

SENATE, No. 872

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires persons picking up prescriptions for Schedule II controlled dangerous substances to present identification.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the dispensing of prescriptions for Schedule II
2 controlled dangerous substances and supplementing Title 24 of
3 the Revised Statutes.

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

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8 1. a. A pharmacist shall not dispense a Schedule II controlled
9 dangerous substance, unless the ultimate user first:

10 (1) presents a photographic identification card issued by a state,
11 or by the federal government; or presents another form of
12 documentation that constitutes acceptable proof of identity for the
13 purposes of 8 CFR s.274a.2(b)(1)(v)(A) or (B); and

14 (2) signs a logbook maintained by the pharmacist, and prints
15 therein the signatory's name and address, as well as the date and
16 time of dispensation.

17 b. Before dispensing a Schedule II controlled dangerous
18 substance, in accordance with the provisions of subsection a. of this
19 section, the pharmacist shall ensure that the name entered in the
20 logbook matches the name that appears on the ultimate user's
21 identification card or other appropriate identity documentation; and
22 shall further verify that the logbook reflects the correct date and
23 time of dispensation. The pharmacist shall also record, in the
24 logbook, the name and amount of the substance that is being
25 dispensed. The pharmacist shall maintain each entry in the logbook
26 for not less than two years after the date on which the entry is made.

27 c. The logbook maintained by a pharmacist, for the purposes of
28 this section, shall include a written notice, at the top of each page,
29 indicating that the knowing inclusion of false information in the
30 logbook will subject the signatory to prosecution under
31 N.J.S.2C:28-3.

32 d. (1) Information contained in a pharmacist's logbook,
33 pursuant to this section, shall not be disclosed for any purpose,
34 except when such disclosure is necessary to facilitate a drug recall
35 for the protection of public health and safety, or is necessary for law
36 enforcement purposes, in association with the enforcement of this
37 section or other relevant provisions of the "New Jersey Controlled
38 Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.).

39 (2) Any pharmacist who, in good faith, discloses information
40 from a logbook maintained thereby, in accordance with the
41 provisions of this subsection, shall not be subject to any criminal or
42 civil liability, or any professional disciplinary action under Title 45
43 of the Revised Statutes, as a result of such disclosure.

44 e. The Commissioner of Health and the State Board of
45 Pharmacy, in consultation with each other, shall each adopt rules
46 and regulations, pursuant to the "Administrative Procedure Act,"
47 P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions
48 of this section.

1 2. This act shall take effect on the 60th day after the date of
2 enactment, except that the Commissioner of Health and the State
3 Board of Pharmacy may take administrative action, in advance
4 thereof, as may be necessary for the implementation of this act.

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7 STATEMENT

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9 This bill would prohibit a pharmacist from dispensing a Schedule
10 II controlled dangerous substance (CDS), unless the ultimate user
11 (i.e., the person who is authorized to lawfully possess a CDS for his
12 or her own use, or for the use of a member of the person's
13 household, or for administration to an animal owned by the person
14 or by a member of the person's household):

15 (1) presents a photographic identification card issued by a state,
16 or by the federal government; or presents another form of
17 documentation that constitutes acceptable proof of identity under
18 federal immigration law; and

19 (2) signs a logbook maintained by the pharmacist, and prints
20 therein the signatory's name and address, as well as the date and
21 time of dispensation.

22 Before dispensing a Schedule II CDS, the pharmacist will be
23 required to ensure that the name entered in the logbook matches the
24 name that appears on the ultimate user's identification card or other
25 appropriate identity documentation; and will further be required to
26 verify that the logbook reflects the correct date and time of
27 dispensation. The pharmacist will also be required to record, in the
28 logbook, the name and amount of the substance that is being
29 dispensed. The pharmacist is to maintain each entry in the logbook
30 for at least two years after the date on which the entry is made.

31 The logbook maintained by the pharmacist would include a
32 written notice, at the top of each page, indicating that the knowing
33 inclusion of false information in the logbook will subject the
34 signatory to prosecution under N.J.S.2C:28-3, which is the
35 provision of law that establishes unsworn falsification as a crime of
36 the fourth degree.

37 The bill would specify that the information contained in a
38 pharmacist's logbook may not be disclosed for any purpose, except
39 when such disclosure is necessary to facilitate a drug recall for the
40 protection of public health and safety, or is necessary for law
41 enforcement purposes, in association with the enforcement of this
42 bill and other relevant provisions of the "New Jersey Controlled
43 Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.).
44 Any pharmacist who discloses logbook information, in good faith,
45 and as authorized by the bill, would be immune from criminal, civil,
46 and professional liability for such disclosure.

47 The bill would require both the Commissioner of Health and the
48 State Board of Pharmacy, in consultation with each other, to adopt
49 rules and regulations to implement the bill's provisions.