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LAW/RWH

P.L.2015, CHAPTER 66, *approved June 26, 2015*  
Assembly, No. 709 (*Second Reprint*)

1 AN ACT concerning the disposal of unused prescription drugs,  
2 amending P.L.1991, c.187, and supplementing P.L.2003,  
3 c.280 (C.45:14-40 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to  
9 read as follows:

10 46. A physician or other person authorized by law to prescribe  
11 drugs or medicines shall not dispense more than a seven-day supply  
12 of drugs or medicines to any patient. The drugs or medicines shall  
13 be dispensed at or below the cost the **【physician】** prescriber has  
14 paid for the particular drug or medicine, plus an administrative cost  
15 not to exceed **【10%】** 10 percent of the cost of the drug or medicine.

16 The provisions of this section shall not apply to a **【physician】**  
17 prescriber:

18 a. who dispenses drugs or medicines in a hospital emergency  
19 room, a student health center at an institution of higher education,  
20 or a publicly subsidized community health center, family planning  
21 clinic or prenatal clinic, if the drugs or medicines that are dispensed  
22 are directly related to the services provided at the facility;

23 b. whose practice is situated 10 miles or more from a licensed  
24 pharmacy;

25 c. when **【he】** the prescriber dispenses allergenic extracts and  
26 injectables;

27 d. when **【he】** the prescriber dispenses drugs pursuant to an  
28 oncological or AIDS protocol;

29 e. when **【he】** the prescriber dispenses salves, ointments or  
30 drops; or

31 f. when **【he】** the prescriber dispenses a drug or medicine  
32 delivered to the eye through a contact lens.

33 A prescriber shall furnish to a patient, with each prescription  
34 drug or medicine <sup>1</sup>which is a controlled dangerous substance<sup>1</sup>  
35 dispensed for that patient pursuant to this section, a copy of the  
36 notice prepared by the Division of Consumer Affairs in the

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHE committee amendments adopted December 4, 2014.

<sup>2</sup>Senate floor amendments adopted January 13, 2015.

1 Department of Law and Public Safety pursuant to section 2 of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill).

3 The provisions of this section shall not apply to a licensed  
4 chiropractic physician who dispenses food concentrates, food  
5 extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or  
6 cell salts, glandular extracts, <sup>2</sup>**[neutraceuticals]** nutraceuticals<sup>2</sup>,  
7 botanicals, homeopathic remedies, and other nutritional  
8 supplements.

9 (cf: P.L.2010, c.12, s.1)

10

11 2. (New section) a. A pharmacy practice site <sup>1</sup>that dispenses  
12 prescription drugs, other than a long-term care pharmacy,<sup>1</sup> shall  
13 distribute <sup>1</sup>,<sup>1</sup> with each prescription drug <sup>1</sup>which is a controlled  
14 dangerous substance<sup>1</sup> that it dispenses <sup>1</sup>to an individual located in  
15 this State,<sup>1</sup> a copy of the notice prepared pursuant to subsection b.  
16 of this section. <sup>1</sup>For the purposes of this subsection, “pharmacy  
17 practice site” includes <sup>2</sup>only those<sup>2</sup> pharmacy practice sites <sup>2</sup>that are  
18 located<sup>2</sup> inside <sup>2</sup>**[and outside]**<sup>2</sup> the State.<sup>1</sup>

19 b. The Division of Consumer Affairs in the Department of Law  
20 and Public Safety shall prepare and post on its website a notice, for  
21 use by a prescriber pursuant to section 46 of P.L.1991,  
22 c.187 (C.45:9-22.11), and which a pharmacy practice site shall  
23 utilize for the purposes of subsection a. of this section, to advise  
24 customers and patients about:

25 (1) the availability of drug take-back programs sponsored by a  
26 local, State <sup>1</sup>,<sup>1</sup> or federal government agency; and

27 (2) how to obtain information from the website for those  
28 programs concerning where unused prescription drugs may be  
29 dropped off for the purpose of ensuring their safe, secure, efficient,  
30 and environmentally sound disposal.

