Syringe Possession Information for California Law Enforcement Officers

Needles and syringes in sharps containers are not considered paraphernalia. Section 11364 (b) of the California Health and Safety Code states that hypodermic needles or syringes stored in a container that "meets state and federal standards for disposal of sharps waste" shall not be classified as drug paraphernalia.

California law permits authorized needle exchange programs and exempts program workers from paraphernalia charges. Needle exchange programs that distribute sterile syringes to injection drug users may be locally authorized pursuant to H&S Code 12134.9. California law exempts needle exchange personnel from prosecution for furnishing drug paraphernalia under H&S Code Section 11364.7.

California permits over-the-counter sales of up to 10 syringes. Pursuant to local authorization of (Business & Professions Code 4145 (2)(c)), adults may obtain up to ten syringes from a pharmacy or physician without a prescription.

California law permits possession of up to 10 syringes for personal use from an authorized source. H&S Code Section 11364 (c) applies if syringes are acquired from an authorized source, such as a pharmacy or syringe exchange program.

Drug residue in a syringe is not sufficient evidence to prove drug possession. Police should be aware that pursuant to a CA Supreme Court ruling, an individual shall not be convicted of possession of a controlled substance based solely on drug residue in a used syringe.

For more information about these statutes, go to http://syringeaccess.com