



**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Law orders pharmacists to fill Rxs," The Times, 11-3-07, p.A5.

"A new state law requires that all prescriptions be filled without delay," Asbury Park Press, 11-3-07, p.A3.

"Pharmacies must fill all prescriptions," Courier News, 11-3-07, p.A3.

"Pharmacies must fill all prescriptions," Home News Tribune, 11-3-07, p.A4.

"Law requires pharmacists to provide pill or referral," Courier-Post, 11-3-07, p.1B.

IS 5/22/08

P.L. 2007, CHAPTER 199, *approved November 2, 2007*  
Senate Committee Substitute (*First Reprint*) for  
Senate, No. 1195

1 AN ACT concerning the dispensing of medications and  
2 supplementing P.L.2003, c.280 (C.45:14-40 et seq.).  
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:  
6

7 1. a. A pharmacy practice site has a duty to properly fill lawful  
8 prescriptions for prescription drugs or devices that it carries for  
9 customers, without undue delay, despite any conflicts of employees  
10 to filling a prescription and dispensing a particular prescription drug  
11 or device due to sincerely held moral, philosophical or religious  
12 beliefs.

13 b. If a pharmacy practice site does not have in stock a  
14 prescription drug or device that it carries, and a patient presents a  
15 prescription for that drug or device, the pharmacy practice site shall  
16 offer:

17 (1) to obtain the drug or device under its standard expedited  
18 ordering procedures; or

19 (2) to locate a pharmacy **['of the patient's choice']**<sup>1</sup> that 'is  
20 reasonably accessible to the patient and'<sup>1</sup> has the drug or device in  
21 stock<sup>1,1</sup> and transfer the prescription there in accordance with the  
22 pharmacy practice site's standard procedures.

23 The pharmacy practice site shall perform the patient's chosen  
24 option without delay. If the patient so requests, the pharmacist shall  
25 return an unfilled prescription to the patient.

26 c. 'If a pharmacy practice site does not carry a prescription drug  
27 or device, and a patient presents a prescription for that drug or  
28 device, the pharmacy practice site shall offer to locate a pharmacy  
29 that is reasonably accessible to the patient and has the drug or  
30 device in stock.

31 d.<sup>1</sup> A person who believes that a violation of this section has  
32 occurred may report the violation to the New Jersey State Board of  
33 Pharmacy.  
34

35 2. This act shall take effect immediately.  
36  
37  
38

39 Establishes pharmacy's duty to fill prescriptions for in-stock  
40 drugs or devices without delay, notwithstanding sincerely held  
41 moral, philosophical or religious beliefs of pharmacist.

**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> Senate floor amendments adopted June 22, 2006.

# SENATE, No. 1195

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 30, 2006

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**  
**District 4 (Camden and Gloucester)**  
**Senator JOSEPH F. VITALE**  
**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senator Buono**

**SYNOPSIS**

Prohibits pharmacist from refusing to dispense medication solely for philosophical, moral or religious reasons.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/12/2006)**

1 AN ACT concerning the dispensing of medications and amending  
2 P.L.2003, c.280.

3

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

6

7 1. Section 27 of P.L.2003, c.280 (C.45:14-66) is amended to  
8 read as follows:

9 27. a. A pharmacist shall conduct a drug utilization review  
10 before each new medication is dispensed or delivered to a patient.

11 b. A pharmacist shall conduct a prospective drug utilization  
12 review in accordance with the provisions of this section before  
13 refilling a prescription or medication order to the extent he deems  
14 appropriate in his professional judgment.

15 c. A pharmacist shall exercise independent professional  
16 judgment as to whether or not to dispense or refill a prescription or  
17 medication order. In determining to dispense or refill a prescription  
18 or medication order, the decision of the pharmacist shall not be  
19 arbitrary but shall be based on professional experience, knowledge  
20 or available reference materials. A pharmacist shall not refuse to  
21 dispense or refill a prescription or medication order solely on the  
22 grounds that to dispense or refill the prescription or medication  
23 order would contravene the pharmacist's philosophical, moral or  
24 religious beliefs.

25 (cf: P.L.2003, c.280, s.27)

26

27 2. This act shall take effect immediately.