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32 3. This act shall take effect on the first day of the seventh  
33 month next following the date of enactment, but the Division of  
34 Consumer Affairs may take such anticipatory administrative action  
35 in advance thereof as shall be necessary for the implementation of  
36 this act.

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41 \_\_\_\_\_  
42 Requires pharmacies and prescribers to notify patients about how  
to ensure proper and safe disposal of unused prescription drugs.

# ASSEMBLY, No. 709

## STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Assemblywoman MARY PAT ANGELINI**

**District 11 (Monmouth)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblyman JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Handlin, Assemblymen Ciattarelli, Johnson,**

**Assemblywoman N.Munoz, Assemblymen O'Scanlon, Rible,**

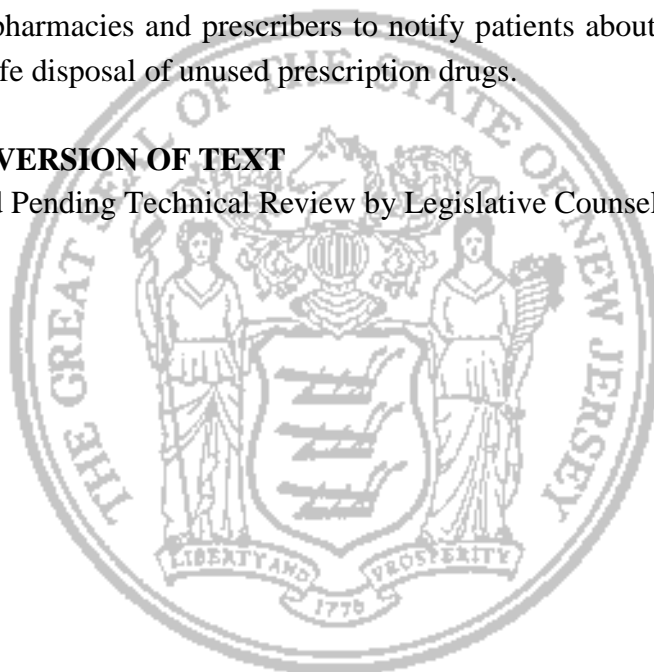
**Assemblywoman Jimenez and Assemblyman Wimberly**

**SYNOPSIS**

Requires pharmacies and prescribers to notify patients about how to ensure proper and safe disposal of unused prescription drugs.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 12/5/2014)**

1 AN ACT concerning the disposal of unused prescription drugs,  
2 amending P.L.1991, c.187, and supplementing P.L.2003, c.280  
3 (C.45:14-40 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to  
9 read as follows:

10 46. A physician or other person authorized by law to prescribe  
11 drugs or medicines shall not dispense more than a seven-day supply  
12 of drugs or medicines to any patient. The drugs or medicines shall  
13 be dispensed at or below the cost the **[physician]** prescriber has  
14 paid for the particular drug or medicine, plus an administrative cost  
15 not to exceed **[10%]** 10 percent of the cost of the drug or medicine.

16 The provisions of this section shall not apply to a **[physician]**  
17 prescriber:

18 a. who dispenses drugs or medicines in a hospital emergency  
19 room, a student health center at an institution of higher education,  
20 or a publicly subsidized community health center, family planning  
21 clinic or prenatal clinic, if the drugs or medicines that are dispensed  
22 are directly related to the services provided at the facility;

23 b. whose practice is situated 10 miles or more from a licensed  
24 pharmacy;

25 c. when **[he]** the prescriber dispenses allergenic extracts and  
26 injectables;

27 d. when **[he]** the prescriber dispenses drugs pursuant to an  
28 oncological or AIDS protocol;

29 e. when **[he]** the prescriber dispenses salves, ointments or  
30 drops; or

31 f. when **[he]** the prescriber dispenses a drug or medicine  
32 delivered to the eye through a contact lens.

33 A prescriber shall furnish to a patient, with each prescription  
34 drug or medicine dispensed for that patient pursuant to this section,  
35 a copy of the notice prepared by the Division of Consumer Affairs  
36 in the Department of Law and Public Safety pursuant to section 2 of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill).

