45:14-15

LEGISLATIVE HISTORY CHECKLIST

NJSA 45:14-15; 24:21-17 (Prescription labels -- require brand name or generic name)

LAWS OF 1979 CHAPTER 146

Bill No. A205

Sponsor(s) Visotcky and others

Date Introduced Pre-filed

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

Amended during passage Yes XX Amendments during passage denoted by asterisks.

Date of Passage: Assembly May 8, 1978

Senate April 23, 1979

Date of approval July 16, 1979

Following statements are attached if available:

Sponsor statement		Yes	XX (Below)
Committee Statement:	Assembly	Yes	XX
	Senate	Yes	XX
Fiscal Note		XXX	No
Veto Message		XXX	No
Message on signing		XXX	No

Following were printed:

Reports	XXX	No
Hearings	XXX	No

Sponsor's statement:

This bill requires any physician, dentist or veterinarian to indicate to pharmacists (1) whether prescription labels shall include the name and nature of the drug and (2) whether a generic equivalent may be used.

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9/1/78

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 205

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblymen VISOTCKY, HOLLENBECK, CONTILLO, BURNS and MARTIN

AN ACT concerning the labeling of prescription drugs**, *amending R. S. 45:14–15 and amending P. L. 1970, c. 226***.

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

[1. Any physician, dentist or veterinarian licensed to practice in the State shall be required to indicate to a pharmacist filling a prescription if the label on the container shall indicate the name or nature of the drug and whether a generic equivalent may be used.]

[1. All prescription medication shall have the brand name or generic equivalent on the label unless the prescriber dictates otherwise on the prescription form.*]**

**1. R. S. 45:14–15 is amended to read as follows:

45:14–15. The registered pharmacist compounding, dispensing, filling or selling a prescription shall place the original written prescription in a file kept for that purpose for a period of not less than 5 years if such period is not less than 2 years after the last refilling, and affix to the container in which the prescription is dispensed, a label bearing the name and complete address of the pharmacy or drug store in which dispensed, the *brand name or generic name of the product dispensed unless the prescriber states otherwise on the original written prescription, the* date on which the prescription was compounded and an identifying number under which the prescription is recorded in his files, together with the name of the physician, dentist, veterinarian or other medical practitioner prescribing it and the directions for the use of the prescription by the patient, as directed on the prescription of the physician, dentist, veterinarian or other medical practitioner licensed to write prescriptions. Every registered pharmacist who

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

fills or compounds a prescription, or who supervises the filling or compounding of a prescription by a person other than a pharmacist registered in this State, shall place his name or initials on the original prescription or on the label affixed to the container in which the prescription is dispensed or in a book kept for the purpose of recording prescriptions. The board of pharmacy or any of its agents is hereby empowered to inspect the prescription files and other prescription records of a pharmacy and to remove from said files and take possession of any original prescription; providing, that the authorized agent removing or taking possession of an original prescription shall place in the file from which it was removed a copy certified by said person to be a true copy of the original prescription thus removed; provided further, that the original copy shall be returned by the board of pharmacy to the file from which it was removed after it has served the purpose for which it was removed.

2. Section 17 of P. L. 1970, c. 226 (C. 24:21–17) is amended to read as follows:

17. Form of label to be used by pharmacists; altering or removing label. Whenever a pharmacist sells or dispenses any controlled dangerous substance on a prescription issued by a practitioner he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the pharmacist or pharmacy owner for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address and registry number of the practioner by whom the prescription was written; *the brand name or generic name of the drug dispensed unless the prescriber states otherwise on the prescription,* such directions as may be stated on the prescription and such directions as may be required by rules or regulations promulgated by the commissioner.

No person shall alter, deface, or remove any label so affixed as long as any of the original contents remain.**

[2.] ***3.*** This act shall take effect 90 days after its enactment.

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 205

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 1, 1978

The committee amended this bill to require the labeling of prescription medication with the brand name or generic equivalent unless the prescriber dictates otherwise on the prescription form. The committee felt this language solved the problem of whether a prescription was valid if the prescriber did not indicate if medication should or should not be labeled.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 205

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1979

This bill would require that all prescription medication have the brand name or generic name of the drug written on the label unless the prescriber states otherwise on the prescription form.

Committee amendments to the bill alter its structure without in any way affecting the intent of the sponsor. The amendments add language to existing portions of the statutes which already specify what must be put on the labels of prescription drugs. The amendments also clarify who would have responsibility for enforcing the act. The Department of Health is charged with enforcing the labeling of controlled dangerous substances under the section amended in Title 26, and the Board of Pharmacy with enforcing the labeling of all other prescription drugs under the section amended in Title 45.