

[Second Reprint]

**ASSEMBLY, No. 5667**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED JUNE 24, 2019

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**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 reported by the Assembly Appropriations Committee on December 12, 2019, with amendments.

(Sponsorship Updated As Of: 1/14/2020)

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 <sup>1</sup>**unpalatable** unusable<sup>1</sup>,  
30 the drug or medication may be stolen by individuals seeking to  
31 divert, abuse, or 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 <sup>1</sup>**At-Home or Site-of-Use** at-home or site-of-  
36 use<sup>1</sup> solutions or secured medication collection kiosks or boxes,  
37 subject to the following requirements:

38 (a) <sup>2</sup>**as defined by the "EPA household waste exclusion" at 40**  
39 **C.F.R. 261.4(b)(1)** <sup>1</sup>or as defined by a successor regulation<sup>1</sup>,  
40 pharmaceuticals are not regulated federally as hazardous wastes and  
41 are handled <sup>1</sup>**and are handled**<sup>1</sup> through municipal solid waste  
42 regulations thus are not subject to the federal RCRA hazardous  
43 waste regulations. All <sup>1</sup>**At-Home or Site-of-Use** **all**<sup>2</sup> at-home

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHE committee amendments adopted December 5, 2019.

<sup>2</sup>Assembly AAP committee amendments adopted December 12, 2019.

1 or site-of-use<sup>1</sup> drug disposal products shall <sup>2</sup>follow the “alternative  
2 or innovative technology” guidelines set forth in N.J.A.C.7:26-3A1  
3 or set forth in a successor regulation<sup>1</sup>, including altering the  
4 characteristics of the prescription drug through chemical,  
5 biological, or physical means to as to have a beneficial and long-  
6 term effect on the environment. In addition, <sup>1</sup>At-Home or Site-of-  
7 Use] at-home or site-of-use<sup>1</sup> drug disposal products shall <sup>1</sup>,  
8 pursuant to municipal waste regulations,] <sup>1</sup> consist of a non-toxic  
9 composition, blend, solution, or formulation that renders the active  
10 ingredients in the prescription medication, as defined in 21 C.F.R.  
11 210.3(b)(7) or as defined in a successor regulation<sup>1</sup> unavailable  
12 and unusable for misuse and abuse] alter the characteristics of the  
13 prescription drug through chemical, biological, or physical means  
14 so as to have a beneficial effect on the environment<sup>2</sup>;

15 (b) Secured medication collection kiosks or boxes <sup>2</sup>shall follow  
16 federal Drug Enforcement Administration (DEA) requirements for  
17 collected pharmaceuticals, pursuant to part 1317 of Title 21 of the  
18 Code of Federal Regulations<sup>1</sup>or pursuant to a successor regulation<sup>1</sup>,  
19 and] <sup>2</sup> shall be marked and identified by prominent signage;

20 (c) any manufacturer of a non-toxic <sup>1</sup>At-Home or Site-of-Use]  
21 at-home or site-of-use<sup>1</sup> composition for consumer drug disposal  
22 shall provide a method that renders the active ingredients in the  
23 prescription medication, as defined in 21 C.F.R. 210.3(b)(7) or as  
24 defined in a successor regulation<sup>1</sup>, unusable so that the active  
25 ingredients cannot be transformed to a physical or chemical  
26 condition or transformed to the state of a controlled substance or  
27 controlled substance analog, as per 21 C.F.R. <sup>1</sup>[s.1317] s.1317.90  
28 or a successor regulation<sup>1</sup>; <sup>2</sup>and<sup>2</sup>

29 (d) the manufacturer of an <sup>1</sup>At-Home or Site-of-Use] at-home  
30 or site-of-use<sup>1</sup> composition or a secured medicine collection kiosk  
31 or box made available by a pharmacy pursuant to this paragraph  
32 shall represent to the pharmacy <sup>1</sup>, upon request by the pharmacy,] <sup>1</sup>  
33 that none of the components or methods of disposal individually or  
34 as a blend or as a solution or as treatment and destruction facility  
35 are toxic, and that the composition or medicine collection kiosk or  
36 box follows waste regulations outlined by the federal  
37 Environmental Protection Agency (EPA) for municipal house hold  
38 waste disposal; <sup>2</sup>and

39 (e) the manufacturer, supplier, or servicing agent of a  
40 commercial collection program that uses secured medication  
41 collection kiosks or boxes shall follow the DEA requirements for  
42 collected pharmaceuticals, pursuant to part 1317 of Title 21 the  
43 Code of Federal Regulations <sup>1</sup>, and shall ensure that methods of  
44 incineration follow the permitted hazardous waste combustor  
45 recommendations outlined by the federal Environmental Protection  
46 Agency (EPA) Recourse Conservation and Recovery Act (RCRA)

1 regulations for incineration of hazardous waste] or pursuant to a  
2 successor regulation<sup>1</sup>]<sup>2</sup>; and

3 (3) provide the patient with written informational materials  
4 concerning how to properly, safely, and promptly dispose of  
5 unused, unwanted, or expired drugs and medications, which may  
6 include, but shall not be limited to, information concerning drug  
7 disposal options available pursuant to paragraph (2) of this  
8 subsection. The individual dispensing the prescription drug, or an  
9 appropriate designee, shall answer any questions the patient may  
10 have upon receiving the written informational materials pursuant to  
11 this paragraph.

