

Court sides with Costa Mesa, issues preliminary injunction to stop needle exchange program

The Superior Court for the County of San Diego has issued a preliminary injunction against the Orange County Needle Exchange Program and the California Department of Public Health to effectively stop those agencies from operating a mobile needle exchange program in Costa Mesa and other cities in the county.

“We are pleased the court agreed with the city’s position regarding the public health hazard the needle exchange would have posed to Costa Mesa,” said Mayor Sandra Genis. “This ruling is a victory to all who work, live and play in this city and fortifies our commitment to the highest level of public safety.”

Last August, the State Department of Public Health granted the Orange County Needle Exchange Program the right to distribute needles in Costa Mesa on 17th Street, from the intersection of Whittier Avenue westward to the Armstrong Petroleum Plant. The State also granted the group the right to operate needle exchange programs in the Cities of Orange, Anaheim and Santa Ana.

In response to those approvals, the Costa Mesa City Council voted unanimously to pursue legal action and joined Anaheim, Orange and the County of Orange to seek a preliminary and permanent restraining order/ injunction and to put a halt to the operation of the approved mobile needle exchange program.

“The City of Costa Mesa vigorously fought to ensure the safety of its citizens by not having needles distributed with no

accounting for the dangerous needle waste,” said Mayor-Elect Katrina Foley.

The court’s ruling this week preliminarily enjoins the Orange County Needle Exchange Program and the State from conducting their needle exchange program in Orange County,

though the court did not rule out the possibility that the Orange County Needle Exchange Program could apply to operate a different exchange in Orange County at a later date.

The Orange County Needle Exchange Program had previously operated a needle exchange program at the Santa Ana Civic Center but that operation was terminated down by government officials who revoked OCNEP’s permit after a massive increase in needle litter that posed a threat to public safety. Several people were pricked by discarded needles, including members of the Santa Ana Police Department. The City of Costa Mesa received written and photographic evidence of the needle litter.

Prior to the State’s approval of the needle exchange program, the Costa Mesa Police Department and the City Attorney’s Office submitted evidence and statements to State officials that chronicled the substantial risks to public health the program presents to the Costa Mesa community and asked that the application be denied.