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RH/CL

P.L. 2017, CHAPTER 379, *approved January 16, 2018*
Assembly, No. 4365

1 **AN ACT** concerning controlled dangerous substances and amending
2 P.L.1970, c.226.

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

6
7 1. Section 31 of P.L.1970, c.226 (C.24:21-31) is amended to
8 read as follows:

9 31. Powers of enforcement personnel. a. (1) It is hereby made
10 the duty of the division, its officers, agents, inspectors, and
11 representatives, and of all peace officers within the State, and of the
12 Attorney General and all county prosecutors, to enforce all
13 provisions of P.L.1970, c.226 (C.24:21-1 et seq.), as amended and
14 supplemented, except those specifically delegated, and to cooperate
15 with all agencies charged with the enforcement of the laws of the
16 United States, of this State, and of all other states, relating to
17 narcotic drugs or controlled dangerous substances, and it shall be
18 the duty of the New Jersey State Board of Pharmacy and other
19 professional licensing boards in the Division of Consumer Affairs
20 in the Department of Law and Public Safety, and their officers,
21 agents, inspectors, and representatives also to assist the division,
22 peace officers, and county prosecutors in the enforcement of all
23 provisions of P.L.1970, c.226, as amended and supplemented,
24 relating to the handling of controlled dangerous substances by
25 pharmacy owners and pharmacists and other licensed professionals.

26 (2) The Attorney General shall coordinate and direct the
27 Statewide efforts of law enforcement agencies, the Division of
28 Consumer Affairs, and professional licensing boards to: identify,
29 investigate, and prosecute the illegal sources and distribution of
30 prescription opioid drugs; take appropriate steps to enhance the
31 oversight by professional licensing boards relating to the
32 administration and dispensing of controlled dangerous substances
33 by regulated professionals; and provide training for law
34 enforcement officials and recommend training for physicians,
35 pharmacists, and other health care professionals in state-of-the-art
36 methods to detect prescription drug diversion and related abuses.
37 The Attorney General shall issue appropriate directives, establish
38 such task forces, and implement such other measures as the
39 Attorney General deems necessary to carry out the purposes of this
40 paragraph, and may call to his assistance the services of employees
41 of any State, county, or municipal department, board, bureau,

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 commission, or agency as may be required and as may be available
2 for these purposes.

3 The Attorney General shall report annually to the Governor and,
4 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
5 Legislature, on the Attorney General's activities in implementing
6 this subsection, including: the coordination of the Statewide effort
7 by various agencies to combat opioid abuse; and progress in efforts
8 to investigate and prosecute the illegal sources and distribution of
9 illegal opioid drugs.

10 b. Authority is hereby granted to the director:

11 (1) To promulgate all necessary rules and regulations for the
12 efficient enforcement of P.L.1970, c.226, as amended and
13 supplemented;

14 (2) To promulgate, insofar as applicable, regulations from time
15 to time promulgated by the Attorney General of the United States;

16 (3) To promulgate an order relative to any controlled dangerous
17 substance under P.L.1970, c.226, as amended and supplemented,
18 when the delay occasioned by acting through promulgation of a
19 regulation would constitute an imminent danger to the public health
20 or safety.

21 (a) An order of the director shall take effect immediately **【**, but
22 **it】** and shall expire 270 days after promulgation thereof; except that
23 the director may extend, with the approval of the Attorney General,
24 the order for a maximum of two additional 270-day periods if the
25 director determines that the imminent danger to the public health or
26 safety warrants an extension. Rules and regulations pursuant to
27 such order may be adopted and promulgated by the director, but
28 they shall not take effect until the director has given due notice of
29 his intention to take such action and has held a public hearing.

30 (b) Any person who denies that a drug or pharmaceutical
31 preparation is properly subject to an order by the director which
32 applies the provisions of P.L.1970, c.226, as amended and
33 supplemented, to that drug or pharmaceutical preparation, may
34 apply to the director for a hearing which shall be afforded, except
35 where a drug or pharmaceutical preparation has been the subject of
36 a prior hearing or determination by the director, in which case a
37 hearing shall be discretionary with the director. In that case, a
38 decision shall be rendered by the director or the director's designee
39 within 48 hours of the request for a hearing. If the petitioning party
40 is aggrieved by the decision, that party shall have the right to apply
41 for injunctive relief against the order. Jurisdiction for that
42 injunctive relief shall be in the Superior Court of New Jersey by
43 way of summary proceedings.

44 c. In addition to the powers set forth in subsection a. of this
45 section, any officer or employee of the division designated by the
46 director may:

1 (1) Execute search warrants, arrest warrants, administrative
2 inspection warrants, subpoenas, and summonses issued under the
3 authority of this State;

4 (2) Make seizures of property pursuant to the provisions of
5 P.L.1970, c.226, as amended and supplemented; and

6 (3) Perform such other law enforcement duties as may be
7 designated by the director, with the approval of the Attorney
8 General.

9 (cf: P.L.2015, c.34, s.1)

10

11 2. This act shall take effect immediately.

