

SENATE, No. 3876

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 3, 2021

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Requires pharmacy practice sites to document reasons for not filling certain prescriptions.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning pharmacy practice sites and amending
2 P.L.2007, c.199.

3

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

6

7 1. Section 1 of P.L.2007, c.199 (C.45:14-67.1) is amended to
8 read as follows:

9 1. a. (1) A pharmacy practice site has a duty to properly fill
10 lawful prescriptions for prescription drugs or devices that it carries
11 for customers, without undue delay, despite any conflicts of
12 employees to filling a prescription and dispensing a particular
13 prescription drug or device due to sincerely held moral,
14 philosophical or religious beliefs ; and

15 (2) Consistent with the provisions of this section, if a pharmacy
16 practice site determines that a patient's prescription is unlawful, the
17 pharmacy practice site shall briefly explain and record this
18 determination in the pharmacy practice site's patient profile system
19 and make the determination available to the patient and the patient's
20 prescribing physician within 48 hours of the pharmacy practice
21 site's decision to not fill the patient's prescription .

22 b. If a pharmacy practice site does not have in stock a
23 prescription drug or device that it carries, and a patient presents a
24 prescription for that drug or device, the pharmacy practice site shall
25 offer:

26 (1) to obtain the drug or device under its standard expedited
27 ordering procedures; or

28 (2) to locate a pharmacy that is reasonably accessible to the
29 patient and has the drug or device in stock, and transfer the
30 prescription there in accordance with the pharmacy practice site's
31 standard procedures.

32 The pharmacy practice site shall perform the patient's chosen
33 option without delay. If the patient so requests, the pharmacist shall
34 return an unfilled prescription to the patient.

35 c. If a pharmacy practice site does not carry a prescription drug
36 or device, and a patient presents a prescription for that drug or
37 device, the pharmacy practice site shall offer to locate a pharmacy
38 that is reasonably accessible to the patient and has the drug or
39 device in stock.

40 d. A person who believes that a violation of this section has
41 occurred may report the violation to the New Jersey State Board of
42 Pharmacy.

43 (cf: P.L.2007, c.199, s.1)

44

45 2. This act shall take effect immediately.

**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.

STATEMENT

1
2
3 This bill requires pharmacy practice sites to document reasons
4 for not filling certain prescriptions.

5 Under the bill, if a pharmacy practice site determines that a
6 patient's prescription is unlawful, the pharmacy practice site is to
7 briefly explain and record this determination in the pharmacy
8 practice site's patient profile system and make the determination
9 available to the patient and the patient's prescribing physician
10 within 48 hours of the pharmacy practice site's decision to not fill
11 the patient's prescription.

12 It is the sponsor's belief that pill shaming occurs when an
13 individual expresses a negative opinion or disdain for a person who
14 is prescribed medication to treat a mental health issue. Pill shaming
15 perpetuates behaviors and emotions that may leave someone feeling
16 alone and isolated. It is the sponsor's intent that the enactment of
17 this bill will curtail the practice of pill shaming and dispel the
18 common misconception that those who are prescribed medication
19 for a diagnosed mental health issue are affected with insanity or a
20 frail mind.