

**ASSEMBLY, No. 5667**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED JUNE 24, 2019

**Sponsored by:**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman JOHN ARMATO**

**District 2 (Atlantic)**

**Assemblywoman BETTYLOU DECROCE**

**District 26 (Essex, Morris and Passaic)**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

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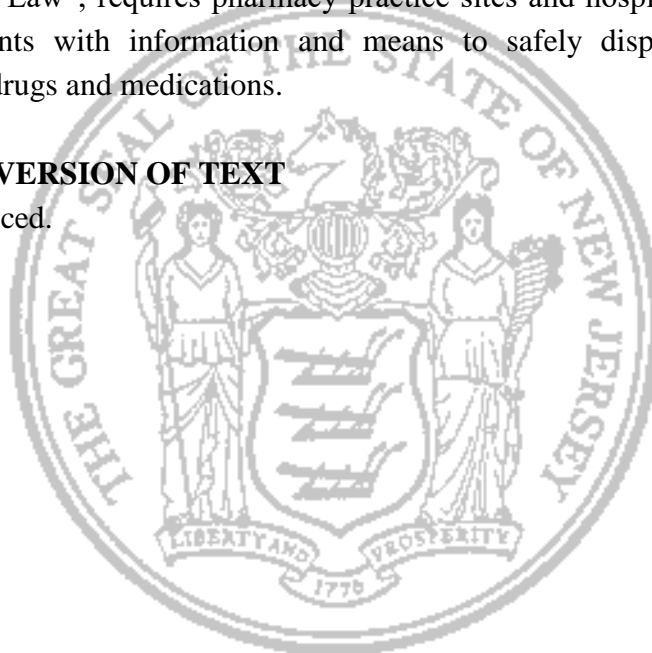
**Assemblyman Thomson**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/6/2019)**

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. (New section) a. 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) make available on-site, for purchase or at no cost to the  
33 patient, at least one consumer method for individuals to dispose of  
34 unwanted or expired prescription drugs, including, but not limited  
35 to over-the-counter At-Home or Site-of-Use solutions or secured  
36 medication collection kiosks or boxes, subject to the following  
37 requirements:

38 (a) as defined by the "EPA household waste exclusion" at 40  
39 C.F.R. 261.4(b)(1), pharmaceuticals are not regulated federally as  
40 hazardous wastes and are handled and are handled through  
41 municipal solid waste regulations thus are not subject to the federal  
42 RCRA hazardous waste regulations. All At-Home and Site-of-Use  
43 drug disposal products shall follow the "alternative or innovative  
44 technology" guidelines set forth in N.J.A.C.7:26-3A1, including  
45 altering the characteristics of the prescription drug through

**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 chemical, biological, or physical means to as to have a beneficial  
2 and long-term effect on the environment. In addition, At-Home and  
3 Site-of-Use drug disposal products shall, pursuant to municipal  
4 waste regulations, consist of a non-toxic composition, blend,  
5 solution, or formulation that renders the active ingredients in the  
6 prescription medication, as defined in 21 C.F.R. 210.3(b)(7)  
7 unavailable and unusable for misuse and abuse;

8 (b) Secured medication collection kiosks or boxes shall follow  
9 federal Drug Enforcement Administration (DEA) requirements for  
10 collected pharmaceuticals, pursuant to part 1317 of Title 21 of the  
11 Code of Federal Regulations, and shall be marked and identified by  
12 prominent signage;

13 (c) any manufacturer of a non-toxic At-home or Site-of-Use  
14 composition for consumer drug disposal shall provide a method that  
15 renders the active ingredients in the prescription medication, as  
16 defined in 21 C.F.R. 210.3(b)(7), unusable so that the active  
17 ingredients cannot be transformed to a physical or chemical  
18 condition or transformed to the state of a controlled substance or  
19 controlled substance analog, as per 21 C.F.R. s.1317;

20 (d) the manufacturer of an At-home or Site-of-Use composition  
21 or a secured medicine collection kiosk or box made available by a  
22 pharmacy pursuant to this paragraph shall represent to the  
23 pharmacy, upon request by the pharmacy, that none of the  
24 components or methods of disposal individually or as a blend or as  
25 a solution or as treatment and destruction facility are toxic, and that  
26 the composition or medicine collection kiosk or box follows waste  
27 regulations outlined by the federal Environmental Protection  
28 Agency (EPA) for municipal house hold waste disposal; and

29 (e) the manufacturer, supplier, or servicing agent of a  
30 commercial collection program that uses secured medication  
31 collection kiosks or boxes shall follow the DEA requirements for  
32 collected pharmaceuticals, pursuant to part 1317 of Title 21 the  
33 Code of Federal Regulations, and shall ensure that methods of  
34 incineration follow the permitted hazardous waste combustor  
35 recommendations outlined by the federal Environmental Protection  
36 Agency (EPA) Recourse Conservation and Recovery Act (RCRA)  
37 regulations for incineration of hazardous waste; and

38 (3) provide the patient with written informational materials  
39 concerning how to properly, safely, and promptly dispose of  
40 unused, unwanted, or expired drugs and medications, which may  
41 include, but shall not be limited to, information concerning drug  
42 disposal options available pursuant to paragraph (2) of this  
43 subsection. The individual dispensing the prescription drug, or an  
44 appropriate designee, shall answer any questions the patient may  
45 have upon receiving the written informational materials pursuant to  
46 this paragraph.

