

Syringe Exchange Programs & Zoning

Health Directors' Legal Conference

Adam Lovelady

April 18, 2019



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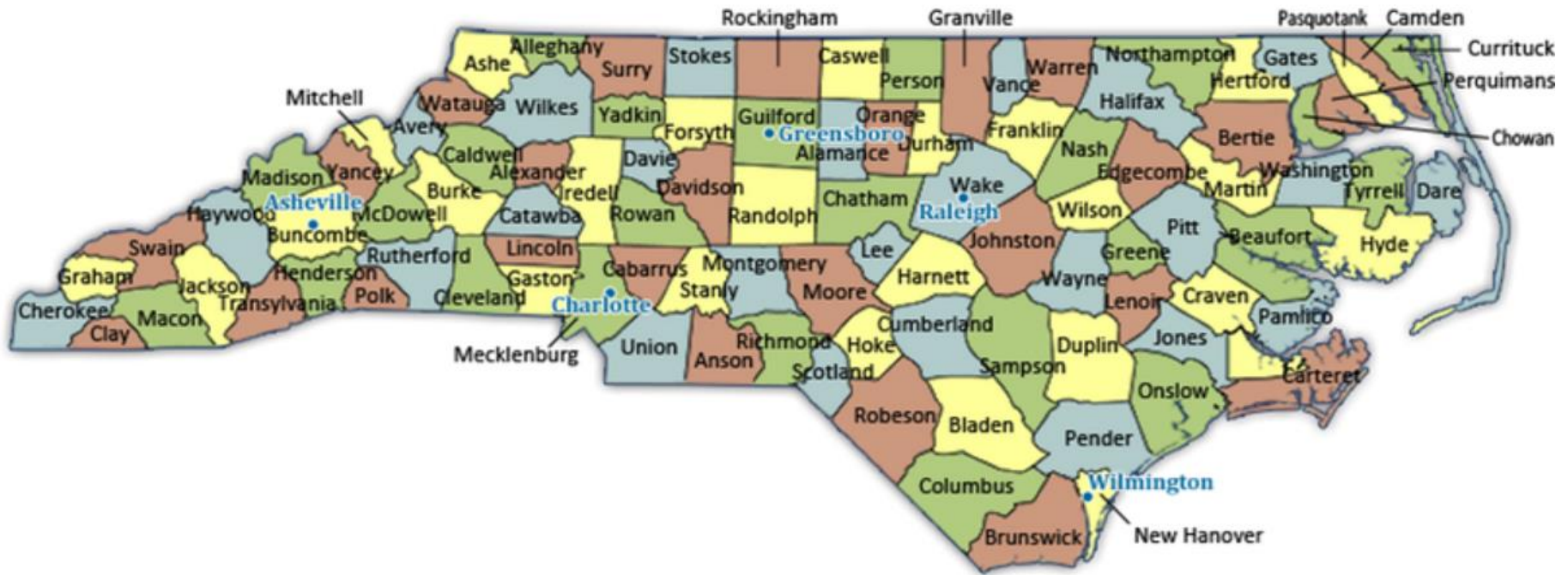
TEACHFORAMERICA



