SYNOPSIS

Authorizes Attorney General to coordinate Statewide law enforcement efforts against opioid drug abuse.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on October 9, 2014, with amendments.

(Sponsorship Updated As Of: 3/27/2015)
AN ACT concerning controlled dangerous substances and amending

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

1. Section 31 of P.L.1970, c.226 (C.24:21-31) is amended to
read as follows:

31. Powers of enforcement personnel. a. (1) It is hereby made
the duty of the division, its officers, agents, inspectors, and
representatives, and of all peace officers within the State, and of the
Attorney General and all county prosecutors, to enforce all
provisions of P.L.1970, c.226 (C.24:21-1 et seq.), as amended and
supplemented, except those specifically delegated, and to cooperate
with all agencies charged with the enforcement of the laws of the
United States, of this State, and of all other states, relating to
narcotic drugs or controlled dangerous substances, and it shall be
the duty of the New Jersey State Board of Pharmacy and other
professional licensing boards in the Division of Consumer Affairs
in the Department of Law and Public Safety, its officers, agents, inspectors,
and representatives also to assist the division, peace officers,
and county prosecutors in the enforcement
of all provisions of P.L.1970, c.226, as amended and supplemented,
relating to the handling of controlled dangerous substances by
pharmacy owners and pharmacists and other licensed professionals.

(2) Pursuant to the provisions of paragraph (1) of this
subsection, the Attorney General shall establish a
Statewide Opioid Law Enforcement Coordinating Task Force
within the Department of Law and Public Safety, which shall have
as its purpose coordinate and direct the Statewide efforts of law
enforcement agencies, the Division of Consumer Affairs, and
professional licensing boards to: identify, investigate, and
prosecute the illegal sources and distribution of prescription opioid
drugs; take appropriate steps to enhance the oversight by
professional licensing boards relating to the administration and
dispensing of controlled dangerous substances by regulated
professionals, and provide training for law enforcement officials
and recommend training for physicians, pharmacists, and
other health care professionals in state-of-the-art methods to detect
prescription drug diversion and related abuses. The Attorney
General shall issue appropriate directives, establish such task
forces, and implement such other measures as the Attorney General
deems necessary to carry out the purposes of this paragraph, and

EXPLANATION – Matter enclosed in bold-faced brackets in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined in the above bill is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
Senate SHH committee amendments adopted October 9, 2014.
may call to his assistance the services of employees of any State, county, or municipal department, board, bureau, commission, or agency as may be required and as may be available for these purposes.¹

(b) The task force shall include: the First Assistant Attorney General, who shall serve as chair of the task force; the Director of the Division of Consumer Affairs, the Director of the Division of Criminal Justice, the Director of the New Jersey State Board of Pharmacy, the Director of the State Board of Medical Examiners, the Director of the New Jersey Board of Dentistry, and the Director of the New Jersey State Board of Nursing, and the Director of the New Jersey State Board of Criminal Justice, the Director of the New Jersey State Board of Pharmacy, the Director of the State Board of Medical Examiners, the Director of the New Jersey Board of Dentistry, or their designated representatives; at least one representative each from county prosecutors’, sheriffs’, and local law enforcement agencies; and any representatives of federal law enforcement agencies that are available and are invited by the Attorney General to serve on the task force.

(c) The task force shall report at least quarterly to the Attorney General on its activities, and shall include in that report any recommendations that it deems necessary to fulfill its purposes.

The Attorney General shall report annually to the Governor and, pursuant to section 2 of P.L.1991, c. 164 (C.52:14-19.1), to the Legislature, on the Attorney General’s activities in implementing this subsection, including: the coordination of the Statewide effort by various agencies to combat opioid abuse; and progress in efforts to investigate and prosecute the illegal sources and distribution of illegal opioid drugs.¹

b. Authority is hereby granted to the director:

(1) To promulgate all necessary rules and regulations for the efficient enforcement of P.L.1970, c.226, as amended and supplemented;

(2) To promulgate, insofar as applicable, regulations from time to time promulgated by the Attorney General of the United States;

(3) To promulgate an order relative to any controlled dangerous substance under P.L.1970, c.226, as amended and supplemented, when the delay occasioned by acting through promulgation of a regulation would constitute an imminent danger to the public health or safety.

(a) An order of the director shall take effect immediately, but it shall expire 270 days after promulgation thereof. Rules and regulations pursuant to such order may be adopted and promulgated by the director, but they shall not take effect until the director has given due notice of his intention to take such action and has held a public hearing.

(b) Any person who denies that a drug or pharmaceutical preparation is properly subject to an order by the director which applies the provisions of P.L.1970, c.226, as amended and supplemented, to such drug or pharmaceutical preparation,
may apply to the director for a hearing which [must] shall be afforded, except where a drug or pharmaceutical preparation has been the subject of a prior hearing or determination by the director, in which case a hearing shall be discretionary with the director. In [such] that case, a decision [must] shall be rendered by the director or [his] the director's designee within 48 hours of the request for a hearing. If the petitioning party is aggrieved by the decision, [he] that party shall have the right to apply for injunctive relief against the order. Jurisdiction for [such] that injunctive relief shall be in the Superior Court of New Jersey by way of summary proceedings.

c. In addition to the powers set forth in subsection a. of this section, any officer or employee of the division designated by the director may:

(1) Execute search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of this State;

(2) Make seizures of property pursuant to the provisions of [this act] P.L.1970, c.226, as amended and supplemented; and

(3) Perform such other law enforcement duties as may be designated by the director, with the approval of the Attorney General.
(cf: P.L.2007, c.244, s.16)

2. Section 34 of P.L.1970, c.226 (C.24:21-34) is amended to read as follows:

34. Cooperative arrangements. a. The director may cooperate with federal and other State, county, and municipal law enforcement and other agencies in discharging his responsibilities concerning traffic in dangerous substances and in suppressing the abuse of dangerous substances, including but not limited to prescription opioid drugs. To this end, he is authorized to:

(1) Except as otherwise provided by law, arrange for the exchange of information between government officials concerning the use and abuse of dangerous substances; provided, however, that in no case shall any officer having knowledge by virtue of his office of any such prescription, order or record divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing board or officer to which prosecution or proceeding the person to whom the records relate, is a party;

(2) Coordinate and cooperate in training programs on dangerous substances law enforcement at the local and State levels;

(3) Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled dangerous substances may be extracted.

b. Results, information, and evidence received from the Drug Enforcement Administration relating to the regulatory functions of
P.L.1970, c.226 (C.24:21-1 et seq.), as amended and supplemented, including results of inspections conducted by that agency, may be relied upon and acted upon by the director in conformance with his regulatory functions under P.L.1970, c.226, as amended and supplemented.¹

(cf: P.L.2007, c.244, s.18)

¹This act shall take effect immediately.