

**ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 3988 and 5010**

**STATE OF NEW JERSEY  
218th LEGISLATURE**

ADOPTED FEBRUARY 7, 2019

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**SYNOPSIS**

“Charlie’s Law”; requires pharmacy practice sites and hospice programs to furnish patients with information and products to safely dispose of unused prescription drugs and medications.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Health and Senior Services Committee.

(Sponsorship Updated As Of: 2/26/2019)

1 **AN ACT** concerning prescription medications, supplementing Title  
2 45 of the Revised Statutes, and amending P.L.2017, c.135.

3

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

6

7 1. a. (New section) A pharmacy practice site that dispenses  
8 prescription drugs, other than a long-term care pharmacy, shall,  
9 when dispensing to an individual located in this State a prescription  
10 drug or medication which is a controlled dangerous substance, and  
11 when dispensing any other prescription drug or medication as may  
12 be designated by the Commissioner of Health by regulation:

13 (1) provide the patient with written informational materials  
14 advising that when unused, unwanted, or expired drugs and  
15 medications are not properly, safely, and promptly disposed of:

16 (a) there is a risk that the drug or medication can be stolen,  
17 diverted, abused, misused, or accidentally ingested, which can pose  
18 a risk to the health and safety of the patient and other members of  
19 the patient's household;

20 (b) children are particularly at risk of accidentally ingesting  
21 unused, unwanted, and expired medications that have not been  
22 properly, safely, and promptly disposed of;

23 (c) when drugs or medications are disposed of in the household  
24 trash or flushed down the drain, the drugs and medications can leak  
25 into the ecosystem, which can have a potentially adverse or harmful  
26 effect on the environment; and

27 (d) when drugs or medications are disposed of in the household  
28 trash without the drug or medication having been rendered  
29 deactivated, inaccessible, or otherwise unpalatable, the drug or  
30 medication may be stolen by individuals seeking to divert, abuse, or  
31 misuse the drug or medication;

32 (2) offer to make available for purchase, or furnish at no cost to  
33 the patient, a nontoxic composition that can be used to permanently  
34 sequester or deactivate unused, unwanted, or expired drugs and  
35 medications for the purpose of safely disposing of the drugs and  
36 medications; and

37 (3) provide the patient with written informational materials  
38 concerning how to properly, safely, and promptly dispose of  
39 unused, unwanted, or expired drugs and medications, which may  
40 include, but shall not be limited to, instructions concerning the use  
41 of a product furnished to the patient pursuant to paragraph (2) of  
42 this subsection and information concerning the availability of  
43 secure prescription medication drop-off receptacles and prescription  
44 medication take back programs. The individual dispensing the  
45 prescription drug, or an appropriate designee, shall answer any

**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.

1 questions the patient may have upon receiving the written  
2 informational materials pursuant to this paragraph.

3 b. The requirements of subsection a. of this section shall apply  
4 regardless of whether the prescription is an initial prescription or a  
5 renewal or refill of an existing prescription, and regardless of  
6 whether the patient is a new or returning customer at the pharmacy  
7 practice site.

8 c. Any time a pharmacy practice site that dispenses  
9 prescription drugs, other than a long-term care pharmacy, sells or  
10 dispenses a hypodermic syringe or needle, regardless of whether the  
11 hypodermic syringe or needle is sold or dispensed pursuant to a  
12 prescription, the pharmacy practice site shall provide the patient  
13 with the written informational materials prepared by the Division of  
14 Consumer Affairs in the Department of Law and Public Safety  
15 pursuant to section 3 of this act concerning the safe disposal of used  
16 hypodermic syringes and needles so as to prevent against the  
17 potential transmission of bloodborne pathogens that can occur when  
18 used hypodermic syringes and needles are reused or when they  
19 result in accidental injury. The individual selling or dispensing the  
20 hypodermic syringe or needle, or an appropriate designee, shall  
21 answer any questions the patient may have upon receiving the  
22 written informational materials pursuant to this subsection.

23

24 2. Section 1 of P.L.2017, c.135 (C.26:2H-81.1) is amended to  
25 read as follows:

26 1. a. As used in this section:

27 "Family member" means a hospice care patient's spouse, parent,  
28 adult sibling, adult child, or adult grandchild.

