



# **LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 1998

**CHAPTER:**78

**NJSA:**45:14-14

"Drugs -- Schedule II -- hospice and long-term care patients"

**BILL NO:**A2188 (Substituted for S1214)

**SPONSOR(S):**Murphy and Vandervalk

**DATE INTRODUCED:**June 11, 1998

**COMMITTEE:**

**ASSEMBLY:**Health

**SENATE:**~~~~

**AMENDED DURING PASSAGE:**No

**DATE OF PASSAGE:**

**ASSEMBLY:**June 25, 1998

**SENATE:**June 29, 1998

**DATE OF APPROVAL:**August 14, 1998

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## **THE FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** Original

**A2188**

**SPONSORS STATEMENT:** *Yes* (Begins on page 3 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:***Yes*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**S1214**

**SPONSORS STATEMENT:** *Yes* (Begins on page 3 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *Yes* (Identical to Assembly Statement for A2188)

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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**THE FOLLOWING WERE PRINTED:**

*To check for circulating copies contact New Jersey State Government Publications at the State Library  
(609) 278-2640 ext. 102 or [refdesk@njstatelib.org](mailto:refdesk@njstatelib.org)*

**REPORTS:** *No*

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:**

"Bill would let MDs fax painkiller prescriptions," 6-30-98, Newark Star Ledger, p.15.

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# ASSEMBLY, No. 2188

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## STATE OF NEW JERSEY

### 208th LEGISLATURE

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INTRODUCED JUNE 11, 1998

**Sponsored by:**

**Assemblywoman CAROL J. MURPHY**

**District 26 (Essex, Morris and Passaic)**

**Assemblywoman CHARLOTTE VANDERVALK**

**District 39 (Bergen)**

**Co-Sponsored by:**

**Senator Sinagra**

**SYNOPSIS**

Allows dispensing of Schedule II drugs for long-term care facility and hospice residents with prescription sent by facsimile.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/1998)**

1 AN ACT concerning the prescribing of controlled dangerous  
2 substances and amending R.S.45:14-14.

3

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

6

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

8 45:14-14. The term "prescription" as used in R.S.45:14-13, and  
9 R.S.45:14-15 to R.S.45:14-17 means an order for drugs or medicines  
10 or combinations or mixtures thereof, written or signed by a duly  
11 licensed physician, dentist, optometrist, veterinarian, other medical  
12 practitioner, a certified nurse midwife, a nurse practitioner/clinical  
13 nurse specialist or a physician assistant, licensed or approved to write  
14 prescriptions intended for the treatment or prevention of disease in  
15 man or animals, and includes orders for drugs or medicines or  
16 combinations or mixtures thereof, on a New Jersey Prescription Blank  
17 obtained from a vendor approved by the Division of Consumer Affairs  
18 in the Department of Law and Public Safety pursuant to section 6 of  
19 P.L.1996, c.154.(C.45:14-14.6), transmitted to pharmacists through  
20 word of mouth, telephone, telegraph or other means of communication  
21 by a duly licensed physician, dentist, optometrist, veterinarian, other  
22 medical practitioner, a certified nurse midwife, a nurse  
23 practitioner/clinical nurse specialist or a physician assistant, licensed  
24 or approved to write prescriptions intended for the treatment or  
25 prevention of disease in man or animals, and such prescriptions  
26 received by word of mouth, telephone, telegraph or other means of  
27 communication shall be recorded in writing by the pharmacist and the  
28 record so made by the pharmacist shall constitute the original  
29 prescription to be filed by the pharmacist as provided for in  
30 R.S.45:14-15, but no prescription, for any narcotic drug, except as  
31 provided in section 15 of P.L.1970, c.226 (C.24:21-15), shall be given  
32 or transmitted to pharmacists, in any other manner, than in writing  
33 signed by the physician, dentist, veterinarian, other medical  
34 practitioner, certified nurse midwife, nurse practitioner/clinical nurse  
35 specialist or a physician assistant, giving or transmitting the same, nor  
36 shall such prescription be renewed or refilled. The requirement in this  
37 section that a prescription for any narcotic drug be given or  
38 transmitted to pharmacists in writing signed by the prescriber, shall not  
39 apply to a prescription for a Schedule II drug written for a long-term  
40 care facility resident or hospice patient if that prescription is  
41 transmitted or prepared in compliance with federal Drug Enforcement  
42 Administration regulations 21 C.F.R.1306.11(d), (e), (f) and (g).  
43 (cf: P.L.1996, c.154, s.8)

**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       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill provides that the requirement in R.S.45:14-14, that a  
7       prescription for any narcotic drug be given or transmitted to  
8       pharmacists in writing signed by the prescriber, shall not apply to  
9       prescriptions for Schedule II drugs written for long-term care facility  
10      residents and hospice patients if those prescriptions are transmitted or  
11      prepared in compliance with federal Drug Enforcement Administration  
12      (DEA) regulations 21 C.F.R.1306.11(d), (e), (f) and (g).

