

SENATE, No. 1086

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Requires pharmacies to install and maintain secure prescription medication drop-off receptacles, and Division of Consumer Affairs to post receptacle location information online.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the collection and disposal of medications and
2 supplementing P.L.2003, c.280 (C.45:14-40 et seq.).

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

6
7 1. a. A pharmacy practice site that dispenses prescription
8 drugs and medications shall install and maintain a prescription
9 medication drop-off receptacle wherein unused or expired
10 prescription drugs and other common household medications may
11 be anonymously deposited by members of the public. The
12 prescription medication drop-off receptacle shall be made
13 accessible to the public during the pharmacy practice site's ordinary
14 business hours.

15 b. A pharmacy practice site shall obtain such registrations,
16 licenses, and authorizations as may be required by federal law to
17 comply with the provisions of this act. In the event that an
18 application for a necessary registration, license, or authorization is
19 denied by the United States Drug Enforcement Administration or
20 any other federal agency, the pharmacy practice site shall take such
21 steps as may be necessary to address any obstacles to approval of
22 the application, and shall reapply for the registration, license, or
23 authorization at the earliest date possible.

24 c. Within one year after the effective date of this act, every
25 pharmacy practice site located in this State shall have installed a
26 prescription medication drop-off receptacle, and shall have met all
27 other requirements necessary for compliance with this act, except
28 that the Director of the Division of Consumer Affairs in the
29 Department of Law and Public Safety may grant a waiver allowing
30 a pharmacy practice site additional time to comply with these
31 requirements, or an exemption from the requirements of this act, for
32 which waiver the pharmacy practice site shall apply on a form and
33 in a manner prescribed by the director. Such waiver shall be
34 granted by the director if the pharmacy practice site can
35 demonstrate to the director's satisfaction that the failure to grant
36 such a waiver would pose a serious financial hardship to the
37 pharmacy practice site or that the pharmacy practice site has been or
38 will be, for reasons outside the control of the pharmacy practice
39 site, unable to obtain the federal registrations, licenses, or
40 authorizations necessary to comply with the requirements of this
41 act.

42 d. Prescription drugs and other household medications
43 deposited in a prescription medication drop-off receptacle shall be
44 destroyed or otherwise disposed of consistent with applicable
45 federal, State, and local law. Such disposal may include on-site
46 destruction, or transport or transfer to a person or entity authorized
47 to accept controlled dangerous substances for the purpose of
48 destroying the substances.

1 e. Until such time as a pharmacy practice site installs a
2 prescription medication drop-off receptacle on its premises and
3 satisfies any other requirements as may be necessary to comply with
4 this act, the pharmacy practice site shall display, in a conspicuous
5 location, notice informing members of the public of the location of
6 the closest law enforcement agency where a secure prescription
7 medication drop-off receptacle is located.

8 f. The Division of Consumer Affairs shall post on its Internet
9 website a list of all secure prescription medication drop-off
10 locations in the State, including the hours of operation at each
11 location. The list shall include receptacles maintained by the
12 division, receptacles located at pharmacy practice sites, and
13 receptacles located at participating law enforcement agencies, as
14 well as any receptacle located in the State that is approved by the
15 United States Food and Drug Administration. The website shall
16 also contain information about mobile receptacles and collection
17 events.

18 g. A person, including an employee of a pharmacy practice
19 site, shall not be liable in any civil or criminal proceeding or subject
20 to administrative disciplinary action for damages arising out of an
21 action taken by that person in good faith in connection with the
22 administration or implementation of the provisions of this act,
23 unless such damages are the direct result of the gross negligence,
24 recklessness, or knowing misconduct of the person. Nothing in this
25 subsection shall be construed to limit or constrain in any way a
26 prosecution for a violation of an offense defined in chapter 35 or
27 chapter 36 of Title 2C of the New Jersey Statutes.

28
29 2. Pursuant to the "Administrative Procedure Act," P.L.1968,
30 c.410 (C.52:14B-1 et seq.), the Director of the Division of
31 Consumer Affairs shall adopt rules and regulations necessary to
32 effectuate the provisions of this act.

33
34 3. This act shall take effect on the first day of the seventh
35 month next following enactment, except that the Division of
36 Consumer Affairs may take such anticipatory administrative action
37 in advance thereof as shall be necessary for the implementation of
38 this act.

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41 STATEMENT

42
43 This bill requires pharmacy practice sites that dispense
44 prescription drugs and medications to install and maintain a
45 prescription medication drop-off receptacle, wherein unused or
46 expired prescription drugs and other common household
47 medications may be anonymously deposited by members of the
48 public.

1 A pharmacy practice site would be required to make its
2 receptacle accessible to the public during the pharmacy practice
3 site's ordinary business hours. Each pharmacy practice site will be
4 required to obtain such registrations, licenses, and authorizations as
5 may be required under federal law to enable the pharmacy to
6 comply with the provisions of the bill. Prescription drugs and other
7 medications deposited in the receptacles would be destroyed in a
8 manner consistent with federal, State, and local laws, which may
9 include on-site destruction or transport or transfer to a person or
10 entity authorized to accept controlled dangerous substances for the
11 purpose of destroying the substances.

12 The bill requires every pharmacy practice site to install a
13 receptacle and meet any other requirements necessary to comply
14 with the bill within one year after the effective date of the bill, but
15 allows the Director of the Division of Consumer Affairs in the
16 Department of Law and Public Safety to grant a waiver allowing a
17 pharmacy practice site additional time to comply with the
18 requirements of the bill, or a complete exemption from these
19 requirements, in situations involving serious financial hardship or
20 where a pharmacy practice site can demonstrate it has been or will
21 be unable to obtain a necessary registration, license, or
22 authorization.

23 Until such time as a pharmacy practice site installs a prescription
24 medication drop-off receptacle on its premises and satisfies any
25 other necessary requirements, the pharmacy practice site will be
26 required to display, in a conspicuous location, notice informing
27 members of the public of the location of the closest law
28 enforcement agency where a secure prescription medication drop-
29 off receptacle is located.

30 The Division of Consumer Affairs will be required to post on its
31 Internet website a list of the locations of all secure prescription
32 medication drop-off locations in the State, including the hours of
33 operation at each location. The list will include receptacles
34 maintained by the division, receptacles located at pharmacy practice
35 sites, and receptacles located at participating law enforcement
36 agencies, as well as any receptacle located in the State that is
37 approved by the federal Food and Drug Administration. The
38 website will also include information about mobile receptacles and
39 collection events.

40 The bill would provide immunity from civil and criminal liability
41 and administrative disciplinary action for damages arising out of an
42 action taken by an individual, including an employee of a pharmacy
43 practice site, in good faith in connection with the administration or
44 implementation of the provisions of the bill. However, this
45 immunity would not extend to damages that are the direct result of
46 the gross negligence, recklessness, or knowing misconduct of the
47 person, and would not be construed to limit or constrain in any way
48 a prosecution for a criminal offense involving illegal drugs under
49 the "Comprehensive Drug Reform Act of 1987."