45:14-67.8
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2020 **CHAPTER:** 101

NJSA: 45:14-67.8 (Authorizes pharmacists to order and cause to be administered test for coronavirus disease 2019 (COVID-19 or COVID-19 antibodies; requires health benefits and Medicaid coverage for tests.)

BILL NO: S2436 (Substituted for A4012)

SPONSOR(S) Vin Gopal and others

DATE INTRODUCED: 5/7/2020

COMMITTEE: **ASSEMBLY:** Appropriations

SENATE: Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 9/24/2020

SENATE: 9/24/2020

DATE OF APPROVAL: 9/30/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted) Yes

S2436

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY**: Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A4012

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY**: Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: Yes (Conditional)

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/CL

P.L. 2020, CHAPTER 101, ***approved September 30, 2020***
Senate, No. 2436 ***(Second Reprint)***

AN ACT concerning testing for [2]**[**coronavirus disease 2019**]** COVID-19 or COVID-19 antibodies[2] [1]and amending P.L.2020, c.7[1] .

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

1. [1](New section)[1] a. [1]**[**Notwithstanding any other provision of law to the contrary, consistent**]** [2]**[**Consistent[1] with federal guidance and waivers, a**]** A[2] pharmacist licensed pursuant to P.L.2003, c.280 (C.45:14-40 et seq.) shall be authorized to order [1]**[**or**]** and[1] [2]**[**administer**]** cause to be administered[2] to any person any test for the [2]**[**coronavirus disease 2019**]** SARS-CoV-2[2] (COVID-19) [2]or COVID-19 antibodies[2] that the federal Food and Drug Administration [2]**[**has authorized for use**]** granted emergency use authorization or approval[2] , provided that:

(1) the manufacturer of the test is registered with the federal Food and Drug Administration and is included in the Establishment Registration and Device Listing database maintained by the federal Food and Drug Administration;

(2) [1]**[**a statistically significant number of samples of the test have been independently evaluated within the United States for reliability;

(3)**]**[1] the place of manufacture provides reasonable assurance prior to or at the time of shipment that the test is genuine [1]**[**and conforms to the specifications of the samples that have been found to be reliable as described in paragraph (2) of this subsection**]**[1] ; and

[1]**[**(4)**]** (3)[1] the pharmacy practice site distributes personal protection equipment to all pharmacy staff and establishes protocols and procedures to ensure that all persons presenting at the pharmacy for any reason, including to request testing for COVID-19, maintain social distancing appropriate to prevent transmission of COVID-19 [2], and complies with any other applicable requirements that the New Jersey Board of Pharmacy may establish.

For the purposes of this section, causing a test to be administered shall include collecting a specimen, or overseeing the collection of a specimen, and causing the specimen to be sent to a laboratory

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:
[1]Senate SBA committee amendments adopted May 11, 2020.
[2]Senate amendments adopted in accordance with Governor's recommendations August 27, 2020.

with the capacity to perform the test. The laboratory shall be authorized under federal and State law to perform the test, including, but not limited to, the federal "Clinical Laboratory Improvement Amendments of 1988 (CLIA)," Pub. L. 100-578 (42 U.S.C. s.263a), the "New Jersey Clinical Laboratory Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.), and associated regulations. If the test which is administered is one for which the analysis can be performed at a CLIA-waived facility, and if the pharmacy at which the specimen is collected has a CLIA waiver, then the test may be conducted at that pharmacy. In all other cases, the test shall be conducted at an off-site laboratory, which laboratory shall report the results of the test to the pharmacist who ordered or administered the test[2] .

b. If an individual tests positive for COVID-19 using a test administered by a pharmacist pursuant to subsection a. of this section, the pharmacist shall advise the patient [1]**[**to self-isolate at home for at least 14 days**]** on self-isolation guidance[1] and provide the individual with [1]**[**a copy of**]** any necessary resources, such as[1] the COVID-19 Home Care Guide [2]developed by the New Jersey Department of Health[2] , except that, if the patient is a member of a group that is at high risk for health complications from COVID-19 or is experiencing symptoms of a severe adverse reaction to COVID-19, the pharmacist shall [2]also[2] advise the patient to promptly seek treatment at a hospital [1]or contact the patient's health care provider[1] . The pharmacist shall ensure compliance with all other State and federal requirements concerning a positive test for COVID-19, including applicable reporting and data collection requirements.