13      Federal DEA regulations 21 C.F.R.1306.11(d) allow a pharmacist  
14      to dispense a Schedule II narcotic in an emergency situation upon  
15      receiving oral authorization from an authorized prescriber if the  
16      quantity prescribed is limited to the amount adequate to treat the  
17      patient during the emergency period, and if the prescriber delivers a  
18      written prescription for the drugs to the dispensing pharmacist within  
19      seven days. Federal DEA regulations 21 C.F.R.1306.11 (e), (f) and  
20      (g) permit the transmittance of a prescription for a Schedule II drug to  
21      be made by facsimile if the drug will be directly administered to a  
22      patient by parenteral, intravenous, intramuscular, subcutaneous or  
23      intraspinal infusion, or if the patient is a resident in a long-term care  
24      facility or a hospice.

25      By allowing a prescriber to submit a Schedule II drug prescription  
26      by facsimile, the provisions of this bill will help ensure that long-term  
27      care facility residents and hospice patients receive the pain medications  
28      they need, when they need them, without having to wait until an  
29      authorized prescriber is present at the facility to write such a  
30      prescription or sends a written prescription on a New Jersey  
31      Prescription Blank to the dispensing pharmacist, as is currently  
32      required by law.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2188

# STATE OF NEW JERSEY

DATED: JUNE 15, 1998

The Assembly Health Committee reports favorably Assembly Bill No. 2188.

This bill provides that the requirement in R.S.45:14-14, that a prescription for any narcotic drug be given or transmitted to pharmacists in writing signed by the prescriber, shall not apply to prescriptions for Schedule II drugs written for long-term care facility residents and hospice patients if those prescriptions are transmitted or prepared in compliance with federal Drug Enforcement Administration (DEA) regulations at 21 C.F.R.1306.11(d), (e), (f) and (g).

Federal DEA regulations at 21 C.F.R.1306.11(d) allow a pharmacist to dispense a Schedule II narcotic in an emergency situation upon receiving oral authorization from an authorized prescriber if the quantity prescribed is limited to the amount adequate to treat the patient during the emergency period, and if the prescriber delivers a written prescription for the drugs to the dispensing pharmacist within seven days. The regulations require that the pharmacist notify the nearest DEA office if the prescriber fails to deliver a written prescription to him within the seven-day period; failure by the pharmacist to do so shall void the authority to dispense without a written prescription by a prescriber.

Federal DEA regulations at 21 C.F.R.1306.11 (e), (f) and (g) permit the transmittance of a prescription for a Schedule II drug to be made by facsimile if the drug will be directly administered to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion, or if the patient is a resident in a long-term care facility or a hospice.

By allowing a prescriber to submit a Schedule II drug prescription by facsimile, the provisions of this bill will help ensure that long-term care facility residents and hospice patients receive the pain medications they need, when they need them, without having to wait until an authorized prescriber is present at the facility to write such a prescription or sends a written prescription on a New Jersey Prescription Blank to the dispensing pharmacist, as is currently required by law.

**SENATE, No. 1214**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED JUNE 22, 1998

**Sponsored by:**  
**Senator JACK SINAGRA**  
**District 18 (Middlesex)**

**SYNOPSIS**

Allows dispensing of Schedule II drugs for long-term care facility and hospice residents with prescription sent by facsimile.

**CURRENT VERSION OF TEXT**

As introduced.



