

SENATE, No. 1088

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Requires pharmacies to sell hypodermic syringes and needles to any customer over the age of 18 and post sign concerning consumer right to purchase clean syringes and needles.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning pharmacy sales of hypodermic syringes and
2 needles and amending P.L.2011, c.183.

3

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

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7 1. Section 1 of P.L.2011, c.183 (C.2C:36-6.2) is amended to
8 read as follows:

9 1. a. Notwithstanding any State law, rule, or regulation to the
10 contrary, a licensed pharmacy **[may]** shall sell a hypodermic
11 syringe or needle, or any other instrument adapted for the
12 administration of drugs by injection, to a person over 18 years of
13 age who presents valid photo identification to demonstrate proof of
14 age or who otherwise satisfies the seller that he is over 18 years of
15 age, as follows:

16 (1) without a prescription if sold in quantities of between one
17 and up to 10 **[or fewer]**; and

18 (2) pursuant to a prescription issued by a person authorized to
19 prescribe under State law if sold in quantities of more than 10.

20 b. A licensed pharmacy that provides hypodermic syringes or
21 needles for sale shall also be required to:

22 (1) maintain its supply of such instruments under or behind the
23 pharmacy sales counter such that they are accessible only to a
24 person standing behind a pharmacy sales counter; **[and]**

25 (2) make available to each person who purchases any such
26 instrument, at the time of purchase, information to be developed by
27 the Department of Health to the purchaser, about:

28 (a) the safe disposal of the instrument, including local disposal
29 locations or a telephone number to call for that information; and

30 (b) substance abuse treatment, including a telephone number to
31 call for assistance in obtaining treatment; and

32 (3) post a sign at the pharmacy sales counter advising that
33 hypodermic syringes or needles may be purchased by a person over
34 18 years of age in quantities of 10 or fewer without a prescription,
35 and that hypodermic syringes or needles may be purchased by a
36 person over 18 years of age in quantities of more than 10 pursuant
37 to a valid prescription.

38 c. In addition to any other provision of law that may apply, a
39 person who purchases a hypodermic syringe or needle pursuant to
40 subsection a. of this section and sells that needle or syringe to
41 another person is guilty of a disorderly persons offense.

42 d. The Department of Health, in consultation with the
43 Department of Human Services and the New Jersey State Board of
44 Pharmacy, may, pursuant to the "Administrative Procedure
45 Act,"P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and

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 regulations to effectuate the purposes of subsection b. of this
2 section. The Department of Health shall make the information that
3 is to be developed pursuant to subsection b. of this section available
4 to pharmacies and purchasers of hypodermic syringes or needles
5 through its Internet website.

6 (cf: P.L.2012, c.17, s.4)

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8 2. This act shall take effect on the 60th day after the date of
9 enactment.

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STATEMENT

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14 This bill requires pharmacies to sell hypodermic needles and
15 syringes to any customer over the age of 18.

16 Under current law, needles and syringes may be sold in
17 quantities of up to 10 without a prescription, and in quantities of
18 more than 10 only with a valid prescription. Current law provides
19 that over-the-counter sales of needles and syringes is allowed, but
20 not required. This bill will make such sales mandatory, and will
21 additionally require pharmacies to post a sign at the pharmacy sales
22 counter advising consumers of the right to purchase needles and
23 syringes pursuant to the bill.

24 The ability to purchase up to 10 hypodermic syringes or needles
25 without a prescription first took effect in 2011, with the enactment
26 of P.L.2011, c.183 (C.2C:36-6.2 et seq.). The 2011 law was
27 designed both to facilitate access to individuals who use syringes or
28 needles to administer medication, such as diabetic insulin users, as
29 well as to help make clean syringes and needles available to
30 intravenous drug users, thereby helping prevent the spread of
31 bloodborne diseases such as the human immunodeficiency virus
32 (HIV) and the hepatitis C virus (HCV). Under the 2011 law,
33 pharmacies selling needles and syringes are required to make
34 information concerning the safe disposal of used syringes and
35 needles and information concerning substance abuse treatment
36 available to all purchasers.

37 It is the sponsor's belief that requiring pharmacies to sell
38 hypodermic syringes and needles to any consumer over the age of
39 18 and to a post a sign notifying consumers of their rights with
40 regard to purchasing clean hypodermic syringes and needles will
41 help promote the public health interests that the original 2011 law
42 sought to advance.