



## Legislation Text

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**File #:** 23-0884, **Version:** 1

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Supervisors Thomas and Parlin, in concert with Sheriff Leikauf, recommending the Board approve sending a letter to the California Department of Public Health requesting they deny the 2023 reauthorization of Sierra Harm Reduction Coalition's services for a syringe exchange program in El Dorado County.

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

The California Legislature provides for syringe exchange programs to operate in California cities and counties in two different ways under California Health and Safety Code Section 121349: 1) By action of the local government, or 2) By authorization of the State Department of Public Health which enables entities that provide syringe exchange services to apply for authorization to provide services in "any location where the department determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used hypodermic needles and syringes". Sierra Harm Reduction has been operating in El Dorado County under the State of California's authorization since January 2020, not by any local order or authorization through El Dorado County or the City of Placerville.

Per the requirement of their authorization, Section 121349.3 states that "health officer of the participating jurisdiction shall present biennially at an open meeting of the board of supervisors or city council a report detailing the status of clean needle and syringe exchange programs, including, but not limited to, relevant statistics on bloodborne infections associated with needle sharing activity and the use of public funds for these programs". On October 11, 2022, the Board received a presentation and report detailing the status of the Sierra Harm Reduction Coalition's (SHRC) syringe exchange program authorized by the California Department of Public Health (CDPH).

Additionally, Section 121349 states that authorization shall not be for more than two years, and that "before the end of the two-year period, the department may reauthorize the program in consultation with the local health officer and local law enforcement leadership". Section 121349.2 states that "Local government, local health officials, and law enforcement shall be given the opportunity to comment on clean needle and syringe exchange programs on a biennial basis."

The California Department of Public Health provides guidelines and details for presentations to Board of Supervisors and City Council's stating that the presentation must include local statistics including "relevant county public health data, including HIV and hepatitis C viral (HCV) infection, opiate and stimulant overdoses, endocarditis, soft tissue infections, congenital syphilis and other diseases and health conditions associated with injection drug use".

At the biennial presentation on October 11, 2022, the Board of Supervisors was unanimous in their discussion and agreement that local data was not sufficient to warrant a syringe exchange program in El Dorado County, and that the program was creating more harm than public benefit. The Board was led to believe that the comment period to the State was open until the end of 2022, and by

unanimous vote the Board directed staff to 1) Provide each Board member with the contact information for the Office of AIDS and the California Department of Public Health; and 2) Contact the Office of AIDS to coordinate a discussion with the Board in a local format in order to demand that the State not reauthorize syringe exchange programs in El Dorado County.

Following the October 11, 2022 board item and after individual board members contacted the State, it was determined that the authorization date was actually September 1, 2023, not January 1, 2023. Additionally, Section 121349 states before the two-year authorization ends, “the department may reauthorize the program in consultation with the local health officer and local law enforcement leadership”.

On April 12, 2023, Supervisors Thomas and Parlin met with El Dorado County Sheriff Leikauf to discuss the perspective and experience of local law enforcement regarding the syringe exchange program in El Dorado County. Prior to this meeting, community members had been extremely vocal about their experience with open access to drug paraphernalia, even for youth under 18, and despite the claims of needles being reclaimed by Sierra Harm Reduction, discarded needles continue to pollute trails, camps and public spaces. Sheriff Leikauf also expounded on the criminal activity that our local law enforcement has experienced, and a few of the incidents are highlighted below.

1. *Methamphetamine and Heroin Sales Case* - During a search warrant the subject was selling pre-loaded syringes with heroin. The syringes were being obtained from Sierra Harm reduction for free and sold pre-filled in the City of Placerville mostly to transients.
2. *Heroin Possession* - Two subjects arrested for possession of heroin, pre-loaded syringes, and injection kits from Sierra Harm Reduction. Both advised they purchased the syringes pre-loaded.
3. *Methamphetamine and Heroin Case* - During a probation search subject was found to be in possession of a large quantity of products with Sierra Harm Reduction labelling. Pre-loaded heroin and injection kits were prepared for sale using those products. Additionally, methamphetamine oil burner style pipes from Sierra Harm Reduction were located during the search.
4. *Overdose Death Investigation* - Subject died from a fentanyl overdose. Syringes, and smoking paraphernalia from Sierra Harm Reduction was found at the scene.
5. *Overdose Death Investigation* - Sierra Harm Reduction Supplies found at the overdose scene. “Tooter” pipe and foil from a Sierra Harm Reduction package were in the decedent’s vicinity. It appears the decedent used fentanyl with those supplies prior to or during the incident that resulted in the overdose death.
6. *DEA Arrest / Search Warrant* - In South Lake Tahoe, Tahoe Harm Reduction-a clean needle exchange and overdose prevention company, identifies as a non-profit that has received grant funds for its operation. During a search warrant the CEO & Director of Tahoe Harm Reduction, was arrested for possession for sale of a controlled substance and was indicted by the Drug Enforcement Agency (DEA). During the search warrant service, the house yielded large quantities of fentanyl, cocaine, and an illegal firearm. As of February 2023, Tahoe Harm Reduction, Inc. has reportedly received grant funds for its operations and the status of this non-profit is unknown as the CEO is in Federal Pre-Trial Custody.

On May 18, 2023, Supervisors Thomas and Parlin along with Sheriff Leikauf, Undersheriff Golmitz and CAO Tiffany Schmidt had a meeting with Alessandra Ross, MPH and Marjorie Katz from the California Department of Public Health/Office of Aids to introduce and discuss our request that

syringe and needle exchange programs in El Dorado County not be reauthorized. The meeting was very productive in gaining a shared understanding of our respective roles as well as clarifying what we are experiencing at a local level. Additionally, it was confirmed that prior to the reauthorization process which will end on September 1, 2023, the California Department of Public Health/Office of Aids will formally consult with El Dorado County's Public Health Officer in addition to the El Dorado County Sheriff's Office, the Placerville Police Department and the South Lake Tahoe Police Department.

The action today recommends that the Board approves sending a letter to the California Department of Public Health, in concert with the El Dorado County Sheriff's Office, requesting that the California Department of Public Health deny the 2023 reauthorization of Sierra Harm Reduction Coalition's services for a syringe exchange program in El Dorado County.

### **ALTERNATIVES**

The Board could not approve sending a letter to the California Department of Public Health, in concert with the El Dorado County Sheriff's Office, requesting that the California Department of Public Health deny the 2023 reauthorization of Sierra Harm Reduction Coalition's services for a syringe exchange program in El Dorado County. With this course of action, it is likely that a syringe exchange program would be reauthorized for two years by the California Department of Public Health.

### **PRIOR BOARD ACTION**

N/A

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

El Dorado County Sheriff's Office  
Health & Human Services Agency  
Chief Administrative Office

### **FINANCIAL IMPACT**

N/A

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Obtain Chair and Sheriff's signatures on letter and forward to CA Department of Public Health

### **STRATEGIC PLAN COMPONENT**

Good Governance, Healthy Communities and Public Safety

### **CONTACT**

Supervisors Thomas & Parlin  
Sheriff Leikauf