McGUIREWOODS
Relationships That Drive Results



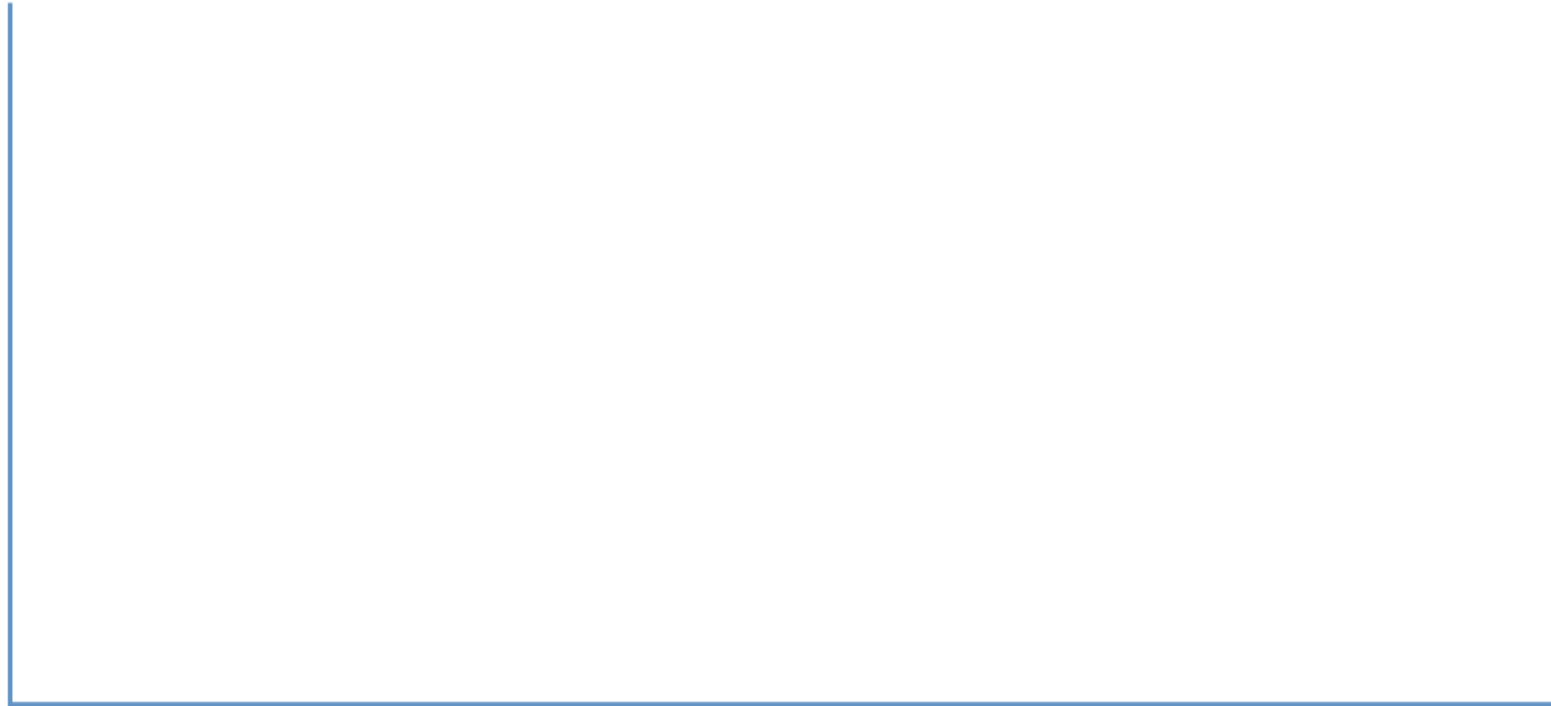
Where are you from?



Start the presentation to see live content. Still no live content? Install the app or get help at PollEv.com/app

Total Results

What is your experience with land use zoning?



Land use law
expert/former city
planner

Working
knowledge

I try to avoid it

Land use what?

Which best describes your county?