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STATEMENT

15

16 This bill amends the "New Jersey Controlled Dangerous
17 Substances Act" to provide the Director of the Division of
18 Consumer Affairs in the Department of Law and Public Safety with
19 the authority to extend the current 270-day order that is issued by
20 the director when delays from promulgating regulations would
21 constitute an imminent danger to the public health or safety.
22 Specifically, under the bill, the director may extend, with the
23 approval of the Attorney General, the order for a maximum of two
24 additional 270-day periods if the director determines that the
25 imminent danger to the public health or safety warrants an
26 extension.

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31 _____
32 Authorizes Division of Consumer Affairs to extend orders for
controlled dangerous substances under certain circumstances.

ASSEMBLY, No. 4365

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED DECEMBER 5, 2016

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

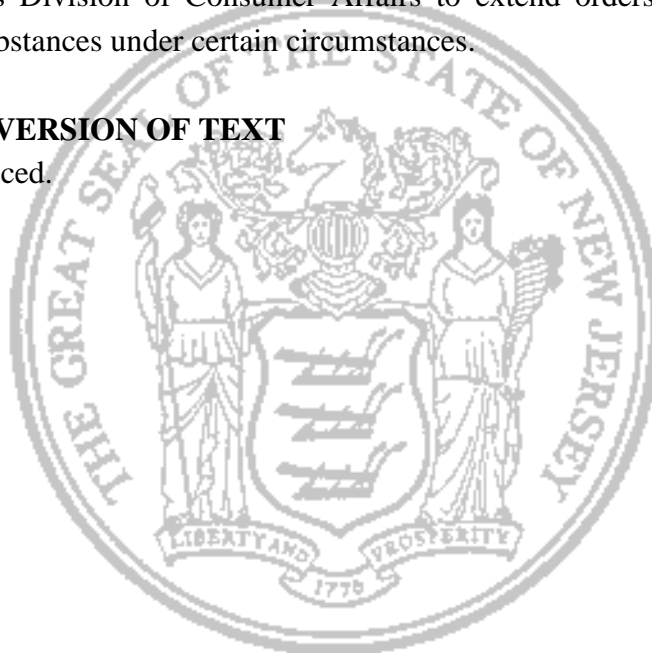
Assemblywoman Vainieri Huttle and Assemblyman Houghtaling

SYNOPSIS

Authorizes Division of Consumer Affairs to extend orders for controlled dangerous substances under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/24/2017)

1 AN ACT concerning controlled dangerous substances and amending
2 P.L.1970, c.226.

3

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

6

7 1. Section 31 of P.L.1970, c.226 (C.24:21-31) is amended to
8 read as follows:

9 31. Powers of enforcement personnel. a. (1) It is hereby made
10 the duty of the division, its officers, agents, inspectors, and
11 representatives, and of all peace officers within the State, and of the
12 Attorney General and all county prosecutors, to enforce all
13 provisions of P.L.1970, c.226 (C.24:21-1 et seq.), as amended and
14 supplemented, except those specifically delegated, and to cooperate
15 with all agencies charged with the enforcement of the laws of the
16 United States, of this State, and of all other states, relating to
17 narcotic drugs or controlled dangerous substances, and it shall be
18 the duty of the New Jersey State Board of Pharmacy and other
19 professional licensing boards in the Division of Consumer Affairs
20 in the Department of Law and Public Safety, and their officers,
21 agents, inspectors, and representatives also to assist the division,
22 peace officers, and county prosecutors in the enforcement of all
23 provisions of P.L.1970, c.226, as amended and supplemented,
24 relating to the handling of controlled dangerous substances by
25 pharmacy owners and pharmacists and other licensed professionals.

26 (2) The Attorney General shall coordinate and direct the
27 Statewide efforts of law enforcement agencies, the Division of
28 Consumer Affairs, and professional licensing boards to: identify,
29 investigate, and prosecute the illegal sources and distribution of
30 prescription opioid drugs; take appropriate steps to enhance the
31 oversight by professional licensing boards relating to the
32 administration and dispensing of controlled dangerous substances
33 by regulated professionals; and provide training for law
34 enforcement officials and recommend training for physicians,
35 pharmacists, and other health care professionals in state-of-the-art
36 methods to detect prescription drug diversion and related abuses.
37 The Attorney General shall issue appropriate directives, establish
38 such task forces, and implement such other measures as the
39 Attorney General deems necessary to carry out the purposes of this
40 paragraph, and may call to his assistance the services of employees
41 of any State, county, or municipal department, board, bureau,
42 commission, or agency as may be required and as may be available
43 for these purposes.

44 The Attorney General shall report annually to the Governor and,
45 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to 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.

1 Legislature, on the Attorney General's activities in implementing
2 this subsection, including: the coordination of the Statewide effort
3 by various agencies to combat opioid abuse; and progress in efforts
4 to investigate and prosecute the illegal sources and distribution of
5 illegal opioid drugs.

