

PENNSYLVANIA STATE BOARD OF PHARMACY



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Prescriptions No Longer Required for Sales of Needles and Syringes

After years of striving, AIDS prevention advocates effected a change in the board regulations so that a prescription is no longer needed for sales of syringes and needles in Pennsylvania. Proponents say the change should reduce the transmission of diseases spread by drug addicts.

It is important to note that Pennsylvania was one of the last states (three remain) to make this change. Numerous studies have shown that improving access to clean syringes does reduce the spread of HIV and other blood-borne diseases and does not lead to increased drug use. Various advocacy groups and the Pennsylvania Department of Health had called for this change, which was to control the spread of disease through repeated and shared needle use.

In the rulemaking process, the board examined whether syringes would be classified as drug paraphernalia. Commonwealth Court has ruled that for an object to be classified as drug paraphernalia the distributor must have the specific intent that the item be used with controlled substances. *Specific intent* means that it is not just foreseeable that the material will be used to inject controlled substances in violation of the Drug Act, but that is the purpose, object, plan, or goal of the person distributing the needle or syringe. Given the many legitimate uses of syringes, it can be argued that the specific intent of a pharmacist is to distribute syringes to use in conformity with law.

As of Sept. 12, 2009, the requirement in board Regulation Section 27.18(s) that a prescription is needed to sell needles and syringes is no longer effective. Pharmacies can sell needles and syringes without a prescription. However, syringes and needles must still be kept in the prescription area of the pharmacy and sold only under the direct, immediate and personal supervision of a pharmacist. Pharmacies may wish to have information available to consumers regarding HIV, hepatitis C, drug abuse and

treatment, proper disposal of needles and syringes or other health-related topics.

Pamphlets may be ordered for free from the Pennsylvania Department of Health [Web site](#) where available topics may be searched and pamphlets ordered.

Information regarding proper disposal of needles and syringes is available for download from the [Department of Environmental Protection](#).

Board Regulation Section 27.18(s) states "Sales of hypodermic needles and syringes shall be made by a pharmacist or under the direct, immediate and personal supervision of a pharmacist in accordance with the following:

(1) Hypodermic needles and syringes may be sold without a prescription.

(2) Hypodermic needles and syringes shall be kept in the prescription area of the pharmacy, as defined in § 27.1 (relating to definitions), and be accessible only by pharmacists and pharmacy personnel authorized to be in the prescription area of the pharmacy while the pharmacy is open."

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