47 b. The requirements of subsection a. of this section shall apply  
48 regardless of whether the prescription is an initial prescription or a

1 renewal or refill of an existing prescription, and regardless of  
2 whether the patient is a new or returning customer at the pharmacy  
3 practice site.

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

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

22 1. a. As used in this section:

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

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

28 "Hospice care patient" means a person currently receiving  
29 hospice care services in a private home or an assisted living facility  
30 through a licensed hospice care program.

31 "Third party caregiver" means a person who:

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

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

34 (3) is not the patient's health care representative, a family  
35 member of the patient, or employed by the patient's hospice care  
36 program.

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

45 (1) Establish a written policy setting forth procedures for  
46 accepting and disposing of unused prescription drugs and  
47 medications;

1 (2) Furnish a copy of the written policy to each patient, and to  
2 the patient's health care representative, at the time the patient is  
3 enrolled in the hospice care program, and designate a program  
4 representative who shall discuss the procedures and requirements  
5 for surrendering unused prescription drugs and medications with the  
6 patient and the patient's health care representative;

7 (3) Accept drugs and medications prescribed and dispensed to  
8 the patient pursuant to the patient's hospice care plan, as well as any  
9 other prescription drugs and medications that the patient, or the  
10 patient's health care representative, chooses to surrender to the  
11 program;

12 (4) Not accept any drug or medication for surrender except at  
13 such time as the patient ceases to use the drug or medication or  
14 ceases to receive hospice care services through the program; **[and]**

15 (5) Obtain any certifications, authorizations, or waivers as may  
16 be required under State or federal law in order to accept and dispose  
17 of unused prescription drugs and medications pursuant to this  
18 section; and

19 (6) (a) at the time the patient is enrolled in the hospice care  
20 program, at such time as any change is made to the patient's course  
21 of treatment that results in a change in the drugs or medications  
22 prescribed for the patient, or in the patient discontinuing the use of  
23 a prescription drug or medication, and at such time as the patient  
24 ceases to receive hospice care services through the program,  
25 provide the patient or the patient's health care representative with  
26 oral instructions and written informational materials advising that  
27 when unused, unwanted, or expired drugs and medications are not  
28 properly, safely, and promptly disposed of:

29 (i) there is a risk that the drug or medication can be stolen,  
30 diverted, abused, misused, or accidentally ingested, which can pose  
31 a risk to the health and safety of the patient and other members of  
32 the patient's household;

33 (ii) children are particularly at risk of accidentally ingesting  
34 unused, unwanted, and expired medications that have not been  
35 properly, safely, and promptly disposed of;

36 (iii) when drugs or medications are disposed of in the household  
37 trash or flushed down the drain, the drugs and medications can leak  
38 into the ecosystem, which can have a potentially adverse or harmful  
39 effect on the environment; and

40 (iv) when drugs or medications are disposed of in the household  
41 trash without the drug or medication having been rendered  
42 deactivated, inaccessible, or otherwise unpalatable, the drug or  
43 medication may be stolen by individuals seeking to divert, abuse, or  
44 misuse the drug or medication;

45 (b) (2) make available for purchase or at no cost an over-the-  
46 counter At-Home or Site-of-Use solution that meets the  
47 requirements of paragraph (2) of subsection a. of section 1 of

1 P.L. , c. (C. ) (pending before the Legislature as this bill);  
2 and

3 (c) provide the patient with oral and written instructions on how  
4 to properly, safely, and promptly dispose of unused, unwanted, or  
5 expired drugs and medications, which may include, but shall not be  
6 limited to, providing instructions concerning the use of an over-the-  
7 counter At-Home or Site-of-Use solution furnished to the patient  
8 pursuant to subparagraph (b) of this paragraph, and advising the  
9 patient of the availability of secure prescription medication drop-off  
10 receptacles and prescription medication take back programs.

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

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

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

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

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

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

42 (2) A nurse accepting the surrender of unused prescription  
43 **【medication】** drugs or medications pursuant to this section shall  
44 dispose of the drugs or medications at the site where hospice care  
45 was provided; in no case shall the nurse transport the unused  
46 prescription medications off-site for disposal or for any other  
47 purpose. The nurse may dispose of the unused drugs or medications  
48 using an over-the-counter At-Home or Site-of-Use solution that

1 meets the requirements of paragraph (2) of subsection a. of section  
2 1 of P.L. , c. (C. ) (pending before the Legislature as this  
3 bill).

