ASSEMBLY, No. 2678

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED FEBRUARY 20, 2014

Sponsored by:
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)
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District 33 (Hudson)

SYNOPSIS
Requires retail pharmacies to stock and dispense emergency contraception.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning dispensing certain prescription drugs in pharmacies and amending P.L.2003, c.280.

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

1. Section 30 of P.L.2003, c.280 (C.45:14-69) is amended to read as follows:
   30. a. All pharmacy practice sites in this State, which engage in the practice of pharmacy in the State of New Jersey, shall be issued a permit by the board, and shall annually renew their permit with the board. If operations are conducted at more than one location, each location shall be issued a permit by the board for the dispensing of medicine.
   b. The board may determine by rule or regulation the permit classifications of all pharmacy practice sites issued a permit under this act, and establish minimum standards for pharmacy practice sites.
   c. The board shall establish by rule or regulation the criteria which each site shall meet to qualify for a permit in each classification. The board may issue permits with varying restrictions to pharmacy practice sites if the board deems it necessary.
   d. Each holder of a pharmacy practice site permit shall ensure that a licensed pharmacist be immediately available on the premises to provide pharmacy services at all times the pharmacy practice site is open.
   e. Each pharmacy practice site shall have a pharmacist-in-charge. The pharmacist-in-charge and the owner of a pharmacy practice site shall be responsible for any violation of any laws or regulations pertaining to the practice of pharmacy.
   f. The board may enter into agreements with other states or with third parties for the purpose of exchanging information concerning the granting of permits and the inspection of pharmacy practice sites located in this State and those located outside this State.
   g. The board may deny, suspend, revoke, restrict or refuse to renew a permit for a pharmacy practice site that does not comply with the provisions of this act or any rule or regulation promulgated pursuant to this act.
   h. Each retail pharmacy site shall stock emergency contraception in pill form and sell or dispense the prescription drug, as applicable, to any person in accordance with federal Food and Drug Administration regulations.
   (cf: P.L.2003, c.280, s.30)

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.
2. This act shall take effect on the 30th day after enactment.

STATEMENT

This bill amends the "New Jersey Pharmacy Practice Act," to require retail pharmacies to stock emergency contraception (EC) in pill form and sell or dispense the prescription drug, as applicable, to any person in accordance with federal Food and Drug Administration regulations.

The federal Food and Drug Administration has approved the sale of EC without a prescription to persons 17 years of age and older. For women 16 years of age and younger, a prescription for EC is still be required.

EC, also called postcoital contraception, is used to keep a woman from getting pregnant when she has had unprotected vaginal intercourse. "Unprotected" can mean that no method of birth control was used, a birth control method was used but did not work or the woman may have been abused or forced to have sex when she did not want to. EC has been available for more than 25 years and is a safe and effective method of contraception.

The federal Office on Women's Health of the U.S. Department of Health and Human Services states that EC cannot end a pregnancy; it keeps a woman from getting pregnant by stopping ovulation (stopping the ovaries from releasing eggs that can be fertilized), fertilization (stopping the egg from being fertilized by the sperm) or implantation (stopping a fertilized egg from attaching itself to the wall of the uterus). EC pills are typically taken in two doses, 12 hours apart, and work best if taken within 72 hours of unprotected vaginal intercourse.

Timing is important as to how well EC works; the sooner a woman gets the EC after unprotected vaginal intercourse, the better it works. In order to ensure that women in this State can readily access EC, this bill, therefore, requires all retail pharmacies in the State to stock the medication and dispense it to any person upon presentation of a valid prescription.