

[First Reprint]

ASSEMBLY, No. 378

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman MICHAEL J. DOHERTY

District 23 (Warren and Hunterdon)

Co-Sponsored by:

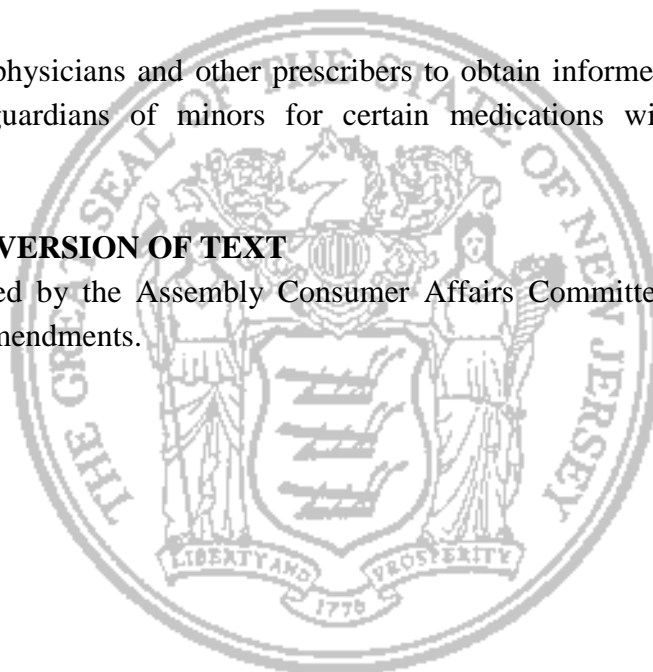
**Assemblywomen Stender, Karrow, Evans, Assemblymen Vas, Egan,
Assemblywoman Greenstein and Assemblyman DiMaio**

SYNOPSIS

Requires physicians and other prescribers to obtain informed consent from parents or guardians of minors for certain medications with “black box warnings.”

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs Committee on March 3, 2008, with amendments.



(Sponsorship Updated As Of: 11/24/2009)

1 AN ACT concerning the prescribing of certain medications to
2 minors and supplementing Title 45 of the Revised Statutes.

3

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

6

7 1. Prior to prescribing for an individual under 18 years of age
8 any psychotropic medication, including but not limited to
9 medication for the treatment of Attention Deficit Disorder or
10 Attention Deficit and Hyperactivity Disorder, required by the
11 federal Food and Drug Administration to have a "black box
12 warning" on its labeling, a physician or other authorized prescriber
13 shall inform the individual's parent or legal guardian about the
14 possible side effects of the medication and shall obtain ¹written¹
15 informed consent from the individual's parent or legal guardian for
16 the notification. ¹In the event written consent cannot be obtained,
17 the physician or other authorized prescriber shall make a notation in
18 the patient's file setting forth the date and circumstances of the
19 informed consent.¹

20 A physician or other authorized prescriber who prescribes a
21 medication in violation of this act shall be subject to disciplinary
22 action by the State Board of Medical Examiners.

23

24 2. Prior to prescribing for an individual under 18 years of age
25 any psychotropic medication, including but not limited to
26 medication for the treatment of Attention Deficit Disorder or
27 Attention Deficit and Hyperactivity Disorder, required by the
28 federal Food and Drug Administration to have a "black box
29 warning" on its labeling, an advanced practice nurse shall inform
30 the individual's parent or legal guardian about the possible side
31 effects of the medication and shall obtain informed ¹written¹
32 consent from the individual's parent or legal guardian for the
33 notification. ¹In the event written consent cannot be obtained, the
34 advanced practice nurse shall make a notation in the patient's file
35 setting forth the date and circumstances of the informed consent.¹

36 An advanced practice nurse who prescribes a medication in
37 violation of this act shall be subject to disciplinary action by the
38 New Jersey Board of Nursing.

39

40 3. The Division of Consumer Affairs in the Department of Law
41 and Public Safety, in consultation with the Department of Health
42 and Senior Services, shall adopt, pursuant to the "Administrative
43 Procedure Act," P.L.1968 c.410 (C.52:14B-1 et seq.), 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACO committee amendments adopted March 3, 2008.

A378 [1R] DIEGNAN, CRUZ-PEREZ

3

- 1 regulations necessary to implement the provisions of this act.
- 2
- 3 4. This act shall take effect 180 days after enactment.