S1214 SINAGRA

2

1 AN ACT concerning the prescribing of controlled dangerous  
2 substances and amending R.S.45:14-14.

3

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

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9 R.S.45:14-15 to R.S.45:14-17 means an order for drugs or medicines  
10 or combinations or mixtures thereof, written or signed by a duly  
11 licensed physician, dentist, optometrist, veterinarian, other medical  
12 practitioner, a certified nurse midwife, a nurse practitioner/clinical  
13 nurse specialist or a physician assistant, licensed or approved to write  
14 prescriptions intended for the treatment or prevention of disease in  
15 man or animals, and includes orders for drugs or medicines or  
16 combinations or mixtures thereof, on a New Jersey Prescription Blank  
17 obtained from a vendor approved by the Division of Consumer Affairs  
18 in the Department of Law and Public Safety pursuant to section 6 of  
19 P.L.1996, c.154.(C.45:14-14.6), transmitted to pharmacists through  
20 word of mouth, telephone, telegraph or other means of communication  
21 by a duly licensed physician, dentist, optometrist, veterinarian, other  
22 medical practitioner, a certified nurse midwife, a nurse  
23 practitioner/clinical nurse specialist or a physician assistant, licensed  
24 or approved to write prescriptions intended for the treatment or  
25 prevention of disease in man or animals, and such prescriptions  
26 received by word of mouth, telephone, telegraph or other means of  
27 communication shall be recorded in writing by the pharmacist and the  
28 record so made by the pharmacist shall constitute the original  
29 prescription to be filed by the pharmacist as provided for in  
30 R.S.45:14-15, but no prescription, for any narcotic drug, except as  
31 provided in section 15 of P.L.1970, c.226 (C.24:21-15), shall be given  
32 or transmitted to pharmacists, in any other manner, than in writing  
33 signed by the physician, dentist, veterinarian, other medical  
34 practitioner, certified nurse midwife, nurse practitioner/clinical nurse  
35 specialist or a physician assistant, giving or transmitting the same, nor  
36 shall such prescription be renewed or refilled. The requirement in this  
37 section that a prescription for any narcotic drug be given or  
38 transmitted to pharmacists in writing signed by the prescriber, shall not  
39 apply to a prescription for a Schedule II drug written for a long-term  
40 care facility resident or hospice patient if that prescription is  
41 transmitted or prepared in compliance with federal Drug Enforcement  
42 Administration regulations 21 C.F.R.1306.11(d), (e), (f) and (g).  
43 (cf: P.L.1996, c.154, s.8)

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

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1       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill provides that the requirement in R.S.45:14-14, that a  
7 prescription for any narcotic drug be given or transmitted to  
8 pharmacists in writing signed by the prescriber, shall not apply to  
9 prescriptions for Schedule II drugs written for long-term care facility  
10 residents and hospice patients if those prescriptions are transmitted or  
11 prepared in compliance with federal Drug Enforcement Administration  
12 (DEA) regulations 21 C.F.R.1306.11(d), (e), (f) and (g).

13       Federal DEA regulations 21 C.F.R.1306.11(d) allow a pharmacist  
14 to dispense a Schedule II narcotic in an emergency situation upon  
15 receiving oral authorization from an authorized prescriber if the  
16 quantity prescribed is limited to the amount adequate to treat the  
17 patient during the emergency period, and if the prescriber delivers a  
18 written prescription for the drugs to the dispensing pharmacist within  
19 seven days. The regulations require that the pharmacist notify the  
20 nearest DEA office if the prescriber fails to deliver a written  
21 prescription to him within the seven-day period; failure by the  
22 pharmacist to do so shall void the authority to dispense without a  
23 written prescription by a prescriber. Federal DEA regulations  
24 21 C.F.R.1306.11 (e), (f) and (g) permit the transmittance of a  
25 prescription for a Schedule II drug to be made by facsimile if the drug  
26 will be directly administered to a patient by parenteral, intravenous,  
27 intramuscular, subcutaneous or intraspinal infusion, or if the patient is  
28 a resident in a long-term care facility or a hospice.

29       By allowing a prescriber to submit a Schedule II drug prescription  
30 by facsimile, the provisions of this bill will help ensure that long-term  
31 care facility residents and hospice patients receive the pain medications  
32 they need, when they need them, without having to wait until an  
33 authorized prescriber is present at the facility to write such a  
34 prescription or sends a written prescription on a New Jersey  
35 Prescription Blank to the dispensing pharmacist, as is currently  
36 required by law.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 1214

# STATE OF NEW JERSEY

DATED: JUNE 25, 1998

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1214.

This bill provides that the requirement in R.S.45:14-14, that a prescription for any narcotic drug be given or transmitted to pharmacists in writing signed by the prescriber, shall not apply to prescriptions for Schedule II drugs written for long-term care facility residents and hospice patients if those prescriptions are transmitted or prepared in compliance with federal Drug Enforcement Administration (DEA) regulations 21 C.F.R.1306.11(d), (e), (f) and (g).

