24:6E-9

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2009 **CHAPTER:** 91

NJSA: 24:6E-9 (Requires pharmacists to include on prescription drug label name of brand name drug and generic drug when generic drug is dispensed)

BILL NO: A2030 (Substituted for S906)

SPONSOR(S) Dancer and others

DATE INTRODUCED: February 7, 2008

COMMITTEE: **ASSEMBLY:** Health and Senior Services

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** February 5, 2009

SENATE: May 21, 2009

DATE OF APPROVAL: July 31, 2009

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Assembly Committee Substitute enacted)

A2030/A2170

SPONSOR'S STATEMENT A2030: (Begins on page 2 of original bill) Yes

SPONSOR'S STATEMENT A2170: (Begins on page 2 of original bill) 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

S906

SPONSOR'S STATEMENT: (Begins on page 2 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY**: No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: Yes

(continued)

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/IS 5/6/10

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 2030 and 2170

STATE OF NEW JERSEY

213th LEGISLATURE

ADOPTED DECEMBER 8, 2008

Sponsored by:
Assemblyman RONALD S. DANCER
District 30 (Burlington, Mercer, Monmouth and Ocean)
Assemblyman JOHN E. ROONEY
District 39 (Bergen)
Assemblyman ERIC MUNOZ
District 21 (Essex, Morris, Somerset and Union)

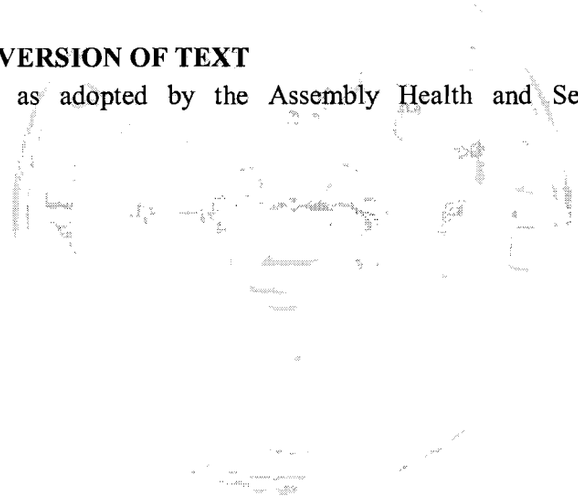
Co-Sponsored by:
Senators Singer, Bateman, Weinberg and Ruiz

SYNOPSIS

Requires pharmacists to include on prescription drug label name of brand name drug and generic drug when generic drug is dispensed.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Health and Senior Services Committee.



(Sponsorship Updated As Of: 5/22/2009)

AN ACT concerning the dispensing of generic drugs and amending P.L.1977, c.240.

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

1. Section 10 of P.L.1977, c.240 (C.24:6E-9) is amended to read as follows:

10. If a nonbrand name drug product is dispensed, the pharmacist shall include on the label of such drug product dispensed pursuant to a prescription, the **[**established**]** name **[**or the name**]** of the **[**manufacturer, except where the prescriber indicates to the contrary on the prescription**]** brand name drug and the name of the generic drug. The information required pursuant to this section shall be in the following form, with the generic name and brand name inserted as appropriate: "------- Generic for -------".
(cf: P.L.1977, c.240, c.10)

2. This act shall take effect on the 180th day after the date of enactment.

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.

AN ACT concerning substitution of nonbrand name drugs and amending P.L.1977, c.240.

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

1. Section 10 of P.L.1977, c.240 (C.24:6E-9) is amended to read as follows:

10. If a nonbrand name drug product is dispensed, the pharmacist shall:

a. include on the label of such drug product dispensed pursuant to a prescription, the established name or the name of the manufacturer, except where the prescriber indicates to the contrary on the prescription; and

b. orally notify the consumer that the prescribed medication has been substituted and provide the reason for the substitution.

(cf: P.L.1977, c.240, s.10)

2. This act shall take effect on the 60th day after the date of enactment.

SPONSORS STATEMENT

This bill requires pharmacists to orally notify consumers when generic drugs are substituted for prescribed brand name drugs.

Currently, under section 8 of P.L.1977, c.240 (C.24:6E-7), unless the physician or other authorized prescriber explicitly states that there shall be no substitution when transmitting an oral prescription or, in the case of a written prescription, indicates that there shall be no substitution by initialing the prescription blank next to "do not substitute," a generic drug product must be dispensed by a pharmacist if the generic drug product reflects a lower cost to the consumer.

