

CHAPTER 66

AN ACT concerning the disposal of unused prescription drugs, amending P.L.1991, c.187, 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. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to read as follows:

C.45:9-22.11 Dispensing of drugs to patient limited; exceptions.

46. A physician or other person authorized by law to prescribe drugs or medicines shall not dispense more than a seven-day supply of drugs or medicines to any patient. The drugs or medicines shall be dispensed at or below the cost the prescriber has paid for the particular drug or medicine, plus an administrative cost not to exceed 10 percent of the cost of the drug or medicine.

The provisions of this section shall not apply to a prescriber:

a. who dispenses drugs or medicines in a hospital emergency room, a student health center at an institution of higher education, or a publicly subsidized community health center, family planning clinic or prenatal clinic, if the drugs or medicines that are dispensed are directly related to the services provided at the facility;

b. whose practice is situated 10 miles or more from a licensed pharmacy;

c. when the prescriber dispenses allergenic extracts and injectables;

d. when the prescriber dispenses drugs pursuant to an oncological or AIDS protocol;

e. when the prescriber dispenses salves, ointments or drops; or

f. when the prescriber dispenses a drug or medicine delivered to the eye through a contact lens.

A prescriber shall furnish to a patient, with each prescription drug or medicine which is a controlled dangerous substance dispensed for that patient pursuant to this section, a copy of the notice prepared by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to section 2 of P.L.2015, c.66 (C.45:9-22.11a).

The provisions of this section shall not apply to a licensed chiropractic physician who dispenses food concentrates, food extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or cell salts, glandular extracts, nutraceuticals, botanicals, homeopathic remedies, and other nutritional supplements.

C.45:9-22.11a Pharmacy practice site to notify patients how to properly dispose of unused prescription drugs.

2. a. A pharmacy practice site that dispenses prescription drugs, other than a long-term care pharmacy, shall distribute, with each prescription drug which is a controlled dangerous substance that it dispenses to an individual located in this State, a copy of the notice prepared pursuant to subsection b. of this section. For the purposes of this subsection, "pharmacy practice site" includes only those pharmacy practice sites that are located inside the State.

b. The Division of Consumer Affairs in the Department of Law and Public Safety shall prepare and post on its website a notice, for use by a prescriber pursuant to section 46 of P.L.1991, c.187 (C.45:9-22.11), and which a pharmacy practice site shall utilize for the purposes of subsection a. of this section, to advise customers and patients about:

(1) the availability of drug take-back programs sponsored by a local, State, or federal government agency; and

(2) how to obtain information from the website for those programs concerning where unused prescription drugs may be dropped off for the purpose of ensuring their safe, secure, efficient, and environmentally sound disposal.

3. This act shall take effect on the first day of the seventh month next following the date of enactment, but the Division of Consumer Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved June 26, 2015.