[1]**[**c. The Board of Pharmacy may extend the authority to order and administer COVID-19 tests to any other professional subject to licensure or oversight by the board.**]**[1]

[1]2. Section 1 of P.L.2020, c.7 is amended to read as follows:

1. a. During the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020, the State Medicaid and NJ FamilyCare programs shall provide coverage and payment for expenses incurred in:

(1) the testing for coronavirus disease 2019, provided that a licensed **[**medical practitioner**]** health care professional licensed in accordance with the provisions of Title 45 of the Revised Statutes, or otherwise authorized to provide health care services in this State, has issued a medical order for that testing; and

(2) the delivery of health care services through telemedicine or telehealth in accordance with the provisions of P.L.2017, c.117 (C.45:1-61 et al.).

b. The coverage shall be provided to the same extent as for any other health care services, except that no cost-sharing shall be imposed on the coverage provided pursuant to this section.

c. The Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this act and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.[1]

(cf: P.L.2020, c.7, s.1)

[1]3. Section 2 of P.L.2020, c.7 is amended to read as follows:

2. a. During the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020, a carrier that offers a health benefits plan in this State shall provide coverage and payment for expenses incurred in:

(1) the testing of coronavirus disease 2019, provided that a health care professional licensed in accordance with the provisions of [P.L.2017, c.117 (C.45:1-61 et al.)] Title 45 of the Revised Statutes, or otherwise authorized to provide health care services in this State, has issued a medical order for the testing; and

(2) any health care services delivered to a covered person through telemedicine or telehealth in accordance with the provisions of P.L.2017, c.117 (C.45:1-61 et al.).

b. The coverage shall be provided to the same extent as for any other health care services under the health benefits plan, except that no cost-sharing shall be imposed on the coverage provided pursuant to this section.

c. As used in this section, "carrier," means an insurance company, health service corporation, hospital service corporation, medical service corporation, or health maintenance organization authorized to issue health benefits plans in this State, and shall include the State Health Benefits Program and the School Employees' Health Benefits Program.[1]

(cf: P.L.2020, c.7, s.2)

[1][2.] 4.[1] This act shall take effect immediately.

Authorizes pharmacists to order and cause to be administered test for coronavirus disease 2019 (COVID-19) or COVID-19 antibodies; requires health benefits and Medicaid coverage for tests.

SENATE, No. 2436

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

Co-Sponsored by:
Senators T.Kean and Singleton

SYNOPSIS

Authorizes pharmacists to order and administer test for coronavirus disease 2019 (COVID-19) consistent with federal guidance.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/11/2020)

AN ACT concerning testing for coronavirus disease 2019.

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

1. a. Notwithstanding any other provision of law to the contrary, consistent with federal guidance and waivers, a pharmacist licensed pursuant to P.L.2003, c.280 (C.45:14-40 et seq.) shall be authorized to order or administer to any person any test for the coronavirus disease 2019 (COVID-19) that the federal Food and Drug Administration has authorized for use, provided that:

(1) the manufacturer of the test is registered with the federal Food and Drug Administration and is included in the Establishment Registration and Device Listing database maintained by the federal Food and Drug Administration;

(2) a statistically significant number of samples of the test have been independently evaluated within the United States for reliability;

(3) the place of manufacture provides reasonable assurance prior to or at the time of shipment that the test is genuine and conforms to the specifications of the samples that have been found to be reliable as described in paragraph (2) of this subsection; and

(4) the pharmacy practice site distributes personal protection equipment to all pharmacy staff and establishes protocols and procedures to ensure that all persons presenting at the pharmacy for any reason, including to request testing for COVID-19, maintain social distancing appropriate to prevent transmission of COVID-19.

b. If an individual tests positive for COVID-19 using a test administered by a pharmacist pursuant to subsection a. of this section, the pharmacist shall advise the patient to self-isolate at home for at least 14 days and provide the individual with a copy of the COVID-19 Home Care Guide, except that, if the patient is a member of a group that is at high risk for health complications from COVID-19 or is experiencing symptoms of a severe adverse reaction to COVID-19, the pharmacist shall advise the patient to promptly seek treatment at a hospital. The pharmacist shall ensure compliance with all other State and federal requirements concerning a positive test for COVID-19, including applicable reporting and data collection requirements.

c. The Board of Pharmacy may extend the authority to order and administer COVID-19 tests to any other professional subject to licensure or oversight by the board.

2. This act shall take effect immediately.

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 <u>thus</u> is new matter.

