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CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: July 14, 2026

Approx. Start Time: 2:30PM

Approx. Length: 1 hour

Presentation Title: Syringe Safety Barrier Ordinance Research, Part 3

Department: Health Housing Human Services (H3S)

Presenters: Mary Rumbaugh, H3S Director and Andrew Naylor, County Counsel

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Board direction on potential policy options for Syringe Service Programs in Clackamas County.

EXECUTIVE SUMMARY:

Syringe Service Programs (SSPs) are widely recognized for reducing transmission of HIV and hepatitis and for connecting individuals to substance use treatment, wound care, overdose prevention, and other health services. Currently, no mobile SSPs operate in Clackamas County, and SSPs are limited to two fixed locations operated by Outside In through a County contract: the Clackamas Service Center in unincorporated Clackamas County and The Father's Heart within the City of Oregon City (incorporated area).

At the June 23 Board Policy Session, Commissioners expressed interest in exploring an ordinance that would prohibit both mobile and fixed syringe service programs (SSPs) from operating within 1,000 feet of a school, while also expanding access to public syringe collection and disposal boxes in strategic locations throughout the county. Staff evaluated policy approaches based on Commissioner feedback intended to address concerns regarding SSP locations, syringe disposal, implementation feasibility, and enforcement. Four options are presented for Board consideration:

Option 1: Expand syringe disposal infrastructure

- Limited syringe disposal infrastructure within the county contributes to improper syringe disposal. Metro is currently piloting two syringe disposal drop boxes in Clackamas County (Beavercreek Health Center and Happy Valley Police Department on King Road). Clackamas County could expand syringe collection infrastructure through additional drop boxes in partnership with Metro and local jurisdictions.

Option 2: Adopt a school buffer ordinance

- Adopt an ordinance prohibiting any person from operating or assisting in the operation of a syringe services program within 1,000 feet of a school in unincorporated Clackamas County, with exceptions during declared public health emergencies. The draft ordinance (Attachment A) has been revised since the June 23 version to apply to both mobile and fixed-site (brick-and-mortar) SSPs, would be repealed if state law subsequently prohibits the same activity and would sunset on January 1, 2028, unless ended earlier by Board action.

Option 3: Implement a County Policy

- During the June 23 discussion, Commissioners raised questions regarding the fiscal impacts and enforcement capacity associated with an ordinance. Because Clackamas County contracts with community-based providers to provide harm reduction services, operational expectations, including restricting SSPs from providing services within 1000ft of a school, could instead be incorporated into County contracts. This approach would establish location requirements for County-funded SSP services while mitigating many of the administrative and enforcement complexities associated with a countywide ordinance.

Option 4: Take no immediate action

- H3S anticipates state legislation around mobile SSPs to be introduced at the next long session, beginning in January 2027. State legislation enacted on this topic could nullify any county level ordinances.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost?

Option 1: Sharps Disposal boxes = \$43,165 (3 boxes)

Option 2: Total start up to full implementation of the Safe School Zones draft ordinance = \$178,013

Option 3: County policy= negligible cost

Option 4: No cost

What is the funding source?

Option 1: Syringe disposal boxes are an allowable cost under opioid settlement funds.

Option 2: Opioid settlement dollars cannot be used for Option 2. A funding source would need to be identified or staff capacity can be redirected, reprioritizing existing work or delaying other program activities.

The anticipated tradeoffs include:

- **Environmental Health Administration (Administrative Specialist FTE):** Redirecting administrative capacity to establish and implement a complaint and citation system could delay food, pool, and lodging license processing, resulting in delayed revenue collection and impacts to businesses.
- **Substance Use Prevention (Program Planner FTE):** Redirecting program staff capacity would reduce naloxone training and distribution and limit technical assistance, monitoring, and oversight of internal and external opioid settlement-funded grantees.

Option 3: Existing public health and fiscal FTE could be leveraged to update SSP contract language.

If the ordinance is challenged by organizations such as the American Civil Liberties Union (ACLU), the County could incur legal costs associated with defending the ordinance.

STRATEGIC PLAN ALIGNMENT:

- **How does this item align with your Department's Strategic Business Plan goals?**
Alignment with community safety & health if actions maintain equitable access to prevention services, reduce environmental harm, and address community concerns.
- **How does this item align with the County's Performance Clackamas goals?**
The options considered intersect with the Performance Clackamas Healthy People goal to create a recovery-oriented system of care (ROSC) that addresses homelessness, mental health and substance use disorders across a continuum of care.

LEGAL/POLICY REQUIREMENTS:

Ordinances restricting access to SSPs have been challenged in other jurisdictions. Were the Board to impose either an ordinance or policy restricting SSPs from operating near certain facilities, such ordinance or policy would need to be closely reviewed to ensure compliance with applicable law.

The ACLU Disability Rights Program argued in a letter to Multnomah County Commissioners that creating school buffer zones could violate the Americans with Disabilities Act (ADA) by limiting access to services for people with substance use disorder. The letter cites a recent federal court decision in Washington that reached a similar conclusion.

PUBLIC/GOVERNMENTAL PARTICIPATION: N/A

OPTIONS:

#1: Direct staff to further explore the addition of public syringe collection and disposal boxes in strategic locations throughout the County.

#2: Direct staff to schedule the first public hearing for adoption of an ordinance prohibiting any person from operating, or assisting in the operation of, a mobile SSP within 1,000 feet of a school.

