

ASSEMBLY, No. 3284

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

SYNOPSIS

Requires pharmacies to maintain minimum stock of opioid antidote.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 AN ACT concerning pharmacies and amending P.L.2017, c.88.

2

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

5

6 1. Section 1 of P.L.2017, c.88 (C.45:14-67.2) is amended to
7 read as follows:

8 1. a. Notwithstanding any other law or regulation to the
9 contrary, a pharmacist may dispense an opioid antidote to any
10 patient, regardless of whether the patient holds an individual
11 prescription for the opioid antidote, pursuant to a standing order
12 issued by a prescriber or pursuant to the standing order issued
13 pursuant to subsection b. of this section. A pharmacist who
14 dispenses an opioid antidote pursuant to this section shall comply
15 with the provisions of the "Overdose Prevention Act," P.L.2013,
16 c.46 (C.24:6J-1 et al.).

17 b. The Commissioner of Health, or, if the commissioner is not
18 a duly licensed physician, the Deputy Commissioner for Public
19 Health Services, shall issue, upon request by a pharmacist licensed
20 to practice in this State, a standing order authorizing the pharmacist
21 to dispense an opioid antidote to any patient, regardless of whether
22 the patient holds an individual prescription for the opioid antidote,
23 provided the pharmacist complies with the requirements of the
24 "Overdose Prevention Act," P.L.2013, c.46 (C.24:6J-1 et al.).

25 c. As used in this section:

26 "Opioid antidote" means naloxone hydrochloride, or any other
27 similarly acting drug approved by the United States Food and Drug
28 Administration for self-administration for the treatment of an opioid
29 overdose.

30 "Patient" means the same as that term is defined in section 3 of
31 P.L.2013, c.46 (C.24:6J-3).

32 "Prescriber" means the same as that term is defined in section 3
33 of P.L.2013, c.46 (C.24:6J-3).

34 "Retail pharmacy" means any place in this State where drugs are
35 dispensed or patient care services are provided by a licensed
36 pharmacist, but shall not include any pharmacy that limits the
37 provision of pharmaceutical care services to a defined and exclusive
38 group of patients and is not open for dispensing to the general
39 patient population.

40 "Retail unit of an opioid antidote" means a package containing
41 one unit of an opioid antidote, which package is intended for
42 individual sale or dispensation directly to a patient.

43 d. (1) Each retail pharmacy shall stock a minimum of one
44 retail unit of an opioid antidote at all times.

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 (2) A retail pharmacy that fails to stock at least one retail unit of
2 an opioid antidote shall receive a written warning from the board
3 following a first offense, and shall be subject to a civil penalty of
4 \$250 for a second or subsequent offense. Following receipt of a
5 written warning for a first offense, each day during which a
6 violation continues shall constitute a separate offense. The civil
7 penalty may be sued for and collected by the board in a summary
8 proceeding pursuant to the “Penalty Enforcement Law of 1999,”
9 P.L.1999, c.274 (C.2A:58-10 et seq.), and the rules of court
10 governing actions for the collection of civil penalties in the
11 municipal or Special Civil Part of the Law Division of the Superior
12 Court where the offense occurred. It shall be an affirmative defense
13 to a violation of this subsection if the pharmacy demonstrates that:

14 (a) fewer than three days elapsed between the date of the
15 violation and the date on which the pharmacy was last in
16 compliance with the requirements of paragraph (1) of this
17 subsection;

18 (b) fewer than seven days elapsed between the date of the
19 violation and the date on which the pharmacy was last in
20 compliance with the requirements of paragraph (1) of this
21 subsection, and the pharmacy had ordered an adequate replacement
22 stock prior to the date of the violation; or

23 (c) the pharmacy was unable to comply with the requirements of
24 paragraph (1) of this subsection because of a wholesaler shortage of
25 retail units of opioid antidotes.

26 (cf: P.L.2017, c.88, s.1)

27
28 2. The Board of Pharmacy, in consultation with the Department
29 of Health, shall promulgate rules and regulations, pursuant to the
30 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
31 seq.), as may be necessary to effectuate the provisions of this act.

32
33 3. This act shall take effect 30 days after the date of enactment.

34 35 36 STATEMENT

37
38 This bill requires retail pharmacies to stock at least one retail
39 unit of an opioid antidote, such as naloxone hydrochloride or any
40 other federally-approved drug intended for self-administration for
41 the treatment of an opioid overdose, at all times. The bill defines
42 “retail unit of an opioid antidote” to mean a package containing one
43 unit of an opioid antidote that is intended for individual sale or
44 dispensation directly to a patient. “Retail pharmacy” is defined as
45 any place where drugs are dispensed and pharmaceutical services
46 are provided by a licensed pharmacist, but does not include any
47 pharmacy that limits pharmaceutical care services to a defined and

1 exclusive group of patients and that is not open for dispensing to the
2 general patient population.

3 A pharmacy that fails to maintain at least one retail unit of an
4 opioid antidote will be issued a written warning by the Board of
5 Pharmacy for a first offense, and will be subject to a civil penalty of
6 \$250 for a second or subsequent offense. Following receipt of a
7 written warning from the board for a first offense, each day during
8 which a violation continues will constitute a separate offense.
9 However, it will constitute an affirmative defense to a violation of
10 the requirements of the bill if the pharmacy demonstrates that:
11 fewer than three days elapsed between the date of the violation and
12 the date on which the pharmacy was last in compliance with the
13 requirements of the bill; fewer than seven days elapsed between the
14 date of the violation and the date on which the pharmacy was last in
15 compliance, and the pharmacy had ordered an adequate replacement
16 stock prior to the date of the violation; or the pharmacy was unable
17 to comply because of a wholesaler shortage of retail units of opioid
18 antidotes.