29 "Health care representative" means a person, including a member  
30 of the patient's family, who is authorized to make health care  
31 decisions on behalf of a hospice care patient.

32 "Hospice care patient" means a person currently receiving  
33 hospice care services in a private home or an assisted living facility  
34 through a licensed hospice care program.

35 "Third party caregiver" means a person who:

36 (1) is 18 years of age or older;

37 (2) provides care or assistance to a hospice care patient; and

38 (3) is not the patient's health care representative, a family  
39 member of the patient, or employed by the patient's hospice care  
40 program.

41 b. A hospice care program licensed pursuant to P.L.1997, c.78  
42 (C.26:2H-79 et seq.) may choose, but shall not be required, to  
43 accept for disposal, at such time as a hospice care patient ceases to  
44 use the drug or medication or ceases to receive hospice care  
45 services through the program, the hospice care patient's unused  
46 prescription drugs and medications. A hospice care program that  
47 chooses to accept unused prescription drugs and medications for  
48 disposal pursuant to this section shall:

- 1 (1) Establish a written policy setting forth procedures for  
2 accepting and disposing of unused prescription drugs and  
3 medications;
- 4 (2) Furnish a copy of the written policy to each patient, and to  
5 the patient's health care representative, at the time the patient is  
6 enrolled in the hospice care program, and designate a program  
7 representative who shall discuss the procedures and requirements  
8 for surrendering unused prescription drugs and medications with the  
9 patient and the patient's health care representative;
- 10 (3) Accept drugs and medications prescribed and dispensed to  
11 the patient pursuant to the patient's hospice care plan, as well as any  
12 other prescription drugs and medications that the patient, or the  
13 patient's health care representative, chooses to surrender to the  
14 program;
- 15 (4) Not accept any drug or medication for surrender except at  
16 such time as the patient ceases to use the drug or medication or  
17 ceases to receive hospice care services through the program; **[and]**
- 18 (5) Obtain any certifications, authorizations, or waivers as may  
19 be required under State or federal law in order to accept and dispose  
20 of unused prescription drugs and medications pursuant to this  
21 section; and
- 22 (6) (a) at the time the patient is enrolled in the hospice care  
23 program, at such time as any change is made to the patient's course  
24 of treatment that results in a change in the drugs or medications  
25 prescribed for the patient, or in the patient discontinuing the use of  
26 a prescription drug or medication, and at such time as the patient  
27 ceases to receive hospice care services through the program,  
28 provide the patient or the patient's health care representative with  
29 oral instructions and written informational materials advising that  
30 when unused, unwanted, or expired drugs and medications are not  
31 properly, safely, and promptly disposed of:
- 32 (i) there is a risk that the drug or medication can be stolen,  
33 diverted, abused, misused, or accidentally ingested, which can pose  
34 a risk to the health and safety of the patient and other members of  
35 the patient's household;
- 36 (ii) children are particularly at risk of accidentally ingesting  
37 unused, unwanted, and expired medications that have not been  
38 properly, safely, and promptly disposed of;
- 39 (iii) when drugs or medications are disposed of in the household  
40 trash or flushed down the drain, the drugs and medications can leak  
41 into the ecosystem, which can have a potentially adverse or harmful  
42 effect on the environment; and
- 43 (iv) when drugs or medications are disposed of in the household  
44 trash without the drug or medication having been rendered  
45 deactivated, inaccessible, or otherwise unpalatable, the drug or  
46 medication may be stolen by individuals seeking to divert, abuse, or  
47 misuse the drug or medication;

1     (b) offer to make available for purchase, or furnish at no cost to  
2     the patient, a nontoxic composition that can be used to permanently  
3     sequester or deactivate unused, unwanted, or expired drugs and  
4     medications for the purpose of safely disposing of the drugs and  
5     medications; and

6     (c) provide the patient with oral and written instructions on how  
7     to properly, safely, and promptly dispose of unused, unwanted, or  
8     expired drugs and medications, which may include, but shall not be  
9     limited to, providing instructions concerning the use of a nontoxic  
10    composition furnished to the patient pursuant to subparagraph (b) of  
11    this paragraph, and advising the patient of the availability of secure  
12    prescription medication drop-off receptacles and prescription  
13    medication take back programs.