STATEMENT

This bill allows licensed pharmacists, consistent with federal guidance and waivers, to order or administer to any person any test for the coronavirus disease 2019 (COVID-19) that the federal Food and Drug Administration has authorized for use. Specifically, the bill requires that:

(1) the manufacturer of the test be registered with the federal Food and Drug Administration (FDA) and is included in the FDA's Establishment Registration and Device Listing database;

(2) a statistically significant number of samples of the test have been independently evaluated within the United States for reliability;

(3) the place of manufacture provides reasonable assurance prior to or at the time of shipment that the test is genuine and conforms to the specifications of the samples that have been found to be reliable; and

(4) the pharmacy practice site distributes personal protection equipment to all pharmacy staff and ensures that policies and protocols are in place to ensure all people presenting at the pharmacy for any reason maintain a level of social distancing appropriate to prevent the transmission of COVID-19.

If an individual tests positive for COVID-19 using a test administered by a pharmacist under the bill, the pharmacist will be required to ensure compliance with all State and federal requirements concerning a positive test for COVID-19, including reporting and data collection requirements. Additionally, the pharmacist will be required to advise the patient to self-isolate at home for at least 14 days and provide the individual with the COVID-19 Home Care Guide. However, if the patient is a member of a group that is at high risk for health complications from COVID-19 or is experiencing symptoms of a severe adverse reaction to COVID-19, the pharmacist will be required to advise the patient to promptly seek treatment at a hospital.

The Board of Pharmacy may extend the authority to order and administer COVID-19 tests under the bill to any other professional subject to licensure or oversight by the board.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2436

STATE OF NEW JERSEY

DATED: JUNE 26, 2020

The Assembly Appropriations Committee reports favorably Senate Bill No. 2436 (1R).

This bill allows licensed pharmacists, consistent with federal guidance and waivers, to order and administer to any person any test for the coronavirus disease 2019 (COVID-19) that the federal Food and Drug Administration has authorized for use. As amended, the bill specifically requires that:

(1) the manufacturer of the test be registered with the federal Food and Drug Administration (FDA) and is included in the FDA's Establishment Registration and Device Listing database;

(2) the place of manufacture provides reasonable assurance prior to or at the time of shipment that the test is genuine; and

(3) the pharmacy practice site distributes personal protection equipment to all pharmacy staff and ensures that policies and protocols are in place to ensure all people presenting at the pharmacy for any reason maintain a level of social distancing appropriate to prevent the transmission of COVID-19.

Under the amended bill, if an individual tests positive for COVID-19 using a test administered by a pharmacist, the pharmacist will be required to ensure compliance with all State and federal requirements concerning a positive test for COVID-19, including reporting and data collection requirements. Additionally, the pharmacist will be required to advise the patient on self-isolation guidance and provide the individual with any necessary resources, such as the COVID-19 Home Care Guide. However, if the patient is a member of a group that is at high risk for health complications from COVID-19 or is experiencing symptoms of a severe adverse reaction to COVID-19, the pharmacist will be required to advise the patient to promptly seek treatment at a hospital or contact the patient's health care provider.

The amended bill revises P.L.2020, c.7, which concerns health benefits and Medicaid coverage for COVID-19 testing, to provide that coverage extends to tests ordered and administered by pharmacists under the bill.

As reported by the committee, Senate Bill No. 2436 (1R) is identical to Assembly Bill No. 4012, which was reported by the committee on this date with committee amendments.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2436

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2020

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2436.

As amended by the committee, this bill allows licensed pharmacists, consistent with federal guidance and waivers, to order and administer to any person any test for the coronavirus disease 2019 (COVID-19) that the federal Food and Drug Administration has authorized for use. As amended, the bill specifically requires that:

(1) the manufacturer of the test be registered with the federal Food and Drug Administration (FDA) and is included in the FDA's Establishment Registration and Device Listing database;

(2) the place of manufacture provides reasonable assurance prior to or at the time of shipment that the test is genuine; and

(3) the pharmacy practice site distributes personal protection equipment to all pharmacy staff and ensures that policies and protocols are in place to ensure all people presenting at the pharmacy for any reason maintain a level of social distancing appropriate to prevent the transmission of COVID-19.

Under the amended bill, if an individual tests positive for COVID-19 using a test administered by a pharmacist, the pharmacist will be required to ensure compliance with all State and federal requirements concerning a positive test for COVID-19, including reporting and data collection requirements. Additionally, the pharmacist will be required to advise the patient on self-isolation guidance and provide the individual with any necessary resources, such as the COVID-19 Home Care Guide. However, if the patient is a member of a group that is at high risk for health complications from COVID-19 or is experiencing symptoms of a severe adverse reaction to COVID-19, the pharmacist will be required to advise the patient to promptly seek treatment at a hospital or contact the patient's health care provider.

