

# SENATE, No. 631

## STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Senator Weinberg**

**SYNOPSIS**

Permits limited pharmacy sales of syringes and needles without a prescription.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 2/15/2008)**

1 AN ACT concerning the sale and possession of hypodermic syringes  
2 and needles, supplementing Title 2C of the New Jersey Statutes  
3 and Title 45 of the Revised Statutes, and repealing N.J.S.2C:36-  
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6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

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9 1. a. Notwithstanding any State law, rule or regulation to the  
10 contrary, a licensed pharmacy may sell a hypodermic syringe or  
11 needle, or any other instrument adapted for the administration of  
12 drugs by injection, to a person over 18 years of age as follows:

13 (1) without a prescription if sold in quantities of 10 or fewer;  
14 and

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

17 b. Notwithstanding any State law, rule or regulation to the  
18 contrary, possession of a hypodermic syringe or needle pursuant to  
19 paragraph (1) of subsection a. of this section shall not constitute an  
20 offense pursuant to N.J.S.2C:36-1 et seq.

21 c. A person who purchases a hypodermic syringe or needle  
22 pursuant to subsection a. of this section and sells that needle or  
23 syringe to another person is guilty of a crime of the fourth degree.

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25 2. A pharmacy that sells hypodermic syringes or needles, or any  
26 other instrument adapted for the administration of drugs by  
27 injection, shall do so in accordance with the provisions of section 1  
28 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
29 and shall:

30 a. keep its supply of such instruments under or behind the sales  
31 counter and accessible only to a person standing behind the sales  
32 counter; and

33 b. make available to each person who purchases any such  
34 instrument, at the time of purchase, information, which shall be  
35 provided in English or Spanish as appropriate to the purchaser,  
36 about:

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

39 (2) drug addiction treatment, including a telephone number to  
40 call for assistance in obtaining treatment.

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42 3. The New Jersey State Board of Pharmacy, pursuant to the  
43 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
44 seq.), shall adopt rules and regulations to effectuate the purposes of  
45 section 2 of P.L. , c. (C. ) (pending before the Legislature as this  
46 bill).

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48 4. N.J.S.2C:36-6 is repealed.

1       5. This act shall take effect on the 180th day after enactment,  
2 except that the New Jersey State Board of Pharmacy may take such  
3 anticipatory administrative action in advance as shall be necessary  
4 for the implementation of the act.

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STATEMENT

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9       This bill permits the limited sale by pharmacies of hypodermic  
10 syringes and needles without a prescription in order to make these  
11 instruments more accessible to New Jersey residents seeking to  
12 protect their own health, and to prevent the spread of HIV/AIDS,  
13 hepatitis C and other bloodborne diseases.

14       Specifically, the bill provides that:

15       -- A licensed pharmacy may sell a hypodermic syringe or  
16 needle, or any other instrument adapted for the administration of  
17 drugs by injection, to a person over 18 years of age as follows:

18       (1) without a prescription if sold in quantities of 10 or fewer; and

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

21       -- Notwithstanding any State law, rule or regulation to the  
22 contrary, possession of a hypodermic syringe or needle without a  
23 prescription pursuant to this bill would not be a violation of  
24 N.J.S.A.2C:36-1 et seq.

25       -- A person who purchases a hypodermic syringe or needle  
26 pursuant to this bill and sells that needle or syringe to another  
27 person is guilty of a crime of the fourth degree (which is punishable  
28 by imprisonment for up to 18 months, or a fine of up to \$10,000, or  
29 both).

30       -- A pharmacy that sells hypodermic syringes or needles, or any  
31 other instrument adapted for the administration of drugs by  
32 injection, must do so in accordance with the provisions of this bill  
33 and is required to:

34       a. keep its supply of such instruments under or behind the sales  
35 counter and accessible only to a person standing behind the sales  
36 counter; and

37       b. make available to each person who purchases any such  
38 instrument, at the time of purchase, information, which is to be  
39 provided in English or Spanish as appropriate to the purchaser,  
40 about:

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

43       (2) drug addiction treatment, including a telephone number to  
44 call for assistance in obtaining treatment.

45       The State Board of Pharmacy is directed to adopt rules and  
46 regulations to carry out the provisions of the bill.

47       In addition, the bill repeals N.J.S.A.2C:36-6 (concerning  
48 restrictions on the possession and use of a hypodermic syringe or

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1 needle without a valid prescription).

2 Finally, the bill takes effect on the 180th day after enactment but  
3 authorizes the State Board of Pharmacy to take anticipatory  
4 administrative action in advance as necessary for its  
5 implementation.