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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

November 5, 2014

TO: CALIFORNIA CONFERENCE OF LOCAL HEALTH OFFICERS
CALIFORNIA CONFERENCE OF LOCAL AIDS DIRECTORS
CALIFORNIA LOCAL HEALTH JURISDICTION HIV PREVENTION
COORDINATORS
CALIFORNIA SYRINGE EXCHANGE PROGRAMS

SUBJECT: NONPRESCRIPTION SYRINGE SALE THROUGH LICENSED
PHARMACIES, ASSEMBLY BILL 1743

On September 15, 2014, Governor Edmund G. Brown, Jr., signed Assembly Bill (AB) 1743 (Ting, Chapter 331, Statutes of 2014) as part of statewide efforts to reduce the spread of HIV and other blood-borne diseases. The new law, which goes into effect January 1, 2015, deletes the limit on the number of hypodermic needles and syringes (“syringes”) a pharmacist or physician can provide without a prescription. It also removes the cap on the number of syringes adults age 18 and older are allowed to possess for personal use.

AB 1743 builds on the success of the pilot Disease Prevention Demonstration Project, authorized in 2005, which allowed participating pharmacies to sell up to 10 syringes per transaction, and Senate Bill 41 (Yee, Statutes of 2011) which increased the limit to 30 and expanded the practice of nonprescription syringe sale (NPSS) to pharmacies statewide.

Injection drug use and the sharing of contaminated syringes and other injection equipment is linked to significant health harms. California Department of Public Health (CDPH) Office of AIDS data indicate that of the reported 117,553 people living with HIV/AIDS in California in 2012, 14.8% reported a history of injection drug use. CDPH’s Office of Viral Hepatitis Prevention estimates that at least 60% of the approximately 750,000 prevalent cases of hepatitis C viral infection (HCV) in California are linked to injection drug use, and studies have found that the majority of long-term injectors are infected with hepatitis B and C. The health consequences and costs associated with these diseases are considerable. In 2010 alone there were more than 30,000 hospitalizations in California for complications related to HCV and hepatitis B, at a cost of over 2.3 billion dollars. The discounted lifetime cost of medical care for HIV/AIDS is currently estimated at \$402,000 per person. The California AIDS Drug Assistance Program (ADAP) spends over 1 million dollars every day providing medications for persons who have no other way to pay for them.

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OA is responding to the passage of AB 1743 in several ways, all designed to provide support to the HIV and viral hepatitis prevention efforts of pharmacies and health departments. OA has:

- Posted an updated *Patient Information Sheet* on our [Access to Sterile Syringes](#) web page. This information sheet for NPSS customers can be provided by pharmacies in order to meet the patient education requirements of Business and Professions Code Section 4145.5. It includes information about how to dispose of sharps waste, how to find drug treatment, and how to find testing and treatment for HCV and HIV. It can also be customized to provide local referrals.
- Posted a fact sheet on AB 1743 and updated our links and summary information for pharmacists, customers and health departments.
- Collaborated with the Pacific AIDS Education and Training Center in a new webinar series for pharmacists and other pharmacy staff interested in nonprescription syringe sale. The first in the series will be held early next year; registration information will be coming soon.

Recent research on NPSS in California indicates that many pharmacists are unclear on what the law currently allows and requires, and the passage of AB 1743 provides an opportunity for health departments to reach out with accurate, up-to-date information about the value of NPSS and the enhanced role that pharmacists can play in HIV and viral hepatitis prevention.

OA is committed to providing effective community and culturally appropriate HIV prevention in California, and to working in concert with local health departments to do so. If you have questions or technical assistance needs, please call Alessandra Ross, Injection Drug Use Specialist, OA, at (916) 449-5796 or e-mail: alessandra.ross@cdph.ca.gov.