28

29

30

#### STATEMENT

31

32 This bill amends the "New Jersey Pharmacy Practice Act"  
33 (N.J.S.A.45:14-40 et seq.) to provide an explicit statutory  
34 prohibition against a pharmacist refusing to dispense or refill a  
35 prescription or medication order solely on the grounds that the  
36 dispensing or refill of the prescription or medication order would  
37 contravene the pharmacist's philosophical, moral or religious  
38 beliefs.

**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.

# ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

## STATEMENT TO

[First Reprint]

### SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 1195

# STATE OF NEW JERSEY

DATED: OCTOBER 19, 2006

The Assembly Health and Senior Services Committee reports favorably the Senate Committee Substitute for Senate Bill No. 1195 (1R).

This bill establishes a pharmacy's duty to properly fill lawful prescriptions for prescription drugs or devices that it carries for customers, without undue delay, despite any conflicts of employees to filling a prescription and dispensing a particular prescription drug or device due to sincerely held moral, philosophical or religious beliefs.

The bill specifically provides that if a pharmacy practice site does not have in stock a prescription drug or device that it carries, and a patient presents a prescription for that drug or device, the pharmacy practice site shall offer:

- to obtain the drug or device under its standard expedited ordering procedures; or
- to locate a pharmacy that is reasonably accessible and has the drug or device in stock, and transfer the prescription there in accordance with the pharmacy practice site's standard procedures.

The pharmacy practice site shall perform the patient's chosen option without delay, and if the patient requests, the pharmacy shall return an unfilled prescription to the patient.

Finally, a person who believes that a violation of these provisions has occurred may report the violation to the New Jersey State Board of Pharmacy.

As reported by the committee, this bill is identical to the Assembly Committee Substitute for Assembly Bill No. 992 (Stender/Cohen/Green), which the committee also reported on this date.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1195**

**STATE OF NEW JERSEY**

DATED: MAY 11, 2006

The Senate Health, Human Services and Senior Citizens Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1195.

This substitute establishes a pharmacy's duty to properly fill lawful prescriptions for prescription drugs or devices that it carries for customers, without undue delay, despite any conflicts of employees to filling a prescription and dispensing a particular prescription drug or device due to sincerely held moral, philosophical or religious beliefs. It is the sponsor's intent that this substitute ensure seamless and respectful access to prescription services to customers.

The substitute specifically provides that if a pharmacy practice site does not have in stock a prescription drug or device that it carries, and a patient presents a prescription for that drug or device, the pharmacy practice site shall offer:

- to obtain the drug or device under its standard expedited ordering procedures; or
- to locate a pharmacy of the patient's choice that has the drug or device in stock and transfer the prescription there in accordance with the pharmacy practice site's standard procedures.

The pharmacy practice site shall perform the patient's chosen option without delay, and if the patient requests, the pharmacy shall return an unfilled prescription to the patient.

Finally, a person who believes that a violation of these provisions has occurred may report the violation to the New Jersey State Board of Pharmacy.

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, No. 1195**

with Senate Floor Amendments  
(Proposed By Senator MADDEN)

ADOPTED: JUNE 22, 2006

This bill currently provides that if a pharmacy practice site (pharmacy) does not have in stock a prescription drug or device that it carries, and a patient presents a prescription for that drug or device, the pharmacy shall offer to order the drug or device, or locate a pharmacy of the patient's choice that has the drug or device and transfer the prescription to that pharmacy.

These amendments extend the requirement to assist a patient in those cases in which the pharmacy does not carry the prescribed drug or device. The amendments require that if a patient presents a prescription for a drug or device that the pharmacy does not carry, the pharmacy shall offer to locate a pharmacy that is reasonably accessible to the patient and has the drug or device in stock.

The amendments also conform the wording in subsection b. of section 1 of the bill to the new language of the amendment by deleting the phrase "locate a pharmacy of the patient's choice" and replacing that phrase with "locate a pharmacy this is reasonably accessible to the patient."