The amended bill revises P.L.2020, c.7, which concerns health benefits and Medicaid coverage for COVID-19 testing, to provide that coverage extends to tests ordered and administered by pharmacists under the bill.

COMMITTEE AMENDMENTS:

The committee amendments remove language providing that the authority conferred to pharmacists to order and administer COVID-19 tests under the bill be conferred "notwithstanding any other provision of the law."

The committee amendments provide that the authority conferred to pharmacists under the bill authorizes them to order and administer a test. As introduced, pharmacists could perform either of these functions independently, and were not required to administer the tests they ordered or to themselves order tests they administered.

The committee amendments remove a requirement that, in order for a pharmacist to order and administer a test under the bill, the test had to have been independently evaluated for reliability.

The amendments revise the requirements for pharmacists to provide certain services to patients following a positive test for COVID-19 to require the pharmacist to advise the patient on self-isolation guidance, rather than specifically advise the patient to self-isolate for at least 14 days. Additionally, the pharmacist will be required to provide the individual with any necessary resources, such as the COVID-19 Home Care Guide; as introduced, the bill would have only specifically required the pharmacist to provide the patient with a copy of the Home Care Guide, and did not reference other resources. Finally, if the patient testing positive for COVID-19 is in a high risk group or is experiencing significant symptoms of a severe adverse reaction to COVID-19, as an alternative to advising the patient to promptly seek treatment at a hospital, the pharmacist may advise the patient to contact the patient's health care provider.

The committee amendments revise P.L.2020, c.7 to provide that private health insurers and Medicaid are required to provide coverage for tests ordered and administered by pharmacists under the bill.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

ASSEMBLY, No. 4012

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:
Assemblyman RAJ MUKHERJI
District 33 (Hudson)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblyman ERIC HOUGHTALING
District 11 (Monmouth)

Co-Sponsored by:
Assemblyman Caputo

SYNOPSIS

Authorizes pharmacists to order and administer test for coronavirus disease 2019 (COVID-19) consistent with federal guidance.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/14/2020)

AN ACT concerning testing for coronavirus disease 2019.

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

1. a. Notwithstanding any other provision of law to the contrary, consistent with federal guidance and waivers, a pharmacist licensed pursuant to P.L.2003, c.280 (C.45:14-40 et seq.) shall be authorized to order or administer to any person any test for the coronavirus disease 2019 (COVID-19) that the federal Food and Drug Administration has authorized for use, provided that:

(1) the manufacturer of the test is registered with the federal Food and Drug Administration and is included in the Establishment Registration and Device Listing database maintained by the federal Food and Drug Administration;

(2) a statistically significant number of samples of the test have been independently evaluated within the United States for reliability;

(3) the place of manufacture provides reasonable assurance prior to or at the time of shipment that the test is genuine and conforms to the specifications of the samples that have been found to be reliable as described in paragraph (2) of this subsection; and

(4) the pharmacy practice site distributes personal protection equipment to all pharmacy staff and establishes protocols and procedures to ensure that all persons presenting at the pharmacy for any reason, including to request testing for COVID-19, maintain social distancing appropriate to prevent transmission of COVID-19.

b. If an individual tests positive for COVID-19 using a test administered by a pharmacist pursuant to subsection a. of this section, the pharmacist shall advise the patient to self-isolate at home for at least 14 days and provide the individual with a copy of the COVID-19 Home Care Guide, except that, if the patient is a member of a group that is at high risk for health complications from COVID-19 or is experiencing symptoms of a severe adverse reaction to COVID-19, the pharmacist shall advise the patient to promptly seek treatment at a hospital. The pharmacist shall ensure compliance with all other State and federal requirements concerning a positive test for COVID-19, including applicable reporting and data collection requirements.

c. The Board of Pharmacy may extend the authority to order and administer COVID-19 tests to any other professional subject to licensure or oversight by the board.

