SENATE BILL NO. **2436**
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2436 (First Reprint) with my recommendations for reconsideration.

Senate Bill No. 2436 (First Reprint) would allow licensed pharmacists to order and administer to any individual any test for COVID-19 that has been authorized by the Food and Drug Administration, provided certain safeguards are met. If an individual tests positive for COVID-19 using a test administered by the pharmacist, the pharmacist would be required to advise the individual on self-isolation guidance and provide the individual with any necessary resource materials. If the individual who tests positive is at high-risk for health complications, the pharmacist would be required to advise the individual to promptly seek treatment at a hospital or contact their health care provider. Additionally, the pharmacist would be required to comply with all other State and federal requirements pertaining to positive COVID-19 tests, including reporting and data collection requirements.

I commend the bill's sponsors for seeking to expand the health care workforce authorized to conduct COVID-19 testing. Widespread testing, and the data it yields, is critical to maintaining New Jersey's progress in flattening the curve and lowering transmission rates. As one of the most publicly accessible groups of health care professionals, pharmacists are uniquely positioned to assist in the State's COVID-19 response.

In addition to sharing the sponsors' commitment to ensuring convenient, readily available testing, I am also recommending amendments to expand the authorization in the bill to include

testing for COVID-19 antibodies. Testing for and collecting data related to antibodies enables epidemiologists to characterize exposure and increases our understanding of the virus. This revision also makes the bill consistent with the Division of Consumer Affairs (the "Division") Administrative Order 2020-06, issued by the Division in May. I am also recommending modest revisions to clarify that administering a test includes collecting or overseeing the collection of a specimen and causing the specimen to be sent to a laboratory with the capacity to perform the test. Finally, my recommended changes specify when a specimen may be tested at a pharmacy and when it must be conducted at an off-site laboratory, consistent with the Division's Administrative Order 2020-06.

Accordingly, I herewith return Senate Bill No. 2436 (First Reprint) and recommend that it be amended as follows:

Page 2, Title, Line 1:	Delete "coronavirus disease 2019" and insert "COVID-19 or COVID-19 antibodies"
Page 2, Section 1, Lines 8-9:	Delete "Consistent with federal guidance and waivers, a" and insert "A"
Page 2, Section 1, Line 10:	Delete "administer" and insert "cause to be administered"
Page 2, Section 1, Line 11:	Delete "coronavirus disease 2019" and insert "SARS-CoV-2"
Page 2, Section 1, Line 11:	After "(COVID-19)" insert "or COVID-19 antibodies"
Page 2, Section 1, Line 12:	Delete "authorized for use" and insert "granted emergency use authorization or approval"
Page 2, Section 1, Line 28:	After "COVID-19" insert ", and complies with any other applicable requirements that the New Jersey Board of Pharmacy may establish. For purposes of this section, causing a test to be administered shall include collecting a specimen, or overseeing the collection of a specimen, and causing the specimen to be sent to a laboratory with the capacity to perform the test. The

laboratory shall be authorized under federal and State law to perform the test, including but not limited to, the Clinical Laboratory Improvement Amendments ("CLIA"), 42 U.S.C. 263a, the New Jersey Clinical Laboratory Improvement Act, N.J.S.A. 45:9-42.26 et seq., and associated regulations. If the test which is administered is one for which the analysis can be performed at a CLIA waived facility, and if the pharmacy at which the specimen is collected has a CLIA waiver, then the test may be conducted at that pharmacy. In all other cases, the test shall be conducted at an off-site laboratory, which laboratory shall report the results of the test to the pharmacist who ordered or administered the test"

Page 2, Section 1, Line 34: After "Guide" insert "developed by the New Jersey Department of Health"

Page 2, Section 1, Line 37: After "shall" insert "also"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor