

[Second Reprint]
SENATE, No. 2366

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2014

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

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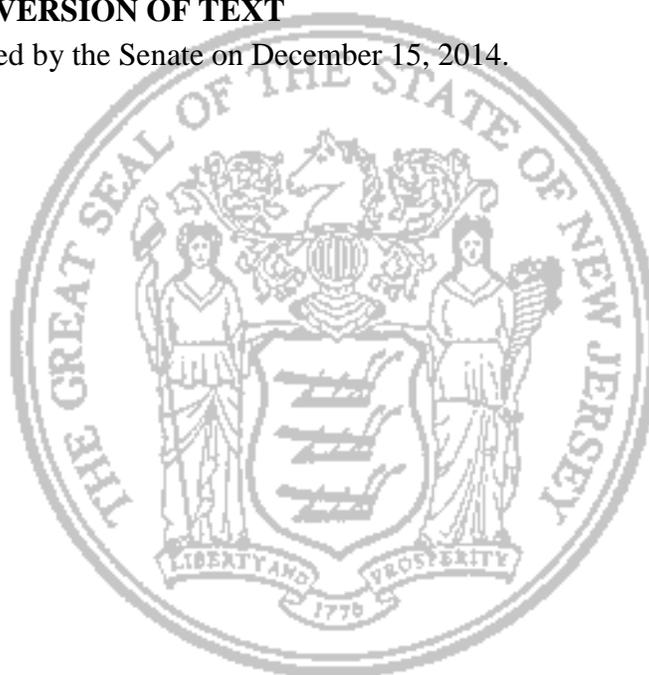
**Senators Lesniak, Addiego, Allen, Codey, Gordon, Madden, Rice, Singer,
Whelan and Greenstein**

SYNOPSIS

Requires health care practitioners to inform patients of addiction potential of controlled dangerous substances prior to issuing prescription.

CURRENT VERSION OF TEXT

As amended by the Senate on December 15, 2014.



(Sponsorship Updated As Of: 12/19/2014)

1 AN ACT concerning prescription drugs and amending P.L.1970,
2 c.226.

3

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

6

7 1. Section 15 of P.L.1970, c.226 (C.24:21-15) is amended to
8 read as follows:

9 15. Prescriptions. a. Except when dispensed directly in good
10 faith by a practitioner, other than a pharmacist, in the course of his
11 professional practice only, to an ultimate user, no controlled
12 dangerous substance included in Schedule II, which is a
13 prescription drug as defined in section 2 of P.L.2003,
14 c.280 (C.45:14-41), may be dispensed without the written
15 prescription of a practitioner; provided that in emergency situations,
16 as prescribed by the division by regulation, such drug may be
17 dispensed upon oral prescription reduced promptly to writing and
18 filed by the pharmacist, if such oral prescription is authorized by
19 federal law. Prescriptions shall be retained in conformity with the
20 requirements of section 13 of P.L.1970, c.226 (C.24:21-13). No
21 prescription for a Schedule II substance may be refilled.

22 b. Except when dispensed directly in good faith by a
23 practitioner, other than a pharmacist, in the course of his
24 professional practice only, to an ultimate user, no controlled
25 dangerous substance included in Schedules III and IV which is a
26 prescription drug as defined in section 2 of P.L.2003,
27 c.280 (C.45:14-41) may be dispensed without a written or oral
28 prescription. Such prescription may not be filled or refilled more
29 than six months after the date thereof or be refilled more than five
30 times after the date of the prescription, unless renewed by the
31 practitioner.

32 c. No controlled dangerous substance included in Schedule V
33 may be distributed or dispensed other than for a valid and accepted
34 medical purpose.

35 d. A practitioner other than a veterinarian who prescribes a
36 controlled dangerous substance in good faith and in the course of
37 his professional practice may administer the same or cause the same
38 to be administered by a nurse or intern under his direction and
39 supervision.

40 e. A veterinarian who prescribes a controlled dangerous
41 substance not for use by a human being in good faith and in the
42 course of his professional practice may administer the same or
43 cause the same to be administered by an assistant or orderly under
44 his direction and supervision.

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:

¹Senate SHH committee amendments adopted October 9, 2014.

²Senate floor amendments adopted December 15, 2014.

1 f. A person who has obtained a controlled dangerous substance
2 from the prescribing practitioner for administration to a patient
3 during the absence of the practitioner shall return to the practitioner
4 any unused portion of the substance when it is no longer required
5 by the patient or when its return is requested by the practitioner.

6 g. Whenever it appears to the division that a drug not
7 considered to be a prescription drug under existing State law should
8 be so considered because of its abuse potential, it shall so advise the
9 New Jersey State Board of Pharmacy and furnish to it all available
10 data relevant thereto.

11 h. ¹(1)¹ Prior to issuing ²[a] the first² prescription ²[for] of a
12 course of treatment that includes² a ¹schedule II¹ controlled
13 dangerous substance ¹or any other opioid drug¹ which is a
14 prescription drug as defined in section 2 of P.L.2003,
15 c.280 (C.45:14-41), ²and again prior to issuing the third prescription
16 of the course of treatment,² a practitioner shall ¹[inform] discuss
17 with¹ the patient, or the patient's parent or guardian if the patient is
18 under 18 years of age ¹and is not an emancipated minor¹ , ¹[of]¹
19 the risks of developing a physical or psychological dependence on
20 the controlled dangerous substance ¹and alternative treatments that
21 may be available. The practitioner shall obtain a written
22 acknowledgement, on a form developed made available by the
23 Division of Consumer Affairs, that the patient or the patient's
24 parent or guardian, as applicable, has discussed with the practitioner
25 the risks of developing a physical or psychological dependence on
26 the controlled dangerous substance and alternative treatments that
27 may be available. The Division of Consumer Affairs shall develop
28 and make available to practitioners guidelines for the discussion
29 required pursuant to ²this² paragraph ²[(1) of this subsection]².

30 ²(2) When a schedule II controlled dangerous substance or any
31 other prescription opioid drug is continuously prescribed for three
32 months or more, the practitioner:

33 (a) shall review, at a minimum of every three months, the
34 course of treatment, any new information about the etiology of the
35 pain, and the patient's progress toward treatment objectives;

36 (b) shall remain alert to problems associated with physical and
37 psychological dependence; and

38 (c) shall periodically make reasonable efforts, unless clinically
39 contraindicated, to either stop the use of the controlled substance,
40 decrease the dosage, try other drugs or treatment modalities in an
41 effort to reduce the potential for abuse or the development of
42 physical or psychological dependence.

43 ⁽³⁾² This subsection shall not apply to a prescription for a
44 patient who is currently receiving hospice care from a licensed
45 hospice¹ .

46
47 2. This act shall take effect immediately.