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NEWSLINES

CONTINUED FROM PAGE 9

whether it has challenged another city's ban. Oroville City Attorney Scott Huber, a Roseville-based public law specialist, explained that the Orange County jurisdictions won their lawsuit under the California Environmental Quality Act and that the final ruling documents indicate CDPH did not contest other legal issues.

The cities of Anaheim, Costa Mesa and Orange ban needle exchanges. The Chico City Council has not opposed NVHRC, though City Manager Mark Orme told the CN&R in an email that City Attorney Andrew Jared will give the council his legal opinion on its latitude under state law the same day Oroville next considers the issue.

Huber said by phone that he knows his assessment could differ—"if lawyers didn't disagree, there never would be any cases that go forward."

The California Attorney General's Office told the CN&R that it's "unable to provide legal advice or analysis," deferring to CDPH, which also gave no definitive answer.

Huber said cities have the right to permit or prohibit uses of land in any and all areas within their boundaries. Unless a law specifically overrides a local ordinance, the local rules stand. Huber said, in his reading of HSC 121349, legislators did not preempt municipalities on this matter.

Tom Lando, CARD board chair and a consultant with Oroville's city administration, said he supports both CARD's push—which he voted for—and Oroville's.

NVHRC has ramped up efforts to curtail syringe waste, such as distributing and emptying "sharps" disposal containers (see "In a healthier place," Healthlines, Nov. 21). Established in July 2018, the nonprofit has long conducted community cleanups and provided health services.

"My own belief is it is inappropriate, regardless how you feel about exchange programs, to have needles in parks," Lando said. "I personally don't agree on the path the city [of Chico] has taken," he added—concurring with Oroville's assessment that "it's perfectly legitimate to say, 'We're not doing a needle exchange in our community.'"

"Two different opinions."

—EVAN TUCHINSKY
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