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

6 (a) the name and quantity of each drug or medication  
7 surrendered;

8 (b) the name of the person authorizing the surrender, and the  
9 relationship of the person to the patient;

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

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

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

19 f. Nothing in this section shall prohibit any person from  
20 disposing of an unused prescription drug or medication by any  
21 means authorized by law, including, but not limited to, disposing of  
22 the drug or medication pursuant to subparagraph (b) of paragraph  
23 (6) of subsection b. of this section or surrendering the medication at  
24 a secure prescription medication drop-off receptacle.

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

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

29

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

41

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

43

44

45 STATEMENT

46

47 This bill requires each pharmacy practice site that dispenses  
48 prescription drugs, other than a long-term care pharmacy, to, when

1 dispensing to an individual located in this State a prescription drug  
2 or medication which is a controlled dangerous substance, and when  
3 dispensing any other prescription drug or medication as may be  
4 designated by the Commissioner of Health by regulation: (1)  
5 provide the patient with written informational materials advising  
6 that there are risks when unused, unwanted, or expired drugs and  
7 medications are not properly, safely, and promptly disposed of; (2)  
8 have available on-site, for purchase or at no cost to the patient, at least  
9 one consumer method for individuals to dispose of unwanted or  
10 expired prescription drugs, including, but not limited to over-the-  
11 counter drug disposal solutions for use at home and secured  
12 medication collection kiosks or boxes; and (3) provide the patient with  
13 written informational materials concerning how to properly, safely,  
14 and promptly dispose of unused, unwanted, or expired drugs and  
15 medications. The individual dispensing the prescription drug, or an  
16 appropriate designee, is to answer any questions the patient may have  
17 upon receiving the written informational materials pursuant to this  
18 paragraph.

19 The bill identifies certain aspects of federal law that may relate  
20 to the requirements of the bill and indicate that the household drug  
21 disposal solutions to be made available under the bill are to meet  
22 certain Department of Environmental Protection requirements  
23 concerning alternate disposal methodologies for medical waste that  
24 currently apply to the medical industry. Medication collection  
25 kiosks or boxes are to be marked or identified by prominent  
26 signage.

27 The bill requires that, any time a pharmacy practice site that  
28 dispenses prescription drugs, other than a long-term care pharmacy,  
29 sells or dispenses a hypodermic syringe or needle, regardless of  
30 whether the hypodermic syringe or needle is sold or dispensed  
31 pursuant to a prescription, the pharmacy practice site is to provide  
32 the patient with the written informational materials prepared by the  
33 Division pursuant to the bill's provisions.

34 Under the bill, if a patient is enrolled in the hospice care  
35 program, and if any change is made to the patient's course of  
36 treatment that results in a change in the drugs or medications  
37 prescribed for the patient, or in the patient discontinuing the use of  
38 a prescription drug or medication, the hospice care program is to:  
39 (1) provide the patient or the patient's health care representative  
40 with oral instructions and written informational materials advising  
41 that there are risks when unused, unwanted, or expired drugs and  
42 medications are not properly, safely, and promptly disposed of; (2)  
43 make available for purchase or at no cost to the patient an At-Home  
44 or Site-of-Use prescription medication disposal product, and (3)  
45 provide the patient with written informational materials concerning  
46 how to properly, safely, and promptly dispose of unused, unwanted, or  
47 expired drugs and medications.



1       A nurse in the hospice care program may dispose of unused  
2 drugs or medications using an At-Home or Site-of-Use drug  
3 disposal solution.

4       The bill provides that the Division is to prepare written  
5 informational materials for distribution to patients by hospice care  
6 programs and pharmacy practice sites concerning the safe disposal  
7 of used hypodermic syringes and needles so as to prevent against  
8 the potential transmission of bloodborne pathogens that can occur  
9 when used hypodermic syringes and needles are reused or when  
10 they result in accidental injury. The written informational materials  
11 are to be made available through the Division's Internet website and  
12 are to be distributed to hospice care programs and pharmacy  
13 practice sites upon request.

14       This bill is named "Charlie's Law" after Charlie Van Tassel, a  
15 young man who struggled with addiction for many years before  
16 finally succumbing in 2013, at the age of 33. Charlie was an athlete  
17 and family prankster who loved music and dancing, had a terrific  
18 sense of humor, and was a beloved brother and son. It is the  
19 sponsor's intent to help reduce the risk that young people like  
20 Charlie will develop a substance use disorder, as well as to reduce  
21 the potential harms caused by the improper disposal of used  
22 hypodermic syringes and needles.