

CHAPTER 379

AN ACT concerning controlled dangerous substances and amending P.L.1970, c.226.

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

1. Section 31 of P.L.1970, c.226 (C.24:21-31) is amended to read as follows:

C.24:21-31 Powers of enforcement personnel.

31. Powers of enforcement personnel. a. (1) It is hereby made the duty of the division, its officers, agents, inspectors, and representatives, and of all peace officers within the State, and of the Attorney General and all county prosecutors, to enforce all provisions of P.L.1970, c.226 (C.24:21-1 et seq.), as amended and supplemented, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states, relating to narcotic drugs or controlled dangerous substances, and it shall be the duty of the New Jersey State Board of Pharmacy and other professional licensing boards in the Division of Consumer Affairs in the Department of Law and Public Safety, and their officers, agents, inspectors, and representatives also to assist the division, peace officers, and county prosecutors in the enforcement of all provisions of P.L.1970, c.226, as amended and supplemented, relating to the handling of controlled dangerous substances by pharmacy owners and pharmacists and other licensed professionals.

(2) The Attorney General shall coordinate and direct the Statewide efforts of law enforcement agencies, the Division of Consumer Affairs, and professional licensing boards to: identify, investigate, and prosecute the illegal sources and distribution of prescription opioid drugs; take appropriate steps to enhance the oversight by professional licensing boards relating to the administration and dispensing of controlled dangerous substances by regulated professionals; and provide training for law enforcement officials and recommend training for physicians, pharmacists, and other health care professionals in state-of-the-art methods to detect prescription drug diversion and related abuses. The Attorney General shall issue appropriate directives, establish such task forces, and implement such other measures as the Attorney General deems necessary to carry out the purposes of this paragraph, and may call to his assistance the services of employees of any State, county, or municipal department, board, bureau, commission, or agency as may be required and as may be available for these purposes.

The Attorney General shall report annually to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, on the Attorney General's activities in implementing this subsection, including: the coordination of the Statewide effort by various agencies to combat opioid abuse; and progress in efforts to investigate and prosecute the illegal sources and distribution of illegal opioid drugs.

b. Authority is hereby granted to the director:

(1) To promulgate all necessary rules and regulations for the efficient enforcement of P.L.1970, c.226, as amended and supplemented;

(2) To promulgate, insofar as applicable, regulations from time to time promulgated by the Attorney General of the United States;

(3) To promulgate an order relative to any controlled dangerous substance under P.L.1970, c.226, as amended and supplemented, when the delay occasioned by acting through promulgation of a regulation would constitute an imminent danger to the public health or safety.

(a) An order of the director shall take effect immediately and shall expire 270 days after promulgation thereof; except that the director may extend, with the approval of the Attorney

General, the order for a maximum of two additional 270-day periods if the director determines that the imminent danger to the public health or safety warrants an extension. Rules and regulations pursuant to such order may be adopted and promulgated by the director, but they shall not take effect until the director has given due notice of his intention to take such action and has held a public hearing.

(b) Any person who denies that a drug or pharmaceutical preparation is properly subject to an order by the director which applies the provisions of P.L.1970, c.226, as amended and supplemented, to that drug or pharmaceutical preparation, may apply to the director for a hearing which shall be afforded, except where a drug or pharmaceutical preparation has been the subject of a prior hearing or determination by the director, in which case a hearing shall be discretionary with the director. In that case, a decision shall be rendered by the director or the director's designee within 48 hours of the request for a hearing. If the petitioning party is aggrieved by the decision, that party shall have the right to apply for injunctive relief against the order. Jurisdiction for that injunctive relief shall be in the Superior Court of New Jersey by way of summary proceedings.

c. In addition to the powers set forth in subsection a. of this section, any officer or employee of the division designated by the director may:

(1) Execute search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of this State;

(2) Make seizures of property pursuant to the provisions of P.L.1970, c.226, as amended and supplemented; and

(3) Perform such other law enforcement duties as may be designated by the director, with the approval of the Attorney General.

2. This act shall take effect immediately.

Approved January 16, 2018.