



MEMORANDUM

DATE: September 11, 2025

TO: Mayor, Regina Romero
City Clerk, Suzanne Mesich

FROM: Councilwoman Nikki Lee

SUBJECT: Study Session Request – Public Drug Use and Pathways to Treatment

Please reserve 30 minutes during the September 23 Study Session to discuss a potential city-level ordinance prohibiting public drug use, the most effective ways to connect people with life-saving resources and treatment, and the operational and financial considerations necessary to implement and sustain such an approach.

Open fentanyl and drug use in public spaces such as parks, sidewalks, intersections, bus stops, and on public transit has become one of the top, if not *the* top, concerns raised daily by Tucson residents and businesses. While state law prohibits possession of controlled substances, those cases are felonies that fall under the jurisdiction of the Pima County Attorney. In practice, small-scale possession and public use often go unprosecuted. This leaves our police officers, businesses, and neighborhoods without an effective tool to respond to visible drug use in our community.

Introducing a city-level ordinance would fill this gap by creating a misdemeanor offense under Tucson's jurisdiction. This would give the City more direct control over how we address public drug use and allow the City Prosecutor and City Court to handle these cases.

Importantly, the intent of such an ordinance is not only to address the crime of open drug use but also to leverage these arrests to help individuals enter treatment. Our focus will be on creating meaningful alternatives to jail and connecting people to services. The Transition Center, operated by Pima County, is one potential pathway that could be explored and expanded to ensure those arrested for public drug use are directed toward treatment, recovery programs, and supportive services instead of cycling repeatedly through the justice system.

While the Pima County Health Department holds responsibility for health matters including substance use disorder, adopting a city-level ordinance would give Tucson greater control over enforcing laws around open drug use in our public spaces. At the same time, it provides an opportunity to partner more effectively with the courts, health providers, and community organizations to get people the help they need.

This approach allows us to both address the concerns of residents who are concerned by visible drug use and create long-term solutions that connect the most vulnerable in our community with life-saving resources.

The purpose of this discussion is to:

- Review the potential scope and framework for a city-level misdemeanor ordinance prohibiting public drug use
- Explore the most effective alternatives to jail, with a focus on connecting people directly to treatment and services
- Consider logistics for implementation, including coordination between Tucson Police Department, the City Prosecutor's Office, City Court, and community partners
- Discuss the potential use of the Pima County Transition Center and next steps for coordination with the County to expand treatment pathways
- Examine financial considerations, staffing needs, and resources required for a treatment-focused approach
- Provide direction on whether to move forward with drafting an ordinance and identify next steps for advancing a treatment-focused approach, including action items, additional stakeholders to engage, and other steps beyond the ordinance itself

cc Mayor & Council
City Manager, Tim Thomure