The provisions of this bill will insure that consumers are aware when a generic drug has been substituted for a brand name drug.

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.

AN ACT concerning prescription drug container labels and supplementing P.L.2003, c.280 (C.45:14-40 et seq.).

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

1. The New Jersey State Board of Pharmacy shall require that the label affixed to the container in which a prescription drug is dispensed bear the brand name of the prescribed drug. If a generic product has been substituted for the brand name, the label shall bear the generic name of the product dispensed as well, unless the prescriber states otherwise on the original written prescription.

2. The Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

3. This act shall take effect on the 180th day following enactment, except that the New Jersey State Board of Pharmacy may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

SPONSOR'S STATEMENT

This bill requires that all prescription drug labels bear the brand name of the prescribed drug as well as the name of any generic drug substituted for the brand name drug, unless the prescriber states otherwise on the original written prescription.

The purpose of the bill is to provide information that may be beneficial to consumers in clarifying any confusion that might possibly arise as to the identity of the medication which was prescribed and the medication being dispensed.

The bill takes effect on the 180th day following enactment, but authorizes the State Board of Pharmacy to take anticipatory administrative action in advance as necessary for its implementation.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2030 and 2170

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2008

The Assembly Health and Senior Services Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2030 and 2170.

This committee substitute requires pharmacists to include the name of the brand name drug and the name of the generic drug on the label of each generic drug product dispensed pursuant to a prescription. The information is to be in the following form, with the generic name and brand name inserted as appropriate: "------ Generic for ------".

The provisions of this substitute will ensure that consumers are made aware of the brand name drug when a generic drug product is dispensed, whether the generic product has been substituted for a brand name drug or the prescription was written for the generic product.

The substitute takes effect on the 180th day after enactment.

AN ACT concerning substitution of nonbrand name drugs and amending P.L.1977, c.240.

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

1. Section 10 of P.L.1977, c.240 (C.24:6E-9) is amended to read as follows:

10. If a nonbrand name drug product is dispensed, the pharmacist shall:

a. include on the label of such drug product dispensed pursuant to a prescription, the established name or the name of the manufacturer, except where the prescriber indicates to the contrary on the prescription; and

b. orally notify the consumer that the prescribed medication has been substituted and provide the reason for the substitution.

(cf: P.L.1997, c.240, s.10)

2. This act shall take effect on the 60th day after the date of enactment.

SPONSOR'S STATEMENT

This bill requires pharmacists to orally notify consumers when generic drugs are substituted for prescribed brand name drugs.

Currently, under section 8 of P.L.1977, c.240 (C.24:6E-7), unless the physician or other authorized prescriber explicitly states that there shall be no substitution when transmitting an oral prescription or, in the case of a written prescription, indicates that there shall be no substitution by initialing the prescription blank next to "do not substitute," a generic drug product must be dispensed by a pharmacist if the generic drug product reflects a lower cost to the consumer.

The provisions of this bill will insure that consumers are aware when a generic drug has been substituted for a brand name drug.

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.

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 906

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 27, 2008

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 906.

As amended by committee, this bill requires pharmacists to include on the label of such drug product dispensed pursuant to a prescription, the name of the brand name drug for which the substitution is made and the name of the generic drug. The information shall be in the following form, with the generic name and brand name inserted as appropriate: "------ Generic for ------".

Currently, under section 8 of P.L.1977, c.240 (C.24:6E-7), unless the physician or other authorized prescriber explicitly states that there shall be no substitution when transmitting an oral prescription or, in the case of a written prescription, indicates that there shall be no substitution by initialing the prescription blank next to "do not substitute," a generic drug product must be dispensed by a pharmacist if the generic drug product reflects a lower cost to the consumer.

The provisions of this bill will insure that consumers are aware when a generic drug has been substituted for a brand name drug.

The committee amended the bill to delete the requirement that the pharmacist orally notify the consumer about the substitution, and to specify, instead, that the pharmacist include on the label of the drug product the name of the brand name drug for which the substitution is made and the name of the generic drug.

STATEMENT TO

[First Reprint]

SENATE, No. 906

with Senate Floor Amendments
(Proposed By Senator Singer)

ADOPTED: DECEMBER 15, 2008

These amendments:

-- clarify that whenever a generic drug is dispensed, the label on the prescription container shall include both the name of the brand name drug and the name of the generic drug; and

-- change the effective date of the bill from the 60th day after enactment to the 180th day, in order to provide pharmacies with sufficient time to comply with the requirements of the bill.