14    c. At the time a hospice care patient ceases to receive hospice  
15    care services, a program representative shall provide a written  
16    request for surrender of unused **【medication】** drugs and  
17    medications to the patient or the patient's health care representative,  
18    which shall:

19    (1) request that the patient or the patient's health care  
20    representative surrender any unused prescription drugs or  
21    medications that were prescribed and dispensed to the patient  
22    pursuant to the patient's hospice care plan;

23    (2) offer to accept and dispose of any other prescription drug or  
24    medication which the patient will not use; and

25    (3) urge that the patient or the patient's health care  
26    representative dispose of any unused prescription drug or  
27    medication that is not surrendered to the program in a safe and legal  
28    manner, so as to avoid the risk of theft, diversion, or accidental  
29    ingestion.

30    d. No hospice care program may accept and dispose of an  
31    unused prescription drug or medication pursuant to this section  
32    unless the patient or the patient's health care representative  
33    authorizes, in writing, the surrender of the unused prescription drug  
34    or medication to the program; except that, if the patient is unable to  
35    provide written authorization and the patient does not have a health  
36    care representative, a third party caregiver may provide written  
37    authorization for the surrender. A hospice care program shall not  
38    accept an unused prescription drug or medication unless the drug or  
39    medication is identified for inclusion in the authorization for  
40    surrender.

41    e. (1) Unused prescription drugs and medications surrendered  
42    to a hospice care program pursuant to this section shall be  
43    surrendered to a registered professional nurse or a licensed practical  
44    nurse employed by the program.

45    (2) A nurse accepting the surrender of unused prescription  
46    **【medication】** drugs or medications pursuant to this section shall  
47    dispose of the drugs or medications at the site where hospice care  
48    was provided; in no case shall the nurse transport the unused

1 prescription medications off-site for disposal or for any other  
2 purpose. The nurse may dispose of the unused drugs or medications  
3 using a nontoxic composition that can be used to permanently  
4 sequester or deactivate unused, unwanted, or expired drugs and  
5 medications for the purpose of safely disposing of the drugs and  
6 medications.

7 (3) A nurse who accepts and disposes of an unused prescription  
8 drug or medication pursuant to this section shall document:

9 (a) the name and quantity of each drug or medication  
10 surrendered;

11 (b) the name of the person authorizing the surrender, and the  
12 relationship of the person to the patient;

13 (c) the date and method of disposal; and

14 (d) the quantity and type of any unused prescription drug or  
15 medication, of which the nurse is aware, that was prescribed and  
16 dispensed to the patient pursuant to the patient's hospice care plan,  
17 but was not surrendered to the program or otherwise disposed of by  
18 another person in the nurse's presence.

19 (4) The person authorizing the surrender of a drug or medication  
20 shall be provided with the opportunity to review, verify, and sign  
21 the documentation required under paragraph (3) of this subsection.

22 f. Nothing in this section shall prohibit any person from  
23 disposing of an unused prescription drug or medication by any  
24 means authorized by law, including, but not limited to, disposing of  
25 the drug or medication using a nontoxic composition that can be  
26 used to permanently sequester or deactivate unused, unwanted, or  
27 expired drugs and medications for the purpose of safely disposing  
28 of the drugs and medications or surrendering the medication at a  
29 secure prescription medication drop-off receptacle.

30 g. No person shall be subject to civil or criminal liability or  
31 professional disciplinary action for any act or omission undertaken  
32 in good faith consistent with the requirements of this section.

33 (cf: P.L.2017, c.135, s.1)  
34

35 3. (New section) The Division of Consumer Affairs in the  
36 Department of Law and Public Safety shall prepare written  
37 informational materials for distribution to patients by hospice care  
38 programs and pharmacy practice sites concerning the safe disposal  
39 of used hypodermic syringes and needles so as to prevent against  
40 the potential transmission of bloodborne pathogens that can occur  
41 when used hypodermic syringes and needles are reused or when  
42 they result in accidental injury. The written informational materials  
43 shall be made available through the division's Internet website and  
44 shall be distributed to hospice care programs and pharmacy practice  
45 sites upon request.  
46

47 4. This act shall take effect 90 days after the date of enactment.