

ORDINANCE NO. 2608

**AN ORDINANCE OF THE CITY OF CHICO AMENDING CHAPTER 9.29 OF THE CITY OF CHICO MUNICIPAL CODE PROHIBITING UNAUTHORIZED SYRINGE EXCHANGE PROGRAMS AND THE FURNISHING OF SYRINGES OR HYPODERMIC NEEDLES WITHIN THE CITY EXCEPT AS AUTHORIZED BY STATE LAW AND ESTABLISHING REASONABLE REGULATIONS OF SAME**

**WHEREAS**, California Health and Safety Code Section 121349 et seq., provides that a syringe exchange program may be authorized to operate by the California Department of Public Health, even despite local objection; and

**WHEREAS**, in 2021, the City of Chico adopted an ordinance prohibiting syringe exchange programs; and

**WHEREAS**, the City's authority to prohibit syringe exchange programs within its borders has since come into doubt; and

**WHEREAS**, absent sufficient local regulation, authorized syringe exchange programs may operate in a manner that creates significant negative impacts on the public health and welfare; and

**WHEREAS**, while the California Health and Safety Code and California Code of Regulations provide some general parameters for operating a syringe exchange program, such regulations are not exhaustive; and

**WHEREAS**, although the California Health and Safety Code requires that used syringes and other sharps be stored, transported, and disposed of in a specific manner, and prohibits the loose disposal of sharps, syringes and corresponding waste in trash or recycling containers, certain individuals within the community who inject drugs have and continue to improperly dispose of used and potentially contaminated sharps and syringes, which has direct and negative impacts on the public health and safety of the entire Chico community and increases the risk of community members coming into contact with used and potentially contaminated sharps and syringes; and

**WHEREAS**, used and potentially contaminated sharps, syringes, and corresponding waste represent a significant public health hazard for all community members and visitors of the

1 city, as well as to city staff, including but not limited to those in the police, fire, code  
2 enforcement, parks and recreation, public works, and building departments and divisions through  
3 unnecessary exposure and risk of injury due to improper disposal of such sharps, syringes, and  
4 corresponding waste, which presents an imminent threat to the health, safety, and welfare of the  
5 community; and

6 **WHEREAS**, additional local regulation of syringe exchange programs is necessary to  
7 minimize the significant and imminent threat to the health, safety, and welfare of the community  
8 and to mitigate the demonstrated negative effects of syringe exchange programs, including but  
9 not limited to the improper disposal of sharps, syringes, and other corresponding waste, and the  
10 congregation of persons who regularly inject drugs near schools, parks, playgrounds, rivers, and  
11 other sensitive areas within the city; and

12 **WHEREAS**, pursuant to the city's police power, as granted broadly under Article XI,  
13 Section 7 of the California Constitution, the City Council of the City of Chico has the authority  
14 to enact and enforce ordinances and regulations for the public peace, health and welfare of the  
15 city and its residents; and

16 **WHEREAS**, Government Code Section 38771 authorizes the city, through its legislative  
17 body, to declare actions and activities that constitute a public nuisance; and

18 **WHEREAS**, the City of Chico is a charter city, incorporated under the laws of the State  
19 of California, and under Article II, Section 201 of the City Charter, the city has the power and  
20 authority to make and enforce all laws and regulations in respect to municipal affairs; and

21 **WHEREAS**, Article 6, Sections 609 and 613 of the City Charter, authorize the city to  
22 enact and revise ordinances; and

23 **WHEREAS**, the City of Chico desires to exercise its local powers and authorities to  
24 regulate syringe exchange programs within the city to ensure that such programs operate in  
25 conformity with state law, and to minimize the significant and imminent threat to the health,  
26 safety, and welfare of the community caused by improper disposal of used sharps, syringes, and  
27 other corresponding waste, and the congregation of persons who regularly inject drugs near  
28 schools, parks, playgrounds, rivers and other sensitive locations; and

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2       **WHEREAS**, based on the findings, above, the City Council of the City of Chico has  
3 determined that there exists a threat to public health, safety and welfare if the City does not  
4 amend Chapter 9.29 of the Municipal Code to regulate syringe exchange programs and the safe  
5 disposal of sharps and syringes within the city, and that such regulations fall within broad  
6 authorities of the city to enact ordinances and regulations for the public peace, health and welfare  
7 and to make and enforce regulations in respect to its municipal affairs.

