ASSEMBLY, No. 4245

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED MAY 14, 2007

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:
Assemblywoman Stender

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 introduced.

(Sponsorship Updated As Of: 12/7/2007)
AN ACT concerning the prescribing of certain medications to
minors and supplementing Title 45 of the Revised Statutes.

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

1. Prior to prescribing for an individual under 18 years of age
any psychotropic medication, including but not limited to
mediation for the treatment of Attention Deficit Disorder or
Attention Deficit and Hyperactivity Disorder, required by the
federal Food and Drug Administration to have a “black box
warning” on its labeling, a physician or other authorized prescriber
shall inform the individual’s parent or legal guardian about the
possible side effects of the medication and shall obtain informed
consent from the individual’s parent or legal guardian for the
notification.

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

2. Prior to prescribing for an individual under 18 years of age
any psychotropic medication, including but not limited to
mediation for the treatment of Attention Deficit Disorder or
Attention Deficit and Hyperactivity Disorder, required by the
federal Food and Drug Administration to have a “black box
warning” on its labeling, an advanced practice nurse shall inform
the individual’s parent or legal guardian about the possible side
effects of the medication and shall obtain informed consent from
the individual’s parent or legal guardian for the notification.

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

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

4. This act shall take effect 180 days after enactment.

STATEMENT

This bill would require physicians, advanced practice nurses, and
other authorized prescribers to obtain informed consent from
parents or legal guardians of minors prior to prescribing them
psychotropic medications that are accompanied by a “black box warning.”

The United States Food and Drug Administration (FDA) requires pharmaceutical companies to place a “black box warning” on a drug label if medical studies indicate that the drug carries a significant risk of serious or life-threatening adverse effects. A “black box warning” is the strongest warning that the FDA requires.

Under the bill, a physician, advanced practice nurse, or other authorized prescriber who violates its provisions is subject to disciplinary action by the applicable State professional licensing board.