6 b. Authority is hereby granted to the director:

7 (1) To promulgate all necessary rules and regulations for the
8 efficient enforcement of P.L.1970, c.226, as amended and
9 supplemented;

10 (2) To promulgate, insofar as applicable, regulations from time
11 to time promulgated by the Attorney General of the United States;

12 (3) To promulgate an order relative to any controlled dangerous
13 substance under P.L.1970, c.226, as amended and supplemented,
14 when the delay occasioned by acting through promulgation of a
15 regulation would constitute an imminent danger to the public health
16 or safety.

17 (a) An order of the director shall take effect immediately **], but**
18 **it]** and shall expire 270 days after promulgation thereof; except that
19 the director may extend, with the approval of the Attorney General,
20 the order for a maximum of two additional 270-day periods if the
21 director determines that the imminent danger to the public health or
22 safety warrants an extension. Rules and regulations pursuant to
23 such order may be adopted and promulgated by the director, but
24 they shall not take effect until the director has given due notice of
25 his intention to take such action and has held a public hearing.

26 (b) Any person who denies that a drug or pharmaceutical
27 preparation is properly subject to an order by the director which
28 applies the provisions of P.L.1970, c.226, as amended and
29 supplemented, to that drug or pharmaceutical preparation, may
30 apply to the director for a hearing which shall be afforded, except
31 where a drug or pharmaceutical preparation has been the subject of
32 a prior hearing or determination by the director, in which case a
33 hearing shall be discretionary with the director. In that case, a
34 decision shall be rendered by the director or the director's designee
35 within 48 hours of the request for a hearing. If the petitioning party
36 is aggrieved by the decision, that party shall have the right to apply
37 for injunctive relief against the order. Jurisdiction for that
38 injunctive relief shall be in the Superior Court of New Jersey by
39 way of summary proceedings.

40 c. In addition to the powers set forth in subsection a. of this
41 section, any officer or employee of the division designated by the
42 director may:

43 (1) Execute search warrants, arrest warrants, administrative
44 inspection warrants, subpoenas, and summonses issued under the
45 authority of this State;

46 (2) Make seizures of property pursuant to the provisions of
47 P.L.1970, c.226, as amended and supplemented; and

1 (3) Perform such other law enforcement duties as may be
2 designated by the director, with the approval of the Attorney
3 General.

4 (cf: P.L.2015, c.34, s.1)

5

6 2. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill amends the "New Jersey Controlled Dangerous
12 Substances Act" to provide the Director of the Division of
13 Consumer Affairs in the Department of Law and Public Safety with
14 the authority to extend the current 270-day order that is issued by
15 the director when delays from promulgating regulations would
16 constitute an imminent danger to the public health or safety.
17 Specifically, under the bill, the director may extend, with the
18 approval of the Attorney General, the order for a maximum of two
19 additional 270-day periods if the director determines that the
20 imminent danger to the public health or safety warrants an
21 extension.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4365

STATE OF NEW JERSEY

DATED: JANUARY 12, 2017

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 4365.

Assembly Bill No. 4365 amends the “New Jersey Controlled Dangerous Substances Act” to provide the Director of the Division of Consumer Affairs in the Department of Law and Public Safety with the authority to extend an order issued regarding a controlled dangerous substance.

Current law authorizes the director to promulgate rules and regulations necessary to enforce the act, and to issue an order relative to any controlled dangerous substance when delays from promulgating regulations would constitute an imminent danger to the public health or safety. An order issued by the director under current law expires after 270 days.

This bill provides that the director, with the approval of the Attorney General, may extend the order for a maximum of two additional 270-day periods if the director determines that the imminent danger to the public health or safety warrants an extension.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4365

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2017

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 4365.

As reported by the committee, this bill amends the “New Jersey Controlled Dangerous Substances Act” to provide the Director of the Division of Consumer Affairs in the Department of Law and Public Safety with the authority to extend an order issued regarding a controlled dangerous substance.

Current law authorizes the director to promulgate rules and regulations necessary to enforce the act, and to issue an order relative to any controlled dangerous substance when delays from promulgating regulations would constitute an imminent danger to the public health or safety. An order issued by the director under current law expires after 270 days.

This bill provides that the director, with the approval of the Attorney General, may extend the order for a maximum of two additional 270-day periods if the director determines that the imminent danger to the public health or safety warrants an extension.

As reported by the committee, Assembly Bill No. 4365 is identical to Senate Bill No. 2911, which also was reported by the committee on this same date.

SENATE, No. 2911

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JANUARY 23, 2017

Sponsored by:

Senator NILSA CRUZ-PEREZ
District 5 (Camden and Gloucester)
Senator FRED H. MADDEN, JR.
District 4 (Camden and Gloucester)

Co-Sponsored by:

Senator Bell

SYNOPSIS

Authorizes Division of Consumer Affairs to extend orders for controlled dangerous substances under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2017)

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3 General.

4 (cf: P.L.2015, c.34, s.1)

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SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

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DATED: DECEMBER 11, 2017

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