

AN ACT

1 Providing for the safe disposal of hypodermic needles and
2 syringes; requiring educational materials; limiting the
3 operation of syringe exchange programs within a city of the
4 first class; and providing for penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Syringe
9 Exchange Program Safety Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "City." A city of the first class.

15 "Client." An individual who receives nonprescription needles
16 or syringes from a syringe exchange program or who purchases
17 nonprescription needles or syringes from a pharmacist.

18 "Department." The Department of Health of the Commonwealth.

1 "Medical sharps waste." A device that has acute rigid
2 corners, edges or protuberances capable of cutting or piercing,
3 including, but not limited to, hypodermic needles and hypodermic
4 needles with syringes.

5 "Provider." An organization, including a governmental agency
6 or nonprofit organization, which administers a syringe exchange
7 program.

8 "Syringe exchange program." A program administered by a
9 provider under a local ordinance or policy in which the provider
10 distributes or otherwise furnishes unused hypodermic needles and
11 syringes to a client in exchange for used needles and syringes
12 for the sole purpose of preventing the transmission of
13 bloodborne communicable diseases.

14 Section 3. Needle and syringe disposal.

15 (a) Safe disposal required.--Notwithstanding any law or
16 regulation to the contrary, to facilitate the safe disposal of
17 hypodermic needles and syringes, a provider who administers a
18 syringe exchange program or a pharmacist who sells
19 nonprescription needles and syringes in accordance with 49 Pa.
20 Code § 27.18 (relating to standards of practice) shall make
21 available to a client one or more of the following disposal
22 options:

23 (1) An onsite secure and tamper-free hypodermic needle
24 and syringe collection and disposal program which meets
25 applicable Federal or State standards for the collection and
26 disposal of medical sharps waste.

27 (2) Mail-back sharps containers authorized by the United
28 States Postal Service that meet applicable Federal or State
29 requirements for the transport of medical sharps waste,
30 including tracking forms to verify destruction at a certified

1 disposal facility.

2 (3) Sharps containers which meet applicable Federal and
3 State standards for collection and disposal of medical sharps
4 waste.

5 (b) Disposal program.--

6 (1) A disposal program developed by a provider or
7 pharmacist under subsection (a) shall adhere to a strict one-
8 for-one needle or syringe exchange distribution policy and
9 shall not provide for the distribution of needles and
10 syringes without receiving a used syringe in return.

11 (2) A hypodermic needle or syringe that is to be
12 disposed of shall be contained, treated and disposed of in
13 accordance with applicable Federal or State standards.

14 (c) Acceptance of needles and syringes by pharmacists.--

15 Notwithstanding any other provision of law or regulation, a
16 pharmacist licensed under the act of September 27, 1961
17 (P.L.1700, No.699), known as the Pharmacy Act, may do the
18 following:

19 (1) accept the return of hypodermic needles and syringes
20 from the public if contained in a sharps container as defined
21 in this act; or

22 (2) make available an onsite safe hypodermic needle and
23 syringe collection and disposal program which conforms with
24 the requirements of subsection (a)(1) and meets applicable
25 Federal or State standards for collection and disposal of
26 medical sharps waste.

27 Section 4. Educational materials.

28 (a) Duties of department.--The department, in consultation
29 with the Department of Drug and Alcohol Programs, shall:

30 (1) Develop educational materials and make copies of the

1 educational materials available to providers and pharmacists
2 that furnish or sell nonprescription hypodermic needles and
3 syringes to individuals. The educational materials shall
4 include, at a minimum, information regarding:

5 (i) Access to drug addiction and treatment
6 information and referrals to drug treatment programs,
7 including information on local drug addiction treatment
8 programs and programs which offer medication-assisted
9 treatment, such as a Food and Drug Administration-
10 approved long-acting, nonaddictive medication for the
11 treatment of opioid dependence.

12 (ii) Access to testing and treatment for HIV,
13 hepatitis B, hepatitis C and other bloodborne
14 communicable diseases.

15 (iii) Prevention techniques for bloodborne
16 communicable diseases, including HIV, hepatitis B and
17 hepatitis C.

