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[First Reprint]

**ASSEMBLY, No. 3799**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED MARCH 5, 2009

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington and Camden)**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblywoman NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

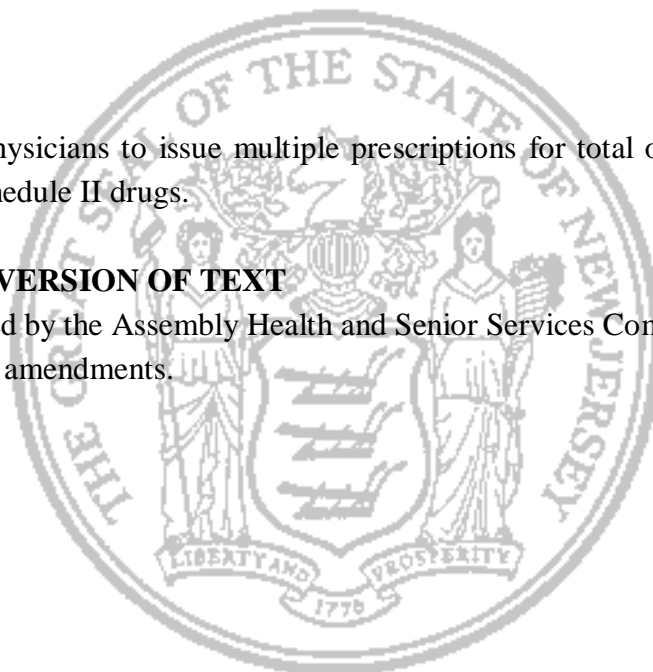
**Assemblyman Connors, Assemblywoman Handlin, Assemblyman Schaer,  
Senators Weinberg, Codey and Turner**

**SYNOPSIS**

Permits physicians to issue multiple prescriptions for total of up to 90-day supply of Schedule II drugs.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health and Senior Services Committee on May 7, 2009, with amendments.



**(Sponsorship Updated As Of: 6/26/2009)**

1 AN ACT concerning the prescribing of controlled dangerous  
2 substances, and amending P.L.1997, c.249.

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

6  
7 1. Section 1 of P.L.1997, c. 249 (C.45:9-22.19) is amended to  
8 read as follow:

9 1. a. A physician licensed pursuant to chapter 9 of Title 45 of  
10 the Revised Statutes may prescribe a Schedule II controlled  
11 dangerous substance for the use of a patient in any quantity which  
12 does not exceed a 30-day supply, as defined by regulations adopted  
13 by the State Board of Medical Examiners in consultation with the  
14 Department of Health and Senior Services. The physician shall  
15 document the diagnosis and the medical need for the prescription in  
16 the patient's medical record, in accordance with guidelines  
17 established by the State Board of Medical Examiners.

18 b. A physician may issue multiple prescriptions authorizing the  
19 patient to receive a total of up to a 90-day supply of a Schedule II  
20 controlled dangerous substance, provided that the following  
21 conditions are met:

22 (1) each separate prescription is issued for a legitimate medical  
23 purpose by the physician acting in the usual course of professional  
24 practice;

25 (2) the physician provides written instructions on each  
26 prescription, other than the first prescription if it is to be filled  
27 immediately, indicating the earliest date on which a pharmacy may  
28 fill each prescription;

29 (3) the physician determines that providing the patient with  
30 multiple prescriptions in this manner does not create an undue risk  
31 of diversion or abuse; and

32 (4) the physician complies with all other applicable State and  
33 federal laws <sup>1</sup>and regulations<sup>1</sup> .

34 (cf: P.L.1997, c.249, s.1)

35  
36 2. The State Board of Medical Examiners in consultation with  
37 the Commissioner of Health and Senior Services, pursuant to the  
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
39 seq.), shall adopt rules and regulations to effectuate the purposes of  
40 this act.

41  
42 3. This act shall take effect on the first day of the month next  
43 following the date of enactment by 90 days, but the State Board of

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHE committee amendments adopted May 7, 2009.

**A3799 [1R] CONAWAY, STENDER**

3

- 1 Medical Examiners may take such anticipatory administrative
- 2 action in advance thereof as shall be necessary for the
- 3 implementation of this act.

# ASSEMBLY, No. 3799

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MARCH 5, 2009

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington and Camden)**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

**Assemblyman Connors**

**SYNOPSIS**

Permits physicians to issue multiple prescriptions for total of up to 90-day supply of Schedule II drugs.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/6/2009)**

1 AN ACT concerning the prescribing of controlled dangerous  
2 substances, and amending P.L.1997, c.249.

3

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

6

7 1. Section 1 of P.L.1997, c.249 (C.45:9-22.19) is amended to  
8 read as follow:

9 1. a. A physician licensed pursuant to chapter 9 of Title 45 of  
10 the Revised Statutes may prescribe a Schedule II controlled  
11 dangerous substance for the use of a patient in any quantity which  
12 does not exceed a 30-day supply, as defined by regulations adopted  
13 by the State Board of Medical Examiners in consultation with the  
14 Department of Health and Senior Services. The physician shall  
15 document the diagnosis and the medical need for the prescription in  
16 the patient's medical record, in accordance with guidelines  
17 established by the State Board of Medical Examiners.