**ASSEMBLY, No. 992**

---

**STATE OF NEW JERSEY**

**212th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblywoman LINDA STENDER**  
**District 22 (Middlesex, Somerset and Union)**  
**Assemblyman NEIL M. COHEN**  
**District 20 (Union)**  
**Assemblyman JERRY GREEN**  
**District 22 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

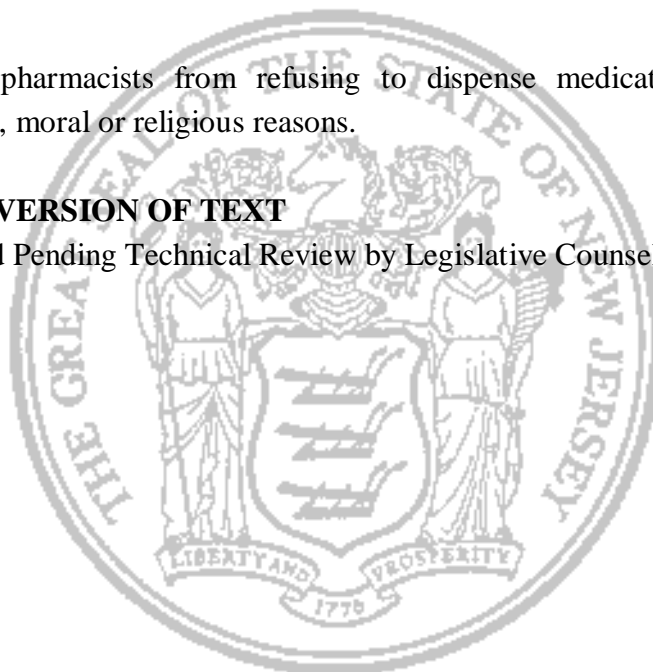
**Assemblywoman Voss, Assemblyman Vas, Assemblywoman Watson Coleman, Assemblymen Gusciora, Diegnan, Johnson, Gordon, Assemblywomen Vainieri Huttle, Greenstein, Assemblymen Hackett, Burzichelli and Panter**

**SYNOPSIS**

Prohibits pharmacists from refusing to dispense medication solely for philosophical, moral or religious reasons.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 10/20/2006)**

1 AN ACT concerning the dispensing of medications and amending  
2 P.L.2003, c.280.

3

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

6

7 1. Section 27 of P.L.2003, c.280 (C.45:14-66) is amended to  
8 read as follows:

9 27. a. A pharmacist shall conduct a drug utilization review  
10 before each new medication is dispensed or delivered to a patient.

11 b. A pharmacist shall conduct a prospective drug utilization  
12 review in accordance with the provisions of this section before  
13 refilling a prescription or medication order to the extent he deems  
14 appropriate in his professional judgment.

15 c. A pharmacist shall exercise independent professional  
16 judgment as to whether or not to dispense or refill a prescription or  
17 medication order. In determining to dispense or refill a prescription  
18 or medication order, the decision of the pharmacist shall not be  
19 arbitrary but shall be based on professional experience, knowledge  
20 or available reference materials. A pharmacist shall not refuse to  
21 dispense or refill a prescription or medication order solely on the  
22 grounds that to dispense or refill the prescription or medication  
23 order would contravene the pharmacist's philosophical, moral or  
24 religious beliefs.

25 (cf: P.L.2003, c.280, s.27)

26

27 2. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill amends the "New Jersey Pharmacy Practice Act"  
33 (N.J.S.A.45:14-40 et seq.) to provide an explicit statutory  
34 prohibition against a pharmacist refusing to dispense or refill a  
35 prescription or medication order solely on the grounds that the  
36 dispensing or refill of the prescription or medication order would  
37 contravene the pharmacist's philosophical, moral or religious  
38 beliefs.

**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.

# ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 992

# STATE OF NEW JERSEY

DATED: OCTOBER 19, 2006

The Assembly Health and Senior Services Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 992.

This substitute establishes a pharmacy's duty to properly fill lawful prescriptions for prescription drugs or devices that it carries for customers, without undue delay, despite any conflicts of employees to filling a prescription and dispensing a particular prescription drug or device due to sincerely held moral, philosophical or religious beliefs.

The substitute specifically provides that if a pharmacy practice site does not have in stock a prescription drug or device that it carries, and a patient presents a prescription for that drug or device, the pharmacy practice site shall offer:

- to obtain the drug or device under its standard expedited ordering procedures; or
- to locate a pharmacy that is reasonably accessible and has the drug or device in stock, and transfer the prescription there in accordance with the pharmacy practice site's standard procedures.

The pharmacy practice site shall perform the patient's chosen option without delay, and if the patient requests, the pharmacy shall return an unfilled prescription to the patient.

Finally, a person who believes that a violation of these provisions has occurred may report the violation to the New Jersey State Board of Pharmacy.

As reported by the committee, this substitute is identical to the Senate Committee Substitute for Senate Bill No. 1195 (1R) (Madden/Vitale), which the committee also reported on this date.