

# 45:12-9.11

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2015                      **CHAPTER:** 65

**NJSA:** 45:12-9.11 (Authorizes optometrists to continue prescribing medications containing hydrocodone)

**BILL NO:** S2578 (Substituted for A3922)

**SPONSOR(S)** Gill and others

**DATE INTRODUCED:** December 1, 2014

**COMMITTEE:**                      **ASSEMBLY:** Regulated Professions

**SENATE:** Commerce

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                      **ASSEMBLY:** May 14, 2015

**SENATE:** December 18, 2014

**DATE OF APPROVAL:** June 26, 2015

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Introduced version of bill enacted)

#### S2578

**SPONSOR'S STATEMENT:** (Begins on page 2 of introduced bill)                      Yes

**COMMITTEE STATEMENT:**    **ASSEMBLY:**                      Yes

**SENATE:**                      Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**    No

**LEGISLATIVE FISCAL ESTIMATE:**    No

#### A3922

**SPONSOR'S STATEMENT:** (Begins on page 2 of introduced bill)                      Yes

**COMMITTEE STATEMENT:**    **ASSEMBLY:**                      Yes

**SENATE:**                      No

**FLOOR AMENDMENT STATEMENT:**    No

**LEGISLATIVE FISCAL ESTIMATE:**    No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

P.L.2015, CHAPTER 65, *approved June 26, 2015*

Senate, No. 2578

1 **AN ACT** concerning optometrist prescribing authority and amending  
2 P.L.1991, c.385.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 9 of P.L.1991, c.385 (C.45:12-9.11) is amended to  
8 read as follows:

9 9. a. Whenever in any law there is a requirement or duty with  
10 respect to the prescription, administration or dispensing of any drug  
11 which applies to any person authorized to prescribe that drug, the  
12 same shall apply to an optometrist when prescribing, administering  
13 or dispensing a pharmaceutical agent pursuant to R.S.45:12-1,  
14 except that an optometrist shall not dispense a prescription as  
15 provided for in R.S.45:12-1 in an amount exceeding a 72-hour  
16 supply of that prescription unless the prescription is dispensed at no  
17 charge to the patient. Subject to the provisions of P.L.1991, c.385  
18 (C.45:12-9.8 et seq.), an optometrist authorized to prescribe,  
19 administer, or dispense a pharmaceutical agent shall be permitted to  
20 prescribe, administer, and dispense for the purpose of diagnosing  
21 and treating deficiencies, deformities, diseases, or abnormalities of  
22 the human eye and adnexae pharmaceutical agents classified as  
23 Schedule III, IV, and V controlled dangerous substances and,  
24 regardless of schedule, pharmaceutical agents containing  
25 hydrocodone.

26 b. Notwithstanding the provisions of subsection a. of this  
27 section, an optometrist may dispense a pharmaceutical agent, as  
28 provided for in R.S.45:12-1, that is delivered to the eye through a  
29 contact lens and may dispense such pharmaceutical agent at a  
30 charge to the patient.

31 (cf: P.L.2010, c.12, s.2)

32  
33 2. This act shall take effect immediately.

34

35

36 STATEMENT

37

38 This bill codifies current regulations concerning optometrist  
39 prescribing authority, including permitting optometrists to  
40 prescribe, administer, and dispense pharmaceutical agents  
41 containing hydrocodone.

**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 Under N.J.A.C.13:38-2.4, optometrists certified to prescribe  
2 pharmaceutical agents are permitted to prescribe Schedule III, IV,  
3 and V controlled dangerous substances. Pursuant to this authority,  
4 optometrists have for many years prescribed products containing  
5 hydrocodone, formerly a Schedule III controlled dangerous  
6 substance, without incident.

7 Effective October 6, 2014, the Drug Enforcement Administration  
8 in the U.S. Department of Justice rescheduled products containing  
9 hydrocodone from Schedule III to Schedule II, meaning that  
10 optometrists are no longer authorized to prescribe such products  
11 under State law. This bill provides that, notwithstanding the federal  
12 rescheduling of hydrocodone, optometrists will be permitted to  
13 continue prescribing pharmaceutical agents containing hydrocodone  
14 as they have historically done. The bill does not otherwise revise or  
15 expand the scope of optometrist prescribing authority.

16 At least ten other states, including Alaska, Arkansas, Arizona,  
17 Colorado, Georgia, Illinois, Kentucky, Louisiana, Oklahoma, and  
18 Utah have enacted similar legislation authorizing optometrists  
19 licensed in those states to continue prescribing pharmaceutical  
20 agents containing hydrocodone as they did prior to federal  
21 rescheduling.

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26 Authorizes optometrists to continue prescribing medications  
27 containing hydrocodone.

