



June 19, 2017

The Honorable Ed Hernandez
Chair Senate Health Committee
State Capitol, Room 2080
Sacramento, CA 95814

Re: Assembly Bill 186- OPPOSE

Dear Senator Hernandez,

As the District Attorney of Alameda County, I urge you to oppose AB 186. AB 186 would allow local governments in eight counties to authorize entities to run "safer drug consumption programs," where individuals could use controlled substances without facing any criminal sanctions.

AB 186 raises many significant practical concerns. The bill fails to provide adequate parameters for who would operate this program, instead requiring only that the space is supervised by "health care professionals or other trained staff," but does not address by whom or in what capacity the staff would be trained. While the focus is seemingly on informing participants about available substance abuse services, there is no requirement that a participant receive even a single day of treatment. In Alameda County, we have a drug treatment Court that reduces recidivism of drug-related offenses to create options with the criminal justice system to tailor effective and appropriate resources to offenders with drug problems.

In addition to our decades of work in drug court, my Office has joined with other county departments in applying for grant money from the BSCC in order to stop the cycle of addiction, and to address the other rehabilitative goals intended by Proposition 47. This Proposition 47 grant was provided without much advanced notice, but we came together as a County to identify needs and submit an application that we are confident will be successful. Our Proposition 47 efforts are harmonized with our other efforts to fight drug addiction through various AB109 programs, and other programs and funding sources.

AB 186 which is creating government-sanctioned drug places, raises tremendous liability issues for local governments when participants inevitably overdose, or injure or kill someone else after leaving a program site while still under the influence of whatever substances they consumed on the premises. The bill also provides immunity against drug-related offenses for individuals who are participating in one of these programs, but it does not specify how far this immunity would extend. If a person has drugs five miles away, could they avoid arrest by saying they were going to use them under one of these programs?

For these reasons and more, I oppose AB 186. If you have any questions about this position, please contact, Michelle Thomas Shaw, Legislative Director, at (510) 272-6256.

Sincerely,

A handwritten signature in black ink that reads "Nancy E. O'Malley". The signature is written in a cursive style.

NANCY E. O'MALLEY
District Attorney