



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
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MEMORANDUM

To: Massachusetts Pharmacists and Pharmacy Managers of Record

From: John Auerbach, Commissioner, Massachusetts Department of Public Health
Jean Pontikas, Director, Division of Health Professions Licensure

Date: April 2, 2009

RE: Clarification of Over-The-Counter Sales of Needles and Syringes
(Chapter 172 of the Acts of 2006)

As Massachusetts pharmacists and pharmacies are aware, Chapter 172 of the Acts of 2006 (effective September 18, 2006) amended Massachusetts General Laws (MGL) Chapter 94C, Sections 27 and 32I, subsection (d) by decriminalizing the distribution and possession of hypodermic syringes and needles and authorizing pharmacists to sell syringes and needles to any person who has attained the age of 18 without a prescription. As a result of this legislation, any person providing identification validating the individual is age 18 may now purchase needles and syringes from a pharmacy without a prescription and without fear of criminal prosecution.

Since the passage of this legislation, many pharmacies have commenced selling syringes and needles. The Department of Public Health strongly supports all pharmacy efforts to date to provide access to sterile needles and syringes as vital to the protection of the public health of all Massachusetts residents. As pharmacists are aware, residents of the Commonwealth utilize sterile needles and syringes for a variety of conditions that are treated at home.

This clarification is provided to pharmacists and pharmacies selling syringes and needles to confirm that **the sole requirement for the sale of syringes and needles without a prescription is proof of identification that the purchaser is at least 18 years of age.** Pursuant to MGL c. 94C, s. 27:

“When selling hypodermic syringes or hypodermic needles without a prescription, a pharmacist or wholesale druggist must require proof of identification that validates the individual’s age.”

Please be aware that needle and syringe sales are authorized to be made available to any customer who provides identification validating age. No other identification or recordkeeping requirements are required of the selling pharmacist or pharmacy. The legislation places no restrictions on the number of needles and syringes that may be sold to any person.

To assist your customers, a listing of sharps disposal sites across the Commonwealth and a fact sheet on the *Proper Use and Disposal of Needles and Syringes* may be accessed at

http://www.mass.gov/?pageID=eohhs2terminal&L=6&L0=Home&L1=Provider&L2=Guidelines+and+Resources&L3=Guidelines+for+Clinical+Treatment&L4=Diseases+%26+Conditions&L5=HIV%26%2347%3bAIDS&sid=Eeohhs2&b=terminalcontent&f=dph_aids_c_needle_syringe_use_disposal&csid=Eeohhs2

Additional information is available on the Board of Registration in Pharmacy website under ALERTS at <http://www.mass.gov/dph/boards/ph> Thank you for your attention to this important public health matter.