18 (iv) Safe disposal methods for, the prohibition of
19 and penalty for the unsafe disposal of hypodermic needles
20 and syringes.

21 (v) Drug overdose response and treatment, including
22 the administration of any Food and Drug Administration-
23 approved overdose intervention drug.

24 (2) Adopt uniform guidelines to advise providers,
25 pharmacists and local health departments on implementing
26 needle and syringe disposal policies that are consistent with
27 or more stringent than any available guidelines regarding the
28 disposal of medical sharps waste provided by the Department
29 of Environmental Protection or the United States
30 Environmental Protection Agency.

1 (b) Providers and pharmacists.--The department shall make
2 the educational materials developed in accordance with
3 subsection (a) available to providers and pharmacists that
4 furnish or sell nonprescription hypodermic needles and syringes
5 in accordance with section 3(a).

6 Section 5. Dissemination of information.

7 (a) Duties of providers and pharmacists.--A provider or
8 pharmacist that furnishes nonprescription needles and syringes
9 shall provide written information or verbal counseling to
10 clients. The information or counseling shall include, but not be
11 limited to, information on how to accomplish the following:

12 (1) Access drug addiction and treatment information and
13 referrals to drug treatment programs, including information
14 on local drug addiction treatment programs and programs which
15 offer medication-assisted treatment, such as a Food and Drug
16 Administration-approved, long-acting, nonaddictive medication
17 for the treatment of opioid dependence.

18 (2) Access testing and treatment for HIV, hepatitis B,
19 hepatitis C or other bloodborne communicable diseases.

20 (3) Prevent transmission of bloodborne communicable
21 diseases, including HIV, hepatitis B and hepatitis C.

22 (4) Utilize safe disposal methods for hypodermic needles
23 and syringes.

24 (5) Access drug overdose response and treatment,
25 including the administration of a Food and Drug
26 Administration-approved overdose intervention drug.

27 (6) Access information and referrals to medical care,
28 mental health services and other support services.

29 (7) Access information and referrals to locations and
30 programs which offer clothing, food and shelter.

1 (b) Department materials.--To satisfy the written
2 information and client counseling requirements of this section,
3 providers and pharmacists may distribute the educational
4 materials developed by the department under section 4 to
5 clients.

6 Section 6. Prohibition and penalty.

7 (a) Unlawful disposal.--

8 (1) It shall be unlawful for a person to discard or
9 dispose of a hypodermic needle or syringe upon the grounds of
10 any public or private place, including, but not limited to, a
11 playground, park, sidewalk, public or private parking lot,
12 the grounds of an entertainment facility or any public,
13 private or parochial school, college or university.

14 (2) Notwithstanding any other provision of statute,
15 charter, ordinance or other law to the contrary, a syringe
16 exchange program may not operate in a city within 500 feet of
17 a residential housing development or within 1,000 feet of the
18 property line of any public, private or parochial school.

19 (b) Penalty.--A person who knowingly violates subsection (a)
20 commits a summary offense and, upon conviction, shall be
21 sentenced to pay a fine of not less than \$500.

22 (c) Applicability.--Subsection (a) shall not apply to the
23 following:

24 (1) The containment, treatment and disposal of
25 hypodermic needles and syringes used for emergency medical
26 care or first aid services rendered upon the grounds of any
27 public or private place.

28 (2) The containment, treatment and disposal of
29 hypodermic needles or syringes used for instructional or
30 education purposes on school grounds and the grounds of a

1 college or university.

2 (d) Definition.--For the purposes of this section, the term
3 "playground" means a park or outdoor recreational area
4 specifically designed to be used by children that has play
5 equipment installed or any similar facility located on the
6 grounds of a public or private school, college or university or
7 a park.

8 Section 7. Construction.

9 Nothing in this act shall be construed to authorize
10 pharmacists to sell nonprescription hypodermic needles and
11 syringes to individuals without proof of identification to
12 validate that the individual is at least 18 years of age.

13 Section 8. Effective date.

14 This act shall take effect in 90 days.