38 The provisions of this section shall not apply to a licensed  
39 chiropractic physician who dispenses food concentrates, food  
40 extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or  
41 cell salts, glandular extracts, nutraceuticals, botanicals,  
42 homeopathic remedies, and other nutritional supplements.  
43 (cf: P.L.2010, c.12, s.1)

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.



# ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 709**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 4, 2014

The Assembly Health and Senior Services Committee reports favorably and with committee amendments Assembly Bill No. 709.

As amended, this bill requires that each pharmacy practice site and prescriber distribute, with each prescription drug which is a controlled dangerous substance that is dispensed, a copy of a notice which the bill requires the Division of Consumer Affairs in the Department of Law and Public Safety to prepare and post on its website. This notice will advise patients about: (1) the availability of drug take-back programs sponsored by local, State, or federal government agencies; and (2) how to obtain information from those programs concerning where unused prescription drugs may be dropped off for safe, secure, efficient, and environmentally sound disposal. The requirement for pharmacy practice sites to distribute this notice applies to both in-State and out-of-State pharmacies dispensing prescription drugs to individuals located in New Jersey, but does not apply to long-term care pharmacies.

As amended, this bill is identical to Senate Bill No. 2370(2R).

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS:

The committee amendments clarify that the requirement for pharmacy practice sites to distribute the drug take-back program notice applies to both in-State and out-of-State pharmacies that dispense prescription drugs to individuals located in this State.

The committee amendments provide that the requirement for pharmacy practice sites to distribute the drug take-back program notice does not apply to long-term care pharmacies.

The committee amendments clarify that pharmacies and prescribers are only required to distribute the prescription drug take-back program notice when dispensing prescription drugs that are controlled dangerous substances.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 709**

with Senate Floor Amendments  
(Proposed by Senator WHELAN)

ADOPTED: JANUARY 13, 2015

These floor amendments correct a spelling error and clarify that the bill applies only to in-State pharmacy practice sites.

# SENATE, No. 2370

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2014

**Sponsored by:**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**Senator JOSEPH M. KYRILLOS, JR.**

**District 13 (Monmouth)**

**Co-Sponsored by:**

**Senators Vitale, Lesniak and Addiego**

**SYNOPSIS**

Requires pharmacies and prescribers to notify patients about how to ensure proper and safe disposal of unused prescription drugs.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/10/2014)**

1 AN ACT concerning the disposal of unused prescription drugs,  
2 amending P.L.1991, c.187, and supplementing P.L.2003, c.280  
3 (C.45:14-40 et seq.).

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to  
9 read as follows:

10 46. A physician or other person authorized by law to prescribe  
11 drugs or medicines shall not dispense more than a seven-day supply  
12 of drugs or medicines to any patient. The drugs or medicines shall  
13 be dispensed at or below the cost the **【physician】** prescriber has  
14 paid for the particular drug or medicine, plus an administrative cost  
15 not to exceed **【10%】** 10 percent of the cost of the drug or medicine.

16 The provisions of this section shall not apply to a **【physician】**  
17 prescriber:

18 a. who dispenses drugs or medicines in a hospital emergency  
19 room, a student health center at an institution of higher education,  
20 or a publicly subsidized community health center, family planning  
21 clinic or prenatal clinic, if the drugs or medicines that are dispensed  
22 are directly related to the services provided at the facility;

23 b. whose practice is situated 10 miles or more from a licensed  
24 pharmacy;

25 c. when **【he】** the prescriber dispenses allergenic extracts and  
26 injectables;

27 d. when **【he】** the prescriber dispenses drugs pursuant to an  
28 oncological or AIDS protocol;

29 e. when **【he】** the prescriber dispenses salves, ointments or  
30 drops; or

31 f. when **【he】** the prescriber dispenses a drug or medicine  
32 delivered to the eye through a contact lens.

33 A prescriber shall furnish to a patient, with each prescription  
34 drug or medicine dispensed for that patient pursuant to this section,  
35 a copy of the notice prepared by the Division of Consumer Affairs  
36 in the Department of Law and Public Safety pursuant to section 2 of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill).