8       **NOW, THEREFORE, THE CITY OF CHICO ORDAINS:**

9       **SECTION 1.** Chapter 9.29 of the Chico Municipal Code is hereby revised as set forth  
10 below, thereby regulating syringe exchange programs to include prohibiting the furnishing of  
11 syringes or hypodermic needles within the City of Chico other than as authorized by the laws of  
12 the State of California.

13                               CHAPTER 9.29 – SYRINGE EXCHANGE PROGRAMS

14 **9.29.010 Purpose and intent.**

15       The purpose and intent of this Chapter is to protect the health, safety and welfare of the  
16 public by prohibiting unauthorized syringe exchange programs and the furnishing of syringes,  
17 unless authorized by state or federal law, and providing for the safe disposal of sharps, syringes,  
18 and corresponding waste.

19       This Chapter authorizes the imposition of all penalties available under state law and the  
20 Chico Municipal Code against any person or entity who violates any provision of this Ordinance  
21 to encourage and obtain compliance with the provisions of this Ordinance for the benefit and  
22 protection of the entire community.

23 **9.29.020 Definitions.**

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

26       A. “Furnish” means to supply by any means, by sale or otherwise.

27       B. “Participant” means a person who uses syringe exchange services.

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1 C. "Person" means an individual, partnership, corporation, joint venture, or other entity of  
2 any nature.

3 D. "Sharps" means a device that has acute rigid corners, edges, or protuberances capable of  
4 cutting or piercing, including, but not limited to syringes, needles, and lancets.

5 E. "Sharps container" means a puncture-resistant plastic container with leak-resistant sides  
6 and bottom, and a tight fitting, puncture-resistant lid, meeting the standards of and  
7 receiving approval from the United States Food and Drug Administration as a medical  
8 device used for the collection of discarded medical needles, syringes, or other sharps.

9 F. "Staff" means anyone who provides syringe exchange services on behalf of a syringe  
10 exchange program.

11 G. "Syringe" means both the needle and syringe used to inject fluids into the body, referred  
12 to in California Health and Safety Code Section 121349, as may be amended from time to  
13 time, as a 'hypodermic needle and syringe'.

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

22 **9.29.030 Unauthorized syringe exchange programs or furnishing of syringes—Prohibited.**

23 Except as otherwise provided in California Health and Safety Code Section 121349 et  
24 seq., as may be amended from time to time, it shall be unlawful for any person to own, manage,  
25 conduct, or operate any syringe exchange program on public and/or private property within the  
26 jurisdictional limits of the city. No person shall furnish a syringe to an adult for either human or  
27 animal use other than as authorized by and in strict conformity with State and federal law.

28 **9.29.040 Operation of syringe exchange programs—Restrictions and regulation.**

- 1 A. No person may conduct or operate any syringe exchange program without approval of the  
2 California Department of Public Health pursuant to Health and Safety Code Section  
3 121349 et seq., and such approval must be maintained at all times during the operation of  
4 such syringe exchange program.
- 5 B. No person may conduct, operate, or engage in any syringe exchange program, including  
6 any staff providing syringe exchange services, or any participant receiving or using  
7 syringe exchange services, within a six hundred (600) foot radius of any public or private  
8 school, child day care center, playground, public park, youth center, or library.
- 9 C. No participant or other person receiving syringes through any syringe exchange program  
10 may give, sell, trade, or otherwise transfer any syringe(s) so received to any other person.
- 11 D. No person conducting or operating any syringe exchange program, including staff  
12 providing syringe exchange services, shall provide any syringe(s) to a participant unless a  
13 sharps container is also given to the participant at the time any syringes are provided, or it  
14 is determined to a reasonable degree of certainty that the participant possesses or has  
15 access to a readily available sharps container that will allow for prompt disposal of used  
16 sharps and syringes immediately after use thereof.
- 17 E. No person conducting or operating any syringe exchange program, including staff  
18 providing syringe exchange services, shall provide any syringe(s) to any participant  
19 where such person or staff has actual or constructive notice that said participant has  
20 improperly disposed of any syringes or other sharps previously provided through the  
21 syringe exchange program to the participant. For purposes of this paragraph, constructive  
22 notice shall be effected when, based on all of the relevant facts and circumstances, a  
23 reasonable person would know that the subject participant has improperly disposed of  
24 any sharps of syringes previously provided to the participant through the syringe  
25 exchange program.
- 26 F. No person conducting or operating any syringe exchange program, including staff  
27 providing syringe exchange services, shall provide any syringe(s) to any participant under  
28 the age of eighteen (18) years of age without a parent or guardian present.

