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the form of prescription set forth in the Act. Where a pharmacist desires to substitute a drug product not listed on the formulary including the substitution of a less expensive equivalent drug product, a pharmacist must obtain the specific prior approval of a prescriber even where express general authorization for generic substitution has been given. Finally, substitution is mandated where a prescription calls for a relatively inexpensive branded generic drug and the pharmacist has in stock a less expensive generic drug listed on the formulary.

Very truly yours,
JOHN J. DEGNAN
Attorney General

By: THEODORE A. WINARD
Assistant Attorney General

August 28, 1979

GEORGE H. BARBOUR, *President*
Board of Public Utilities
101 Commerce Street
Newark, New Jersey 07102

FORMAL OPINION NO. 18—1979

Dear President Barbour:

You have inquired as to whether the Hackensack Meadowlands Development Commission (HMDC) can direct the flow of solid waste sought to be disposed of in the Hackensack Meadowlands District (District), to specific waste disposal facilities within said District. It is our opinion that N.J.S.A. 13:17-1 *et seq.* vests such authority in the HMDC.

The HMDC was established in 1968 by the enactment of the Hackensack Meadowlands Reclamation and Development Act, N.J.S.A. 13:17-1 *et seq.* (hereinafter the "Act"), to oversee the orderly, comprehensive reclamation and development of approximately 21,000 acres of marsh and meadowlands which were declared to be a "land resource of incalculable opportunity for new jobs, homes and recreational sites, N.J.S.A. 13:17-1. The Legislature declared that these land resources needed "special protection from air and water pollution and *special* arrangement for the provision of facilities for the disposal of solid waste". *Id.* (Emphasis added.) Thus, solid waste management in the District was to be one of HMDC's main concerns and the Act vested it with broad authority to deal with this problem. N.J.S.A. 13:17-1 *et seq.*; *Mun. San. Landfill Auth. v. HMDC*, 120 N.J. Super. 118 (App. Div. 1972); *Kearny v. Jersey City Incinerator Auth.*, 140 N.J. Super. 279 (Ch. Div. 1976).

The Act authorizes the HMDC to formulate a master plan for development in the District. In doing so it must provide disposal facilities for solid waste generated within or brought into the District. N.J.S.A. 13:17-10; N.J.S.A. 13:17-11. The HMDC is also authorized to adopt codes

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and standards for the disposal of solid waste. N.J.S.A. 13:17-11. It may acquire, construct, maintain and/or operate solid waste facilities and charge and collect fees for the use of these facilities. N.J.S.A. 13:17-10. Additionally, it is authorized to eliminate existing landfilling techniques and develop new disposal technology. N.J.S.A. 13:17-1; N.J.S.A. 13:17-9(a); N.J.S.A. 13:17-10; N.J.S.A. 13:17-11(a); *Mun. San. Landfill Auth. v. HMDC, supra*. Finally, the Act expressly provides that the written consent of the HMDC is required before anyone can treat or dispose of solid waste in the District. N.J.S.A. 13:17-10(d).

It is clear from the above that the regulatory scheme established by the Act vests the HMDC with broad power to regulate waste treated and disposed of in the District. This includes the authority to control the flow of solid waste within the District. To conclude otherwise would seriously frustrate the legislative intent of the Act by impairing the HMDC's ability to effectively eliminate existing disposal techniques of a less environmentally sound nature, *i.e.*, landfilling, and develop and implement new technology in the waste disposal field such as resource recovery. Thus, it is apparent that in order to permit the HMDC to carry out its mandate regarding waste disposal in the District and the orderly development and reclamation of the region, the Legislature intended that the HMDC would have the authority to control the flow of waste within its boundaries.

Very truly yours,
JOHN J. DEGNAN
Attorney General

By: THEODORE A. WINARD
Assistant Attorney General

August 28, 1979

ANN KLEIN, *Commissioner*
Department of Human Services
Capital Place One
222 South Warren Street
Trenton, New Jersey 08625

FORMAL OPINION NO. 19—1979

Dear Commissioner Klein:

A question has arisen as to the authority of special policemen at Marlboro State Hospital to patrol the perimeter roads adjacent to that institution. You are advised that special policemen at Marlboro Hospital have the authority to patrol the perimeter roads adjacent to the institution as a means to insure the preservation of order on institutional property and to facilitate the apprehension and return of escapees.

The Commissioner of the now Department of Human Services with the approval of the Attorney General may appoint special policemen for