

[First Reprint]

**SENATE, No. 3240**

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

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INTRODUCED DECEMBER 3, 2018

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

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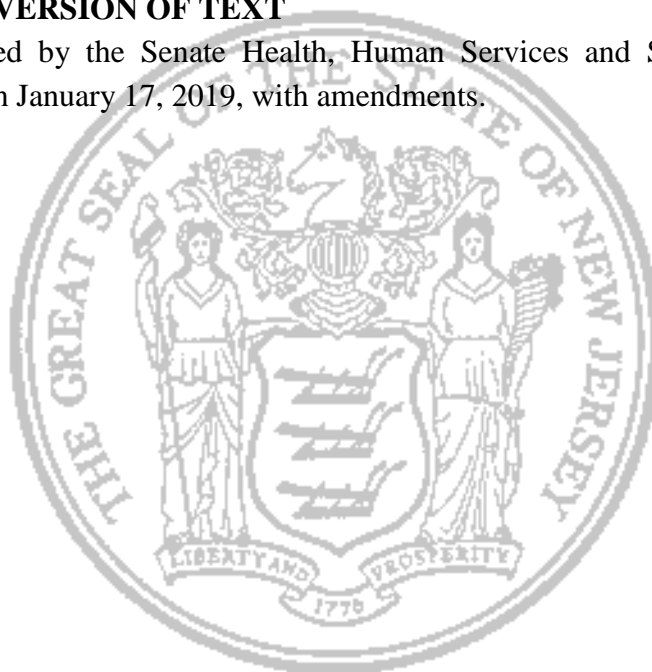
**Senator Greenstein**

**SYNOPSIS**

“Charlie’s Law”; requires that prescribers and pharmacy practice sites furnish patients with information and products concerning safe disposal of drugs and needles.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on January 17, 2019, with amendments.



**(Sponsorship Updated As Of: 2/1/2019)**

1 AN ACT concerning prescription medications and supplementing  
2 Title 24 and 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. a. A health care professional authorized to issue  
8 prescriptions shall, when issuing any prescription for a drug or  
9 medication which is a controlled dangerous substance, and when  
10 issuing a prescription for any other prescription drug or medication  
11 as may be designated by the Commissioner of Health by regulation:

12 (1) provide the patient with <sup>1</sup>**[oral instructions and]**<sup>1</sup> written  
13 informational materials advising that when unused, unwanted, or  
14 expired drugs and medications are not properly, safely, and  
15 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) offer to make available for purchase, or furnish at no cost to  
33 the patient, a product that can be used to permanently sequester or  
34 deactivate unused, unwanted, or expired drugs and medications for  
35 the purpose of safely disposing of the drugs and medications; and

36 (3) provide the patient with <sup>1</sup>**[oral and]**<sup>1</sup> written <sup>1</sup>**[instructions**  
37 **on]** informational materials concerning<sup>1</sup> how to properly, safely,  
38 and promptly dispose of unused, unwanted, or expired drugs and  
39 medications, which may include, but shall not be limited to,  
40 <sup>1</sup>**[providing]**<sup>1</sup> instructions concerning the use of a product  
41 furnished to the patient pursuant to paragraph (2) of this subsection  
42 <sup>1</sup>**[, and advising the patient of]** and information concerning<sup>1</sup> the  
43 availability of secure prescription medication drop-off receptacles  
44 and prescription medication take back programs. <sup>1</sup>The health care

**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>Senate SHH committee amendments adopted January 17, 2019.

1 professional, or an appropriate designee, shall answer any questions  
2 the patient may have upon receiving the written informational  
3 materials pursuant to this paragraph.<sup>1</sup>

4 The requirements of this subsection shall apply to each  
5 prescription issued by the health care professional, regardless of  
6 whether the prescription is being issued to a new or existing patient,  
7 regardless of whether the prescription is for a new drug or  
8 medication or renews or refills a current prescription, and regardless  
9 of the health care setting in which the prescription is issued.

10 b. At such time as any change is made to a patient's course of  
11 treatment that results in a change in the drugs or medications  
12 prescribed for the patient, or in the patient discontinuing the use of  
13 a prescription drug or medication, the health care professional  
14 providing care or treatment to the patient shall:

15 (1) provide the patient with <sup>1</sup>**['oral instructions and']**<sup>1</sup> written  
16 informational materials advising that when unused, unwanted, or  
17 expired drugs and medications are not properly, safely, and  
18 promptly disposed of:

19 (a) there is a risk that the drug or medication can be stolen,  
20 diverted, abused, misused, or accidentally ingested, which can pose  
21 a risk to the health and safety of the patient and other members of  
22 the patient's household;

23 (b) children are particularly at risk of accidentally ingesting  
24 unused, unwanted, and expired medications that have not been  
25 properly, safely, and promptly disposed of;

26 (c) when drugs or medications are disposed of in the household  
27 trash or flushed down the drain, the drugs and medications can leak  
28 into the ecosystem, which can have a potentially adverse or harmful  
29 effect on the environment; and

