

**SENATE, No. 1135**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED JANUARY 25, 2018

**Sponsored by:**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Co-Sponsored by:**

**Senators A.R.Bucco, Thompson, O'Scanlon and Madden**

**SYNOPSIS**

Permits pharmacists to dispense certain drugs in emergency without prescription.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/15/2019)**

1 AN ACT concerning emergency drug dispensing and supplementing  
2 P.L.2003, c.280 (C.45:14-40 et seq.).  
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:  
6

7 1. a. A pharmacist may dispense or sell an emergency supply  
8 of a chronic maintenance drug without a current, valid prescription  
9 from a practitioner if all of the following conditions are satisfied:

10 (1) the pharmacy at which the pharmacist is practicing has a  
11 record of a prescription for the drug in the name of the patient who  
12 is requesting the emergency supply, but the prescription does not  
13 provide for a refill or the time permitted for providing the refill has  
14 passed;

15 (2) the pharmacist attempts but is unable to obtain authorization  
16 to refill the prescription from the practitioner who issued the  
17 prescription or another practitioner responsible for the patient's  
18 care;

19 (3) in the pharmacist's professional judgment, refusal to provide  
20 an emergency supply of the drug would endanger the health or  
21 welfare of the patient;

22 (4) the drug is not a controlled dangerous substance;

23 (5) the amount of the drug dispensed does not exceed a 30-day  
24 supply as provided in the most recent prescription or, if the standard  
25 unit of dispensing for the drug exceeds a 30-day supply, the amount  
26 dispensed does not exceed the standard unit of dispensing;

27 (6) the pharmacist has not provided an emergency supply of the  
28 particular drug pursuant to this subsection to the same patient in the  
29 previous 12-month period; and

30 (7) the pharmacist fulfills all documentation and other  
31 requirements for dispensing established by the Board of Pharmacy  
32 by regulation.

33 b. A pharmacist or the pharmacist's employer shall not be held  
34 civilly liable for any act or omission in connection with the  
35 dispensing of an emergency supply of a drug pursuant to this  
36 section unless the act or omission constitutes gross negligence,  
37 recklessness, or willful or wanton misconduct.

38 c. Nothing in this section shall preclude a pharmacist from  
39 dispensing an emergency supply of a drug under other authority  
40 granted by regulations promulgated by the Board of Pharmacy.  
41

42 2. The Board of Pharmacy, pursuant to the "Administrative  
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt  
44 rules and regulations to effectuate the purposes of this act.  
45

46 3. This act shall take effect on the first day of the fourth month  
47 next following the date of enactment, except that the Board of  
48 Pharmacy may take such anticipatory administrative action in

1 advance of the effective date as shall be necessary to implement the  
2 act.

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STATEMENT

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6 This bill permits a pharmacist to dispense or sell an emergency  
7 supply of a chronic maintenance drug without a current, valid  
8 prescription from a practitioner, under certain conditions. To  
9 dispense or sell an emergency supply of a drug under the bill:

10

- 11 • the pharmacy at which the pharmacist is practicing must have  
12 a record of a prescription for the drug in the name of the  
13 patient who is requesting the emergency supply, but the  
14 prescription does not provide for a refill or the time permitted  
15 for providing the refill has passed;
- 16 • the pharmacist must attempt but fail to obtain authorization to  
17 refill the prescription from the practitioner who issued the  
18 prescription or another practitioner responsible for the  
19 patient's care;
- 20 • the pharmacist must determine, in the pharmacist's  
21 professional judgment, that refusal to provide an emergency  
22 supply of the drug would endanger the health or welfare of the  
23 patient;
- 24 • the drug must not be a controlled dangerous substance;
- 25 • the amount of the drug dispensed must not exceed a 30-day  
26 supply as provided in the most recent prescription or, if the  
27 standard unit of dispensing for the drug exceeds a 30-day  
28 supply, the amount dispensed must not exceed the standard  
29 unit of dispensing;
- 30 • the pharmacist may not have provided an emergency supply of  
31 the particular drug pursuant to this subsection to the same  
32 patient in the previous 12-month period; and
- 33 • the pharmacist must fulfill all documentation and other  
34 requirements for dispensing established by the Board of  
35 Pharmacy by regulation.

36

37 The bill provides civil immunity for pharmacists and their  
38 employers for acts or omissions in connection with the dispensing  
39 of an emergency supply of a drug pursuant to this bill unless the act  
40 or omission constitutes gross negligence, recklessness, or willful or  
41 wanton misconduct.

42 The bill also states that it would not preclude a pharmacist from  
43 dispensing an emergency supply of a drug under other authority  
44 granted by regulations promulgated by the Board of Pharmacy.  
45 Currently, N.J.A.C.13:39-7.4 permits emergency dispensing of a  
46 72-hour supply of a drug, under conditions that are more permissive  
47 than the conditions for dispensing a longer-term supply established  
48 under this bill.