

CHAPTER 70

AN ACT concerning provision of prescription medications to certain incarcerated persons and supplementing Title 30 of the Revised Statutes.

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

C.30:4-16.6 Provision of prescription medications to certain incarcerated persons.

1. a. For the purposes of this section “incarcerated person” means a person in the custody of the Department of Corrections.

b. The Commissioner of Corrections shall ensure that each incarcerated person continues to receive medication for chronic conditions that was prescribed by a physician prior to the commencement of the incarcerated person’s imprisonment. The provision of the prescribed medications shall be continued during admittance to a correctional facility, while placed in that facility, and during transfers to other facilities.

c. Medications provided pursuant to subsection b. of this section shall continue to be administered to the incarcerated person for a minimum of 30 days from the date the person is committed to the custody of a Department of Corrections’ facility. The facility receiving these persons shall thereafter resume appropriate and commensurate management of the chronic condition including, but not limited to, the use of appropriate therapeutic treatments and medications or their generic substitution in accordance with State law and regulations established by the commissioner. Nothing in this subsection shall prohibit an examining physician from changing a course of treatment or prescription within the 30-day period to ensure that the incarcerated person receives clinically appropriate medical care.

d. The commissioner shall establish a system to ensure that all necessary medications are given to incarcerated persons in a timely manner while in the custody of a State correctional facility. Necessary medications shall include those medications which, if missed, may cause serious illness, death, or other harmful effects. The system shall include, but shall not be limited to, the following:

(1) a screening staff for each facility, which shall include any medical professional currently employed by the facility who shall be trained to determine the medications for which timely continuation is an urgent matter;

(2) a method for determining which medications shall be deemed necessary;

(3) a method for contacting the prescribing physician;

(4) a method for validating the prescription;

(5) a method for checking that all medications brought into a facility are labeled to ensure that the container contains the correct medication;

(6) a method for providing necessary medications to an incarcerated person who has been taken into custody without a supply of the medication;

(7) a method for notifying in advance a facility receiving a transferred incarcerated person, that the person has been prescribed a necessary medication and the continuation of the medication is an urgent matter; and

(8) a method for maintaining a supply of the most common necessary medications at each facility or an on-call physician, or other medical professional capable of prescribing medications, available to prescribe medications, and with the ability to fill prescriptions.

e. The commissioner shall not be required under the provisions of this section to supply an incarcerated person with any medication which has no currently accepted medical use in treatment in the United States as a matter of federal law.

f. To the extent possible, a generic substitution of a prescription drug shall be given to an incarcerated person who is provided with medication under the provisions of this section.

C.30:8-16.13 Ensurance of provision of certain medications.

2. a. The chief executive officer, warden, or keeper of any county correctional institution shall ensure that each incarcerated person under the institution's custody continues to receive any medications prescribed by a physician prior to the person's incarceration for the treatment of chronic conditions. The provision of the prescribed medications shall be continued during admittance to a correctional facility, while placed in that facility, and during transfers to other facilities.

b. Medications provided pursuant to subsection a. of this section shall continue to be administered to the incarcerated person in a county correctional facility for a minimum of 30 days from the date the person is committed to the custody of a facility. The facility receiving these persons shall resume appropriate and commensurate management of the chronic condition including, but not limited to, the use of appropriate therapeutic treatments and medications or their generic substitution in accordance with State law and regulations established by the Commissioner of Corrections. Nothing in this subsection shall prohibit an examining physician from changing a course of treatment or prescription within the 30 day period to ensure that the incarcerated person receives clinically appropriate medical care.

c. The chief executive officer, warden, or keeper of any county correctional institution shall establish a system to ensure that all necessary medications are given to incarcerated persons in a timely manner while in the custody of a county correctional facility. Necessary medications shall include those medications which, if missed, may cause serious illness, death, or other harmful effects. The system shall include, but shall not be limited to, the following:

(1) a screening staff for each facility, which shall include any medical professional currently employed by the facility who shall be trained to determine the medications for which timely continuation is an urgent matter;

(2) a method for determining which medications shall be deemed necessary;

(3) a method for contacting the prescribing physician;

(4) a method for validating the prescription;

(5) a method for checking that all medications brought into a facility are labeled to ensure that the container contains the correct medication;

(6) a method for providing necessary medications to an incarcerated person who has been taken into custody without a supply of the medication;

(7) a method for notifying in advance a facility receiving a transferred incarcerated person, that the person has been prescribed a necessary medication and the continuation of the medication is an urgent matter; and

(8) a method for maintaining a supply of the most common necessary medications at each facility or an on-call physician, or other medical professional capable of prescribing medications, available to prescribe medications, and with the ability to fill prescriptions.

d. The chief executive officer, warden, or keeper of any county correctional institution shall not be required under the provisions of this section to supply an incarcerated person with any medication which has no currently accepted medical use in treatment in the United States as a matter of federal law.

e. The requirement to administer medication pursuant to this section shall not apply to synthetic opioid drug addiction detoxifiers, unless the facility employs a medical professional who is trained to administer this type of medication.

f. To the extent possible, a generic substitution of a prescription drug shall be given to an incarcerated person who is provided with medication under the provisions of this section.

3. This act shall take effect on the first day of the seventh month after enactment.