18 b. A physician may issue multiple prescriptions authorizing the  
19 patient to receive a total of up to a 90-day supply of a Schedule II  
20 controlled dangerous substance, provided that the following  
21 conditions are met:

22 (1) each separate prescription is issued for a legitimate medical  
23 purpose by the physician acting in the usual course of professional  
24 practice;

25 (2) the physician provides written instructions on each  
26 prescription, other than the first prescription if it is to be filled  
27 immediately, indicating the earliest date on which a pharmacy may  
28 fill each prescription;

29 (3) the physician determines that providing the patient with  
30 multiple prescriptions in this manner does not create an undue risk  
31 of diversion or abuse; and

32 (4) the physician complies with all other applicable State and  
33 federal laws.

34 (cf: P.L.1997, c.249, s.1)

35

36 2. The State Board of Medical Examiners in consultation with  
37 the Commissioner of Health and Senior Services, pursuant to the  
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
39 seq.), shall adopt rules and regulations to effectuate the purposes of  
40 this act.

41

42 3. This act shall take effect on the first day of the month next  
43 following the date of enactment by 90 days, but the State Board of

**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 Medical Examiners may take such anticipatory administrative  
2 action in advance thereof as shall be necessary for the  
3 implementation of this act.

4

5

6

STATEMENT

7

8 This bill would permit a physician to issue up to three  
9 prescriptions authorizing the patient to receive a total of up to a 90-  
10 day supply of a Schedule II controlled dangerous substance, such as  
11 Ritalin, if:

- 12 • each separate prescription is issued for a legitimate  
13 medical purpose by the physician acting in the usual  
14 course of professional practice;
- 15 • the physician provides written instructions on each  
16 prescription (other than the first prescription if it is to be  
17 filled immediately) indicating the earliest date on which a  
18 pharmacy may fill each prescription;
- 19 • the physician determines that providing the patient with  
20 multiple prescriptions in this manner does not create an  
21 undue risk of diversion or abuse; and
- 22 • the physician complies with all other applicable State and  
23 federal laws.

24 Individuals in New Jersey who suffer from chronic conditions or  
25 illnesses and require Schedule II controlled dangerous substances  
26 typically must obtain a new prescription every 30 days. The  
27 purpose of this bill is to relieve the burden for patients on  
28 maintenance Schedule II controlled dangerous substances if the  
29 prescribing physician determines that there is not an undue risk of  
30 diversion or abuse.

31 The provisions of this bill are not intended to require or  
32 encourage physicians to issue multiple prescriptions, or to see their  
33 patients only once every 90 days when prescribing Schedule II  
34 controlled dangerous substances. Individual practitioners must  
35 determine on their own, based on sound medical judgment and in  
36 accordance with established medical standards whether it is  
37 appropriate to issue multiple prescriptions and how often to see  
38 their patients when doing so.



# ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3799**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 7, 2009

The Assembly Health and Senior Services Committee reports favorably and with committee amendments Assembly Bill No. 3799.

As amended by the committee, this bill authorizes a physician to issue multiple prescriptions for a Schedule II controlled dangerous substance, such as Ritalin, under certain circumstances.

Specifically, the bill permits a physician to issue up to three prescriptions authorizing the patient to receive a total of up to a 90-day supply of a Schedule II substance, if:

- each separate prescription is issued for a legitimate medical purpose by the physician acting in the usual course of professional practice;
- the physician provides written instructions on each prescription (other than the first prescription if it is to be filled immediately) indicating the earliest date on which a pharmacy may fill each prescription;
- the physician determines that providing the patient with multiple prescriptions in this manner does not create an undue risk of diversion or abuse; and
- the physician complies with all other applicable State and federal laws and regulations.

This bill is intended to relieve the burden on patients who require the use of maintenance Schedule II controlled dangerous substances, and who must now typically obtain a new prescription every 30 days, if the prescribing physician determines that there is not an undue risk of diversion or abuse.

The provisions of the bill are not intended to require or encourage physicians to issue multiple prescriptions, or to see their patients only once every 90 days when prescribing Schedule II controlled dangerous substances. Individual practitioners must determine on their own, based on sound medical judgment and in accordance with established medical standards, whether it is appropriate to issue multiple prescriptions and how often to see their patients when doing so.

As reported by the committee, this bill is identical to Senate Bill No. 2550 (1R) (Weinberg/Codey), which is currently pending before the Senate.

COMMITTEE AMENDMENTS

The committee amendments to the bill require that a physician who issues multiple prescriptions for a Schedule II controlled dangerous substance comply with all other applicable State and federal regulations, as well as laws.

