



Syringe Exchange Program Statutory Changes from the Budget Trailer Bill 2018

Office of AIDS Fact Sheet 6/29/18

The California Budget Bill was signed by the Governor on June 27, 2018 ([Senate Bill \(SB\) 840](#), Statutes of 2018). The trailer bill that accompanies the budget bill was also passed; it includes clarifying language regarding the budget ([Assembly Bill \(AB\) 1810](#), Statutes of 2018).

AB 1810 made changes to sections of Health and Safety Code (HSC) that outline the authority of the California Department of Public Health to authorize SEPs through an application process, as well as other sections of HSC that relate to syringe exchange and possession of safer injection supplies. The trailer bill language made changes to these HSC sections in the following ways:

1. HSC 121349(e) was amended to shorten the timeframe for public comment on an application for SEP certification from 90 days down to 45 days.
 - a. Previously, the law required the department to provide for a public comment period of 90 days prior to approval of an application.
2. HSC 121349(h) was amended to remove the sunset date of 1/1/2019 on CDPH's authority to authorize SEPs.
 - a. Previously, the law granting CDPH authority to authorize SEPs would have terminated on 1/1/2019.
3. HSC 121349(h) was amended to add CDPH authority to administratively make changes to an already-authorized SEP's program operations, including but not limited to modifications to the time, location, and type of services provided, including the designation as a fixed or mobile site. This administrative amendment approval is not subject to the noticing requirements of an initial application.
 - a. Previously, the law provided no mechanism for making administrative changes to an already-authorized SEP.
4. HSC 121349(i) was added to give CDPH 30 business days to review and respond to an applicant's request for an administrative amendment. If CDPH does not respond in this timeframe the request is deemed denied.
 - a. Previously, the law did not include a mechanism for making administrative changes to an already-authorized SEP.

5. HSC 121349.1 was amended to add language that exempts staff and volunteers participating in an authorized exchange from criminal prosecution for possession of the following items: any materials deemed by a local or state health department to be necessary to prevent the spread of communicable diseases, or to prevent drug overdose, injury, or disability.
 - a. Previously, the law only exempted program participants and staff members from criminal prosecution for hypodermic needles or syringes.
6. HSC 121349.1 was amended to remove the 1/1/2019 sunset date. This section granted CDPH authority to authorize SEPs and also protected SEP program participants from criminal prosecution for possession of syringes from an SEP.
 - a. Previously, the law would have terminated on 1/1/2019.
7. HSC 121349.2 was amended to remove the 1/1/2019 sunset date. This section allows for biennial opportunity for local stakeholders to comment on SEPs.
 - a. Previously, the law would have terminated on 1/1/2019.
8. HSC 121349.3 was amended to remove the 1/1/2019 sunset date. This section requires the health officer of the participating jurisdiction to present biennially (every other year) at an open meeting.
 - a. Previously, the law would have terminated on 1/1/2019 and reverted to the prior requirement of annual reporting.

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