

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1195**

**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

ADOPTED MAY 11, 2006

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**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

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**SYNOPSIS**

Establishes pharmacy's duty to fill prescriptions for in-stock drugs or devices without delay, notwithstanding sincerely held moral, philosophical or religious beliefs of pharmacist.

**CURRENT VERSION OF TEXT**

As amended by the Senate on June 22, 2006.

(Sponsorship Updated As Of: 6/12/2007)

1 AN ACT concerning the dispensing of medications and  
2 supplementing P.L.2003, c.280 (C.45:14-40 et seq.).

3

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

6

7 1. a. A pharmacy practice site has a duty to properly fill lawful  
8 prescriptions for prescription drugs or devices that it carries for  
9 customers, without undue delay, despite any conflicts of employees  
10 to filling a prescription and dispensing a particular prescription drug  
11 or device due to sincerely held moral, philosophical or religious  
12 beliefs.

13 b. If a pharmacy practice site does not have in stock a  
14 prescription drug or device that it carries, and a patient presents a  
15 prescription for that drug or device, the pharmacy practice site shall  
16 offer:

17 (1) to obtain the drug or device under its standard expedited  
18 ordering procedures; or

19 (2) to locate a pharmacy <sup>1</sup>**[of the patient's choice]**<sup>1</sup> that <sup>1</sup>is  
20 reasonably accessible to the patient and<sup>1</sup> has the drug or device in  
21 stock<sup>1,1</sup> and transfer the prescription there in accordance with the  
22 pharmacy practice site's standard procedures.

23 The pharmacy practice site shall perform the patient's chosen  
24 option without delay. If the patient so requests, the pharmacist shall  
25 return an unfilled prescription to the patient.

26 c. <sup>1</sup>If a pharmacy practice site does not carry a prescription drug  
27 or device, and a patient presents a prescription for that drug or  
28 device, the pharmacy practice site shall offer to locate a pharmacy  
29 that is reasonably accessible to the patient and has the drug or  
30 device in stock.

31 d.<sup>1</sup> A person who believes that a violation of this section has  
32 occurred may report the violation to the New Jersey State Board of  
33 Pharmacy.

34

35 2. This act shall take effect immediately.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate floor amendments adopted June 22, 2006.