

[First Reprint]

ASSEMBLY, No. 1088

STATE OF NEW JERSEY
214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

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District 19 (Middlesex)

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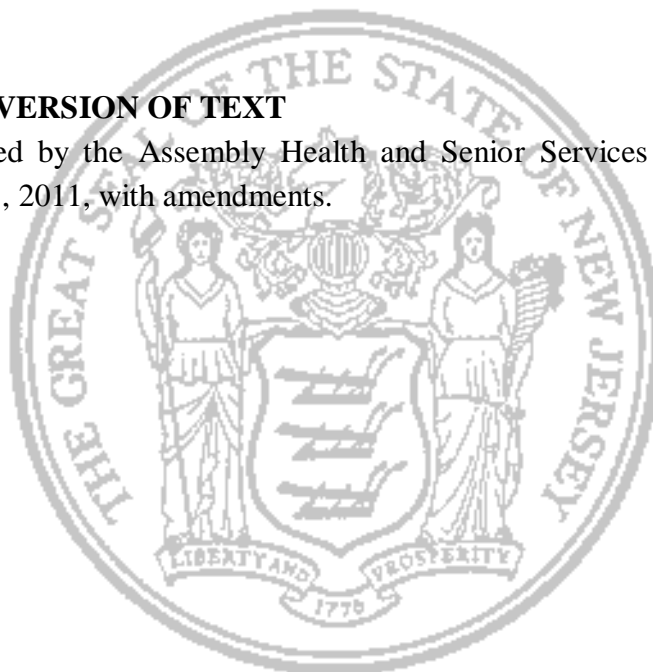
**Assemblywomen Voss, Tucker, Quigley, Assemblyman Giblin and
Assemblywoman Spencer**

SYNOPSIS

Permits limited pharmacy sales of syringes and needles without a prescription.

CURRENT VERSION OF TEXT

As reported by the Assembly Health and Senior Services Committee on November 21, 2011, with amendments.



(Sponsorship Updated As Of: 12/6/2011)

1 AN ACT concerning the sale and possession of hypodermic syringes
2 and needles, supplementing Title 2C of the New Jersey Statutes
3 and Title 45 of the Revised Statutes, and repealing N.J.S.2C:36-
4 6.

5

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

8

9 1. a. Notwithstanding any State law, rule or regulation to the
10 contrary, a licensed pharmacy may sell a hypodermic syringe or
11 needle, or any other instrument adapted for the administration of
12 drugs by injection, to a person over 18 years of age as follows:

13 (1) without a prescription if sold in quantities of 10 or fewer;
14 and

15 (2) pursuant to a prescription issued by a person authorized to
16 prescribe under State law if sold in quantities of more than 10.

17 b. Notwithstanding any State law, rule or regulation to the
18 contrary, possession of a hypodermic syringe or needle pursuant to
19 paragraph (1) of subsection a. of this section shall not constitute an
20 offense pursuant to N.J.S.2C:36-1 et seq.

21 c. A person who purchases a hypodermic syringe or needle
22 pursuant to subsection a. of this section and sells that needle or
23 syringe to another person is guilty of a ¹**[crime of the fourth**
24 **degree]** disorderly persons offense¹.

25

26 2. A pharmacy that sells hypodermic syringes or needles, or any
27 other instrument adapted for the administration of drugs by
28 injection, shall do so in accordance with the provisions of section 1
29 of P.L. , c. (C.) (pending before the Legislature as this bill)
30 and shall:

31 a. keep its supply of such instruments under or behind the sales
32 counter and accessible only to a person standing behind the sales
33 counter; and

34 b. make available to each person who purchases any such
35 instrument, at the time of purchase, information ¹developed by the
36 New Jersey State Board of Pharmacy pursuant to section 3 of P.L. ,
37 c. (C.)(pending before the Legislature as this bill)¹, which shall
38 be provided in English or Spanish^{1,1} as appropriate to the
39 purchaser, about:

40 (1) the safe disposal of the instrument, including local disposal
41 locations or a telephone number to call for that information; and

42 (2) ¹**[drug addiction]** substance abuse¹ treatment, including a
43 telephone number to call for assistance in obtaining treatment.

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:

¹Assembly AHE committee amendments adopted November 21, 2011.

1 3. 'a. The New Jersey State Board of Pharmacy shall, in
2 consultation with the Department of Health and Senior Services,
3 develop information to be provided pursuant to section 2 of P.L. ,
4 c. (C.) (pending before the Legislature as this bill). The board
5 shall make the information available to pharmacies and purchasers
6 of hypodermic syringes or needles through its Internet website.

7 b.¹ The New Jersey State Board of Pharmacy, pursuant to the
8 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
9 seq.), shall adopt rules and regulations to effectuate the purposes of
10 section 2 of P.L. , c. (C.) (pending before the Legislature as this
11 bill).

12

13 '[4. N.J.S.2C:36-6 is repealed.]¹

14

15 '[5.] 4.¹ This act shall take effect on the 180th day after
16 enactment, except that the New Jersey State Board of Pharmacy
17 may take such anticipatory administrative action in advance as shall
18 be necessary for the implementation of the act.