

[First Reprint]

SENATE, No. 1642

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

Co-Sponsored by:

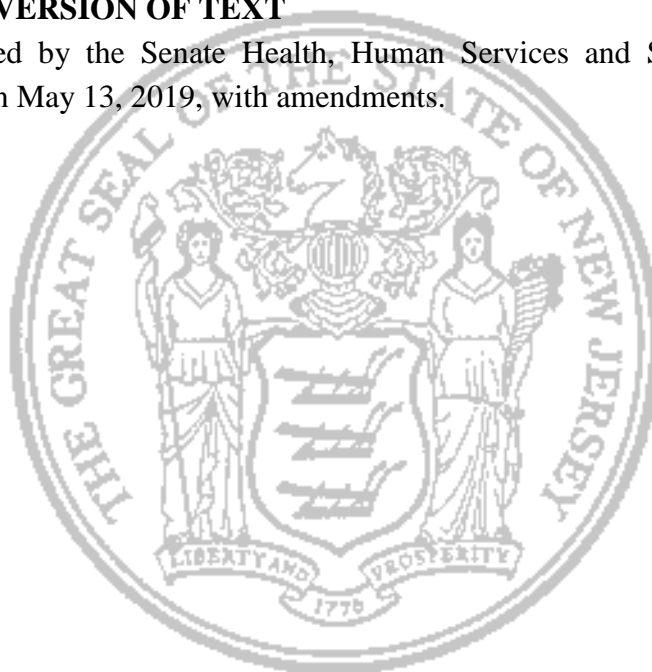
Senators Greenstein and Gopal

SYNOPSIS

Requires physicians and other prescribers to obtain informed consent from parents or guardians of minors for certain medications with “black box warnings.”

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on May 13, 2019, with amendments.



(Sponsorship Updated As Of: 10/25/2019)

1 AN ACT concerning the prescribing of certain medications to
 2 minors and supplementing Title 45 of the Revised Statutes.

3
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 5 *of New Jersey:*

6
 7 1. Prior to prescribing for an individual under 18 years of age
 8 any psychotropic medication, including but not limited to
 9 medication for the treatment of Attention Deficit Disorder or
 10 Attention Deficit and Hyperactivity Disorder, required by the
 11 federal Food and Drug Administration to have a “black box
 12 warning” on its labeling, a physician or other authorized prescriber
 13 shall inform the individual’s parent or legal guardian about the
 14 possible side effects of the medication and shall obtain informed
 15 written consent from the individual’s parent or legal guardian ¹**[for**
 16 **the notification]** acknowledging receipt of the notification and
 17 authorizing issuance of the prescription¹. In the event written
 18 consent cannot be obtained ¹but oral consent is provided¹, the
 19 physician or other authorized prescriber shall make a notation in the
 20 patient’s file setting forth the date and circumstances of the
 21 informed consent.

22 A physician or other authorized prescriber who prescribes a
 23 medication in violation of this act shall be subject to disciplinary
 24 action by the State Board of Medical Examiners.

25
 26 ¹2. Prior to prescribing for an individual under 18 years of age
 27 any psychotropic medication, including but not limited to
 28 medication for the treatment of Attention Deficit Disorder or
 29 Attention Deficit and Hyperactivity Disorder, required by the
 30 federal Food and Drug Administration to have a “black box
 31 warning” on its labeling, a physician assistant shall inform the
 32 individual’s parent or legal guardian about the possible side effects
 33 of the medication, and shall obtain informed written consent from
 34 the individual’s parent or legal guardian acknowledging receipt of
 35 the notification and authorizing issuance of the prescription. In the
 36 event written consent cannot be obtained but oral consent is
 37 provided, the physician assistant shall make a notation in the
 38 patient’s file setting forth the date and circumstances of the
 39 informed consent.

40 A physician assistant who prescribes a medication in violation of
 41 this act shall be subject to disciplinary action by the State Board of
 42 Medical Examiners.¹

43
 44 ¹**[2.] 3.**¹ Prior to prescribing for an individual under 18 years
 45 of age any psychotropic medication, including but not limited to

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:

¹Senate SHH committee amendments adopted May 13, 2019.

1 medication for the treatment of Attention Deficit Disorder or
2 Attention Deficit and Hyperactivity Disorder, required by the
3 federal Food and Drug Administration to have a “black box
4 warning” on its labeling, an advanced practice nurse shall inform
5 the individual’s parent or legal guardian about the possible side
6 effects of the medication and shall obtain informed written consent
7 from the individual’s parent or legal guardian ¹for the
8 notification¹ acknowledging receipt of the notification and
9 authorizing issuance of the prescription¹. In the event written
10 consent cannot be obtained ¹but oral consent is provided¹, the
11 advanced practice nurse shall make a notation in the patient’s file
12 setting forth the date and circumstances of the informed consent.

13 An advanced practice nurse who prescribes a medication in
14 violation of this act shall be subject to disciplinary action by the
15 New Jersey Board of Nursing.

16

17 ¹**[3.] 4.**¹ The Division of Consumer Affairs in the Department
18 of Law and Public Safety, in consultation with the Department of
19 Health, shall adopt, pursuant to the "Administrative Procedure Act,"
20 P.L.1968 c.410 (C.52:14B-1 et seq.), rules and regulations
21 necessary to implement the provisions of this act.

22

23 ¹**[4.] 5.**¹ This act shall take effect 180 days after enactment.