# SENATE, No. 2550

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 2, 2009

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**SYNOPSIS**

Permits physicians to issue multiple prescriptions for total of up to 90-day supply of Schedule II drugs.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 2/3/2009)

1 AN ACT concerning the prescribing of controlled dangerous  
2 substances, and amending P.L.1997, c.249.

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

6  
7 1. Section 1 of P.L.1997, c. 249 (C.45:9-22.19) is amended to  
8 read as follow:

9 1. a. A physician licensed pursuant to chapter 9 of Title 45 of  
10 the Revised Statutes may prescribe a Schedule II controlled  
11 dangerous substance for the use of a patient in any quantity which  
12 does not exceed a 30-day supply, as defined by regulations adopted  
13 by the State Board of Medical Examiners in consultation with the  
14 Department of Health and Senior Services. The physician shall  
15 document the diagnosis and the medical need for the prescription in  
16 the patient's medical record, in accordance with guidelines  
17 established by the State Board of Medical Examiners.

18 b. A physician may issue multiple prescriptions authorizing the  
19 patient to receive a total of up to a 90-day supply of a Schedule II  
20 controlled dangerous substance, provided that the following  
21 conditions are met:

22 (1) each separate prescription is issued for a legitimate medical  
23 purpose by the physician acting in the usual course of professional  
24 practice;

25 (2) the physician provides written instructions on each  
26 prescription, other than the first prescription if it is to be filled  
27 immediately, indicating the earliest date on which a pharmacy may  
28 fill each prescription;

29 (3) the physician determines that providing the patient with  
30 multiple prescriptions in this manner does not create an undue risk  
31 of diversion or abuse; and

32 (4) the physician complies with all other applicable State and  
33 federal laws.

34 (cf: P.L.1997, c.249, s.1)

35  
36 2. The State Board of Medical Examiners in consultation with  
37 the Commissioner of Health and Senior Services, pursuant to the  
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
39 seq.), shall adopt rules and regulations to effectuate the purposes of  
40 this act.

41  
42 3. This act shall take effect on the first day of the month next  
43 following the date of enactment by 90 days, but the State Board of  
44 Medical Examiners may take such anticipatory administrative

**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 action in advance thereof as shall be necessary for the  
2 implementation of this act.

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STATEMENT

6

7 This bill would permit a physician to issue up to three  
8 prescriptions authorizing the patient to receive a total of up to a 90-  
9 day supply of a Schedule II controlled dangerous substance, such as  
10 Ritalin, if:

- 11 • each separate prescription is issued for a legitimate  
12 medical purpose by the physician acting in the usual  
13 course of professional practice;
- 14 • the physician provides written instructions on each  
15 prescription (other than the first prescription if it is to be  
16 filled immediately) indicating the earliest date on which a  
17 pharmacy may fill each prescription;
- 18 • the physician determines that providing the patient with  
19 multiple prescriptions in this manner does not create an  
20 undue risk of diversion or abuse; and
- 21 • the physician complies with all other applicable State and  
22 federal laws.

23 Individuals in New Jersey who suffer from chronic conditions or  
24 illnesses and require Schedule II controlled dangerous substances  
25 typically must obtain a new prescription every 30 days. The  
26 purpose of this bill is to relieve the burden for patients on  
27 maintenance Schedule II controlled dangerous substances if the  
28 prescribing physician determines that there is not an undue risk of  
29 diversion or abuse.

30 The provisions of this bill are not intended to require or  
31 encourage physicians to issue multiple prescriptions, or to see their  
32 patients only once every 90 days when prescribing Schedule II  
33 controlled dangerous substances. Individual practitioners must  
34 determine on their own, based on sound medical judgment and in  
35 accordance with established medical standards whether it is  
36 appropriate to issue multiple prescriptions and how often to see  
37 their patients when doing so.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 2550**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 10, 2009

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 2550.

As amended by the committee, this bill would permit a physician to issue up to three prescriptions authorizing the patient to receive a total of up to a 90-day supply of a Schedule II controlled dangerous substance, such as Ritalin, if:

- each separate prescription is issued for a legitimate medical purpose by the physician acting in the usual course of professional practice;
- the physician provides written instructions on each prescription (other than the first prescription if it is to be filled immediately) indicating the earliest date on which a pharmacy may fill each prescription;
- the physician determines that providing the patient with multiple prescriptions in this manner does not create an undue risk of diversion or abuse; and
- the physician complies with all other applicable State and federal laws and regulations.

Individuals in New Jersey who suffer from chronic conditions or illnesses and require Schedule II controlled dangerous substances typically must obtain a new prescription every 30 days. The purpose of this bill is to relieve the burden for patients on maintenance Schedule II controlled dangerous substances if the prescribing physician determines that there is not an undue risk of diversion or abuse.

The provisions of this bill are not intended to require or encourage physicians to issue multiple prescriptions, or to see their patients only once every 90 days when prescribing Schedule II controlled dangerous substances. Individual practitioners must determine on their own, based on sound medical judgment and in accordance with established medical standards whether it is appropriate to issue multiple prescriptions and how often to see their patients when doing so.

The committee amended the bill to clarify that a physician must comply with all other applicable State and federal laws “and regulations,” in recognition of the fact that specific relevant federal requirements with respect to prescribing Schedule II controlled dangerous substances are set forth in regulation rather than in the law.

As amended, this bill is similar to Assembly Bill No. 3799 (Conaway/Conners), which is pending in the Assembly Health and Senior Services Committee.