

Date of Hearing: May 12, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 1344 (Arambula) – As Amended April 8, 2021

Policy Committee: Natural Resources Vote: 6 - 4

Urgency: No State Mandated Local Program: No Reimbursable: No

**SUMMARY:**

This bill creates an exemption from the California Environmental Quality Act (CEQA) for needle and syringe exchange services. Specifically, this bill provides needle exchange program application submissions, authorizations and operations performed pursuant to the program are exempt from review under CEQA, and states the exemption in this bill is intended to be declaratory of existing law. This bill provides the provisions of the program section amended by the bill are severable.

**FISCAL EFFECT:**

Negligible state costs.

**COMMENTS:**

- 1) **Purpose.** In 2011, statute was added to permit the California Department of Public Health (DPH) to authorize hypodermic needle and syringe services in any location with conditions the department determines are existing for the rapid spread of HIV, viral hepatitis or any other potentially deadly or disabling infections spread through the sharing of used hypodermic needles and syringes. Prior to that, only local governments had the authority to establish syringe services programs.

Since having the authority, CDPH has authorized syringe services programs in 19 counties. Lawsuits have been filed against those programs by the counties of Orange, Butte and Santa Cruz, including CEQA violation claims. The program in Orange County was shut down before trial by a writ of mandate that set aside CDPH's authorization to establish a syringe exchange program and ordered the department to perform a CEQA compliant review. Butte County withdrew its application for CDPH approval as part of a stipulated settlement agreement. The case in Santa Cruz is pending.

The author contends the "abuse" of the intent of CEQA inappropriately places public health and environmental concerns in conflict, resulting in a real threat to public health. According to the author, "AB 1344 is needed to protect these SEP harm reduction programs and reduce community spread of communicable diseases."

**Background.** Needle and syringe exchange programs (SEPs) reduce the spread of HIV, acute hepatitis C virus (HCV) and other blood-borne pathogen infections. SEPs include vaccination, testing, linkage to infectious disease and substance use treatment and access to and disposal of syringes and injection equipment.

California SEPs provide a wide range of services in addition to syringe exchange and disposal, including testing, overdose prevention training and referring individuals to health and social services.

CEQA provides a process for evaluating the environmental impacts of applicable projects undertaken or approved by public agencies. If a project is not exempt from CEQA, an initial study is prepared to determine whether the project may have a significant effect on the environment. If the initial study shows there would not be a significant effect on the environment, the lead agency must prepare a negative declaration. If the initial study shows the project may have a significant effect on the environment, the lead agency must prepare an environmental impact report (EIR).

When a public agency decides that a project is exempt from CEQA and the public agency approves or determines to carry out the project, the agency may file a Notice of Exemption (NOE). The NOE is filed after approval of the project. CEQA Guidelines encourage all public agencies to make NOEs available in electronic format on the internet.

This bill provides a statutory CEQA exemption for SEPs and states this exemption is declaratory of existing law.