

January 28, 2000

Dear Colleague:

I am writing to ask your help in an urgent matter of public health – the transmission of HIV and other deadly blood-borne diseases through the use of contaminated drug injection equipment. Two years ago, the American Bar Association (ABA) adopted policy supporting the removal of legal barriers to the establishment of needle exchange programs. It states:

Resolved, that in order to further scientifically based public health objectives to reduce HIV infection and other blood-borne diseases, and in support of our long-standing opposition to substance abuse, the American Bar Association supports the removal of legal barriers to the establishment and operation of approved needle exchange programs that include a component of drug counseling and drug treatment referrals.

This policy reflects the Association's long-standing concern with substance abuse and the HIV/AIDS epidemic and is predicated on two substantiated facts: first, laws that prevent injection drug users (IDUs) from using clean injection equipment have facilitated the spread of blood-borne diseases (including HIV and Hepatitis B and C) to their sex partners, their children, and other IDUs; and second, the availability of clean needles and syringes to IDUs has not increased drug use. Today, the Centers for Disease Control and Prevention estimate that one-third of HIV cases and serious epidemics of needle-borne Hepatitis B and C are attributable to contaminated needles.

Recently, five leading medical, pharmacy and public health organizations came together to encourage their state affiliates to take action to eliminate barriers to syringe access. They all agree that syringe access programs have proven to be an effective strategy in reducing the spread of blood-borne disease. The American Medical Association, the American Pharmaceutical Association, the Association of State and Territorial Health Officials, the National Association of Boards of Pharmacy, and the National Association of State AIDS Directors encouraged their professional colleagues "and other state leaders in these fields to meet, assess the situation in [their respective] states and decide on appropriate approaches to these important public health issues."

This initiative by leading health organizations provides an opportunity for the organized bar and medical communities to work jointly to resolve a difficult social issue. Lawyers can help bring reasoned and dispassionate analysis to the debate over the value of syringe

access programs and can help remove the legal obstacles to the establishment of such programs in jurisdictions that wish to implement or expand them. Those jurisdictions that have adopted such programs have demonstrated that removal of legal obstacles may include these ABA-supported interventions:

- amending the drug paraphernalia laws to clarify that they do not prohibit needle exchange programs or other public health strategies that increase access to and use of sterile injection equipment;
- eliminating syringe prescription laws or regulations;
- issuing regulatory opinions, or amending statutes and health regulations, to clarify that selling or prescribing syringes to prevent disease is a “legitimate medical purpose;”
- eliminating impediments to syringe sales found in pharmacy regulations; and
- developing better mechanisms for the safe disposal of used syringes.

In addition, lawyers and appropriate health professionals can work jointly to enhance the availability of substance abuse counseling and treatment. Over two decades of research have proven beyond a reasonable doubt that drug abuse treatment is effective and can reduce drug use in America. Unfortunately, some IDUs may not be receptive to the idea of treatment; even if they are, treatment is not always available when needed. One benefit of syringe access programs is that repeated personal contact with an IDU can provide opportunities to build trust and encourage voluntary participation in drug treatment programs.

We urge you to take a leadership role and offer to work jointly with health organizations in your state to eliminate barriers to syringe access. A list of contacts is attached for your reference. The ABA is ready to support and assist your efforts and to work for necessary reforms at the national level. Please contact Steven Powell, Director, ABA AIDS Coordination Project, at 202/662 –1025 (e-mail: powells@staff.abanet.org) if you would like additional information about the issue or the type of assistance the ABA may be able to provide.

Sincerely,

Robert E. Stein

Robert E. Stein, Chair
AIDS Coordinating Committee
American Bar Association