

SENATE, No. 732

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Permits pharmacists to dispense certain drugs in emergency without prescription.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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

6

7 1. a. A pharmacist may dispense or sell an emergency supply
8 of a chronic maintenance drug without a current, valid prescription
9 from a practitioner if all of the following conditions are satisfied:

10 (1) the pharmacy at which the pharmacist is practicing has a
11 record of a prescription for the drug in the name of the patient who
12 is requesting the emergency supply, but the prescription does not
13 provide for a refill or the time permitted for providing the refill has
14 passed;

15 (2) the pharmacist attempts but is unable to obtain authorization
16 to refill the prescription from the practitioner who issued the
17 prescription or another practitioner responsible for the patient's
18 care;

19 (3) in the pharmacist's professional judgment, refusal to provide
20 an emergency supply of the drug would endanger the health or
21 welfare of the patient;

22 (4) the drug is not a controlled dangerous substance;

23 (5) the amount of the drug dispensed does not exceed a 30-day
24 supply as provided in the most recent prescription or, if the standard
25 unit of dispensing for the drug exceeds a 30-day supply, the amount
26 dispensed does not exceed the standard unit of dispensing;

27 (6) the pharmacist has not provided an emergency supply of the
28 particular drug pursuant to this subsection to the same patient in the
29 previous 12-month period; and

30 (7) the pharmacist fulfills all documentation and other
31 requirements for dispensing established by the Board of Pharmacy
32 by regulation.

33 b. A pharmacist or the pharmacist's employer shall not be held
34 civilly liable for any act or omission in connection with the
35 dispensing of an emergency supply of a drug pursuant to this
36 section unless the act or omission constitutes gross negligence,
37 recklessness, or willful or wanton misconduct.

38 c. Nothing in this section shall preclude a pharmacist from
39 dispensing an emergency supply of a drug under other authority
40 granted by regulations promulgated by the Board of Pharmacy.

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42 2. The Board of Pharmacy, pursuant to the "Administrative
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
44 rules and regulations to effectuate the purposes of this act.

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46 3. This act shall take effect on the first day of the fourth month
47 next following the date of enactment, except that the Board of
48 Pharmacy may take such anticipatory administrative action in

1 advance of the effective date as shall be necessary to implement the
2 act.

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4 STATEMENT

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6 This bill permits a pharmacist to dispense or sell an emergency
7 supply of a chronic maintenance drug without a current, valid
8 prescription from a practitioner, under certain conditions. To
9 dispense or sell an emergency supply of a drug under the bill:

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- 11 • the pharmacy at which the pharmacist is practicing must have
12 a record of a prescription for the drug in the name of the
13 patient who is requesting the emergency supply, but the
14 prescription does not provide for a refill or the time permitted
15 for providing the refill has passed;
- 16 • the pharmacist must attempt but fail to obtain authorization to
17 refill the prescription from the practitioner who issued the
18 prescription or another practitioner responsible for the
19 patient's care;
- 20 • the pharmacist must determine, in the pharmacist's
21 professional judgment, that refusal to provide an emergency
22 supply of the drug would endanger the health or welfare of the
23 patient;
- 24 • the drug must not be a controlled dangerous substance;
- 25 • the amount of the drug dispensed must not exceed a 30-day
26 supply as provided in the most recent prescription or, if the
27 standard unit of dispensing for the drug exceeds a 30-day
28 supply, the amount dispensed must not exceed the standard
29 unit of dispensing;
- 30 • the pharmacist may not have provided an emergency supply of
31 the particular drug pursuant to this subsection to the same
32 patient in the previous 12-month period; and
- 33 • the pharmacist must fulfill all documentation and other
34 requirements for dispensing established by the Board of
35 Pharmacy by regulation.

36

37 The bill provides civil immunity for pharmacists and their
38 employers for acts or omissions in connection with the dispensing
39 of an emergency supply of a drug pursuant to this bill unless the act
40 or omission constitutes gross negligence, recklessness, or willful or
41 wanton misconduct.

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43 The bill also states that it would not preclude a pharmacist from
44 dispensing an emergency supply of a drug under other authority
45 granted by regulations promulgated by the Board of Pharmacy.
46 Currently, N.J.A.C.13:39-7.4 permits emergency dispensing of a
47 72-hour supply of a drug, under conditions that are more permissive
48 than the conditions for dispensing a longer-term supply established
under this bill.