

ASSEMBLY, No. 4133

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 5, 2015

Sponsored by:

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator DIANE B. ALLEN

District 7 (Burlington)

SYNOPSIS

Allows dispensation of certain nutritional supplements by physician or podiatric physician.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/8/2016)

1 AN ACT concerning dispensation of certain nutritional supplements
2 and amending P.L.1991, c.187.

3

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

6

7 1. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to
8 read as follows:

9 46. A physician shall not dispense more than a seven-day supply
10 of drugs or medicines to any patient. The drugs or medicines shall
11 be dispensed at or below the cost the physician has paid for the
12 particular drug or medicine, plus an administrative cost not to
13 exceed 10% of the cost of the drug or medicine.

14 The provisions of this section shall not apply to a physician:

15 a. who dispenses drugs or medicines in a hospital emergency
16 room, a student health center at an institution of higher education,
17 or a publicly subsidized community health center, family planning
18 clinic or prenatal clinic, if the drugs or medicines that are dispensed
19 are directly related to the services provided at the facility;

20 b. whose practice is situated 10 miles or more from a licensed
21 pharmacy;

22 c. when he dispenses allergenic extracts and injectables;

23 d. when he dispenses drugs pursuant to an oncological or AIDS
24 protocol;

25 e. when he dispenses salves, ointments or drops; or

26 f. when he dispenses a drug or medicine delivered to the eye
27 through a contact lens.

28 The provisions of this section shall not apply to a licensed
29 physician, podiatric physician or chiropractic physician who
30 dispenses food concentrates, food extracts, vitamins, minerals,
31 herbs, enzymes, amino acids, tissue or cell salts, glandular extracts,
32 nutraceuticals, botanicals, homeopathic remedies, and other
33 nutritional supplements.

34 (cf: P.L.2010, c.12, s.1)

35

36 2. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill permits physicians and podiatric physicians to dispense
42 and charge for certain nutritional supplements. Current law
43 generally restricts physicians from dispensing more than a seven-
44 day supply of most drugs, including nutritional supplements, and
45 limits administrative charges to patients to 10 percent of a drug's

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.

A4133 GIBLIN, PINKIN

3

1 cost. The current law exempts chiropractic physicians from this
2 general restriction when dispensing certain nutritional supplements.
3 The bill includes physicians and podiatric physicians in this
4 exemption, so that they are also permitted to dispense and charge
5 for nutritional supplements.