



March 30, 2021

The Honorable Joaquin Arambula  
Member, California State Assembly  
State Capitol, Room 3070  
Sacramento, CA 95814

**RE: Assembly Bill 1344 – OPPOSE  
As Amended March 16, 2021**

Dear Assembly Member Arambula:

On behalf of the Rural County Representatives of California (RCRC), I am writing to regretfully express our opposition to your Assembly Bill 1344 concerning needle and syringe exchange services. RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each member county.

AB 1344 exempts needle and syringe exchange services from the California Environmental Quality Act. AB 1344 also exempts those services, and any reasonable and foreseeable consequences thereof, from the state's public nuisance laws.

Finally, AB 1344 purports to state that these changes are declaratory of existing law; however, that is inaccurate and the changes impose significant new constraints on the ability of local governments to protect their residents.

While RCRC would like to believe that AB 1344 is aimed at preventing NIMBY (not in my backyard) lawsuits brought by private organizations and individuals, its reach is far broader and eliminates important tools that local governments use to protect residents.

The California Constitution provides local governments with broad police powers to protect the public health, safety, and welfare of their residents, and state law further empowers local officials to bring civil actions in the name of the People of the State of California to abate public nuisances. The authority of local governments is distinct from the ability of private parties to litigate nuisance claims, and is essential to allow counties and cities to regulate and protect the interests of the community as a whole.

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Needle exchange programs, while well intended, may occasionally result in serious public health and safety risks, especially with respect to improperly discarded needles that represent clear dangers to children and others. We do not attempt to weigh-in on the vigorous discussion about the benefits or consequences of these programs, but merely to retain the authority for local governments to address genuine problems that may arise.

AB 1344 prohibits local governments from bringing legal actions to prevent or require abatement of public nuisances that may arise from needle exchange programs, including the cleanup and abatement of illegally disposed needles. Contrary to the statement in proposed Health and Safety Code Section 121349(h)(2), the illegal disposal of improperly discarded syringes and needles may well constitute a public nuisance, in both the legal and common meaning of that term. Whatever the merits of discouraging NIMBY actions, restricting local governments' ability to redress such circumstances is highly detrimental.

Many jurisdictions need the legal pathways afforded under existing law to protect their residents from unintended consequences of needle exchange programs. While San Francisco deploys a crew of ten people, 12-hours-a-day, seven-days-a-week to do community needle cleanup, few other jurisdictions have the resources required to administer such programs.

To address these problems and enable local governments to continue protecting their residents, we suggest the following amendments to specifically allow public nuisance actions brought by local governments and repeal the objectionable statement that improper disposal of syringes and needles can never constitute a public nuisance:

*(h) (1) Needle and syringe exchange services application submissions, authorizations, and operations performed pursuant to this chapter shall be exempt from review under the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code. The services set forth in subdivision (d) provided by an authorized entity, and any foreseeable and reasonable consequences of providing those services, **including improperly discarded syringes or needles**, shall not constitute a public nuisance, consistent with Section 3482 of the Civil Code and shall not be considered a public nuisance for purposes of Section 3479, 3480, or 3481 of the Civil Code **for any purpose except for an action brought in the name of the people of the State of California by a district attorney, county counsel, or city attorney pursuant to and**, Section 731 of the Code of Civil Procedure.*  
***(2) This subdivision is intended to be declaratory of existing law.***

Without these amendments, AB 1344 may leave local governments at the mercy of the California Department of Public Health (CDPH) to address negative impacts associated with syringe and needle exchange programs, a matter of land use regulation for which CDPH is ill-suited, and lacks the resources to perform statewide. While Health and Safety Code Section 121349.3 will still require local health officers to report biennially

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on the status of those programs and take public comment, and Section 121349.2 allows local governments to provide comments to CDPH biennially, AB 1344 will deprive local governments of a powerful and necessary tool to address any problems that arise themselves.

For these reasons, we regretfully oppose your AB 1344 unless amended as outlined above. If you should have any questions, please do not hesitate to contact me at [jkennedy@rcrcnet.org](mailto:jkennedy@rcrcnet.org) or (916) 447-4806.

Sincerely,

A handwritten signature in blue ink that reads "John Kennedy". The signature is written in a cursive style with a large, looping "J" and "K".

JOHN KENNEDY  
Legislative Advocate

cc: Members of the Assembly Health Committee  
Rosielyn Pulmano, Chief Consultant, Assembly Health Committee  
Lawrence Lingbloom, Chief Consultant, Assembly Natural Resources Committee  
Gino Folchi, Consultant, Assembly Republican Caucus  
Kirstin Kolpitcke, Consultant, Assembly Republican Caucus



April 9, 2021

The Honorable Joaquin Arambula  
Member, California State Assembly  
State Capitol, Room 3070  
Sacramento, CA 95814

**RE: Assembly Bill 1344 – REMOVAL OF OPPOSITION  
As Amended April 8, 2021**

Dear Assembly Member Arambula:

On behalf of the Rural County Representatives of California (RCRC), we are pleased to remove our opposition to your Assembly Bill 1344, concerning needle and syringe exchange programs. RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each member county.

Previously, AB 1344 would have exempted needle and syringe exchange programs from public nuisance claims. Those provisions were highly objectionable as they would have precluded local governments from being able to protect their residents from significant public health problems related to those facilities. However, amendments adopted on April 9<sup>th</sup> remove those provisions so that the bill now simply exempts approval of those programs from the California Environmental Quality Act.

With these changes, RCRC is pleased to remove our opposition to AB 1344. We thank you for your willingness to address local concerns and preserve the authority of local governments to protect their residents.

If you should have any questions, please do not hesitate to contact me at [jkennedy@rcrcnet.org](mailto:jkennedy@rcrcnet.org) or (916) 447-4806.

Sincerely,

JOHN KENNEDY  
Legislative Advocate

cc: Members of the Assembly Health Committee  
Rosielyn Pulmano, Chief Consultant, Assembly Health Committee  
Lawrence Lingbloom, Chief Consultant, Assembly Natural Resources Committee  
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