12 b. The requirements of subsection a. of this section shall apply  
13 regardless of whether the prescription is an initial prescription or a  
14 renewal or refill of an existing prescription, and regardless of  
15 whether the patient is a new or returning customer at the pharmacy  
16 practice site.

17 c. Any time a pharmacy practice site that dispenses  
18 prescription drugs, other than a long-term care pharmacy, sells or  
19 dispenses a hypodermic syringe or needle, regardless of whether the  
20 hypodermic syringe or needle is sold or dispensed pursuant to a  
21 prescription, the pharmacy practice site shall provide the patient  
22 with <sup>2</sup>[<sup>1</sup>[the]<sup>1</sup>] written <sup>1</sup>[informational materials] information as  
23 incorporated in the drug monograph and<sup>1</sup> prepared by]  
24 informational materials made available through the Internet website  
25 of<sup>2</sup> the <sup>2</sup>[Division of Consumer Affairs in the]<sup>2</sup> Department of  
26 <sup>2</sup>[Law and Public Safety] Health<sup>2</sup> pursuant to section 3 of this act  
27 concerning the safe disposal of used hypodermic syringes and  
28 needles so as to prevent against the potential transmission of  
29 bloodborne pathogens that can occur when used hypodermic  
30 syringes and needles are reused or when they result in accidental  
31 injury. The individual selling or dispensing the hypodermic syringe  
32 or needle, or an appropriate designee, shall answer any questions  
33 the patient may have upon receiving the written informational  
34 materials pursuant to this subsection.

35  
36 2. Section 1 of P.L.2017, c.135 (C.26:2H-81.1) is amended to  
37 read as follows:

38 1. a. As used in this section:

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

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

44 "Hospice care patient" means a person currently receiving  
45 hospice care services in a private home or an assisted living facility  
46 through a licensed hospice care program.

47 "Third party caregiver" means a person who:

- 1 (1) is 18 years of age or older;
- 2 (2) provides care or assistance to a hospice care patient; and
- 3 (3) is not the patient's health care representative, a family
- 4 member of the patient, or employed by the patient's hospice care
- 5 program.

6 b. A hospice care program licensed pursuant to P.L.1997, c.78  
7 (C.26:2H-79 et seq.) may choose, but shall not be required, to  
8 accept for disposal, at such time as a hospice care patient ceases to  
9 use the drug or medication or ceases to receive hospice care  
10 services through the program, the hospice care patient's unused  
11 prescription drugs and medications. A hospice care program that  
12 chooses to accept unused prescription drugs and medications for  
13 disposal pursuant to this section shall:

14 (1) Establish a written policy setting forth procedures for  
15 accepting and disposing of unused prescription drugs and  
16 medications;

17 (2) Furnish a copy of the written policy to each patient, and to  
18 the patient's health care representative, at the time the patient is  
19 enrolled in the hospice care program, and designate a program  
20 representative who shall discuss the procedures and requirements  
21 for surrendering unused prescription drugs and medications with the  
22 patient and the patient's health care representative;

23 (3) Accept drugs and medications prescribed and dispensed to  
24 the patient pursuant to the patient's hospice care plan, as well as any  
25 other prescription drugs and medications that the patient, or the  
26 patient's health care representative, chooses to surrender to the  
27 program;

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

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

35 (6) (a) at the time the patient is enrolled in the hospice care  
36 program, at such time as any change is made to the patient's course  
37 of treatment that results in a change in the drugs or medications  
38 prescribed for the patient, or in the patient discontinuing the use of  
39 a prescription drug or medication, and at such time as the patient  
40 ceases to receive hospice care services through the program,  
41 provide the patient or the patient's health care representative with  
42 oral instructions and written informational materials advising that  
43 when unused, unwanted, or expired drugs and medications are not  
44 properly, safely, and promptly disposed of:

