



# Fact Sheet

October 2014

## 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

\*The [full report](#) of the evaluation can be accessed on the California Department of Public Health, Office of AIDS website.



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](#)

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