concerns surrounding SANE's street-based outreach, there is no guarantee that needles delivered to residences will be used privately at that residence. We have repeatedly seen homeowners allow the use of their addresses by those in our homeless community for mail and other services. While this isn't undesirable, allowing this same practice to distribute needles will inevitably increase the use of these needles in public areas. Our Homeless Liaison Deputies and Probation Officers report finding needles routinely when patrolling in areas frequented by transients; these also happen to be the same areas where families and children recreate, including bike trails, parks, and walking paths.

Placer County has aggressively sought solutions to address the local homelessness issue and reduce the tragic deaths resulting from illegal drug use. We know unlawful drug use is a significant problem among our homeless population. By taking steps to lessen the stigma of intravenous drug use and encouraging illegal drug use through implementing an SSP, we are actively working against all our best efforts to reduce these tragic deaths, reduce the problems surrounding homelessness, and actively undermine the anti-drug educational programs aimed towards our residents and children.

## The Placer County Sheriff's Office Requests a Meeting with the California Department of Public Health, Office of AIDS (CDPH/OA) to Meet and Confer on This Application

Pursuant to the requirements set forth in Cal. Health & Safety Code 121349(c), the Placer County Sheriff's Office requests a face-to-face meeting with the California Department of Public Health, Office of AIDS (CDPH/OA), to meet and confer on the issues raised in this objection to SANE's application and ensure the questions and concerns of the local community are heard by the State.

Respectfully,

Wayne Woo, Sheriff  
Placer County Sheriff's Office

Marshall Hopper, Chief  
Placer County Probation Department