We operate a syringe exchange program

Another organization operates a syringe exchange program

We are exploring a syringe exchange program

Syringe exchange is politically impractical in our county

**With regard to zoning and the opioid crisis,
we need more information on**

Top







REUTERS, Chris Keane



REUTERS, Chris Keane



COURTESY JASON ALEXANDER

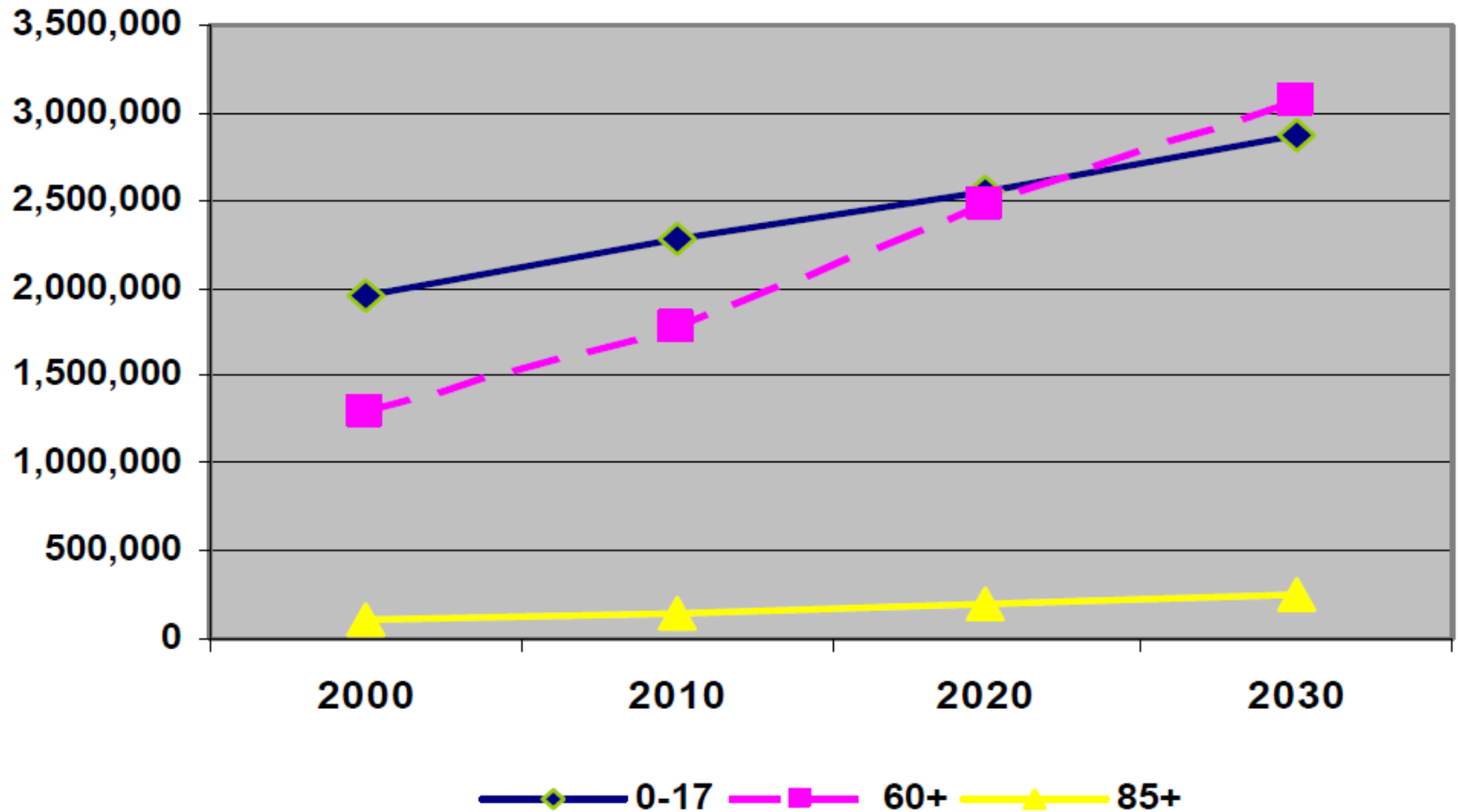


