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California Department of Public Health



EDMUND G. BROWN JR.  
Governor

February 1, 2012

TO: CALIFORNIA CONFERENCE OF LOCAL AIDS DIRECTORS  
HIV PREVENTION COORDINATORS IN THE CALIFORNIA PROJECT AREA  
HIV CARE PROGRAM CONTRACTORS

SUBJECT: REINSTATEMENT OF THE BAN ON FEDERAL FUNDING FOR  
SYRINGE EXCHANGE PROGRAMS AND SYRINGE ACCESS LAW

The federal fiscal year (FY) 2012 Omnibus Appropriations bill signed by President Barack Obama on December 23, 2011 includes a provision which reinstates the ban on federal funding for syringe exchange programs (SEPs) that was lifted in FY 2010. The California Department of Public Health, Center for Infectious Diseases, Office of AIDS (OA) relies on federal monies for all HIV prevention and care programs funded by OA, including SEPs.

For FY 2012-13, OA had planned to include syringe services programs (SSPs) among its options for local health jurisdiction (LHJ) program planning for care funds, and among its Tier I services for prevention. SSPs are defined by the Centers for Disease Control and Prevention as including: 1) SEPs; 2) support and coordination of nonprescription sale of syringes in pharmacies; and 3) sharps disposal for injection drug users (IDUs). OA also includes policy work-related to access sterile syringes in its definition of SSPs. OA had also planned to establish a syringe supply bank to supplement the sterile supplies provided by California SEPs.

Pursuant to the changes in federal law, OA and its local health department partners may not fund SSPs with federal HIV prevention or care monies in FY 2012. LHJs may, however, use any federal funds that were available before January 2012, including carry over funds, to support SSPs. Additionally, OA and the National Association of State and Territorial AIDS Directors have requested clarification from federal funders on the use of funds for syringe disposal. Plans for the syringe supply bank have been suspended. OA will reinstate these programs if and when the riders attached to the federal appropriations bill are removed in 2012 for the next FY.

Note that the ban on federal funding of syringe exchange should not be construed as a ban on funding agencies which provide these services among other HIV prevention services. Nor should this change affect the use of other state, local, or private funds to support SSPs.

OA will continue to provide technical assistance (TA) to LHJs interested in supporting these services with other funding, as well as providing TA to pharmacists, physicians, and SEPs interested in expanding access to sterile syringes. OA encourages LHJs to continue to work with local partners to provide services to IDUs through integrating referrals to syringe access programs into your day-to-day work.

OA will also continue work on implementation of two new laws which went into effect January 1, 2012. Assembly Bill 604 (Skinner, Statutes of 2011, Chapter 744) permits OA to establish a process through which qualified California agencies may apply directly to OA to provide syringe exchange services, and OA is currently developing the regulations that will provide the framework for the program. More information is available on the syringe access page of OA's Web site at:  
<http://www.cdph.ca.gov/programs/aids/Pages/OASyringeAccess.aspx>.

Additionally, Senate Bill (SB) 41 (Yee, Statutes of 2011, Chapter 738) allows licensed pharmacies to sell up to 30 syringes to adults over the age of 18 without a prescription. This initiative builds on the success of a prior pilot, and removes requirements that had been perceived as barriers to pharmacy provision of nonprescription sale of syringes (NPSS). Thus under the new law, pharmacies are not required to register in order to provide NPSS, county health departments are not required to register pharmacies or provide them with educational materials, and county Boards of Supervisors are not required to authorize pharmacy participation. SB 41 also includes among its provisions the stipulation that adults anywhere in the state may possess for personal use up to 30 sterile syringes if acquired from a pharmacist, physician, or authorized SEP. The additional provisions of SB 41 are detailed in a fact sheet and letter available on OA's [Web site](#).

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Enhancing access to sterile syringes for IDUs and linking HIV and hepatitis C virus-positive individuals into medical care are critical components of OA's HIV prevention and care plan for California. If you have questions or TA needs related to these initiatives, please call or e-mail Alessandra Ross, Injection Drug Use Program Specialist, OA, at (916) 449-5796 or [alessandra.ross@cdph.ca.gov](mailto:alessandra.ross@cdph.ca.gov).



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