



Senator Scott Wiener, 11th Senate District

Senate Bill 57 – Overdose Prevention Programs

SUMMARY

This bill allows the City and County of San Francisco, the County of Los Angeles and the City of Oakland the discretion to authorize overdose prevention programs (OPPs) where adults may use controlled substances under the supervision of staff trained to prevent and treat overdose, prevent HIV and hepatitis infection, and facilitate entry into drug treatment and other services. This law would sunset January 1, 2027.

BACKGROUND/PROBLEM

California is in the midst of an unprecedented overdose crisis that must be treated as a public health crisis. Since 2011, drug overdose has been the leading cause of accidental death among adults in California. In 2019, California emergency rooms treated roughly one overdose every 11 minutes, while heroin, fentanyl, and opiate use continue to rise.

In the context of the COVID-19 pandemic in the United States and in California, the already-alarming rate of drug overdose is worsening. A recent study of Emergency Medical Services data in the Journal of the American Medical Association found overdose rates were doubled in May of this year, compared to last year. More than 40 states have documented increases in opioid overdoses since the beginning of shelter in place.

In San Francisco, overdose deaths increased by 170% from 2018 to 2019, and have climbed even higher in 2020. San Francisco has seen nearly four times as many overdose deaths as COVID-19 deaths since March. African Americans continue to have the highest rate of overdose deaths, dying of opioid overdoses at nearly triple the rate of whites in 2018.

Oakland has seen similar increases; in 2019, the opioid-related overdose death rate in Oakland was 8.22 per 100,000, representing a 151% increase

from the year before. Additionally, according to data from the Los Angeles County Medical Examiner-Coroner, death from opioid overdose in the LA County jumped by 26% in 2019 from the prior year. That trend continued in 2020, with the county on pace to see over one thousand opioid deaths this year. From the first stay-at-home order in mid-March to the end of June, 2020, the daily rate of opioid deaths in Los Angeles County grew by a full 58%, compared to the rate for the prior 12 months.

As opioid use has increased, so have newly reported hepatitis C infections in California and nationwide. An analysis by the U.S. Centers for Disease Control and Prevention (CDC) found that increases in acute hepatitis C rates mirrored increases in drug treatment admission rates in which clients reported injection drug use.

In California, rates of newly reported chronic hepatitis C infections and heroin-related emergency department visits among young adults (25 to 29 years of age) are rapidly increasing. The rates of newly reported cases of chronic hepatitis C increased 159 percent and heroin-related emergency department visits increased 139 percent, respectively, between 2012 and 2016, likely due to increases in injection drug use.

Overdose prevention programs, also called supervised consumption services, are a necessary intervention to prevent overdose deaths. Approximately 165 OPPs exist in 10 countries, and they have been rigorously researched and shown to reduce health and safety problems associated with drug use, including public drug use, discarded syringes, HIV and hepatitis infections, and overdose deaths. People who used an OPP in Vancouver were more likely to enter substance use disorder treatment and more likely to stop using drugs altogether. Research from Sydney, Australia found a reduction in paramedic and emergency room use in the area where an OPP was established. Importantly,

there has **never** been an overdose death in any of these facilities around the world.

In addition, research has shown that these programs **do not** encourage additional drug use or increase crime in the surrounding area, and potentially save millions of dollars in healthcare and incarceration costs. For these reasons, the American Medical Association endorsed piloting these sites in June 2017, and in June of this year joined an amicus brief in support of a program in Philadelphia being threatened by the Trump Administration. They wrote, “The AMA supports the development and implementation of pilot supervised injection facilities that are designed, monitored, and evaluated to generate data to inform policymakers on the feasibility, effectiveness, and legal aspects of supervised injection facilities in reducing harms and health care costs related to injection drug use.”

OPPs not only save lives but save money as well. A recent analysis from the Institute for Clinical and Economic Review (ICER) found that they increased net savings to taxpayers over syringe access programs alone by preventing overdose-related use of emergency services and hospitalizations.

Furthermore, in the context of the national debate on the role of police in managing crises related to homelessness, mental health crises, or public drug use, OPPs are consistent with the call to put public health and social services in the foreground of our public safety strategies.

SOLUTION

Senate Bill 57 will allow, but not mandate, the City and County of San Francisco, the County of Los Angeles, and the City of Oakland the discretion to authorize OPPs. This bill would protect, pursuant local approval, employees, staff, volunteers, and clients of overdose prevention programs from state controlled substance offenses. The bill requires any locally authorized program to provide access to substance use disorder treatment and other services, maintain safety and security protocols, and to be accountable to local governments for data collection and reporting.

This bill only allows for authorization of OPP programs for adults, aged 18 years and older, in the City of Oakland, the County of Los Angeles and in

the City and County of San Francisco, and requires the local government to hold a public hearing with input from law enforcement, public health, and the general public in advance of authorization. It has a sunset date of January 1, 2027.

SPONSORS

- CA Association of Alcohol & Drug Program Executives
- California Society of Addiction Medicine
- Drug Policy Alliance
- National Harm Reduction Coalition
- Healthright 360
- San Francisco AIDS Foundation
- Tarzana Treatment Center

SUPPORT

- San Francisco Mayor – London Breed
- Mayor of Oakland and Oakland City Council
- Los Angeles County District Attorney
- Los Angeles Homeless Services Authority
- Los Angeles County Board of Supervisors
- Ella Baker Center
- Californians for Safety and Justice
- County Behavioral Health Directors Association of California
- Los Angeles LGBT Center
- AIDS Legal Referral Panel (ALRP)
- Harm Reduction Services
- Desert AIDS Project
- California Consortium of Addiction Programs and Professionals
- California Bridge
- End Hepatitis C San Francisco

FOR MORE INFORMATION

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