Steve Early, Virginian-Pilot

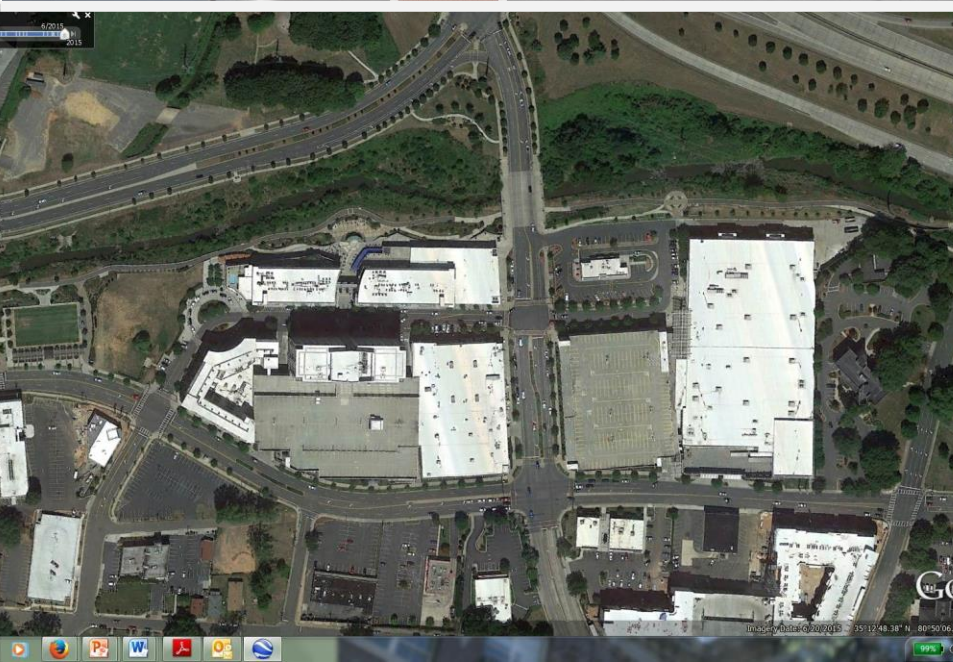


Boomers in Carolina

Figure 1: NC Population Growth 2000-2030







Zoning Ordinance = Map + Text

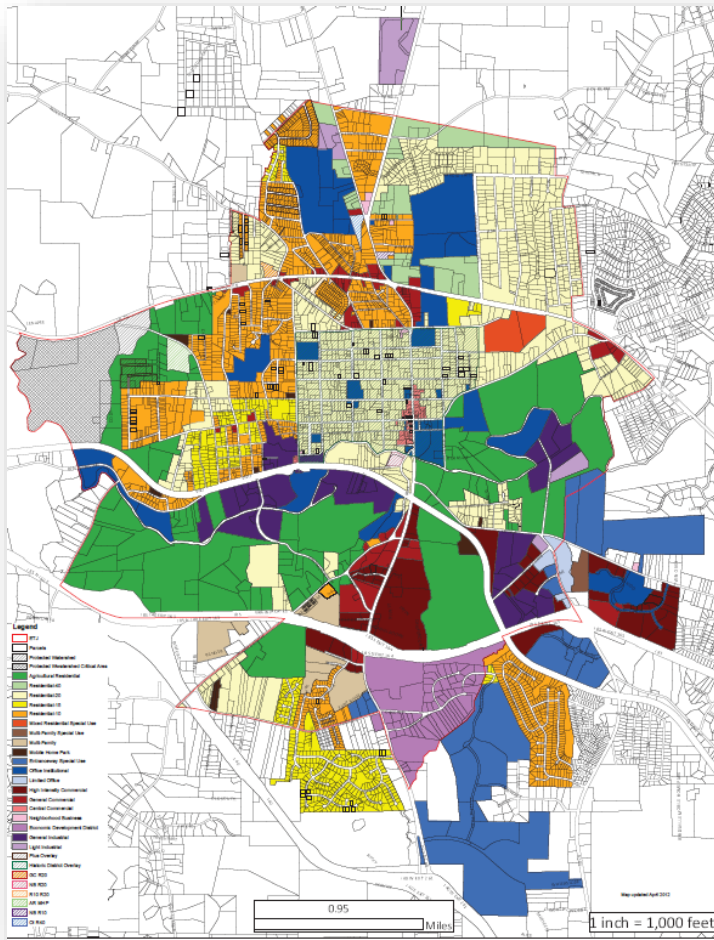


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Zoning...Use

- YES - Permitted Uses
- NO - Prohibited Uses
- MAYBE - Conditional Use, Special Use, Special Exception