38 The provisions of this section shall not apply to a licensed  
39 chiropractic physician who dispenses food concentrates, food  
40 extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or  
41 cell salts, glandular extracts, nutraceuticals, botanicals,  
42 homeopathic remedies, and other nutritional supplements.

43 (cf: P.L.2010, c.12, s.1)

44  
45 2. (New section) a. A pharmacy practice site shall distribute

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 with each prescription drug that it dispenses a copy of the notice  
2 prepared pursuant to subsection b. of this section.

3 b. The Division of Consumer Affairs in the Department of Law  
4 and Public Safety shall prepare and post on its website a notice, for  
5 use by a prescriber pursuant to section 46 of P.L.1991,  
6 c.187 (C.45:9-22.11), and which a pharmacy practice site shall  
7 utilize for the purposes of subsection a. of this section, to advise  
8 customers and patients about:

9 (1) the availability of drug take-back programs sponsored by a  
10 local, State or federal government agency; and

11 (2) how to obtain information from the website for those  
12 programs concerning where unused prescription drugs may be  
13 dropped off for the purpose of ensuring their safe, secure, efficient,  
14 and environmentally sound disposal.

15

16 3. This act shall take effect on the first day of the seventh  
17 month next following the date of enactment, but the Division of  
18 Consumer Affairs may take such anticipatory administrative action  
19 in advance thereof as shall be necessary for the implementation of  
20 this act.

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STATEMENT

24

25 The purpose of this bill is to provide information to the general  
26 public about how to ensure proper and safe disposal of unused  
27 prescription drugs.

28 Specifically, the bill requires that each pharmacy practice site  
29 and each prescriber distribute, for every prescription drug  
30 dispensed, a copy of a notice prepared by the Division of Consumer  
31 Affairs in the Department of Law and Public Safety and posted on  
32 its website, to advise patients about: the availability of drug take-  
33 back programs sponsored by a local, State or federal government  
34 agency; and how to obtain information from those programs  
35 concerning where unused prescription drugs may be dropped off for  
36 safe, secure, efficient, and environmentally sound disposal.

37 The bill takes effect on the first day of the seventh month  
38 following enactment, but authorizes the Division of Consumer  
39 Affairs to take prior administrative action as necessary for its  
40 implementation.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 2370**

with committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 9, 2014

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 2370.

As amended by the committee, the bill requires that each pharmacy practice site and each prescriber distribute, for every controlled dangerous substance dispensed, a copy of a notice prepared by the Division of Consumer Affairs in the Department of Law and Public Safety. The Division of Consumer Affairs would prepare the notice and posted it on the division's website, to advise patients about: the availability of drug take-back programs sponsored by a local, State, or federal government agency; and how to obtain information from those programs concerning where unused prescription drugs may be dropped off for safe, secure, efficient, and environmentally sound disposal.

The bill takes effect on the first day of the seventh month following enactment, but authorizes the Division of Consumer Affairs to take prior administrative action as necessary for its implementation.

The committee amended the bill so that it applies only to the dispensing of controlled dangerous substances, rather than all prescription drugs. The amendments also clarify that the bill's requirements would apply to out-of-State pharmacies. Finally, the amendments exempt long-term care pharmacies from the bill's provisions.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 2370**

with Senate Floor Amendments  
(Proposed by Senators WHELAN and KYRILLOS)

ADOPTED: DECEMBER 1, 2014

These floor amendments clarify that the bill applies only to the dispensing of controlled dangerous substances to individuals residing in the State. The amendments also clarify that the bill's requirements would apply to out-of-State pharmacies. Finally, the amendments exempt long-term care pharmacies from the bill's provisions.

STATEMENT TO  
[Second Reprint]  
**SENATE, No. 2370**

with Senate Floor Amendments  
(Proposed by Senator WHELAN)

ADOPTED: JANUARY 13, 2015

These floor amendments correct a spelling error and clarify that the bill applies only to in-State pharmacy practice sites.