

RECEIVED

2625

2007 SEP 25 AM 8:56

INDEPENDENT REGULATORY
REVIEW COMMISSION

September 11, 2007

Melanie Zimmerman
Executive Secretary
State Board of Pharmacy
P.O. Box 2649
Harrisburg, PA 17105-2649

**RE: PROPOSED RULE REGARDING SALES OF
HYPODERMIC NEEDLES AND SYRINGES**

Dear Ms. Zimmerman:

I write on behalf of the 19,000 members of the American Civil Liberties Union of Pennsylvania to express our strong support for the proposed amendment to 49 Pennsylvania Code Section 27.18 (relating to standards of practice.) The proposed change would permit a pharmacist to sell up to 30 hypodermic needles and syringes to persons 18 years of age or older without a prescription.

The ACLU supports the elimination of the current prescription requirement. We think that that easing access to clean needles and syringes will advance the public health without endangering public safety. We believe that there is abundant evidence that demonstrates that public health will be improved because of the significant relationship between access to clean needles and reduction in the spread of hepatitis C and HIV.

Only a few states still require prescriptions in order to obtain hypodermic needles and syringes. Those states that do not have such a requirement have not suffered adverse consequences as a result of not requiring prescriptions. National organizations, such as the National Association of Boards of Pharmacy and the American Public Health Association, have adopted policies consistent with the proposed rule. They have concluded that greater access to sterile syringes and needles protects the public health

Melanie Zimmerman
September 11, 2007
Page 2

thanks to the decrease in the use of dirty syringes and needles that are associated with the transmission of blood borne diseases.

The ACLU is particularly impressed that the State Board of Pharmacy is basing the proposed rule on numerous scientific and public health studies. The impressive list of studies cited in the Pennsylvania Bulletin on August 25, 2007, demonstrates a laudable commitment to the development of public health policy that is grounded in good science and best medical evidence.

In conclusion, let me express the ACLU's appreciation for your good work on this proposed regulation which we fully support.

Very truly yours,

Larry Frankel
Legislative Director