# SENATE, No. 2578

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 1, 2014

**Sponsored by:**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman SCOTT T. RUMANA**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman JACK M. CIATTARELLI**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

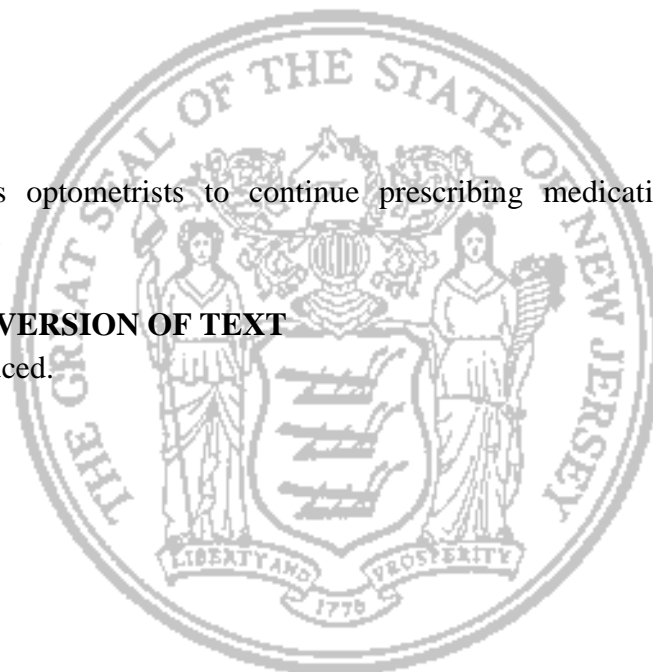
**Senator Pennacchio and Assemblyman Benson**

**SYNOPSIS**

Authorizes optometrists to continue prescribing medications containing hydrocodone.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/15/2015)**

1 AN ACT concerning optometrist prescribing authority and amending  
2 P.L.1991, c.385.

3

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

6

7 1. Section 9 of P.L.1991, c.385 (C.45:12-9.11) is amended to  
8 read as follows:

9 9. a. Whenever in any law there is a requirement or duty with  
10 respect to the prescription, administration or dispensing of any drug  
11 which applies to any person authorized to prescribe that drug, the  
12 same shall apply to an optometrist when prescribing, administering  
13 or dispensing a pharmaceutical agent pursuant to R.S.45:12-1,  
14 except that an optometrist shall not dispense a prescription as  
15 provided for in R.S.45:12-1 in an amount exceeding a 72-hour  
16 supply of that prescription unless the prescription is dispensed at no  
17 charge to the patient. Subject to the provisions of P.L.1991, c.385  
18 (C.45:12-9.8 et seq.), an optometrist authorized to prescribe,  
19 administer, or dispense a pharmaceutical agent shall be permitted to  
20 prescribe, administer, and dispense for the purpose of diagnosing  
21 and treating deficiencies, deformities, diseases, or abnormalities of  
22 the human eye and adnexae pharmaceutical agents classified as  
23 Schedule III, IV, and V controlled dangerous substances and,  
24 regardless of schedule, pharmaceutical agents containing  
25 hydrocodone.

26 b. Notwithstanding the provisions of subsection a. of this  
27 section, an optometrist may dispense a pharmaceutical agent, as  
28 provided for in R.S.45:12-1, that is delivered to the eye through a  
29 contact lens and may dispense such pharmaceutical agent at a  
30 charge to the patient.

31 (cf: P.L.2010, c.12, s.2)

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33 2. This act shall take effect immediately.

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#### STATEMENT

37

38 This bill codifies current regulations concerning optometrist  
39 prescribing authority, including permitting optometrists to  
40 prescribe, administer, and dispense pharmaceutical agents  
41 containing hydrocodone.

42 Under N.J.A.C.13:38-2.4, optometrists certified to prescribe  
43 pharmaceutical agents are permitted to prescribe Schedule III, IV,  
44 and V controlled dangerous substances. Pursuant to this authority,  
45 optometrists have for many years prescribed products containing

**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 hydrocodone, formerly a Schedule III controlled dangerous  
2 substance, without incident.

3       Effective October 6, 2014, the Drug Enforcement Administration  
4 in the U.S. Department of Justice rescheduled products containing  
5 hydrocodone from Schedule III to Schedule II, meaning that  
6 optometrists are no longer authorized to prescribe such products  
7 under State law. This bill provides that, notwithstanding the federal  
8 rescheduling of hydrocodone, optometrists will be permitted to  
9 continue prescribing pharmaceutical agents containing hydrocodone  
10 as they have historically done. The bill does not otherwise revise or  
11 expand the scope of optometrist prescribing authority.

