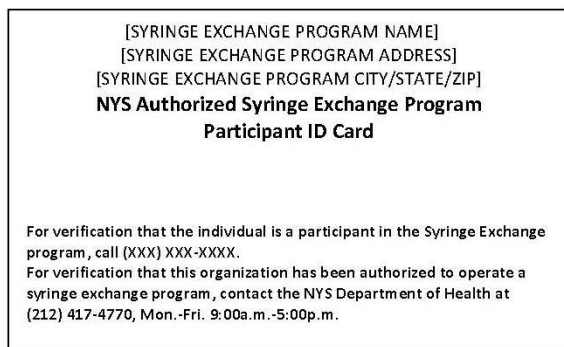


# SYRINGE LAW AND HARM REDUCTION PROGRAMS IN NEW YORK STATE INFORMATION FOR LAW ENFORCEMENT

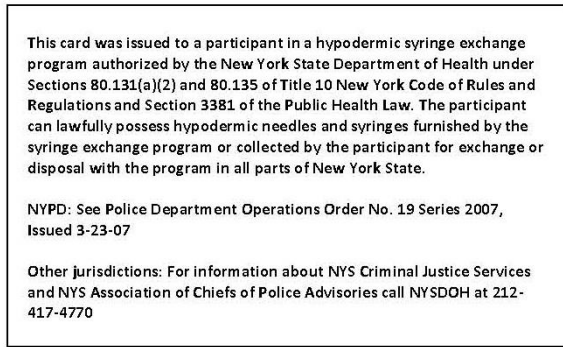
## HARM REDUCTION PROGRAMS INCLUDE:

PROGRAM NAME	INTENT	APPEARANCE	RANGE/LIMIT OF POSSESSION	I.D. CARDS	AGE LIMITS	LEGAL AUTHORITY
<b>SYRINGE EXCHANGE PROGRAM (SEP)<sup>1</sup></b>	PROVIDE STERILE SYRINGES TO INJECTION DRUG USERS IN EXCHANGE FOR USED SYRINGES TO REDUCE HIV	STOREFRONTS, STREET SIDE, MOBILE VANS, WALKING STREET TEAMS, PEER-DELIVERY, ETC.	NO LIMITS	YES (SEE IMAGE SAMPLE BELOW)	NO MIN. AGE	SECTION 3381 PHL AND COMMISSIONER'S REGULATIONS
<b>EXPANDED SYRINGE ACCESS PROGRAM (ESAP)<sup>2</sup></b>	PROVIDE BETTER ACCESS TO SYRINGES WHERE SEPs MIGHT NOT EXIST; ALLOW PHARMACIES, CERTAIN HEALTH CARE FACILITIES AND PRACTITIONERS TO PROVIDE SYRINGES	SYRINGES AVAILABLE W/OUT RX AT PHARMACIES, ARTICLE 28 HEALTH CARE FACILITIES, PHYSICIANS, AND CERTAIN OTHERS	10 PER TRANSACTION NOTE: NO LIMIT ON NUMBER OF TRANSACTIONS	NO	18 OR OLDER	SECTION 3381 PHL AND COMMISSIONER'S REGULATIONS
<b>OPIOID OVERDOSE PREVENTION PROGRAM<sup>3</sup></b>	REDUCE FATAL OUTCOMES FOR HEROIN/OPIOID ODs BY TRAINING PERSONS TO ADMINISTER NALOXONE (NARCAN)	TRAINED RESPONDERS ISSUED A KIT CONTAINING NALOXONE (NARCAN) AND SYRINGE	2 SYRINGES; 2 VIALS NARCAN (NALOXONE)	NO	NO MIN. AGE	SECTION 3309 PHL AND COMMISSIONER'S REGULATIONS

Note that the above is a consolidated reference. For complete details of all programs, check §§3309 and 3381 of the Public Health Law (PHL), and Commissioner's Regulations which can be found under Title 10 NYCRR, §§ 80.131, 80.133, 80.135, 80.137, 80.138.



Front view - An example of a Participant ID Card for a New York State Syringe Exchange Program (SEP). A unique identifier will appear in the center of the card. The card includes telephone contacts if an officer wishes to verify the organization's authority, or whether the individual is a participant in the named SEP. The name of the program may differ from what is shown in this sample.



Rear view – All Participant ID cards contain a statement of authority, detailing the relevant sections of New York State law and regulations authorizing the Syringe Exchange Program (SEP). Note – participants in a SEP in a particular jurisdiction can lawfully possess hypodermic instruments anywhere in New York State.

## SYRINGE LAW

Changes in the New York State Penal Law provide that a person does not act unlawfully by possessing a hypodermic needle or syringe if he or she participates in certain syringe programs authorized under the New York State Public Health Law. Effective October 28, 2010, the possession of a residual amount of a controlled substance on a needle or syringe does not constitute a criminal act if the individual is permitted to possess such needle or syringe under the Public Health Law. Here are the amended sections, effective October 28, 2010:

### **§ 220.45 Criminally possessing a hypodermic instrument.**

Effective October 28, 2010

A person is guilty of criminally possessing a hypodermic instrument when he or she knowingly and unlawfully possesses or sells a hypodermic syringe or hypodermic needle. It shall not be a violation of this section when a person obtains and possesses a hypodermic syringe or hypodermic needle pursuant to section thirty-three hundred eighty-one of the public health law.

Criminally possessing a hypodermic instrument is a class A misdemeanor.

### **§ 220.03 Criminal possession of a controlled substance in the seventh degree.**

Effective October 28, 2010

A person is guilty of criminal possession of a controlled substance in the seventh degree when he or she knowingly and unlawfully possesses a controlled substance; provided, however, that it shall not be a violation of this section when a person possesses a residual amount of a controlled substance and that residual amount is in or on a hypodermic syringe or hypodermic needle obtained and possessed pursuant to section thirty-three hundred eighty-one of the public health law.

Criminal possession of a controlled substance in the seventh degree is a class A misdemeanor.

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## CONTACTS:

<sup>1</sup>VERIFICATION OF SEP PARTICIPATION: To verify whether an entity has been authorized to conduct a Syringe Exchange Program (SEP), contact the New York State Department of Health (M-F, 9-5) at 212-417-4770.

<sup>2</sup>VERIFICATION OF ESAP REGISTRATION: To verify whether an entity is registered in the Expanded Syringe Access Program (ESAP), contact the Bureau of Narcotic Enforcement of the New York State Department of Health at 518-402-0707.

<sup>3</sup>QUESTIONS ABOUT THE OPIOID OVERDOSE PREVENTION KITS OR PROGRAM: Contact the New York State Department of Health (M-F, 9-5) at 212-417-4770.