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. 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. Under current Pennsylvania law, needles and syringes can only be obtained at pharmacies pursuant to a prescription. Laws that impede access to sterile syringes contribute to unsafe injection practices including the reuse and sharing of needles during injection drug use. These unsafe injection practices are significant vectors

3 49 Pa. Code § 27.18(2).
for the spread of HIV/AIDS and other blood-borne diseases as well as a host of bacterial infections. 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. Importantly, there is no evidence that increasing access to syringes increases injection drug use or creates other associated harms.

Pennsylvania is currently one of only three states with syringe prescription regulations that pose a significant barrier to access. 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. 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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