

SENATE, No. 3240

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED DECEMBER 3, 2018

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

“Charlie’s Law”; requires that pharmacists and prescribers furnish patients with information and products concerning safe disposal of drugs and needles.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/18/2019)

1 AN ACT concerning prescription medications and supplementing
2 Title 24 and Title 45 of the Revised Statutes.

3

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

6

7 1. a. A health care professional authorized to issue
8 prescriptions shall, when issuing any prescription for a drug or
9 medication which is a controlled dangerous substance, and when
10 issuing a prescription for any other prescription drug or medication
11 as may be designated by the Commissioner of Health by regulation:

12 (1) provide the patient with oral instructions and written
13 informational materials advising that when unused, unwanted, or
14 expired drugs and medications are not properly, safely, and
15 promptly disposed of:

16 (a) there is a risk that the drug or medication can be stolen,
17 diverted, abused, misused, or accidentally ingested, which can pose
18 a risk to the health and safety of the patient and other members of
19 the patient's household;

20 (b) children are particularly at risk of accidentally ingesting
21 unused, unwanted, and expired medications that have not been
22 properly, safely, and promptly disposed of;

23 (c) when drugs or medications are disposed of in the household
24 trash or flushed down the drain, the drugs and medications can leak
25 into the ecosystem, which can have a potentially adverse or harmful
26 effect on the environment; and

27 (d) when drugs or medications are disposed of in the household
28 trash without the drug or medication having been rendered
29 deactivated, inaccessible, or otherwise unpalatable, the drug or
30 medication may be stolen by individuals seeking to divert, abuse, or
31 misuse the drug or medication;

32 (2) offer to make available for purchase, or furnish at no cost to
33 the patient, a product that can be used to permanently sequester or
34 deactivate unused, unwanted, or expired drugs and medications for
35 the purpose of safely disposing of the drugs and medications; and

36 (3) provide the patient with oral and written instructions on how
37 to properly, safely, and promptly dispose of unused, unwanted, or
38 expired drugs and medications, which may include, but shall not be
39 limited to, providing instructions concerning the use of a product
40 furnished to the patient pursuant to paragraph (2) of this subsection,
41 and advising the patient of the availability of secure prescription
42 medication drop-off receptacles and prescription medication take-
43 back programs.

44 The requirements of this subsection shall apply to each
45 prescription issued by the health care professional, regardless of

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.

1 whether the prescription is being issued to a new or existing patient,
2 regardless of whether the prescription is for a new drug or
3 medication or renews or refills a current prescription, and regardless
4 of the health care setting in which the prescription is issued.

5 b. At such time as any change is made to a patient's course of
6 treatment that results in a change in the drugs or medications
7 prescribed for the patient, or in the patient discontinuing the use of
8 a prescription drug or medication, the health care professional
9 providing care or treatment to the patient shall:

10 (1) provide the patient with oral instructions and written
11 informational materials advising that when unused, unwanted, or
12 expired drugs and medications are not properly, safely, and
13 promptly disposed of:

14 (a) there is a risk that the drug or medication can be stolen,
15 diverted, abused, misused, or accidentally ingested, which can pose
16 a risk to the health and safety of the patient and other members of
17 the patient's household;

18 (b) children are particularly at risk of accidentally ingesting
19 unused, unwanted, and expired medications that have not been
20 properly, safely, and promptly disposed of;

21 (c) when drugs or medications are disposed of in the household
22 trash or flushed down the drain, the drugs and medications can leak
23 into the ecosystem, which can have a potentially adverse or harmful
24 effect on the environment; and

25 (d) when drugs or medications are disposed of in the household
26 trash without the drug or medication having been rendered
27 deactivated, inaccessible, or otherwise unpalatable, the drug or
28 medication may be stolen by individuals seeking to divert, abuse, or
29 misuse the drug or medication;

30 (2) offer to make available for purchase, or furnish at no cost to
31 the patient, a product that can be used to permanently sequester or
32 deactivate unused, unwanted, or expired drugs and medications for
33 the purpose of safely disposing of the drugs and medications; and

34 (3) provide the patient with oral and written instructions on how
35 to properly, safely, and promptly dispose of unused, unwanted, or
36 expired drugs and medications, which may include, but shall not be
37 limited to, providing instructions concerning the use of a product
38 furnished to the patient pursuant to paragraph (2) of this subsection,
39 and advising the patient of the availability of secure prescription
40 medication drop-off receptacles and prescription medication take
41 back programs.

