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INDEPENDENT REGULATORY  
REVIEW COMMISSION

July 13, 2009

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

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:

I am the co-director of the Center for Health Law, Policy and Practice, an academic center dedicated to promoting health through the development and implementation of laws based on the best available evidence. I have spent many years studying the impact of restrictive needle and syringe regulations on the spread of blood-borne disease - the subject of pending Final regulation #16a-5418.r.<sup>1</sup> Based on my assessment of the most current public health law evidence and my professional experience in this domain, I support the proposed final regulatory amendment, 16A-5418, which would allow pharmacists to sell syringes and needles - to adults as well as minors - without a prescription.

Increased access to syringes decreases the spread of HIV/AIDS, Hepatitis C, and other blood-borne infections.<sup>2</sup> Under current Pennsylvania law, needles and syringes can only be obtained at pharmacies pursuant to a prescription.<sup>3</sup> Laws that impede access to sterile syringes contribute to unsafe injection practices including the reuse and sharing of needles during injection drug use.<sup>4</sup> These unsafe injection practices are significant vectors

<sup>1</sup> Burris, et al. Syringe Access Law in the United States. Center for Law and the Public's Health. November 30, 2002. Available at: <http://www.publichealthlaw.net/Research/PDF/syringe.pdf>; Burris S, Ng M. Deregulation of Hypodermic Needles and Syringes as a Public Health Measure: A Report on Emerging Policy and Law in the United States (A Report of the AIDS Coordinating Committee, American Bar Association, 2001)); Burris S, Strathdee SA, Vernick JS. Lethal Injections: The Law, Science and Politics of Syringe Access for Injection Drug Users, University of San Francisco Law Review. 2003;37(4): 813-886; Burris S, Lurie P, Ng M. Harm Reduction in the Health Care System: The Legality of Prescribing and Dispensing Sterile Injection Equipment to Drug Users, Health Matrix. 2001;11(1): 5-64.

<sup>2</sup> Centers for Disease Control and Prevention. Prevention among Injection Drug Users: Access to Sterile Syringes. Available at: [http://www.cdc.gov/idu/facts/aed\\_idu\\_acc.htm](http://www.cdc.gov/idu/facts/aed_idu_acc.htm). Accessed June 22, 2009; Wodak A, Cooney A. Effectiveness of Sterile Needle and Syringe Programmes. International Journal of Drug Policy. 2005;16(Supp 1):S31-44; Strathdee SA, Vlahov D. The Effectiveness of Needle Exchange Programs: A Review of the Science and Policy. AID Science. 2001;1(16):1-31; Gibson DR, Flynn NM, Perales D. Effectiveness of Syringe Exchange Programs in Reducing HIV Risk Behavior and HIV Seroconversion among Injecting Drug Users. AIDS. 2001;15(11):1329-1341.

<sup>3</sup> 49 Pa. Code § 27.18(s)(2).

<sup>4</sup> Bluthenthal RN. The Effect of Syringe Exchange Use on High-risk Injection Drug Users: A Cohort Study. AIDS. 2000;14(5):605-611; Vlahov D, Junge B, Brookmeyer R, et al. Reductions in High-risk Drug Use

for the spread of HIV/AIDS and other blood-borne diseases as well as a host of bacterial infections.<sup>5</sup> The incidence of these harms is a profound public health concern in the Commonwealth; historically, unsafe injection drug use has been one of the primary causes of the spread of HIV/AIDS in Pennsylvania.<sup>6</sup> Importantly, there is no evidence that increasing access to syringes increases injection drug use or creates other associated harms.<sup>7</sup>

Pennsylvania is currently one of only three states with syringe prescription regulations that pose a significant barrier to access.<sup>8</sup> A trend towards deregulation and broadening of syringe and needle access began in 1989, when Oregon explicitly differentiated syringes from illegal drug paraphernalia. Since that time, many states have increased access by minimizing or removing legal obstacles such as laws that require a prescription to purchase or possess a syringe or needle. For example, Wisconsin, Connecticut, Illinois, California, Rhode Island, New Mexico, Hawaii, Washington, and Massachusetts have all relaxed (allowing purchases limited by number) or repealed statutory or regulatory provisions requiring prescriptions for sales of syringes.<sup>8</sup> Final Regulatory Amendment 16A-5418 will bring Pennsylvania in step with the rest of the country.

By allowing pharmacies to sell syringes and needles without a prescription, final regulatory amendment 16A-5418 will save lives and promote health within the Commonwealth. For this reason, I support the amendment.

Sincerely,



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Behaviors among Participants in the Baltimore Needle Exchange Program. *Journal of Acquired Immune Deficiency Syndromes & Human Retrovirology*. 1997;16(5):400-406; Heimer R, Khoshnood K, Bigg D, Guydish J, Junge B. Syringe Use and Reuse: Effects of Syringe Exchange Programs in Four Cities. *Journal of Acquired Immune Deficiency Syndromes & Human Retrovirology*. 1998;18(Suppl 1):S37-44; Huo D, Bailey SL, Hershov RC, Ouellet L. Drug Use and HIV Risk Practices of Secondary and Primary Needle Exchange Users. *AIDS Education & Prevention*. 2005;17(2):170-184; Bluthenthal RN, Heinzerling KG, Anderson R, Flynn NM, Kral AH. Approval of Syringe Exchange Programs in California: Results From a Local Approach to HIV Prevention. *American Journal of Public Health*. 2008;98(2):278-283.

<sup>5</sup> Centers for Disease Control and Prevention. HIV Diagnoses Among Injection-Drug Users in States with HIV Surveillance -- 25 States, 1994-2000. *MMWR*. July 11, 2003;52(27):634-636.

<sup>6</sup> Pennsylvania Department of Health: Bureau of Epidemiology: HIV/AIDS Surveillance & Epidemiology Program. Available: <http://www.dsf.health.state.pa.us/health/lib/health/hiv/D-summaries.pdf>. Accessed June 22, 2009; Pennsylvania Department of Health. Hepatitis C Fact Sheet. Available: <http://www.dsf.health.state.pa.us/health/cwp/view.asp?A=171&Q=230436>. Accessed June 22, 2009.

<sup>7</sup> Marx MA, Crape B, Brookmeyer RS, et al. Trends in Crime and the Introduction of a Needle Exchange Program. *American Journal of Public Health*. 2000;90(12):1933-1936; Guydish J, Bucardo J, Young M, Woods W, Grinstead O, Clark W. Evaluating Needle Exchange: Are there Negative Effects? *AIDS*. 1993;7(6):871-876; Friedman SR, Curtis R, Jose B, Flom PL, Neaigus A, Des Jarlais DC. The Message Not Heard: Myth and Reality in Discussions about Syringe Exchange. *AIDS*. 1999;13(6):738-739.

<sup>8</sup> Burris S. Non-Prescription Access to Sterile Syringes. <http://www.temple.edu/lawschool/phrhcs/otc.htm>. Accessed June 30, 2009.