



Frequently Asked Questions from Pharmacists

About Nonprescription Syringe Sale in California

On January 1, 2015 Assembly Bill 1743 (Ting, Chapter 331, Statutes of 2014) went into effect as part of California's efforts to prevent the spread of HIV and hepatitis C. The law allows physicians and pharmacies to furnish or sell an unlimited number of syringes to adults age 18 and older without a prescription. Pharmacies that sell syringes with a prescription are required to help ensure proper disposal by either making sharps containers or mail-back sharps containers available (for sale or for free), or by providing on-site disposal. Pharmacies are also required to offer customers information about where to find drug treatment, where to find testing and treatment for HIV and hepatitis C, and how to safely disposal of their sharps waste. A Patient Information Sheet that includes the required information is available at www.cdph.ca.gov/syringeaccess.

On January 12 and February 9, 2015, the California Pharmacists Association hosted webinars on the role that nonprescription syringe sale can play in HIV and hepatitis C prevention. The following are answers to questions asked by pharmacists about Assembly Bill 1743 and California Business and Professions Code Section 4145 during the presentations. Panelists for the discussion included Kirsten B. Balano, PharmD, AAHIVP, University of California at San Francisco; Valerie J. Rose, Dr.PH, MPH, Rose Associates; Alessandra Ross, MPH, California Department of Public Health (CDPH), Office of AIDS; and Rachel McLean, MPH, CDPH, Sexually Transmitted Diseases Control Branch.

Syringe Disposal

Q: What do you suggest for discarding the used syringes for retail pharmacy? [Can I] tell patients to discard their used syringes in the milk container and bring it to our clinic?

A: State law describes sharps containers as "rigid [and] puncture-resistant" (California Health & Safety Code Section 117750), so bleach or detergent bottles are usually a better option than milk containers. However, some collection sites do require sharps waste to be in an FDA-approved sharps container. The CalRecycle web site specifies which sharps consolidation points accept sharps wasted in bleach and detergent bottles (look under "Check for Free Options.")

Some counties or cities offer free sharps waste containers. More information about which counties supply them is available through the California Department of Public Health, Office of AIDS website at www.cdph.ca.gov/syringeaccess. Click on the link for Syringe Disposal, and then follow the further links to find local resources.

The website www.SearchEarth911.com provides people with information on where to dispose of household hazardous waste within their zip code. By entering “syringes” in the search box, customers can find the closest drop-off location.

Q: Do pharmacies need to provide or sell a sharps container with each sale?

A: No, the law requires that disposal options be made available. Most pharmacies fulfill that requirement by making sharps containers available for sale.

Q: Are pharmacies required to take back used syringes?

A: No.

Q: Is there a directory for centers/facilities that accept used needles for disposal without charge for the customer/patient?

A: The CalRecycle web site <http://www.calrecycle.ca.gov/HomeHazWaste/Sharps/> has a directory of all home-generated sharps consolidation points in the state. The same link is available at the www.cdph.ca.gov/syringeaccess web site.

Q: Is syringe disposal information included on the Patient Information Sheet?

A: Yes. It’s available for download at www.cdph.ca.gov/syringeaccess.

Q: On a related topic, has there been any state funding to support the safe disposal of sharps?

A: In California, CalRecycle has twice offered grants in the form of sharps waste containers to local hazardous waste program agencies. To join the listserv to hear about any upcoming grants email: pharmasharps@calrecycle.ca.gov, or contact your local government household hazardous waste program.

Q: What kind of safe disposal structures are being put into place?

A: Safe disposal continues to be a challenge in California. In some other states, pharmacies, nursing homes and/or hospitals are required to take back sharps waste. In California, mandatory sharps take-back in pharmacies has been implemented by local ordinance in San Luis Obispo and Sacramento, but not statewide. Another approach to disposal is product stewardship. The California Product Stewardship Council is a nonprofit that advocates for manufacturer responsibility for both sharps and medications. Their website is <http://calpsc.org>.

Q: Do you really think drug users are going to be responsible and dispose of syringes without putting others at risk?

A: The evaluation of the pilot nonprescription syringe sale program, which was conducted from 2005-2010, found no increase in syringe litter in participating jurisdictions, which is consistent

with findings from other states (see [SB 1159 Report: An Evaluation of Over-the-Counter Sale of Sterile Syringes in California](#).) Research has shown that individuals are more likely to safely dispose of their syringes if they obtain them from a safe source, such as a syringe exchange program or a pharmacy. This may be because they are confident that they can safely and reliably obtain new ones. (Citation: <http://www.ncbi.nlm.nih.gov/pubmed/17053854>.)

Types of Syringes and Needles

Q: What size syringes and needles do you recommend be stocked to meet this societal need?

A: Experts in safer injection generally consider 27 and 28 gauge syringes (between 1/2" and 5/8" in needle length) to be the standard for vein-healthy intravenous injection; barrel size should be 1cc, with the option for 1/2cc with the 28s. Most syringe exchange programs also stock syringes for injecting into muscle. These come in two lengths and two gauges: 25 gauge, 1 inch needle, 3 cc barrel and 23 gauge, 1 1/2 inch needle, 3 cc barrel.