2. This act shall take effect immediately.

STATEMENT

This bill allows licensed pharmacists, consistent with federal guidance and waivers, to order or administer to any person any test for the coronavirus disease 2019 (COVID-19) that the federal Food and Drug Administration has authorized for use. Specifically, the bill requires that:

(1) the manufacturer of the test be registered with the federal Food and Drug Administration (FDA) and is included in the FDA's Establishment Registration and Device Listing database;

(2) a statistically significant number of samples of the test have been independently evaluated within the United States for reliability;

(3) the place of manufacture provides reasonable assurance prior to or at the time of shipment that the test is genuine and conforms to the specifications of the samples that have been found to be reliable; and

(4) the pharmacy practice site distributes personal protection equipment to all pharmacy staff and ensures that policies and protocols are in place to ensure all people presenting at the pharmacy for any reason maintain a level of social distancing appropriate to prevent the transmission of COVID-19.

If an individual tests positive for COVID-19 using a test administered by a pharmacist under the bill, the pharmacist will be required to ensure compliance with all State and federal requirements concerning a positive test for COVID-19, including reporting and data collection requirements. Additionally, the pharmacist will be required to advise the patient to self-isolate at home for at least 14 days and provide the individual with the COVID-19 Home Care Guide. However, if the patient is a member of a group that is at high risk for health complications from COVID-19 or is experiencing symptoms of a severe adverse reaction to COVID-19, the pharmacist will be required to advise the patient to promptly seek treatment at a hospital.

The Board of Pharmacy may extend the authority to order and administer COVID-19 tests under the bill to any other professional subject to licensure or oversight by the board.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4012

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4012, with committee amendments.

As amended by the committee, this bill allows licensed pharmacists, consistent with federal guidance and waivers, to order and administer to any person any test for the coronavirus disease 2019 (COVID-19) that the federal Food and Drug Administration has authorized for use. As amended, the bill specifically requires that:

(1) the manufacturer of the test be registered with the federal Food and Drug Administration (FDA) and is included in the FDA's Establishment Registration and Device Listing database;

(2) the place of manufacture provides reasonable assurance prior to or at the time of shipment that the test is genuine; and

(3) the pharmacy practice site distributes personal protection equipment to all pharmacy staff and ensures that policies and protocols are in place to ensure all people presenting at the pharmacy for any reason maintain a level of social distancing appropriate to prevent the transmission of COVID-19.

Under the amended bill, if an individual tests positive for COVID-19 using a test administered by a pharmacist, the pharmacist will be required to ensure compliance with all State and federal requirements concerning a positive test for COVID-19, including reporting and data collection requirements. Additionally, the pharmacist will be required to advise the patient on self-isolation guidance and provide the individual with any necessary resources, such as the COVID-19 Home Care Guide. However, if the patient is a member of a group that is at high risk for health complications from COVID-19 or is experiencing symptoms of a severe adverse reaction to COVID-19, the pharmacist will be required to advise the patient to promptly seek treatment at a hospital or contact the patient's health care provider.

The amended bill revises P.L.2020, c.7, which concerns health benefits and Medicaid coverage for COVID-19 testing, to provide that coverage extends to tests ordered and administered by pharmacists under the bill.

As amended by the committee, Assembly Bill No. 4012 is identical to Senate Bill No. 2436 (1R), which the committee also reported on this date.

COMMITTEE AMENDMENTS:

The committee amendments remove language providing that the authority conferred to pharmacists to order and administer COVID-19 tests under the bill be conferred "notwithstanding any other provision of the law."

The committee amendments provide that the authority conferred to pharmacists under the bill authorizes them to order and administer a test. As introduced, pharmacists could perform either of these functions independently, and were not required to administer the tests they ordered or to themselves order tests they administered.

The committee amendments remove a requirement that, in order for a pharmacist to order and administer a test under the bill, the test had to have been independently evaluated for reliability.

The amendments revise the requirements for pharmacists to provide certain services to patients following a positive test for COVID-19 to require the pharmacist to advise the patient on self-isolation guidance, rather than specifically advise the patient to self-isolate for at least 14 days. Additionally, the pharmacist will be required to provide the individual with any necessary resources, such as the COVID-19 Home Care Guide; as introduced, the bill would have only specifically required the pharmacist to provide the patient with a copy of the Home Care Guide, and did not reference other resources. Finally, if the patient testing positive for COVID-19 is in a high risk group or is experiencing significant symptoms of a severe adverse reaction to COVID-19, as an alternative to advising the patient to promptly seek treatment at a hospital, the pharmacist may advise the patient to contact the patient's health care provider.

The committee amendments revise P.L.2020, c.7 to provide that private health insurers and Medicaid are required to provide coverage for tests ordered and administered by pharmacists under the bill

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE BILL NO. **2436**
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2436 (First Reprint) with my recommendations for reconsideration.

