

ORDINANCE NO. ____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSEVILLE ADDING
CHAPTER 9.90 TO TITLE 9 OF THE ROSEVILLE MUNICIPAL CODE
REGARDING SYRINGE EXCHANGE PROGRAMS

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Chapter 9.90 is hereby added to Title 9 of the Roseville Municipal Code to
read as follows:

Chapter 9.90

SYRINGE EXCHANGE PROGRAMS

Sections:

9.90.010 Purpose.

9.90.020 Definitions.

9.90.030 Unauthorized need exchange programs—Prohibited.

9.90.040 Operation of syringe exchange programs—Restrictions and regulation.

9.90.050 Disposal of sharps.

9.90.060 Public nuisance declared.

9.90.070 Penalties for violations.

9.90.080 Conformance to law.

9.90.090 Severability.

9.90.010 Purpose.

The purpose and intent of this chapter is to protect the health, safety and welfare of the public by regulating syringe exchange programs and providing for the safe disposal of sharps, syringes, and corresponding waste.

9.90.020 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- A. “Participant” means a person who uses syringe exchange services.
- B. “Person” means an individual, partnership, corporation, joint venture, or other entity of any nature.
- C. “Sharps” means a device that has acute rigid corners, edges, or protuberances capable of cutting or piercing, including, but not limited to syringes, needles, and lancets.
- D. “Sharps container” means a puncture-resistant plastic container with leak-resistant sides and bottom, and a tight fitting, puncture-resistant lid, meeting the standards of and

receiving approval from the United States Food and Drug Administration as a medical device used for the collection of discarded medical needles, syringes, or other sharps.

E. “Staff” means anyone who provides syringe exchange services on behalf of a syringe exchange program.

F. “Syringe” means both the needle and syringe used to inject fluids into the body, referred to in California Health and Safety Code Section 121349, as may be amended from time to time, as a ‘hypodermic needle and syringe’.

G. “Syringe exchange program” means a program operating within the jurisdictional boundaries of the City of Roseville that acts as a point of access to health education and care for people who inject drugs, where hypodermic needles and syringes are dispensed, or where used hypodermic needles and syringes are collected pursuant to the authority of Chapter 18 of Part 4 of Division 105 of the California Health and Safety Code, as may be amended from time to time, such that persons participating in and/or operating such programs are exempted from criminal prosecution for acts related to the possession of hypodermic needles and syringes.

9.90.030 Unauthorized needle exchange programs—Prohibited.

Except as otherwise provided in California Health and Safety Code Section 121349 et seq., as may be amended from time to time, it shall be unlawful for any person to own, manage,

conduct, or operate any syringe exchange program on public and/or private property within the jurisdictional limits of the city.

9.90.040 Operation of syringe exchange programs—Restrictions and regulation.

A. No person may conduct or operate any syringe exchange program without approval of the California Department of Public Health pursuant to Health and Safety Code Section 121349 et seq., and such approval must be maintained at all times during the operation of such syringe exchange program.

B. No person may conduct, operate, or engage in any syringe exchange program, including any staff providing syringe exchange services, or any participant receiving or using syringe exchange services, within a six hundred (600) foot radius of any public or private school, day care center, playground, public park, community center, or library, unless such syringe exchange services are provided on a private residential property having a valid street address.

C. No participant or other person receiving syringes through any syringe exchange program may give, sell, trade, or otherwise transfer any syringe(s) so received to any other person.

D. No person conducting or operating any syringe exchange program, including staff providing syringe exchange services, shall provide any syringe(s) to a participant unless a sharps container is also given to the participant at the time any syringes are provided, or it is determined

to a reasonable degree of certainty that the participant possess or has access to a readily available sharps container that will allow for prompt disposal of used sharps and syringes immediately after use thereof.

E. No person conducting or operating any syringe exchange program, including staff providing syringe exchange services, shall provide any syringe(s) to any participant where such person or staff has actual or constructive notice that said participant has improperly disposed of any syringes or other sharps previously provided through the syringe exchange program to the participant. For purposes of this paragraph, constructive notice shall be effected when, based on all of the relevant facts and circumstances, a reasonable person would know that the subject participant has improperly disposed of any sharps of syringes previously provided to the participant through the syringe exchange program.

F. No person conducting or operating any syringe exchange program, including staff providing syringe exchange services, shall provide any syringe(s) to any participant under the age of eighteen (18) without a parent or guardian present.

9.90.50 Disposal of sharps.

A. Each syringe or sharps used in any way for the injection of a substance into the body shall be disposed of and secured in a sharps container immediately after its first use.

B. All disposal of sharps and sharps containers shall comply with California Health and Safety Code Section 118275 et seq., as may be amended from time to time, and Roseville Municipal Code Section 9.12.150, as may be amended from time to time.

C. It shall be unlawful for any participant or person to leave any used sharps or syringe in any location, place, or manner such that the sharps or syringe is able to come into contact with any other person.

D. It shall be unlawful for any participant or person to discard or otherwise dispose of any used sharps or syringe in any garbage receptacle, recycling receptacle, sink, toilet, or any other bin or receptacle that is not specifically designed for disposal of used sharps and syringes.

9.90.060 Public nuisance declared.

Any violation of the provisions of this chapter is hereby declared a public nuisance and may be abated by all available means.

9.90.070 Penalties for violations.

Violation of any provision of this chapter may be charged as an administrative citation, infraction, or misdemeanor, at the discretion of the City Attorney.

9.90.080 Conformance to law.

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

9.90.090 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

SECTION 2.

This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 3. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this ____ day of _____, 20__, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk