[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)
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District 23 (Hunterdon, Somerset and Warren)

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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)

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

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

1. Prior to prescribing for an individual under 18 years of age any psychotropic medication, including but not limited to medication for the treatment of Attention Deficit Disorder or Attention Deficit and Hyperactivity Disorder, required by the federal Food and Drug Administration to have a "black box warning" on its labeling, a physician or other authorized prescriber shall inform the individual's parent or legal guardian about the possible side effects of the medication and shall obtain informed written consent from the individual's parent or legal guardian [1]**[**for the notification**]** acknowledging receipt of the notification and authorizing issuance of the prescription[1]. In the event written consent cannot be obtained [1]but oral consent is provided[1], the physician or other authorized prescriber shall make a notation in the patient's file setting forth the date and circumstances of the informed consent.

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

[1]2. Prior to prescribing for an individual under 18 years of age any psychotropic medication, including but not limited to medication for the treatment of Attention Deficit Disorder or Attention Deficit and Hyperactivity Disorder, required by the federal Food and Drug Administration to have a "black box warning" on its labeling, a physician assistant shall inform the individual's parent or legal guardian about the possible side effects of the medication, and shall obtain informed written consent from the individual's parent or legal guardian acknowledging receipt of the notification and authorizing issuance of the prescription. In the event written consent cannot be obtained but oral consent is provided, the physician assistant shall make a notation in the patient's file setting forth the date and circumstances of the informed consent.

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

[1]**[**2.**]** 3.[1] Prior to prescribing for an individual under 18 years 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:
[1]Senate SHH committee amendments adopted May 13, 2019.

medication for the treatment of Attention Deficit Disorder or Attention Deficit and Hyperactivity Disorder, required by the federal Food and Drug Administration to have a “black box warning” on its labeling, an advanced practice nurse shall inform the individual’s parent or legal guardian about the possible side effects of the medication and shall obtain informed written consent from the individual’s parent or legal guardian [1]**[**for the notification**]** acknowledging receipt of the notification and authorizing issuance of the prescription[1]. In the event written consent cannot be obtained [1]but oral consent is provided[1], the advanced practice nurse shall make a notation in the patient’s file setting forth the date and circumstances of the informed consent.

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

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

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