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June 12, 2009

RECEIVED

Arthur Coccodrilli, Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, PA 17101

2009 JUN 16 AM 9:53

INDEPENDENT REGULATORY  
REVIEW COMMISSION

RE: Final regulation #16a-5418 from the PA State Board of Pharmacy "Sales of hypodermic syringes and needles" (IRRC #2625), 49 Pa. Code Ch. 27

Dear Chairman Coccodrilli:

We are writing on behalf of the HIV Policy Collaborative of Pennsylvania to urge approval of this regulation, scheduled for public hearing on July 9, 2009, which would permit Pennsylvania pharmacists to sell needles and syringes without a physician's prescription.

The HIV Policy Collaborative is an association of approximately 20 community-based AIDS service organizations providing assistance to persons with HIV/AIDS and their families throughout Pennsylvania. We are an integral part of the effort to prevent HIV transmission throughout Pennsylvania.

We agree with the Pharmacy Board's conclusion that increased access to clean needles and syringes is essential to the compelling public health interest in reducing the spread of hepatitis C virus (HCV) and HIV. We also agree with the Board's conclusion that this regulatory change will not result in increased drug use. We believe that this policy change will contribute to a reduction in HIV and HCV transmission among injection drug users within Pennsylvania, and that the continuation of a prohibition on pharmacy sales without a physician's prescription is indefensible.

This regulatory change is particularly important in Pennsylvania, given that there are only two locations (Philadelphia and Pittsburgh) in which legally authorized syringe exchange programs currently operate. These two programs alone are simply not adequate to address this problem across the entire state. We believe that for many injection drug users who cannot or will not participate in these exchange programs, pharmacy syringe sales are a critical means of addressing the problem of HIV and HCV transmission.

The proposed regulatory change will bring Pennsylvania more into line with the national trend in making sterile needles and syringes available as a means of reducing transmission of bloodborne diseases, most notably HCV and HIV, through the elimination or reduction of syringe sharing by injection drug users. Currently, the vast majority of states allow the retail sale of syringes and needles without a prescription; only two states (other than Pennsylvania) and the Virgin Islands continue to impose a

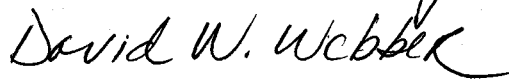
prescription requirement for pharmacy sales. During the past decade, in response to this public health issue at least nine states (California, Connecticut, Maine, Massachusetts, Minnesota, New York, New Hampshire, Illinois, and Rhode Island) have all abandoned the prescription requirement, just as the Pharmacy Board has proposed for Pennsylvania.

We urge the Commission to adopt this valuable change in syringe access policy, and upon its adoption, we look forward to supporting local pharmacists in our communities as they undertake non-prescription syringe and needle sales.

Sincerely,



Ronda B. Goldfein, Esq.  
Executive Director



David W. Webber, Esq.  
Of Counsel

<u>AIDS SERVICE ORGANIZATION</u>	<u>COUNTIES SERVED</u>
ActionAIDS	Philadelphia, Bucks, Delaware, Chester
AIDS Community Alliance	Montgomery Adams, Bedford, Blair, Cumberland, Dauphin, Huntingdon, Juniata, Franklin, Fulton, Lancaster, Lebanon, Mifflin, Perry, York
AIDS Law Project of Pennsylvania	Statewide
AIDSNET	Berks, Carbon, Lehigh, Monroe, Northampton, Schuylkill
Calcutta House	Philadelphia
Family First Health	York, Adam
Mid-County Wellness Services	Berks, Schuylkill
Philadelphia FIGHT	Philadelphia
Prevention Point Pittsburgh	Allegheny
Positive Health Clinic	Allegheny, Beaver
REACCH Program	Cumberland, Dauphin, Perry
Valley Forge Medical Center	Montgomery, Bucks, Chester, Philadelphia, Delaware, Lehigh, Northampton, Monroe, Berks, Dauphin, Lancaster, Cumberland, Perry, Carbon, Pike, York, Lebanon