Sincerely,



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Enclosures

NONPRESCRIPTION SYRINGE SALE IN CALIFORNIA LEGISLATION AND REQUIREMENTS

California Department of Public Health (CDPH) Office of AIDS data indicate that of the reported 117,553 people living with HIV/AIDS in California in 2012, approximately 15 percent reported a history of injection drug use. The CDPH Office of Viral Hepatitis estimates that at least 60 percent of hepatitis C virus (HCV) infections in the state are associated with injection drug use. Lack of access to new, sterile injection equipment is one of the primary risk factors that may lead to sharing of hypodermic needles and syringes (“syringes”), which puts people who inject drugs at high risk for HIV and HCV, as well as for hepatitis B infection.

California’s Disease Prevention Demonstration Project, a pilot program that ran from 2005 – 2010 in fifteen counties and four cities, established that increasing access to sterile syringes through pharmacies can significantly reduce rates of syringe sharing. Researchers who evaluated the pilot program reported that counties that allowed nonprescription syringe sales (NPSS) in pharmacies observed lower injection-related risks among people who inject drugs. Additionally, evaluators of the pilot project found lower levels of unsafe discard of used syringes, no increase in the rate of accidental needle-stick injuries to law enforcement and no increase in rates of drug use or drug-related crime.*

As a result of the success of the pilot, legislation was passed in 2011 that expanded NPSS from the limited number of counties that participated in the pilot to allow NPSS in pharmacies throughout the state. The most recent legislation, Assembly Bill (AB) 1743 (Ting, Chapter 331, Statutes of 2014) further expands access by removing the 30-syringe limit that had been placed on nonprescription syringe purchase, possession, sale and provision. AB 1743 also allows customers to purchase and possess an unlimited number of syringes. The law goes into effect January 1, 2015.

Key Provisions of AB 1743

[AB 1743](#) permits licensed pharmacists throughout the state to sell or furnish syringes without a prescription to customers age 18 and older, and allows adults to purchase and possess syringes for personal use when acquired from a physician or pharmacist. Health and Safety Code [HCS] Section 11364.1 and HSC Section 11364.7 specify that authorized syringe exchange programs are also legal sources of nonprescription syringes.

AB 1743 removes the prior limit of 30 that had been placed on nonprescription syringe provision



by pharmacies and physicians, and removes the 30-syringe limit that had been placed on individual purchase and possession of nonprescription syringes.

AB 1743 requires pharmacies and syringe exchange programs that provide NPSS to “counsel consumers on safe disposal” of syringes.

AB 1743 deletes the prior sunset date of January 1, 2015 and extends until January 1, 2021 the authorization to sell or furnish syringes without a prescription.

AB 1743 deletes provisions related to the pilot Disease Prevention Demonstration Program.

Additional California Law Related to Nonprescription Syringe Sale in Pharmacies

Under [Business and Professions Code Section 4145.5](#), California pharmacies:

- May sell syringes without a prescription or permit 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;
- Are not required to keep a log of NPSS sales: the log book requirement was removed from state statute in 2004;
- Are not required to check customer identification in order to provide NPSS;
- Must counsel customers who purchase nonprescription syringes about safe disposal and 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 NPSS 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.

A [Patient Information Sheet](#) developed by the California Department of Public Health (CDPH), Centers for Infectious Disease, Office of AIDS and available for download on the Office of AIDS website covers the information above and can be provided to pharmacy customers.

Under [Health and Safety Code Section 121281](#), CDPH/Office of AIDS is required to:

- Develop and maintain information on the [Office of AIDS website](#) 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 current law local governments:

- Are not required to authorize pharmacies to provide NPSS.

Under current law local health departments:

- Are not required to register pharmacists to provide NPSS;
- Are not required to maintain a list of pharmacies that provide NPSS; and
- Are not required to provide pharmacists with educational materials for customers about drug treatment, HIV and HCV testing and treatment, and proper syringe disposal. These materials are provided by the CDPH/Office of AIDS website.

Related Information:

- [Syringe access information from CDPH/Office of AIDS](#)
- [Patient Information Sheet](#) about syringe disposal and other referrals
- [AB 1743 \(Ting, Chapter 331, Statutes of 2014\) full text](#)

For more information, contact Alessandra Ross, Injection Drug Use Specialist, OA, by phone at (916) 449-5796 or by e-mail at: alessandra.ross@cdph.ca.gov.