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

- 1       (ii) children are particularly at risk of accidentally ingesting  
2 unused, unwanted, and expired medications that have not been  
3 properly, safely, and promptly disposed of;
- 4       (iii) when drugs or medications are disposed of in the household  
5 trash or flushed down the drain, the drugs and medications can leak  
6 into the ecosystem, which can have a potentially adverse or harmful  
7 effect on the environment; and
- 8       (iv) when drugs or medications are disposed of in the household  
9 trash without the drug or medication having been rendered  
10 deactivated, inaccessible, or otherwise **‘[unpalatable] unusable’** ,  
11 the drug or medication may be stolen by individuals seeking to  
12 divert, abuse, or misuse the drug or medication;
- 13       (b) (2) make available **‘[for purchase or at no cost an over-**  
14 the-counter At-Home or Site-of-Use solution that meets the  
15 requirements of paragraph (2) of subsection a. of section 1 of  
16 P.L. , c. (C. ) (pending before the Legislature as this bill)]  
17 on-site, for purchase or at no cost to the patient, at least one  
18 consumer method for individuals to dispose of unwanted or expired  
19 prescription drugs, including, but not limited to over-the-counter at-  
20 home or site-of-use solutions or secured medication collection  
21 kiosks or boxes<sup>1</sup> ; and
- 22       (c) provide the patient with oral and written instructions on how  
23 to properly, safely, and promptly dispose of unused, unwanted, or  
24 expired drugs and medications, which may include, but shall not be  
25 limited to, providing instructions concerning the use of an over-the-  
26 counter **‘[At-Home or Site-of-Use] at-home or site-of-use<sup>1</sup> solution**  
27 furnished to the patient pursuant to subparagraph (b) of this  
28 paragraph, and advising the patient of the availability of secure  
29 prescription medication drop-off receptacles and prescription  
30 medication take back programs.
- 31       c. At the time a hospice care patient ceases to receive hospice  
32 care services, a program representative shall provide a written  
33 request for surrender of unused **[medication] drugs and**  
34 medications to the patient or the patient's health care representative,  
35 which shall:
- 36       (1) request that the patient or the patient's health care  
37 representative surrender any unused prescription drugs or  
38 medications that were prescribed and dispensed to the patient  
39 pursuant to the patient's hospice care plan;
- 40       (2) offer to accept and dispose of any other prescription drug or  
41 medication which the patient will not use; and
- 42       (3) urge that the patient or the patient's health care  
43 representative dispose of any unused prescription drug or  
44 medication that is not surrendered to the program in a safe and legal  
45 manner, so as to avoid the risk of theft, diversion, or accidental  
46 ingestion.

1 d. No hospice care program may accept and dispose of an  
2 unused prescription drug or medication pursuant to this section  
3 unless the patient or the patient's health care representative  
4 authorizes, in writing, the surrender of the unused prescription drug  
5 or medication to the program; except that, if the patient is unable to  
6 provide written authorization and the patient does not have a health  
7 care representative, a third party caregiver may provide written  
8 authorization for the surrender. A hospice care program shall not  
9 accept an unused prescription drug or medication unless the drug or  
10 medication is identified for inclusion in the authorization for  
11 surrender.

12 e. (1) Unused prescription drugs and medications surrendered  
13 to a hospice care program pursuant to this section shall be  
14 surrendered to a registered professional nurse or a licensed practical  
15 nurse employed by the program.

16 (2) A nurse accepting the surrender of unused prescription  
17 **【medication】** drugs or medications pursuant to this section shall  
18 dispose of the drugs or medications at the site where hospice care  
19 was provided; in no case shall the nurse transport the unused  
20 prescription medications off-site for disposal or for any other  
21 purpose. The nurse may dispose of the unused drugs or medications  
22 using an over-the-counter <sup>1</sup>【At-Home or Site-of-Use】 at-home or  
23 site-of-use<sup>1</sup> solution that meets the requirements of paragraph (2) of  
24 subsection a. of section 1 of P.L. , c. (C. ) (pending before  
25 the Legislature as this bill).

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

28 (a) the name and quantity of each drug or medication  
29 surrendered;

30 (b) the name of the person authorizing the surrender, and the  
31 relationship of the person to the patient;

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

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

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

41 f. Nothing in this section shall prohibit any person from  
42 disposing of an unused prescription drug or medication by any  
43 means authorized by law, including, but not limited to, disposing of  
44 the drug or medication pursuant to subparagraph (b) of paragraph  
45 (6) of subsection b. of this section or surrendering the medication at  
46 a secure prescription medication drop-off receptacle.

- 1 g. No person shall be subject to civil or criminal liability or  
2 professional disciplinary action for any act or omission undertaken  
3 in good faith consistent with the requirements of this section.  
4 (cf: P.L.2017, c.135, s.1)  
5
- 6 3. (New section) The <sup>2</sup>【Division of Consumer Affairs in the】<sup>2</sup>  
7 Department of <sup>2</sup>【Law and Public Safety】 Health<sup>2</sup> shall <sup>2</sup>【<sup>1</sup>【prepare  
8 written informational materials】 amend the drug monograph to  
9 include information<sup>1</sup>】 make available through its Internet website<sup>2</sup>  
10 for distribution to patients by hospice care programs and pharmacy  
11 practice sites <sup>2</sup>informational materials<sup>2</sup> concerning the safe disposal  
12 of used hypodermic syringes and needles so as to prevent against  
13 the potential transmission of bloodborne pathogens that can occur  
14 when used hypodermic syringes and needles are reused or when  
15 they result in accidental injury. <sup>1</sup>【The written informational  
16 materials shall be made available through the division’s Internet  
17 website and shall be distributed to hospice care programs and  
18 pharmacy practice sites upon request.】  
19
- 20 4. This act shall take effect 90 days after the date of enactment.