

## **Background Information About Senate Bill 1159 (Vasconcellos) Pharmacy Syringe Sale and Disease Prevention Demonstration Project**

Governor Schwarzenegger recently signed into law Senate Bill 1159, which allows California pharmacists, when authorized by a local government, to sell up to ten (10) syringes to an adult without a prescription. Physicians, nurses, pharmacists, healthcare workers, AIDS and liver disease educators support the new law, which incurs no new costs. Without local ordinances, the sale and possession of syringes without a prescription remains illegal under SB 1159.

Preventing the spread of the disease will save California taxpayers hundreds of millions of dollars. Peace officers will also benefit because under the new law, the risk of an accidental needle stick injury will be significantly reduced.

The scarcity of syringes caused by over regulation contributes to California's high rates of HIV/AIDS and hepatitis-C, diseases that are transmitted when drug users and others share contaminated syringes.

- Peace officers are at high risk of exposure to hepatitis C or HIV due to accidental needle-stick injuries. A recent study found that 29.7% of San Diego Police officers surveyed had suffered a needle-stick injury on-duty, usually during a pat-down or search incident to arrest.<sup>1</sup> In the six months following a similar change in Connecticut law, needle-stick injuries to police officers decreased by 66%.<sup>2</sup>
- At least 60% of new hepatitis C cases in the US each year are attributable to dirty syringes.<sup>3</sup> Hepatitis C infection is the leading cause of chronic liver cancer and cirrhosis in the US, and contributes to the ever-lengthening wait time for a liver transplant.<sup>4, 5</sup>
- As of 2001, an estimated 600,000 Californians were infected with hepatitis C, with an additional 3,000 new infections each year attributable to dirty syringes.<sup>6</sup> The annual cost of treatment for liver disease ranges from \$15,000 to \$20,000. The cost of a liver transplant is an additional \$300,000.<sup>7</sup>
- Over 26,000 Californians have been diagnosed with AIDS due to syringe-sharing since 1981.<sup>8</sup> Over one thousand Californians are infected with HIV through syringe sharing each year.<sup>9</sup> These numbers fail to account for the thousands of women and men infected through sexual contact with a drug injector, or the infants infected because their mother used a dirty syringe or had sex with someone who did.
- Thousands still die of AIDS in California--1,983 in 2002 alone.<sup>10</sup> The annual cost to treat an indigent person with AIDS is approximately \$24,000.
- Numerous studies concur that improved syringe access reduces the rate of HIV transmission, without increasing rates of drug use, drug injection, or crime.<sup>11</sup>

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<sup>1</sup> Lorentz J, Hill L, Samimi, B. Occupational needlestick injuries in a metropolitan police force. *American J. of Preventative Medicine* 2000;18(2).

<sup>2</sup> Groseclose SL, Weinstein B, Jones TS, et al. "Impact of Increased Legal Access to Needles and Syringes on Practices of Injecting Drug Users and Police Officers – Connecticut, 1992-93" *Journal of Acquired Immune Deficiency Syndrome and Human Retrovirology* 1995, 10:73-81

<sup>3</sup> Williams, IT. Epidemiology of hepatitis C in the United States. *American Journal of Medicine* 1999; 107(6B):2-9.

<sup>4</sup> US National Institute of Drug Abuse. <http://www.drugabuse.gov/HepatitisAlert/HepatitisAlert.html>

<sup>5</sup> Keeffe, E. Treatment of Chronic Hepatitis C. Presentation at American Liver Foundation Conference: Hepatitis C & Substance Abuse. Foster City, CA. March 27, 2003.

<sup>6</sup> California Department of Health Services. *Hepatitis C Strategic Plan. Recommendations for the Prevention and Control of Hepatitis C in California*. 2001. <http://www.dhs.ca.gov/ps/dcdc/pdf/Hepatitis%20C%20Strategic%20Plan%20-%202001.pdf>

<sup>7</sup> Alter MJ & Moyer LA. Importance of preventing hepatitis C virus infection among injection drug users in the US. *JAIDS*. 1998; 18 (S1): S6-S10.

<sup>8</sup> California Department of Health Services, Office of AIDS.

<sup>9</sup> California Department of Health Services, Office of AIDS, *Consensus Meeting on HIV/AIDS Incidence and Prevalence in California*. Dec. 2001.

<sup>10</sup> California Department of Health Services, Office of AIDS, HIV/AIDS Surveillance Report, Dec 2000 and Dec 2001.

<sup>11</sup> Normand J, Vlahov D, Moses LE. *Prevention of HIV Transmission: The Role of Sterile Syringes and Bleach*. National Academy Press 1995:224-226.

- A study published in 2001 compared rates of injection drug use and rates of HIV among injection drug users in 96 US cities. 60 cities did not require a prescription for the sale of syringes and 36 did require a prescription. There was no statistically significant difference in the prevalence of injection drug use between the two groups of cities. However, the rate of HIV among injection drug users was twice as high in the cities that prohibited sale of syringes (13.8% v 6.7%).<sup>12</sup>
- Sharing dirty syringes is linked to 20% of all AIDS cases in California.<sup>13</sup> The link between injection drug use and HIV is particularly strong for women and people of color. In California, 37% of cumulative AIDS cases among women, 24.3% of cases among African American men and women and 22.4% of cases among Latinas are directly attributable to syringe sharing.<sup>14</sup>

**SB 1159 (Vasconcellos) provides that:**

1. Pursuant to authorization by a city or county government, allows pharmacies to sell or furnish up to 10 syringes to an adult without prescription. This provision will sunset on December 31, 2010. Pharmacies shall not be mandated to sell nonprescription syringes, but those that elect to do so, shall be required to:
  - Enroll with the local health department;
  - Participate in syringe disposal programs;
  - Provide information on how to access drug treatment;
  - Provide information on how to access screening for HIV and hepatitis C; and
  - Store syringes behind the counter, out of reach of customers.
2. Amends code regarding unlawful possession of a hypodermic to exclude: 1) syringes that have been containerized for safe disposal; and 2) up to 10 syringes if attained from an authorized source (the second provision will sunset on December 31, 2010).
3. Creates a new crime for the discard of syringes on playgrounds, beaches or parks.
4. Requires Department of Health Services to conduct an evaluation and provide to the Governor and Legislature a report on the impact of syringe sales on: rates of disease; rates of crime; rates of drug use; rates of needle-stick injury to law enforcement officers; and rates of unsafe discard of syringes.
5. The bill's provisions are contingent upon SB 1362, regarding local programs for the recovery of household generated sharps waste, including hypodermic needles.

SB1159 is supported by:

AIDS Healthcare Foundation	AIDS Project Los Angeles
California Medical Association	California Nurses Association
California Pharmacists' Association	California Retailers' Association
Drug Policy Alliance Network	San Francisco AIDS Foundation
American Liver Foundation	Walgreen's
Intl. Union United Food & Commercial Worker, AFL-CIO	

<sup>12</sup> Friedman, SR, Perlis, T, Des Jarlais DC. Laws Prohibiting Over-the-Counter Syringe Sales to Injection Drug Users: Relations to Population Density, HIV Prevalence, and HIV Incidence. *American Journal of Public Health*. 2001;91:791-793.

<sup>13</sup> California Department of Health Services, Office of AIDS. <http://www.dhs.cahwnet.gov/ps/ooa/Statistics/case2003.htm>

<sup>14</sup> California Department of Health Services, Office of AIDS, "HIV/AIDS Among Racial/Ethnic Groups, April 2000.