42 The requirements of this subsection shall apply to any change to
43 a patient's course of treatment that results in a change in the drugs
44 or medications prescribed for the patient, or in the patient
45 discontinuing the use of a prescription drug or medication,
46 regardless of whether the patient is a new or existing patient, and
47 regardless of the health care setting in which the care or treatment is
48 provided.

1 c. Any time a health care professional authorized to issue
2 prescriptions issues a prescription for a hypodermic syringe or
3 needle or for any drug or other medication which is to be
4 administered using a hypodermic syringe or needle, the health care
5 professional shall provide the patient with oral instructions and
6 written informational materials concerning the safe disposal of used
7 hypodermic syringes and needles so as to prevent against the
8 potential transmission of bloodborne pathogens that can occur when
9 used hypodermic syringes and needles are reused or when they
10 cause accidental injury.

11

12 2. a. A pharmacy practice site or health care professional that
13 dispenses prescription drugs, other than a long-term care pharmacy,
14 shall, when dispensing to an individual located in this State a
15 prescription drug or medication which is a controlled dangerous
16 substance, and when dispensing any other prescription drug or
17 medication as may be designated by the Commissioner of Health by
18 regulation:

19 (1) provide the patient with oral instructions and written
20 informational materials advising that when unused, unwanted, or
21 expired drugs and medications are not properly, safely, and
22 promptly disposed of:

23 (a) there is a risk that the drug or medication can be stolen,
24 diverted, abused, misused, or accidentally ingested, which can pose
25 a risk to the health and safety of the patient and other members of
26 the patient's household;

27 (b) children are particularly at risk of accidentally ingesting
28 unused, unwanted, and expired medications that have not been
29 properly, safely, and promptly disposed of;

30 (c) when drugs or medications are disposed of in the household
31 trash or flushed down the drain, the drugs and medications can leak
32 into the ecosystem, which can have a potentially adverse or harmful
33 effect on the environment; and

34 (d) when drugs or medications are disposed of in the household
35 trash without the drug or medication having been rendered
36 deactivated, inaccessible, or otherwise unpalatable, the drug or
37 medication may be stolen by individuals seeking to divert, abuse, or
38 misuse the drug or medication;

39 (2) offer to make available for purchase, or furnish at no cost to
40 the patient, a product that can be used to permanently sequester or
41 deactivate unused, unwanted, or expired drugs and medications for
42 the purpose of safely disposing of the drugs and medications; and

43 (3) provide the patient with oral and written instructions on how
44 to properly, safely, and promptly dispose of unused, unwanted, or
45 expired drugs and medications, which may include, but shall not be
46 limited to, providing instructions concerning the use of a product
47 furnished to the patient pursuant to paragraph (2) of this subsection,
48 and advising the patient of the availability of secure prescription

1 medication drop-off receptacles and prescription medication take
2 back programs.

3 b. The requirements of subsection a. of this section shall apply
4 regardless of whether the prescription is an initial prescription or a
5 renewal or refill of an existing prescription, and regardless of
6 whether the patient is a new or returning customer at the pharmacy
7 practice site or is a new or existing patient of the health care
8 professional.

9 c. Any time a pharmacy practice site or health care
10 professional that dispenses prescription drugs, other than a long-
11 term care pharmacy, sells or dispenses a hypodermic syringe or
12 needle, regardless of whether the hypodermic syringe or needle is
13 sold or dispensed pursuant to a prescription, the pharmacy practice
14 site or health care professional shall provide the patient with oral
15 instructions and written informational materials concerning the safe
16 disposal of used hypodermic syringes and needles so as to prevent
17 against the potential transmission of bloodborne pathogens that can
18 occur when used hypodermic syringes and needles are reused or
19 when they result in accidental injury.