1 G. A syringe exchange program shall only operate between the hours of 9:00 a.m. and 6:00  
2 p.m.

3 **9.29.50 Disposal of sharps.**

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

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

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

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

15 **9.29.060 Public nuisance declared.**

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

18 **9.29.070 Violations punishable as an infraction or misdemeanor.**

19 Violation of this chapter shall be a misdemeanor or an infraction and may be enforced by  
20 the filing of a criminal action by the city attorney or the issuance of an administrative citation in  
21 accordance with Chapter 1.15 of this code. Each needle or syringe distributed in a syringe  
22 exchange program shall be an independent and separate violation of this Chapter.

23 **9.29.080 Penalties not exclusive.**

24 Nothing in this Section shall be intended to limit any of the penalties provided for under  
25 the California Health and Safety Code or Penal Code with regard to the establishment, operation,  
26 engagement, use, and/or participation in a syringe exchange program. The penalties set forth  
27 herein are intended to be nonexclusive and are intended to be in addition to any other remedies  
28 provided in the Chico Municipal Code or any other law, statute, ordinance or regulation.

1 **9.29.090 Conflicting provisions or regulations.**

2 This ordinance is intended to supplement state law and regulations, where permissible,  
3 but shall not apply if that application is preempted by state or federal law. In the case of a  
4 conflict between any section of this Chapter and any state or federal law, ordinance, regulation,  
5 permit, or authorization of a syringe exchange program, such state or federal law, ordinance,  
6 regulation, permit, or authorization, whichever the case, shall govern.

7 **SECTION 2.** Severability. If any section, subsection, subdivision, paragraph, sentence,  
8 clause, or phase of this Ordinance is for any reason held to be invalid or unenforceable, such  
9 invalidity or unenforceability shall not affect the validity of enforceability of the remaining  
10 sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance  
11 or the rules adopted hereby. The City Council of the City of Chico hereby declares that it would  
12 have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof,  
13 irrespective of the fact that any one or more other remaining sections, subsections, subdivisions,  
14 paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable. To the  
15 extent the provisions of the Chico Municipal Code as amended by this Ordinance are  
16 substantially the same as the provisions of that Code as they read immediately prior to the  
17 adoption of this Ordinance, then those provisions shall be construed as continuations of the  
18 earlier provisions and not as new enactments. The provisions of this Ordinance are separate and  
19 severable. If any provision of this Ordinance is for any reason held by a court to be invalid, the  
20 City Council declares that it would have passed this Ordinance irrespective of the invalidity of  
21 the provision held to be invalid, and such invalidity shall therefore not affect the remaining  
22 provisions of this Ordinance which shall remain in full force and effect or the validity of its  
23 application to other persons or circumstances.

24 **SECTION 3.** Effective Date. This Ordinance shall take effect thirty (30) days after the  
25 date of adoption by the City Council.

26 **SECTION 4.** Certification. The City Clerk shall certify to the passage and adoption of  
27 this Ordinance and shall cause the same to be published or posted in the manner required by law.  
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1 **PASSED AND ADOPTED** by the City Council of the City of Chico at its duly noticed  
2 meeting held on March 18, 2025, 2025, by the following vote:

3 AYES: **Goldstein, Hawley, O'Brien, van Overbeek, Winslow, Bennett, Reynolds**

4 NOES: **None**

5 ABSENT: **None**

6 ABSTAINED: **None**

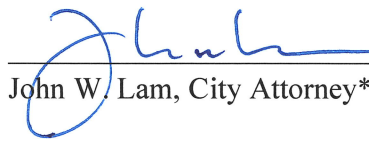
7 DISQUALIFIED: **None**

8 ATTEST:

APPROVED AS TO FORM:

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11 Deborah R. Presson  
12 City Clerk

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15 John W. Lam, City Attorney\*

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17 \*Pursuant to The Charter of  
18 the City of Chico, Section 906(E)  
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