

45:14-12

LEGISLATIVE HISTORY CHECKLIST

NJSA 45:14-12  
 Laws of 1973 Chapter 125  
 Bill No. S 2297  
 Sponsor(s) Dumont  
 Date Introduced April 26, 1973  
 Committee: Assembly -----  
 Senate -----

Amended during passage ~~Yes~~ No  
 Date of passage: Assembly April 30  
 Senate April 26  
 Date of approval May 10

Following statements are attached if available:

Sponsor statement	Yes	<del>No</del>
Committee Statement:	Assembly	<del>Yes</del> No
	Senate	<del>Yes</del> No
Fiscal Note	<del>Yes</del>	No
Veto message	<del>Yes</del>	No
Message on signing	Yes	<del>No</del>
Following were printed:		
Reports	<del>Yes</del>	No
Hearings	<del>Yes</del>	No

Do Not Remove From Library  
 DEPOSITORY COPY

10/4/76

**SENATE, No. 2297**

**STATE OF NEW JERSEY**

INTRODUCED APRIL 26, 1973

By Senators DUMONT, TURNER, HAGEDORN, BROWN, McGAHN,  
MUSTO and THOMAS

(Without Reference)

AN ACT concerning the professional conduct and practice of pharmacists, permitting senior citizen discounts on the sale of drugs and medications, and amending R. S. 45:14-12.

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

1 1. R. S. 45:14-12 is amended to read as follows:

2 45:14-12. The board may refuse an application for examination  
3 or may suspend or revoke the certificate of a registered pharmacist  
4 or a registered assistant pharmacist for any of the following  
5 causes: When the application or registration is shown to have been  
6 obtained by misrepresentation or fraudulent means or when the  
7 applicant or registrant is guilty of chronic or persistent inebriety,  
8 or has been adjudged guilty of violating any State or Federal law  
9 or any law of the District of Columbia or of any territory of the  
10 United States relating to the practice of pharmacy, or relating to  
11 the dispensing of drugs, or has been convicted of a crime involving  
12 moral turpitude, or has impersonated an applicant for registration  
13 before the board or has been convicted of knowingly, intentionally  
14 or fraudulently adulterating or causing to be adulterated drugs,  
15 chemicals or medicinal preparations or has sold or caused to be  
16 sold adulterated drugs, chemicals or medicinal preparations know-  
17 ing, or having reason to know, that same were adulterated, or has  
18 procured or attempted to procure registration for another by mis-  
19 representation or fraudulent means, and the board shall refuse an  
20 application for examination or suspend or revoke the certificate  
21 of a registered pharmacist or a registered assistant pharmacist  
22 when the applicant or registrant is shown to be addicted to the use  
23 of narcotic drugs, or has been convicted of violating any law of  
24 this or any other state or of the United States relating to narcotic  
25 drugs or has been adjudicated an incompetent, or is shown to have

26 any abnormal physical or mental condition which threatens the  
27 safety of persons to whom said applicant or registrant might sell  
28 or dispense prescriptions, drugs, chemicals, medicinal preparations  
29 or devices or for whom he might manufacture, prepare or package,  
30 or supervise the manufacturing, preparation or packaging of  
31 prescriptions, drugs, chemicals, medicinal preparations or devices.  
32 In addition, the board may refuse an application for examination  
33 or may suspend or revoke the certificate of a registered pharmacist  
34 or a registered assistant pharmacist upon proof satisfactory to the  
35 board that such registered pharmacist or such registered assistant  
36 pharmacist is guilty of grossly unprofessional conduct and the  
37 following acts are hereby declared to constitute grossly unprofes-  
38 sional conduct for the purpose of this act:

39 a. Paying rebates or entering into an agreement for payment of  
40 rebates to any physician, dentist or other person for the recom-  
41 mending of the services of any person.

42 b. The providing or causing to be provided to a physician, dentist,  
43 veterinarian or other persons authorized to prescribe, prescription  
44 blanks or forms bearing the pharmacist's or pharmacy's name,  
45 address or other means of identification.

46 c. The promotion, direct or indirect, by any means, in any form  
47 and through any media of the prices for prescription drugs and  
48 narcotics or fees or for services relating thereto or any reference  
49 to the price of said drugs or prescriptions whether specifically or  
50 as a percentile of prevailing prices or by the use of the terms  
51 "cut rate," "discount," "bargain" or terms of similar connota-  
52 tion; but this shall not include the term nonprofit if such term is  
53 used by a nonprofit entity; and this paragraph shall not be con-  
54 strued or apply to have any effect with respect to sales made by  
55 pharmacists or pharmacies directly to physicians, dentists, veteri-  
56 narians or other persons authorized to prescribe, or to hospitals,  
57 nursing homes, governmental agencies, or other institutions licensed  
58 under Title 30 of the Revised Statutes, as amended or to the ad-  
59 vertising or issuance of trading stamps and similar devices in  
60 connection with the sale of said prescription drugs and narcotics.