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21 3. This act shall take effect 30 days after the date of enactment.

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STATEMENT

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26 This bill requires that patients be provided with certain
27 information concerning safe drug disposal and the opportunity to
28 receive a product that can be used for the safe disposal of unused,
29 unwanted, and expired drugs and medications under certain
30 circumstances.

31 Specifically, patients are to be provided with the information and
32 offer of a disposal product:

- 33 • When a health care professional issues any prescription for a
34 drug or medication which is a controlled dangerous substance,
35 and a prescription for any other prescription drug or medication
36 as may be designated by the Commissioner of Health by
37 regulation to a patient, regardless of whether the prescription is
38 being issued to a new or existing patient, regardless of whether
39 the prescription is for a new drug or medication or continues a
40 current prescription, and regardless of the health care setting in
41 which the prescription is issued;
- 42 • When a change is made to a patient's course of treatment that
43 results in a change in the drugs or medications prescribed for the
44 patient, or in the patient discontinuing the use of a prescription
45 drug or medication, regardless of whether the patient is a new or
46 existing patient, and regardless of the health care setting in which
47 the care or treatment is provided;

1 • When a pharmacy practice site or health care professional that
2 dispenses prescription drugs, other than a long-term care
3 pharmacy, dispenses a prescription drug or medication which is a
4 controlled dangerous substance, or any other prescription drug or
5 medication as may be designated by the Commissioner of Health
6 by regulation, regardless of whether the prescription is an initial
7 prescription or a renewal or refill of an existing prescription, and
8 regardless of whether the patient is a new or returning customer
9 at the pharmacy practice site or is a new or existing patient of the
10 health care professional; and

11 The informational materials are to include oral instructions and
12 written information advising the patient of the risks of theft,
13 diversion, abuse, misuse, and accidental ingestion when unused,
14 unwanted, and expired drugs and medications are not properly,
15 promptly, and safely disposed of, and that improperly disposing of
16 drugs and medications presents a risk of harm to both individuals
17 and the environment.

18 The patient is additionally to be offered, either for purchase or at
19 no cost, a product that can be used to permanently sequester or
20 deactivate unused, unwanted, or expired drugs and medications for
21 the purpose of safely disposing of the drugs and medications. The
22 patient is also to be provided with oral and written instructions on
23 how to properly, safely, and promptly dispose of unused, unwanted,
24 or expired drugs and medications, which may include, but will not
25 be limited to, providing instructions concerning the use of any
26 disposal product furnished to the patient and advising the patient of
27 the availability of secure prescription medication drop-off
28 receptacles and prescription medication take back programs.

29 Additionally, health care practitioners issuing a prescription for a
30 hypodermic syringe or needle or for a medication to be
31 administered using a hypodermic syringe or needle, and
32 pharmacists and other health care practitioners selling or dispensing
33 a hypodermic syringe or needle, regardless of whether the patient
34 has a prescription, are to provide oral instructions and written
35 informational materials to the patient concerning the safe disposal
36 of used hypodermic syringes and needles so as to prevent the
37 potential spread of bloodborne pathogens that can occur when used
38 syringes and needles are reused or when they cause an injury.

39 This bill is named “Charlie’s Law” after Charlie Van Tassel, a
40 young man who struggled with addiction for many years before
41 finally succumbing in 2013, at the age of 33. Charlie was an athlete
42 and family prankster who loved music and dancing, had a terrific
43 sense of humor, and was a beloved brother and son. It is the
44 sponsor’s intent to help reduce the risk that young people like
45 Charlie will develop a substance use disorder, as well as to reduce
46 the potential harms caused by the improper disposal of used
47 hypodermic syringes and needles.