

SENATE BILL 41 PROVISIONS AND REQUIREMENTS

Background

In California, injection drug use is associated with approximately 19 percent of reported HIV/AIDS cases and at least 60 percent of hepatitis C virus (HCV) infections.

Evaluation of the Disease Prevention Demonstration Project (DPDP) established by Senate Bill (SB) 1159 (Vasconcellos, Chapter 608, Statutes of 2004) demonstrated that increasing access to sterile syringes in pharmacies can significantly reduce rates of injection equipment sharing in California. Counties that allowed nonprescription syringe sales (NPSS) under the project observed lower injection-related risks among injection drug users and lower levels of unsafe discard of used hypodermic needles or syringes. Additionally, evaluators found no increase in the rate of accidental needle-stick injuries to law enforcement officers and no increase in rates of drug use or drug-related crime. SB 41 (Yee, Chapter 738, Statutes of 2011) builds on the successes of SB 1159 by making NPSS standard pharmacy practice and removing authorization and registration requirements to improve access to sterile syringes for pharmacy customers.

Key Provisions of SB 41

SB 41 permits licensed pharmacists throughout the state to sell or furnish up to 30 syringes without a prescription to customers over the age of 18, and allows customers 18 years of age and older to purchase and possess up to 30 syringes for personal use when acquired from an authorized source.

The bill specifies that pharmacists, physicians, and syringe exchange programs (SEPs) are authorized sources of nonprescription syringes for disease prevention purposes. SB 41 also requires pharmacies and SEPs which offer NPSS to provide options for safe syringe disposal.

Under the provisions of SB 41, pharmacies that provide NPSS:

- May sell up to 30 syringes without a prescription or license to customers 18 years of age and older;



- Are required to store needles and syringes in a manner that ensures that they are not accessible to unauthorized persons;
- Must provide for the safe disposal of needles and syringes through one or more of the following options:
 - providing an on-site syringe collection and disposal program that meets applicable state and federal standards for collection and disposal of medical sharps waste;
 - furnishing or making available mail-back sharps disposal containers that meet state and federal standards for the transport of medical sharps waste; and/or
 - furnishing or making available sharps containers that meet applicable state and federal standards for collection and disposal of medical sharps waste.
- Must provide written information or verbal counseling to customers at the time of sale on how to:
 - access drug treatment;
 - access testing and treatment for HIV and HCV; and
 - safely dispose of sharps waste.

Under the provisions of SB 41, the State of California is required to:

- Develop and maintain information on the Web site of the California Department of Public Health, Center for Infectious Diseases, Office of AIDS (OA) to assist pharmacists in educating consumers at risk of blood-borne infections about:
 - how consumers can access testing and treatment for HIV and viral hepatitis;
 - how consumers can safely dispose of syringes, needles, and other sharps waste; and
 - how consumers can access drug treatment.
- The California Board of Pharmacy must post, or post a link to, this same information.

Under the provisions of SB 41, local governments:

- Will no longer be required to authorize participation in DPDP in order for pharmacists to provide NPSS.

Under the provisions of SB 41, local health departments:

- Will no longer be required to register pharmacists to provide NPSS;
- Will no longer be required to maintain a list of pharmacies that provide NPSS; and
- Will no longer be required to provide pharmacists with educational materials for customers about drug treatment, HIV and HCV testing and treatment, and proper syringe disposal. These materials will be provided by OA's Web site.

DPDP

DPDP was established in 2005 by SB 1159 (Vasconcellos, Chapter 608, Statutes of 2004) to evaluate the long-term desirability of allowing licensed pharmacies to sell or furnish nonprescription hypodermic needles or syringes to prevent the spread of

blood-borne pathogens. The program allows local health departments, after obtaining authorization from their local government, and pharmacies, after registration with the local health department, to participate in the pilot.

California code governing the DPDP is made inoperative by SB 41 until January 1, 2015, when the provisions of SB 41 sunset. At that time, if subsequent legislation has not been enacted to extend and/or make permanent the statewide authorization of NPSS, DPDP will once again be in operation until 2018.

Related Information:

- [SB 41 \(Yee, Chapter 738, Statutes of 2011\) full text.](#)
- [Syringe access information from OA.](#)
- SB 1159 Evaluation Report: [Over-the-Counter Pharmacy Syringe Sales in California.](#)
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