

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING ARTICLE 35 TO CHAPTER 9 OF THE FRESNO
MUNICIPAL CODE, RELATING TO NALOXONE

WHEREAS, the purpose of this ordinance is to promote public health, safety, and welfare by enhancing access to naloxone hydrochloride nasal spray; and

WHEREAS, naloxone is a nonselective opioid receptor antagonist that reverses the effects of respiratory depression and sedation by displacing opioids from the mu-opioid receptor in the central nervous system; and

WHEREAS, timely administration of naloxone, usually within minutes of the first signs of an opioid overdose, can counter the overdose effects; and

WHEREAS, the chance of an overdose can drastically increase when opioids are combined with alcohol, causing a number of serious side effects and/or death; and

WHEREAS, naloxone has been proven to counter overdose effects and save lives; and

WHEREAS, increasing access to naloxone has the potential to reduce opioid overdose death; and

WHEREAS, naloxone has been approved by the U.S. Food and Drug Administration to be made available as an over the counter; and

WHEREAS, the County of Fresno is in the process of creating a program that would provide Over the Counter (OTC) naloxone to Alcoholic Beverage Control

1 of 5

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

Conditional Use Permit (ABC CUP) establishments; and

WHEREAS, this ordinance requires that establishments with an ABC CUP maintain a certain amount of OTC naloxone in their first aid kits on their premises; as well as train managers in the proper administration of OTC naloxone.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 35 of Chapter 9 is added to the Fresno Municipal Code to read:

ARTICLE 35

NALOXONE

Section	9-3501.	Title
Section	9-3502.	Purpose
Section	9-3503.	Definitions
Section	9-3504.	Requirements to Maintain Naloxone
Section	9-3505.	Employee Training
Section	9-3506.	Maintenance
Section	9-3507.	Protection from Liability
Section	9-3508.	Penalties

SECTION 9-3501. – TITLE. This Article shall be known as the "Naloxone Ordinance."

SECTION 9-3502. – PURPOSE. It is the purpose of this Article to promote public health, safety, and welfare by enhancing access to naloxone hydrochloride nasal spray at Alcoholic Beverage Control Conditional Use Permit establishments.

SECTION 9-3503. - DEFINITIONS. For the purpose of this Article, the following definitions apply unless the context indicates or requires a different meaning.

(a) Included Business. A business licensed by the California Department of Alcoholic and Beverage Control that sells and serves

alcoholic beverages as defined in Business and Professions Code Sections 23004 through 23037 for onsite consumption including, but not limited to: restaurants with alcohol sales, bars, nightclubs, breweries, and lounges for standards; convention center, exhibit hall, auditorium, or businesses identified in Business and Professions Code Sections 23038, 23038.1, 23038.2, and 23038.3. Businesses that only incidentally serve alcohol for sampling purposes or wine stores that host occasional wine tastings are excluded from this ordinance.

(b) **Manager.** Any designated person in an Included Business responsible for the licensed premises during the hours in which the business is permitted, under its license, to sell or serve liquor.

(c) **Over the Counter (OTC) Naloxone.** OTC Naloxone is a life-saving medication used to reverse an opioid overdose, including heroin, fentanyl, and prescription opioid medications.

SECTION 9-3504. – REQUIREMENTS TO MAINTAIN NALOXONE.

Included Businesses must at all times maintain at least one dose of OTC Naloxone in each of first aid kit on their premises, which dose may be administered to an individual to reverse the effects of an opioid overdose.

SECTION 9-3505. – EMPLOYEE TRAINING. All Managers of an Included Business must be trained in the proper administration of OTC Naloxone.

SECTION 9-3506. – MAINTENANCE. Included Businesses must:

(a) **Ensure that any OTC Naloxone required to be maintained on**

the premises is stored in accordance with the guidelines set forth by the manufacturer;

(b) Replace any doses of OTC Naloxone that are past their expiration date, as determined by the manufacturer.

SECTION 9-3507. – PROTECTION FROM LIABILITY. Anyone who provides or administers OTC Naloxone pursuant to this article is subject to protection from liability of California's Health and Safety Code sections 1714.22 and 1799.102 and all other applicable laws.

SECTION 9-3508. – PENALTY. Any Included Business violating this Article is subject to a fine of not more than \$200. Nothing in this Article may be interpreted to preclude the California Alcoholic Beverage Control from enforcing its own rules.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the one hundred twentieth day after its final passage and applies to future and existing Included Businesses.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Senior Deputy City Attorney