

SB 1029 - Yee

HIV & Hepatitis Prevention: Sterile Syringes

PROBLEM

California is one of only three states in the US that prohibit a pharmacist from furnishing a syringe to an adult without a prescription. Most states never required a prescription to purchase a sterile syringe, and of those that did, most amended their laws in light of the AIDS epidemic and the clear evidence that shows that allowing adults to access sterile syringes prevents the transmission of HIV, hepatitis C, and other blood-borne diseases, without contributing to increased drug use, drug injection, crime or unsafe discard of syringes.

Sharing of used syringes is the most common cause of new hepatitis C infections in the state (~3000/year) and the second most common cause of HIV infection (~750/year). By the end of 2008, 18 percent of cumulative cases of AIDS among men in the state were attributed to syringe sharing, or among men who have sex with men and also share syringes. 34 percent of cases among women were attributable to sharing syringes. A very high proportion of other cases among women were caused by sexual contact with a man who had shared a used syringe.

These diseases are costly and potentially deadly. Hospitalizations for hepatitis B & C cost the state \$2 billion in 2007, according to a 2009 report of California Research Bureau.

The California Department of Public Health, the Federal Centers for Disease Control & Prevention, the World Health Organization, and all leading health policy research organizations agree—safe and legal syringe access through pharmacy outlets is a key component to the prevention and control of HIV/AIDS, hepatitis C and hepatitis B.

EXISTING LAW

In 2004, Governor Schwarzenegger signed legislation to create a 5-year pilot project to assess the safety and efficacy of allowing adults to purchase and possess up to 10 syringes without prescription. The law mandates an evaluation be completed by the State Department of Health

Services (now CDPH). The pilot projects were only in jurisdictions that authorized participation, and required each county to register pharmacies and to provide them with information on HIV, hepatitis and drug treatment. The mandated evaluation was to be published by January 15, 2010. Though delayed, it is likely to be published before the first policy committee.

THIS BILL

SB 1029 extends the sunset until 2019, and allows physicians and pharmacists statewide the discretion to furnish up to 30 syringes to an adult without a prescription, and to allow an adult to possess up to 30 syringes solely for personal use.

As a cost saving measure, the bill repeals the duties on the county health departments that were part of the pilot, and repeals many CDPH duties. The bill requires CDPH to work with Board of Pharmacy to provide information to pharmacists including information on how to access drug treatment, HIV and hepatitis screening, and on how to dispose of sharps safely.

The legislation makes conforming changes to encourage individuals to possess syringes until such time as they can dispose of syringes safely, without undue fear of arrest or confiscation of their syringes.

SUPPORT

San Francisco AIDS Foundation (Co-Sponsor)
Drug Policy Alliance Network (Co-Sponsor)
AIDS Project Los Angeles
American Civil Liberties Union
California Association of Alcohol and Drug Program Executives, Inc.
California Communities United Institute
California Hepatitis Alliance (CalHEP)
California Medical Association
California Nurses Association
California Opioid Maintenance Providers
California Pharmacists Association
California Psychiatric Association
California Retailers Association
California Society of Addiction Medicine

City and County of San Francisco
City of West Hollywood
County Alcohol & Drug Program Administrators
Association of California
County of Alameda
Equality California
Health Officers Association of California
Planned Parenthood Affiliates of California, Action
Fund of San Diego & Riverside Counties
Planned Parenthood Advocacy Project of Los
Angeles County
Rite Aid
San Francisco Mayor's Hepatitis C Task Force
Walgreen's
C. Edward Dilkes

OPPOSITION

California Narcotic Officers' Association
California Peace Officers' Association
California Police Chiefs' Association
League of California Cities

SUPPORT FOR SAFE, LEGAL SYRINGE ACCESS

American Academy of Family Physicians
American Academy of Pediatrics
American Academy of Physician Assistants
American Bar Association
American College of Preventive Medicine
American Foundation for AIDS Research
American Medical Association
American Medical Students Association
American Nurses Association
American Pharmaceutical Association
American Psychiatric Association
American Psychological Association
American Public Health Association
American Society of Addiction Medicine

Association of State and Territorial Health
Officials
Council of State and Territorial Epidemiologists
Infectious Disease Society of America
International Federation of Red Cross and Red
Crescent Societies
Kaiser Foundation
National Alliance of State and Territorial AIDS
Directors
National Association for the Advancement of
Colored People
National Association of Boards of Pharmacy
National Association of Social Workers
National Association of State Alcohol and Drug
Abuse Directors
National Black Caucus of State Legislators
National Black Police Association
United Nations: General Assembly, Office of
Drugs and Crime
United Church of Christ
U.S. Conference of Mayors
U.S. Federal Government: Government
Accounting Office, Health and Human Services,
National Institute on Drug Abuse, National
Institutes on Health
World Bank
World Health Organization