

SENATE, No. 3802

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 20, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

SYNOPSIS

Requires Division of Consumer Affairs to publish retail price of certain opioid antidotes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2021)

1 AN ACT concerning opioid antidotes and amending P.L.2006, c.84.

2

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

5

6 1. Section 1 of P.L.2006, c.84 (C.45:14-81) is amended to read
7 as follows:

8 1. a. There is established the "New Jersey Prescription Drug
9 Retail Price Registry" in the Division of Consumer Affairs in the
10 Department of Law and Public Safety for the purpose of making
11 retail price information for the 150 most frequently prescribed
12 prescription drugs in the State and opioid antidotes readily available
13 to consumers.

14 (1) For the purpose of establishing the registry, the Director of
15 the Division of Consumer Affairs, in consultation with the
16 Commissioners of Human Services and Health and Senior
17 Services, shall obtain drug retail price information for these
18 prescription drugs, which indicates the actual price to be paid to a
19 pharmacy by a retail purchaser for a listed drug at the listed dosage,
20 from data collected by the Division of Medical Assistance and
21 Health Services in the Department of Human Services or other
22 available sources that includes the charge for the cost of the
23 medication and the dispensing fee, and does not exceed the usual
24 and customary or posted or advertised charge by the pharmacy. The
25 establishment of the registry shall be subject to any federal approval
26 that may be required to effectuate the purposes of this act and shall
27 conform with any requirements of State or federal law regarding the
28 confidentiality and use of the information contained therein.

29 (2) The registry shall include the information obtained by the
30 director pursuant to paragraph (1) of this subsection, and shall be
31 updated by the division at least weekly to reflect the most current
32 information obtained by the director.

33 (3) The registry shall be organized by the director in a format
34 that is conducive to review and comparison by consumers of
35 prescription drug retail prices charged by pharmacies in each zip
36 code within the State, and shall include the name and address of
37 each pharmacy.

38 b. The division shall make available electronically on its
39 Internet website in English and Spanish the information contained
40 in the registry, and shall provide the information to consumers upon
41 request by means of a toll-free telephone service operated by the
42 division.

43 The information made available on the Internet website shall:

44 (1) be organized to meet the requirements of paragraph (3) of

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 subsection a. of this section and be designed so that the consumer
2 may download and print the displayed information;

3 (2) include Internet web links to other governmental information
4 resources that provide information relating to the regulation of
5 prescription drugs and State and federal health care coverage and
6 pharmaceutical assistance programs;

7 (3) include an advisory statement by the division alerting
8 consumers of the need to tell their health care practitioner and
9 pharmacist about all the medications they may be taking and to ask
10 them how to avoid harmful interactions between those drugs, if any;
11 and

12 (4) contain clearly understandable language that is designed to
13 assist consumers in understanding the content of, and how to
14 access, the information made available on the website pursuant to
15 this section.

16 c. The director may require each pharmacy practice site in the
17 State to furnish to the director such information as the director
18 deems necessary to effectuate the provisions of this section.

19 d. The division may contract with a public or private entity for
20 the purpose of developing, administering, and maintaining the
21 registry established pursuant to this section. The contract shall
22 specify the duties and responsibilities of the entity with respect to
23 the development, administration, and maintenance of the registry.
24 The division shall monitor the work of the entity to ensure that the
25 registry is developed, administered, and maintained pursuant to the
26 requirements of this act.

27 (cf: P.L.2006, c.84, s.1)

28

29 2 Section 2 of P.L.2006, c.84 (C.45:14-82) is amended to read
30 as follows:

31 2. a. The Director of the Division of Consumer Affairs shall
32 prepare at least annually, and shall make available to each
33 pharmacy practice site in the State without charge, a list of the 150
34 most frequently prescribed prescription drugs that includes the
35 usual dosages prescribed for each drug and a list of opioid
36 antidotes.

37 b. Each pharmacy practice site in the State shall maintain a
38 prescription drug retail price list, which contains the names of the
39 drugs, including opioid antidotes, on the list provided by the
40 division pursuant to subsection a. of this section and the retail price
41 for each drug on the list charged at that pharmacy practice site,
42 including the date of the update of the retail price list, and shall
43 make the prescription drug retail price list available to customers
44 upon request.

45 (1) The prescription drug retail price list shall include an
46 advisory statement prepared by the division alerting consumers of
47 the need to tell their health care practitioner and pharmacist about

1 all the medications that they may be taking and to ask them how to
2 avoid harmful interactions between those drugs, if any.

3 (2) The pharmacy practice site shall post a sign that notifies
4 customers of the availability of the drug retail price list in a
5 conspicuous location that is: at or adjacent to the place where
6 prescriptions are presented for compounding and dispensing; in the
7 waiting area for customers; or in the area where prescribed drugs
8 are delivered.

9 c. The provisions of this section shall not be construed to
10 prevent a pharmacy practice site from changing or charging the
11 current retail price at any time, provided that the listed price is
12 updated at least weekly to reflect the new retail price.

13 d. As used in this act, "opioid antidote" means any drug,
14 regardless of dosage amount or method of administration, which has
15 been approved by the United States Food and Drug Administration
16 for the treatment of an opioid overdose, and shall include, but not
17 be limited to, naloxone hydrochloride in any dosage amount, which
18 is administered through nasal spray or any other means or methods
19 approved by the United States Food and Drug Administration.

20 (cf: P.L.2006, c.84, s.1)

21

22 3. This act shall take effect immediately.

23

24

25 STATEMENT

26

27 This bill makes the retail price of opioid antidotes readily
28 available to consumers by including this information in the "New
29 Jersey Prescription Drug Retail Price Registry" (NJPDPR).

30 The NJPDPR was established for the purpose of making up-to-
31 date retail price information for the 150 most frequently prescribed
32 prescription drugs in the State readily available to consumers. It
33 requires the Director of the Division of Consumer Affairs, in
34 consultation with the Commissioners of Human Services and Health
35 and Senior Services, to obtain retail price information for certain
36 prescription drugs, which indicates the actual price to be paid to the
37 pharmacy by a retail purchaser, and to make that information
38 available on the internet and by means of a toll-free telephone
39 service. The registry is organized in a format to allow consumers to
40 compare prescription drug retail prices charged by pharmacies in
41 each zip code within the State.

42 This bill includes opioid antidotes on the list of frequently
43 prescribed prescription drugs.

44 Under current law, the Director of the Division of Consumer
45 Affairs is required to annually make available to each pharmacy
46 practice site in this State a list of the 150 most frequently prescribed
47 prescription drugs. In addition, each pharmacy is required to
48 maintain a prescription drug retail price list, which includes the

1 names of the drugs included on the NJPDRPR, the retail price for
2 each drug on the list provided by the Division of Consumer Affairs,
3 and the retail price for each drug on the list charged at that
4 pharmacy practice site. The pharmacy is required to post a sign
5 notifying customers of the availability of the prescription drug retail
6 price list and to make the list available to customers upon request.

7 This bill includes opioid antidotes on the list of prescription
8 drugs provided to pharmacies and requires pharmacies to include
9 opioid antidotes on its prescription drug retail price list available to
10 customers.

11 Under the bill, “opioid antidotes” is defined as any drug,
12 regardless of dosage amount or method of administration, which has
13 been approved by the United States Food and Drug Administration
14 (FDA) for the treatment of an opioid overdose, and includes
15 naloxone hydrochloride, commonly known as Narcan.