



## **Nonprescription Sale of Syringes (NPSS) in Pharmacies**

### **Information for Pharmacists**

#### **Frequently Asked Questions about the Disease Prevention Demonstration Project**

In 2005, Senate Bill (SB) 1159 (Vasconcellos, Statutes of 2004) established the Disease Prevention Demonstration Project (DPDP), which allows California pharmacies to sell up to ten syringes to an adult without a prescription. The law changed pharmacy practice as a part of efforts across the state to prevent the spread of HIV, hepatitis, and other blood-borne diseases. The program was re-authorized by the Governor and legislature through the passage of Assembly Bill (AB) 1701 (Chesbro, Statutes of 2010). Provisions of the DPDP will sunset in December, 2018.

The sharing of contaminated syringes is linked to 19 percent of all AIDS cases in California, and an estimated 5,000 new hepatitis C virus (HCV) infections each year are attributable to the sharing of injection equipment. Preventing the spread of disease through pharmacy access to sterile syringes has the potential to dramatically shift the trends in the HIV and HCV epidemics in California.

#### Pharmacist's Roles and Responsibilities

Pharmacists play an important and often unrecognized role in public health, as health educators and resources for their communities. As respected members of the medical profession, pharmacists have the ability to positively influence the health behaviors of their patients, and to influence public health policy. To date, sixteen counties and four cities have authorized a DPDP. Individual pharmacists and local pharmacy associations have been actively involved in the political process needed to secure authorization.

Pharmacies operating within those jurisdictions which have authorized a DPDP may participate in the program by contacting their local health department to register. Pharmacists located in jurisdictions that have not yet authorized a DPDP may contact their local health department to let them know of their interest in participating.

Participating pharmacies are required to:

- Register with their local health department and certify that they will provide the purchaser with written information or verbal counseling on all of the following:
  - how to access drug treatment;
  - how to access testing and treatment for HIV and HCV; and,
  - how to safely dispose of sharps waste;
- Store hypodermic needles and syringes so that they are available only to authorized personnel; and
- Provide for the safe disposal of hypodermic needles and syringes through one or more of the following options:
  - providing an on-site safe hypodermic needle and syringe collection and disposal program;



- furnishing or making available for purchase mail-back sharps disposal containers that meet state and federal standards; and/or
- furnishing or making available for purchase personal sharps disposal containers.

Pharmacists are no longer required to keep a logbook of non-prescription syringe sales, even for bulk sales of syringes to diabetic or other customers who normally present to the pharmacist with prescriptions.

### Frequently Asked Questions

- **Why was this program started?**

*Prior to 2005, California was one of only five states that required a prescription for pharmacy syringe purchase. A significant body of scientific evidence indicates that improved syringe access reduces the rate of HIV transmission, without increasing rates of drug use, drug injection, or crime.<sup>i</sup> A study published in 2001 compared rates of HIV among injection drug users in 96 U.S. cities. Sixty cities did not require a prescription for the sale of syringes and 36 did require a prescription. There was no statistically significant difference in the prevalence of injection drug use between the two groups of cities. However, the rate of HIV among injection drug users was twice as high in the cities that prohibited sale of syringes (13.8 percent versus 6.7 percent).<sup>ii</sup>*

- **Are all pharmacies required to sell syringes without a prescription?**

*No. The DPDP allows, but does not require pharmacists to sell syringes without a prescription.*

- **Wasn't the program supposed to end in 2010?**

*AB 1701 (Chesbro, Statutes of 2010) extended the sunset date for the DPDP until 2018, but made no changes to the program.*

- **Wasn't there another bill about nonprescription syringe sales?**

*Another bill introduced in 2010, SB 1029, would have concluded the DPDP and allowed pharmacies statewide to sell up to 30 syringes without a prescription, with no need for counties to authorize or pharmacies to register. This bill was vetoed by Governor Schwarzenegger. It has been reintroduced this session as SB 41 (Yee).*

- **Do pharmacies that are already registered have to re-register?**

*Under current law, pharmacies already registered for the DPDP may continue to sell up to 10 syringes at a time to customers without a prescription. Neither counties nor pharmacies need to re-register for the program.*



- **Does each pharmacist need to register with the county? Which pharmacy staff is allowed to sell syringes over the counter (OTC)?**

*The pharmacy itself is registered, not the pharmacist. Any pharmacy staff may sell syringes OTC.*

- **Does pharmacy staff need to ask for identification from the customer?**

*No, identification is not required in order to purchase syringes.*

- **Why isn't a log or record book required for OTC sales of syringes?**

*In 2005 the requirement that pharmacists keep a logbook of non-prescription syringe sales was eliminated from the Business and Professions Code, including the requirement that a log be kept for sales of up to 100 syringes to diabetic or other customers who normally present to the pharmacist with prescriptions.*

*One of the goals of the law is to increase injection drug users' (IDUs) purchase of new, sterile syringes by making the purchase simple and non-threatening. By allowing syringe purchase without requiring the customer to give a name, or show i.d., customer privacy is protected.*

- **Will children or teens be able to walk into drug stores and get syringes?**

*The DPDP allows only adults over the age of 18 to purchase and possess up to ten syringes without a prescription. Minors with a valid syringe prescription will be able to continue to use their prescriptions to obtain syringes.*

- **How often can the same person buy syringes?**

*There are no restrictions on how many times a person may purchase syringes on a given day, week or month. However, the pharmacy may sell only 10 syringes at a time.*

- **Is this program for IDUs only, or can anyone buy syringes OTC?**

*Anyone 18 years of age or older can purchase syringes OTC in participating pharmacies.*

- **Will this attract criminals and crime to my pharmacy?**

*Among participating California pharmacies, there have been no reports of unruly or criminal behavior associated with pharmacy sale of syringes. In other states, where OTC sale of syringes is the norm, few problems have been reported.*

- **Is my pharmacy required to develop the educational materials about drug treatment, HIV and HCV testing and treatment and proper syringe disposal?**

*Educational materials are developed and provided to pharmacies by your local health department.*



- **Is my pharmacy required to collect used syringes?**

*The law requires participating pharmacies to provide for the safe disposal of hypodermic needles and syringes through at least **one of these options**: collecting syringes on site, making mail-back syringe disposal containers available for purchase, or making personal sharps disposal containers available for purchase. Some (few) counties may require syringe collection on site; however that is not the norm in California.*

- **Won't increased access result in improperly discarded needles that could pose health and safety risks?**

*Research in other states has shown that programs similar to the DPDP have actually resulted in fewer improperly discarded syringes. When the possession of a syringe without a prescription is criminalized, people have a greater incentive to dispose of their syringes immediately after use to avoid being caught with them. When possession of syringes is not criminalized, IDUs may keep their syringes until they can be disposed of safely.*

*Under the provisions of the program, participating pharmacies are required to hand out information about proper syringe disposal with each syringe sale, and to sell or provide mail back containers, sharps containers, or onsite disposal of used syringes.*

*The legislation also imposes penalties for the improper disposal of syringes on a playground, beach, park or schoolyard.*

- **Won't increased needle access "send the wrong message" or encourage drug use?**

*Several studies have examined this question, and found no evidence of increased initiation of drug use by young adults in areas which have expanded syringe access, either through OTC pharmacy sale of syringes or through syringe exchange programs. Seven major government-funded studies have concluded that improving access to sterile syringes does not lead to increased drug use.*

- **Letting drug users buy syringes at pharmacies seems like a pretty radical concept. Do many people think this is a good idea?**

*Pharmacy sale of syringes is the norm in 46 states. The Centers for Disease Control and Prevention, the American Medical Association, the National Association of Boards of Pharmacy and many other state and national organizations also support increased syringe access through pharmacy sale without a prescription.*

- **Aren't syringes available at needle exchanges already? Why should they also be available at drug stores?**

*Syringe exchange programs, which operate in select counties and provide sterile syringes in exchange for used, potentially contaminated ones, are a good way to reach some IDUs. But such programs are not available in all areas, and have limited hours of operation.*



*Pharmacies are ideal sources of sterile injection equipment: they are located in most neighborhoods, open during convenient hours, and staffed by trained health-care professionals who can provide needed advice regarding disease prevention and safe disposal of syringes to all purchasers.*

*These two approaches to syringe access are complementary, reaching different IDU populations with different needs. Both can serve as important conduits to health services, including drug treatment.*

- **What size syringe should I sell?**

*Most customers will tell you what size needle and syringe they want. Generally, 1 cc or 3 cc syringes are adequate.*

- **How do I register my pharmacy?**

*Contact the HIV prevention staff at your local health department. Additional assistance may be found by calling the California Department of Public Health, Office of AIDS at 916-449-5796.*

**An educational video on the DPDP can be found here:**

**<http://www.vimeo.com/6634757>**

**More information about syringe access is available on the Office of AIDS web site**

**<http://www.cdph.ca.gov/programs/aids/Pages/OASyringeAccess.aspx>**

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<sup>i</sup> Normand J, Vlahov D, Moses LE. Prevention of HIV Transmission: The Role of Sterile Syringes and Bleach. National Academy Press 1995:224-226.

<sup>ii</sup> Friedman, SR, Perlis, T, Des Jarlais DC. Laws Prohibiting Over-the-Counter Syringe Sales to Injection Drug Users: Relations to Population Density, HIV Prevalence, and HIV Incidence. American Journal of Public Health 2001;91:791-793.