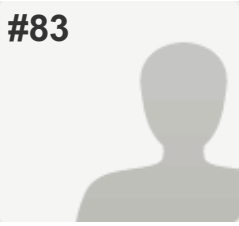


# Ending the Epidemic Task Force Recommendation Form

#83



**COMPLETE**

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**Q1: OPTIONAL: This recommendation was submitted by (please provide your first and last name, affiliation, and email address)**

|               |  |
|---------------|--|
| First Name    | Mark   |
| Last Name     | Hammer   |
| Affiliation   | New York State Department of Health AIDS Institute |
| Email Address | Mark.Hammer@health.ny.gov                          |

**Q2: Title of your recommendation** Lifting the ban on pharmacy advertising of participation in ESAP

**Q3: Please provide a description of your proposed recommendation**

Public Health Law Section 3381(5)(d)(1) prohibits pharmacies from advertising to the public that they are selling or furnishing syringes without a prescription under the Expanded Syringe Access Program (ESAP). The implementing regulation in 10 NYCRR 80.137(d)(2)(i) mirrors this limitation. This limitation should be lifted through revisions to both the statute and the regulation. The current restriction even keeps pharmacies from having a small decal in their windows indicating that they are ESAP-registered programs.

**Q4: For which goal outlined in the Governor's plan to end the epidemic in New York State does this recommendation apply? (Select all that apply)**

Other (please specify)  
Reducing syringe reuse and sharing by making their availability without a prescription more widely known

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**Q5: This recommendation should be considered by the following Ending the Epidemic Task Force Committee (Select all that apply)**

Prevention Committee: Develop recommendations for ensuring the effective implementation of biomedical advances in the prevention of HIV, (such as the use of Truvada as pre-exposure prophylaxis (PrEP)); for ensuring access for those most in need to keep them negative; and for expansion of syringe exchange, expanded partner services, and streamlined HIV testing by further implementing the universal offer of HIV testing in primary care, among others. The Committee will focus on continuing innovative and comprehensive prevention and harm reduction services targeted at key high risk populations, as well as grant-funded services that engage in both secondary and primary prevention.

**Q6: Does this recommendation require a change to an existing policy or program, or the creation of a new policy or program?**

Change to existing program

**Q7: Would implementation of this recommendation be permitted under current laws or would a statutory change be required?**

Statutory change required

**Q8: Is this recommendation something that could feasibly be implemented in the short-term (within the next year) or long-term (within the next three to six years)?**

Within the next year

**Q9: What are the perceived benefits of implementing this recommendation?**

Pharmacy advertising will allow individuals who inject drugs to be better informed of their options regarding obtaining sterile syringes. It will also save individuals from the potential stigma and embarrassment of asking at the pharmacy whether they can obtain syringes in this manner. The actual advertising may be nothing more than a decal in a pharmacy's window.

**Q10: Are there any concerns with implementing this recommendation that should be considered?**

None. Syringe availability does not promote drug use or drug injection.

**Q11: What is the estimated cost of implementing this recommendation and how was this estimate calculated?**

None.

**Q12: What is the estimated return on investment (ROI) for this recommendation and how was the ROI calculated?**

A better informed injecting public, along with reductions in HIV and HCV transmission as well as reductions in skin and soft tissue injury and infections.

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### **Q13: Who are the key individuals/stakeholders who would benefit from this recommendation?**

People who inject drugs: They will be know more easily--and with asking potentially embarrassing questions-- where they can obtain syringes without a prescription. It will also help to relieve them of some of the stigma associated with syringe acquisition..

Pharmacists: Changing the law to allow the advertising of syringe sale without a prescription will enhance the relationship that the pharmacists have with their customers who inject drugs.

### **Q14: Are there suggested measures to accompany this recommendation that would assist in monitoring its impact?**

Ongoing pharmacy (and other provider) education and support.

Continued promotion of ESAP,

### **Q15: This recommendation was submitted by one of the following**

Other (please specify) AIDS Institute staff