Senate Bill No. 2436 (First Reprint) would allow licensed pharmacists to order and administer to any individual any test for COVID-19 that has been authorized by the Food and Drug Administration, provided certain safeguards are met. If an individual tests positive for COVID-19 using a test administered by the pharmacist, the pharmacist would be required to advise the individual on self-isolation guidance and provide the individual with any necessary resource materials. If the individual who tests positive is at high-risk for health complications, the pharmacist would be required to advise the individual to promptly seek treatment at a hospital or contact their health care provider. Additionally, the pharmacist would be required to comply with all other State and federal requirements pertaining to positive COVID-19 tests, including reporting and data collection requirements.

I commend the bill's sponsors for seeking to expand the health care workforce authorized to conduct COVID-19 testing. Widespread testing, and the data it yields, is critical to maintaining New Jersey's progress in flattening the curve and lowering transmission rates. As one of the most publicly accessible groups of health care professionals, pharmacists are uniquely positioned to assist in the State's COVID-19 response.

In addition to sharing the sponsors' commitment to ensuring convenient, readily available testing, I am also recommending amendments to expand the authorization in the bill to include

testing for COVID-19 antibodies. Testing for and collecting data related to antibodies enables epidemiologists to characterize exposure and increases our understanding of the virus. This revision also makes the bill consistent with the Division of Consumer Affairs (the "Division") Administrative Order 2020-06, issued by the Division in May. I am also recommending modest revisions to clarify that administering a test includes collecting or overseeing the collection of a specimen and causing the specimen to be sent to a laboratory with the capacity to perform the test. Finally, my recommended changes specify when a specimen may be tested at a pharmacy and when it must be conducted at an off-site laboratory, consistent with the Division's Administrative Order 2020-06.

Accordingly, I herewith return Senate Bill No. 2436 (First Reprint) and recommend that it be amended as follows:

Page 2, Title, Line 1:	Delete "coronavirus disease 2019" and insert "COVID-19 or COVID-19 antibodies"
Page 2, Section 1, Lines 8-9:	Delete "Consistent with federal guidance and waivers, a" and insert "A"
Page 2, Section 1, Line 10:	Delete "administer" and insert "cause to be administered"
Page 2, Section 1, Line 11:	Delete "coronavirus disease 2019" and insert "SARS-CoV-2"
Page 2, Section 1, Line 11:	After "(COVID-19)" insert "or COVID-19 antibodies"
Page 2, Section 1, Line 12:	Delete "authorized for use" and insert "granted emergency use authorization or approval"
Page 2, Section 1, Line 28:	After "COVID-19" insert ", and complies with any other applicable requirements that the New Jersey Board of Pharmacy may establish. For purposes of this section, causing a test to be administered shall include collecting a specimen, or overseeing the collection of a specimen, and causing the specimen to be sent to a laboratory with the capacity to perform the test. The

laboratory shall be authorized under federal and State law to perform the test, including but not limited to, the Clinical Laboratory Improvement Amendments ("CLIA"), 42 U.S.C. 263a, the New Jersey Clinical Laboratory Improvement Act, N.J.S.A. 45:9-42.26 et seq., and associated regulations. If the test which is administered is one for which the analysis can be performed at a CLIA waived facility, and if the pharmacy at which the specimen is collected has a CLIA waiver, then the test may be conducted at that pharmacy. In all other cases, the test shall be conducted at an off-site laboratory, which laboratory shall report the results of the test to the pharmacist who ordered or administered the test"

Page 2, Section 1, Line 34: After "Guide" insert "developed by the New Jersey Department of Health"

Page 2, Section 1, Line 37: After "shall" insert "also"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

Governor Murphy Takes Action on Legislation

09/30/2020

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law:

S-908 wGR/A-2480 (Singleton, Oroho/Murphy, Wirths, Schepisi) – Clarifies association assessment payment requirements in planned real estate developments.

S-2436 wGR/A-4012 (Gopal, Greenstein/Mukherji, Benson, Houghtaling) – Authorizes pharmacists to order and cause to be administered test for coronavirus disease 2019 (COVID-19) or COVID-19 antibodies; requires health benefits and Medicaid coverage for tests.

SJR-57/AJR-39 (Gopal, Oroho, Greenstein/Houghtaling, Downey, Wirths) – Designates first week of October of each year as Manufacturing Week.