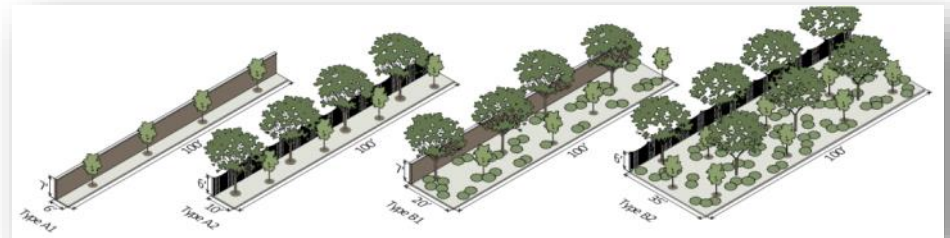
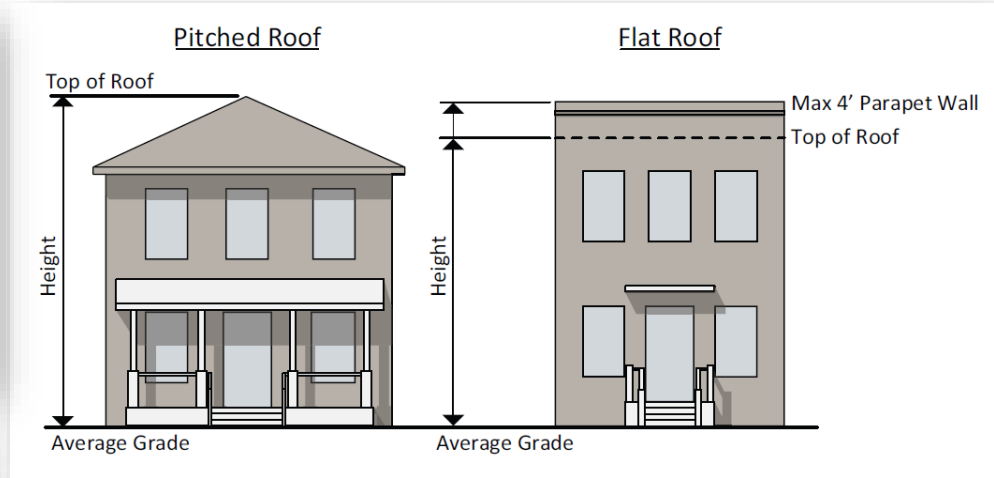
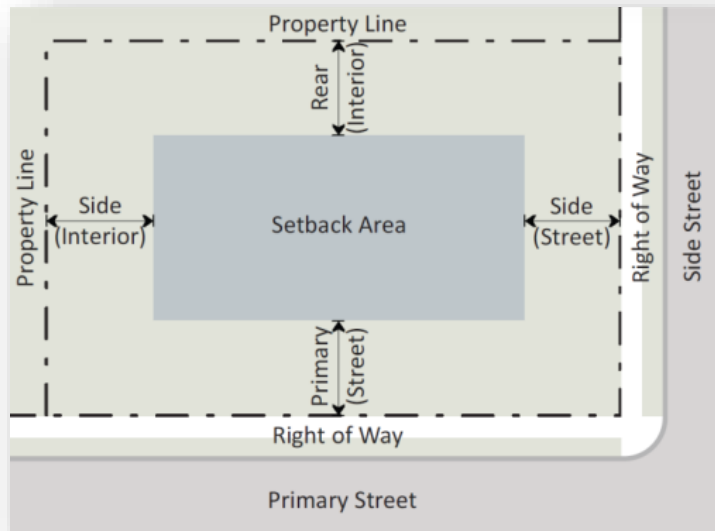
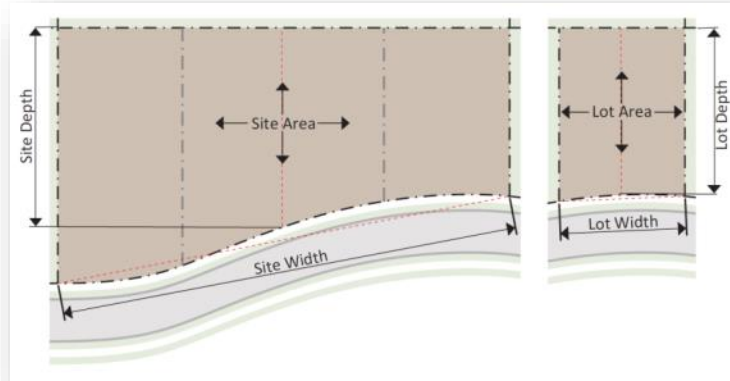
5.1.5 TABLE: USE TABLE FOR RESIDENTIAL DISTRICTS												
P = PERMITTED BY RIGHT SUP = PERMITTED WITH A SPECIAL USE PERMIT C = PERMITTED WITH A CONDITIONAL USE PERMIT												
	AR	R-40	R-20	R-15	R-10	MF	MHP	MFSU	MRSU	RSU	PW	PWCA
Adult Day Care										SUP		
Adult Use												
Artisan Studio												
Bank & Finan												
Bar												
Bed and Brea												
Botanical Gar												
Building/Trad												
Cemetery												
Cemetery, Fa												
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Church, Place												
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Dry Cleaning												
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Extended Car												
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Motor Vehicle												
Nightclubs												
Recycling Ma												
Research Fac												
Restaurant A												
Restaurant B												
Restaurant C												
Telecommunication Tower, less than 200' tall												
Telecommunication Tower, 200' or taller												
Transit Passenger Terminal												
Transmission Lines												
Vehicle Restoration												
Veterinarian/Animal Hospital												
Wholesale sales, indoor												
Wholesale sales, with outdoor storage/display												

