

# SENATE, No. 958

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 4, 2010

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Senator Scutari**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/21/2010)**

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-  
4 6.

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

8  
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.

24  
25 2. A pharmacy that sells hypodermic syringes or needles, or  
26 any 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.

41  
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).

47  
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, needle,  
16 or any other instrument adapted for the administration of drugs by  
17 injection, to a person over 18 years of age without a prescription if  
18 sold in quantities of 10 or fewer, and with a prescription if sold in  
19 quantities of more than 10.

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

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

28       -- A pharmacy that sells hypodermic syringes or needles, or any  
29 other instruments adapted for injecting drugs, must keep its supply  
30 accessible only to a person standing behind the sales counter, and  
31 make available to each person at the time of purchase information  
32 in English or Spanish about:

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

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

37       The bill repeals N.J.S.A.2C:36-6 (concerning restrictions on the  
38 possession and use of hypodermic syringes and needles without a  
39 valid prescription).

40       Finally, the bill takes effect on the 180th day after enactment but  
41 authorizes the State Board of Pharmacy to take anticipatory  
42 administrative action in advance as necessary for its  
43 implementation.