Federal DEA regulations 21 C.F.R.1306.11(d) allow a pharmacist to dispense a Schedule II narcotic in an emergency situation upon receiving oral authorization from an authorized prescriber if the quantity prescribed is limited to the amount adequate to treat the patient during the emergency period, and if the prescriber delivers a written prescription for the drugs to the dispensing pharmacist within seven days. The regulations require that the pharmacist notify the nearest DEA office if the prescriber fails to deliver a written prescription to him within the seven-day period; failure by the pharmacist to do so shall void the authority to dispense without a written prescription by a prescriber. Federal DEA regulations 21 C.F.R.1306.11 (e), (f) and (g) permit the transmittance of a prescription for a Schedule II drug to be made by facsimile if the drug will be directly administered to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion, or if the patient is a resident in a long-term care facility or a hospice.

By allowing a prescriber to submit a Schedule II drug prescription by facsimile, the provisions of this bill will help ensure that long-term care facility residents and hospice patients receive the pain medications they need, when they need them, without having to wait until an authorized prescriber is present at the facility to write such a prescription or sends a written prescription on a New Jersey Prescription Blank to the dispensing pharmacist, as is currently required by law.

#### FISCAL IMPACT

The Office of Legislative Services (OLS) believes that enactment of this legislation will have little or no fiscal impact.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Jayne O'Connor  
Gene Herman 609-777-2600

RELEASE: August 14, 1998

Gov. Christie Whitman today signed the following pieces of legislation:

A-2188, sponsored by Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic) and Charlotte Vandervalk (R-Bergen) and Senator Jack Sinagra (R-Middlesex), allows dispensing of Schedule I I drugs for long-term care facility and hospice residents with prescriptions sent by facsimile machine. The bill provides that the requirement in current law -- that a prescription for any narcotic drug be transmitted to pharmacists in writing signed by the prescriber -- shall not apply to prescriptions for Schedule I I drugs written for long-term care facility residents and hospice patients if those prescriptions are transmitted in compliance with federal Drug Enforcement Administration regulations. The bill is intended to ensure that seniors and hospice patients receive pain medications in a timely manner.

S-251/377/725/779 makes workers' compensation fraud a crime of the fourth degree. The bill makes it a crime of the fourth degree for a person to purposely or knowingly make a false or misleading statement concerning any fact material to a claim for benefits, or for evading the full payment of workers' compensation benefits or premiums, or coercing or encouraging any individual to make a false or misleading statement for obtaining benefits or evading the full payment of the benefits or premiums. Crimes of the fourth degree are punishable by a maximum of 18 months in prison or a fine of \$10,000 or both.

The bill was sponsored Senators Anthony R. Bucco (R-Morris), Senator Gerald E. Cardinale (R-Bergen), Senator Andrew R. Ciesla (R-Monmouth/Ocean) and Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland) and Assembly Members Kenneth C. LeFevre (R-Atlantic), James W. Holzapfel (R-Monmouth/Ocean), E. Scott Garrett (R-Sussex/Hunterdon/Morris) and Guy R. Gregg (R-Sussex/Hunterdon/Morris).

S-710, sponsored by Senator Andrew R. Ciesla (R-Monmouth/Ocean), which requires the Division of Motor Vehicles (DMV), to recognize the behind-the-wheel experience of secondary school driving instructors for the purpose of issuing a license to operate a commercial drivers' school. Under previous regulations, the DMV required an applicant for a drivers' school license, or an employee of the applicant, to have 500 hours' experience providing behind-the-wheel instruction in a commercial driving school. The previous DMV regulations did not recognize the behind-the-wheel instructional experience of secondary school driving instructors as satisfying the requirement.

S-642, sponsored by Senators Peter A. Inverso (R-Mercer/Middlesex) and John O. Bennett (R-Monmouth), designates the Sunday after Labor Day as "Grandparents'

Day" in New Jersey. Currently, under state law, the first full week of October is designated "Grandparents' Week." Pursuant to a federal proclamation adopted in 1978, Grandparents' Day is celebrated nationally on the second Sunday in September. The bill makes New Jersey's designation consistent with other states to allow for better coordination in honoring grandparents.

A-1995, sponsored by Assembly Members David C. Russo (R-Bergen/Passaic) and Wilfredo Caraballo (D-Essex) and Senator William L. Gormley (R-Atlantic), places the duty of investigating the financial status of persons requesting public defenders with the Administrative Office of the Courts (AOC) on a permanent basis. The function was legislatively transferred from the Office of the Public Defender to the AOC for a five-year trial period in 1988. The trial period was renewed in 1993, but expired earlier this year.