Zoning...Use

- Principal Use
- Accessory Use
- Temporary Use
- Mobile Use

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Typical Zoning Requirements









Syringe Exchange Programs

Legal in North Carolina under
N.C.G.S 90-113.27

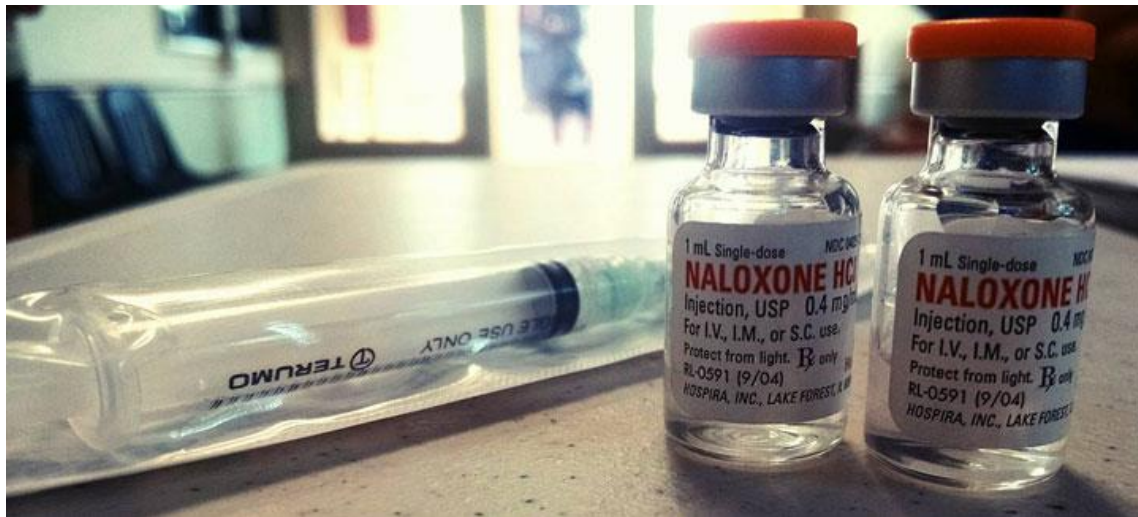


SEP must provide

- sterile syringes and new injection supplies at no cost and in sufficient quantities to prevent sharing or reusing
- safe syringe disposal
- security for the site, personnel, and equipment
- info about prevention of disease transmission, overdose, and substance use disorder
- info about and referrals for treatment options
- naloxone and training on its use (or referrals)
- consultations for treatment (or referrals)

Additional Legal Details

- SEP organization must register with the North Carolina Division of Public Health
- limited immunity from criminal prosecution (individual must have documentation of participation)



SEP Operations

- Fixed site/integrated: An exchange run from a permanent, fixed location. Fixed site exchanges are typically part of an existing agency/program, such as a health department, church, or drug treatment program.
- Mobile: An exchange run from a vehicle.
- Peer-based: An exchange run through peer networks distributing syringes in the community.

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Questions



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