Q: So ALL syringes are included, not just insulin syringes? Does this mean we can give out syringes and needles for people receiving testosterone without bothering to get a prescription?

A: The law does not restrict nonprescription syringe sale to any one type of syringe.

Q: Can needles be bought without the syringe?

A: The law applies to needles and syringes and doesn't require that they be bought together.

Q: Will pen needles be amended into this law in the near future?

A: The current law does not explicitly include or exclude any type or size of needle or syringe.

Q: What is a "safe" number of syringes to dispense?

A: The U.S. Public Health Service recommends that people who inject drugs use a new syringe for each injection, and individual customers may choose to make bulk purchases depending on a variety of circumstances.

Written Materials

Q: Will the written material be available in Spanish? and other languages?

A: A Spanish version of the Patient Information Sheet will be available by September. CalRecycle's Spanish language pamphlet on proper syringe disposal is currently available at <http://www.calrecycle.ca.gov/HomeHazWaste/Sharps/Business.htm>.

Q: So to provide needles, we need to have an information sheet, don't we? So if we don't have this ready, we are not supposed to sell the syringes?

A: The law requires every pharmacy that sells nonprescription syringes to provide some sharps disposal options, as well as information. The sharps disposal options are: 1) furnish or sell sharps containers, or 2) furnish or sell mail-back sharps containers, or 3) provide onsite sharps disposal. (Note that onsite sharps disposal is not required; it is one of the three options.) The pharmacy also has to counsel customers on safe disposal, where to find hepatitis and HIV testing and treatment, and how to find drug treatment. This information is in the Patient Information Sheet, but may also be provided orally, or in any form the pharmacy chooses. Some local health departments may design Patient Information Sheets with local resources. The Patient Information Sheet is available at www.cdph.ca.gov/syringeaccess.

Q: If the form that was created by the health department was not given to the patient when selling the syringes, would pharmacies be cited for this omission?

A: The pharmacy is required to counsel the patient on proper syringe disposal and give out information about where to get tested and treated for HIV and hepatitis C, and where to find drug treatment. This information is in the Patient Information Sheet, but could be delivered aloud, or by using some other format. Some pharmacy chains may choose to use their own brochure; some local health departments may develop an information sheet with local referrals.

Opting out

Q: Can a pharmacist opt out of selling syringes without a prescription and are there any measures in place to allow the patient to get access to sterile syringes at an alternative pharmacy location?

A: Yes, pharmacists may choose whether or not to sell syringes without a prescription. There is no statutory requirement to refer to other pharmacies, but the idea of reaching out to other pharmacies in the area to provide a referral is a good one.

Q: If pharmacies didn't want to sell syringes, is there a fine that can be imposed on them? If no fines, any pharmacy can just refuse to sell.

A: There is no fine. Pharmacists may choose whether or not to sell needles and syringes without a prescription.

Training

Q: Is the pharmacy staff required to have some type of training to sell syringes?

A. No.

Other requirements?

Q: Do you know if pharmacies are required to keep a syringe log book with all purchasers listed?

A: A log book is not required. The log book requirement was eliminated from Business and Professions code in 2005, with the passage of Senate Bill 1159 (Vasconcellos, Statutes of 2004.)

Q: Do pharmacists have to register with their local health departments under the new law?

A: No registration is required. Pharmacies may sell syringes without a prescription under their current licenses.

Syringes and youth

Q: The only reason to check ID is to make sure patient is 18 or older right? But if no ID check is required, what are the criteria for determining those 18 and older?

A: The law does not require an ID check. Pharmacists are not prohibited from checking ID in order to determine age, but since the log book requirement was removed from law in 2005, pharmacists do not need to record that information.

Q: And has there been any study to show that by allowing access to youth, it may increase drug usage?

A: Research has shown that access to sterile syringes does not increase drug use. It does, however, reduce the likelihood that people who use injection drugs will be infected with HIV and other infectious diseases.

Additional questions about the law

Q: Must sales of nonprescription syringes be by pharmacist ONLY, or can techs/clerks make transaction?

A: The law doesn't specify that the sale be done by the pharmacist only; in most pharmacies sale is done by a pharm tech or other staff who work behind the counter.

Q: In the past, we showed the local police the law that allowed us to sell syringes to patients and were told that patients without prescriptions were not allowed to possess them. Has this disconnect been addressed?

A: California law now permits adults age 18 and older to possess an unlimited number of needles and syringes for personal use. Some police and sheriff's departments will have noted the change in law and passed the information on to their officers and deputies, but others may not have done so yet. In cases where local law enforcement is not informed about the law, the local health department, either the health officer or AIDS director, will likely be able to provide the information. The California Department of Public Health, Office of AIDS website also includes resources for law enforcement education.