61 d. The claiming of professional superiority in the compounding  
62 or filling of prescriptions or in any manner implying professional  
63 superiority which may reduce public confidence in the ability,  
64 character or integrity of other pharmacists.

65 e. Fostering the interest of one group of patients at the expense  
66 of another which compromises the quality or extent of professional  
67 services or facilities made available.

68 f. The distribution of premiums or rebates of any kind whatever  
69 in connection with the sale of drugs and medications provided,  
70 however, that trading stamps and similar devices shall not be  
71 considered to be rebates for the purposes of this chapter *and*  
72 *provided further that discounts, premiums and rebates may be*  
73 *provided in connection with the sale of drugs and medications to*  
74 *any person who is 62 years of age or older.* Before a certificate  
75 shall be refused, suspended or revoked, the accused person shall  
76 be furnished with a copy of the complaint and given a hearing  
77 before the board. Any person whose certificate is so suspended or  
78 revoked shall be deemed an unregistered person during the period  
79 of such suspension or revocation, and as such shall be subject to  
80 the penalties prescribed in this chapter, but such person may, at  
81 the discretion of the board, have his certificate reinstated at any  
82 time without an examination, upon application to the board. Any  
83 person to whom a certificate shall be denied by the board or whose  
84 certificate shall be suspended or revoked by the board shall have  
85 the right to review such action by appeal to the Appellate Division  
86 of the Superior Court in lieu of prerogative writ.

1 2. This act shall take effect immediately.

---

#### STATEMENT

This bill would amend the law governing the professional conduct and practice of pharmacists, to specify that giving discounts, premiums or rebates in connection with the sale of drugs and medications to persons who are 62 years of age or older does not constitute grossly unprofessional conduct and grounds for the revocation or suspension of a pharmacist's certificate. Under the existing statute, providing any kind of premium or rebate, other than trading stamps, is grounds for suspension or revocation.

The purpose of this bill is to clarify the present law so that pharmacists may grant senior citizen discounts without endangering their professional standing, and also to allow them to give premiums and rebates on sales to senior citizens.

S 2297 (1973)

FROM THE OFFICE OF THE GOVERNOR

May 10, 1975

FOR IMMEDIATE RELEASE

Gov. William T. Cahill today signed into law a bill to provide a State-subsidized program of bus transportation for senior citizens at half fare.

At the same time, the Governor signed into law two other bills to assist New Jersey's 750,000 citizens who are 62 years old or over:

-- A measure to make it clear that pharmacists may legally sell drugs and medications to senior citizens at discount prices or with rebates. 52297 ✓

-- A bill implementing the Constitutional Amendment approved by the voters last November to permit senior citizens organizations to conduct bingo games to raise funds to finance their activities.

"It is my sincere hope," Gov. Cahill said, "that these bills will help make life easier and more enjoyable for our senior citizens, to whom we all owe so much."

Public transportation and the opportunity to purchase medication at the lowest possible cost, the Governor stated, are two of the most urgent needs of the elderly. The bingo law, he added, will enable senior citizens to enjoy playing bingo while at the same time making a profit from the games.

The Governor thanked the Legislature for passing the Cahill Administration's senior citizens bus and discount drug price bill under emergency suspension of the rules on the closing days of the recent legislative session.

The bus bill, S-2303, was sponsored by Sen. John F. Brown of Ocean County. Sen. Wayne Dumont of Warren County sponsored the drug price measure, S-2297. Assemblywoman Josephine S. Margetts of Morris County sponsored the bingo bill, A-1589.

The bus bill directs the State Commissioner of Transportation to establish within 120 days a program to provide intra-state bus passenger service for New Jersey residents 62 or over at one-half of regular adult fares during non-peak hours. The half-fare rides would be available all day on Saturdays, Sunday, and holidays and on weekdays, except from 6 a.m. to 9:30 a.m. and except from 4 p.m. to 7 p. m.

The measure appropriates \$6.4 million to cover the projected cost for the first year.

The bill making discount sales of drugs and medications permissible for senior citizens is an amendment to clarify the existing law. The present statute says that providing any kind of premium or rebate, other than trading stamps, is grounds for possible suspension or revocation of a pharmacist's license.

Gov. Cahill said today that, although the bill is entirely permissive, it is his hope that his signing will encourage more pharmacists to make discounts available to senior citizens.

The Governor urged senior citizens organizations to cooperate with the State Board of Pharmacy and the New Jersey Pharmaceutical Association in developing fair guidelines to implement the voluntary program.

In signing A-1589, Gov. Cahill recalled that the senior citizens bingo referendum was approved overwhelmingly last November. He said that senior citizens clubs now will be able to apply for a license to conduct bingo games from municipalities which have adopted the bingo licensing law.

###