#3: Direct staff to draft a policy for inclusion in contracts that allows the County to set operational restrictions on any County-funded SSP provider.

#4: Take no action at this time on an ordinance or policy and direct staff to monitor state and local SSP policy activity.

RECOMMENDATION:

Staff recommends Options #1 and #4:

Direct staff to further explore the addition of public syringe collection and disposal boxes in strategic locations throughout the County.

Take no action at this time on an ordinance or policy and direct staff to monitor state and local SSP policy activity.

ATTACHMENTS:

A: Revised Draft Safe School Zones Ordinance for Unincorporated Clackamas County

SUBMITTED BY:

Division Director/Head Approval Kim La Croix

Department Director/Head Approval Mary Rumbaugh

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Kim La Croix @ 971-806-0004 or klacroix@clackamas.us

Chapter 6.14

6.14 SAFE SCHOOL ZONES

6.14.010 Policy and Purpose

The purpose of this Chapter is to balance protection of Clackamas County residents, particularly students, and the need to provide public health services and prevent the transmission of infectious diseases through syringe service programs. This Chapter strikes that balance by limiting operation of certain syringe service programs near schools subject to reasonable exceptions.

6.14.020 Definitions

- A. Syringe Service Program or SSP: a service that provides free sterile needles, syringes, or hypodermic devices from either a temporary or permanent location, or accepts sharps for disposal. A mobile SSP is a syringe service program that operates from mobile, temporary, or non-permanent location.
- B. School: any public or private school for students grades kindergarten through grade 12, including all buildings essential to the operation of a school.
- C. Person: any individual, as well as any legally recognized public or private entity including, but not limited to, any public or private corporation, organization, association, or partnership.
- D. Medical Facility: is an institutional use that includes all convalescent care facilities, nursing homes, hospitals, and offices and outpatient clinics including pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.
- E. Hazardous Substance, Material, or Waste: as defined in ZDO 202: Definitions

6.14.030 Prohibited Activities

- A. It is a violation of this Chapter for any person to operate, or assist in the operation of, a SSP, or mobile SSP, within 1,000 feet of a school, except for lawfully located and operating Medical Facilities, or a facility that is lawfully located and licensed to receive Hazardous Substance, Material, or Waste.

6.14.040 Exceptions

- A. It is not a violation of this Chapter if the County expressly approves operation of a SSP, or mobile SSP, within 1,000 feet of a school. The County may, in its sole discretion, authorize operation of a mobile SSP within 1,000 feet of a school for one or more of the following reasons:
 - 1. To respond to an emergency, including but not limited to a public health emergency;

2. To the extent it is necessary to remove unreasonable barriers to an individual's access to necessary services, programs, or activities;
3. To ensure compliance with any applicable federal, state, or local law including, but not limited to, the public health laws of Oregon;
4. When the County determines it is in the best interest of the public.

6.14.050 Fines and Enforcement

- A. Violation of any of this Chapter is punishable by a fine in an amount set by resolution of the Board of County Commissioners.
- B. Any County employee, or agent designated by the Public Health Director, may issue enforce violations of this Chapter in the manner described in Chapter 2.07.
- C. In addition, pursuant to ORS 30.315 and any other applicable law, the County may separately file an action to immediately enjoin unauthorized operation of a mobile SSP in violation of this Chapter.

6.14.060 Chapter Is Additional to Other Law

The provisions of this Chapter shall be cumulative and non-exclusive. It shall not affect any other claim, cause of action or remedy; nor shall it be deemed to repeal, amend or modify any other law, ordinance or regulation including, but not limited to, chronic nuisances or violations of regulations regarding proper disposal of infectious waste.

Chapter 2.07

2.07 COMPLIANCE HEARINGS OFFICER

2.07.010 Philosophy and Purpose

Clackamas County's philosophy on code enforcement is to first take the approach of voluntary compliance and use an enforcement approach only as a last resort. To implement this philosophy, a protocol has been developed as the basis for the enforcement of the code. The approach is to develop solutions based on individual situations and provide broad-based public education. The assumption of the Board of Commissioners is that education regarding the requirements of our codes will solve most issues and our public contacts will include an understanding and helpful approach to resolving potential enforcement issues.

The purpose of this chapter is to implement this philosophy and provide the prompt, effective, and efficient enforcement of the Clackamas County Zoning and Development Ordinance and the following chapters of this code: the Clackamas County Solid Waste and Waste Management

chapter, the Application and Enforcement of the Clackamas County Building Code chapter, specifically including all administrative rules and referenced provisions of Section 9.02.040 of that chapter, the Noise Control chapter, the Excavation and Grading chapter, the Road Use chapter, and the Abatement of Dangerous Buildings chapter, Chronic Nuisance chapter, the Graffiti chapter, the Short-Term Rental chapter, and the Safe School Zones Chapter. The Office of Compliance Hearings Officer is hereby created. The Compliance Hearings Officer shall act on behalf of the Board of County Commissioners (“BCC”) in considering and applying regulatory enactments and policies set forth in this chapter. The Compliance Hearings Officer shall be appointed by the BCC to serve at the pleasure of, and shall be paid a fee for service fixed by, the BCC. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2000, 10/12/00; Amended by Ord. 4-2003, 3/13/03; Amended by Ord. 07-2008, 12/18/08; Amended by Ord. 04-2016, 9/22/16; Amended by Ord. 08-2020, 10/1/20; Amended by Ord. 09-2020, 11/25/20; Amended by Ord. 03-2022, 7/21/22]

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