12       At least ten other states, including Alaska, Arkansas, Arizona,  
13 Colorado, Georgia, Illinois, Kentucky, Louisiana, Oklahoma, and  
14 Utah have enacted similar legislation authorizing optometrists  
15 licensed in those states to continue prescribing pharmaceutical  
16 agents containing hydrocodone as they did prior to federal  
17 rescheduling.

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### SENATE, No. 2578

# STATE OF NEW JERSEY

DATED: DECEMBER 8, 2014

The Senate Commerce Committee reports favorably Senate Bill No. 2578.

This bill codifies current regulations concerning optometrist prescribing authority, including permitting optometrists to prescribe, administer, and dispense pharmaceutical agents containing hydrocodone.

Under N.J.A.C.13:38-2.4, optometrists certified to prescribe pharmaceutical agents are permitted to prescribe Schedule III, IV, and V controlled dangerous substances. Pursuant to this authority, optometrists have for many years prescribed products containing hydrocodone, formerly a Schedule III controlled dangerous substance, without incident.

Effective October 6, 2014, the Drug Enforcement Administration in the U.S. Department of Justice rescheduled products containing hydrocodone from Schedule III to Schedule II, meaning that optometrists are no longer authorized to prescribe such products under State law. This bill provides that, notwithstanding the federal rescheduling of hydrocodone, optometrists will be permitted to continue prescribing pharmaceutical agents containing hydrocodone as they have historically done. The bill does not otherwise revise or expand the scope of optometrist prescribing authority.

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# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 2578

# STATE OF NEW JERSEY

DATED: FEBRUARY 5, 2015

The Assembly Regulated Professions Committee reports favorably Senate Bill No. 2578.

This bill codifies current regulations concerning optometrist prescribing authority, including permitting optometrists to prescribe, administer, and dispense pharmaceutical agents containing hydrocodone.

Under N.J.A.C.13:38-2.4, optometrists certified to prescribe pharmaceutical agents are permitted to prescribe Schedule III, IV, and V controlled dangerous substances. Pursuant to this authority, optometrists have for many years prescribed products containing hydrocodone, formerly a Schedule III controlled dangerous substance, without incident.

Effective October 6, 2014, the Drug Enforcement Administration in the U.S. Department of Justice rescheduled products containing hydrocodone from Schedule III to Schedule II, meaning that optometrists are no longer authorized to prescribe such products under State law. This bill provides that, notwithstanding the federal rescheduling of hydrocodone, optometrists will be permitted to continue prescribing pharmaceutical agents containing hydrocodone as they have historically done. The bill does not otherwise revise or expand the scope of optometrist prescribing authority.

At least ten other states, including Alaska, Arkansas, Arizona, Colorado, Georgia, Illinois, Kentucky, Louisiana, Oklahoma, and Utah have enacted similar legislation authorizing optometrists licensed in those states to continue prescribing pharmaceutical agents containing hydrocodone as they did prior to federal rescheduling.

This bill is identical to Assembly Bill No. 3922, which was also reported by the committee today.

# ASSEMBLY, No. 3922

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 4, 2014

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman SCOTT T. RUMANA**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman JACK M. CIATTARELLI**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

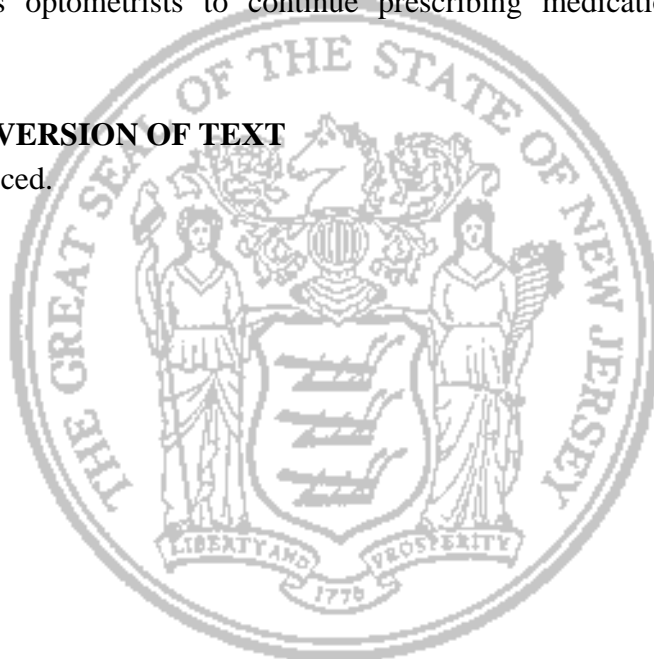
**Assemblyman Benson**

**SYNOPSIS**

Authorizes optometrists to continue prescribing medications containing hydrocodone.

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As introduced.



**(Sponsorship Updated As Of: 5/15/2015)**

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# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3922

# STATE OF NEW JERSEY

DATED: FEBRUARY 5, 2015

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