30 (d) when drugs or medications are disposed of in the household  
31 trash without the drug or medication having been rendered  
32 deactivated, inaccessible, or otherwise unpalatable, the drug or  
33 medication may be stolen by individuals seeking to divert, abuse, or  
34 misuse the drug or medication;

35 (2) offer to make available for purchase, or furnish at no cost to  
36 the patient, a product that can be used to permanently sequester or  
37 deactivate unused, unwanted, or expired drugs and medications for  
38 the purpose of safely disposing of the drugs and medications; and

39 (3) provide the patient with <sup>1</sup>**['oral and']**<sup>1</sup> written <sup>1</sup>**['instructions**  
40 **on']** informational materials concerning<sup>1</sup> how to properly, safely,  
41 and promptly dispose of unused, unwanted, or expired drugs and  
42 medications, which may include, but shall not be limited to,  
43 <sup>1</sup>**['providing']**<sup>1</sup> instructions concerning the use of a product  
44 furnished to the patient pursuant to paragraph (2) of this subsection  
45 <sup>1</sup>**['], and advising the patient of']** and information concerning<sup>1</sup> the  
46 availability of secure prescription medication drop-off receptacles  
47 and prescription medication take back programs. <sup>1</sup>The health care

1 professional, or an appropriate designee, shall answer any questions  
2 the patient may have upon receiving the written informational  
3 materials pursuant to this paragraph.<sup>1</sup>

4 The requirements of this subsection shall apply to any change to  
5 a patient's course of treatment that results in a change in the drugs  
6 or medications prescribed for the patient, or in the patient  
7 discontinuing the use of a prescription drug or medication,  
8 regardless of whether the patient is a new or existing patient, and  
9 regardless of the health care setting in which the care or treatment is  
10 provided.

11 c. Any time a health care professional authorized to issue  
12 prescriptions issues a prescription for a hypodermic syringe or  
13 needle or for any drug or other medication which is to be  
14 administered using a hypodermic syringe or needle, the health care  
15 professional shall provide the patient with <sup>1</sup>**["oral instructions and"]**  
16 **the**<sup>1</sup> written informational materials <sup>1</sup>prepared by the Division of  
17 Consumer Affairs in the Department of Law and Public Safety  
18 pursuant to section 3 of this act<sup>1</sup> concerning the safe disposal of  
19 used hypodermic syringes and needles so as to prevent against the  
20 potential transmission of bloodborne pathogens that can occur when  
21 used hypodermic syringes and needles are reused or when they  
22 cause accidental injury. <sup>1</sup>The health care professional, or an  
23 appropriate designee, shall answer any questions the patient may  
24 have upon receiving the written informational materials pursuant to  
25 this subsection.<sup>1</sup>

26  
27 2. a. A pharmacy practice site or health care professional that  
28 dispenses prescription drugs, other than a long-term care pharmacy,  
29 shall, when dispensing to an individual located in this State a  
30 prescription drug or medication which is a controlled dangerous  
31 substance, and when dispensing any other prescription drug or  
32 medication as may be designated by the Commissioner of Health by  
33 regulation:

34 (1) provide the patient with <sup>1</sup>**["oral instructions and"]**<sup>1</sup> written  
35 informational materials advising that when unused, unwanted, or  
36 expired drugs and medications are not properly, safely, and  
37 promptly disposed of:

38 (a) there is a risk that the drug or medication can be stolen,  
39 diverted, abused, misused, or accidentally ingested, which can pose  
40 a risk to the health and safety of the patient and other members of  
41 the patient's household;

42 (b) children are particularly at risk of accidentally ingesting  
43 unused, unwanted, and expired medications that have not been  
44 properly, safely, and promptly disposed of;

45 (c) when drugs or medications are disposed of in the household  
46 trash or flushed down the drain, the drugs and medications can leak

1 into the ecosystem, which can have a potentially adverse or harmful  
2 effect on the environment; and

3 (d) when drugs or medications are disposed of in the household  
4 trash without the drug or medication having been rendered  
5 deactivated, inaccessible, or otherwise unpalatable, the drug or  
6 medication may be stolen by individuals seeking to divert, abuse, or  
7 misuse the drug or medication;

8 (2) offer to make available for purchase, or furnish at no cost to  
9 the patient, a product that can be used to permanently sequester or  
10 deactivate unused, unwanted, or expired drugs and medications for  
11 the purpose of safely disposing of the drugs and medications; and

12 (3) provide the patient with <sup>1</sup>["oral and"]<sup>1</sup> written <sup>1</sup>["instructions  
13 on"] informational materials concerning<sup>1</sup> how to properly, safely,  
14 and promptly dispose of unused, unwanted, or expired drugs and  
15 medications, which may include, but shall not be limited to,  
16 <sup>1</sup>["providing"]<sup>1</sup> instructions concerning the use of a product  
17 furnished to the patient pursuant to paragraph (2) of this subsection  
18 <sup>1</sup>["], and advising the patient of"] and information concerning<sup>1</sup> the  
19 availability of secure prescription medication drop-off receptacles  
20 and prescription medication take back programs. <sup>1</sup>The individual  
21 dispensing the prescription drug, or an appropriate designee, shall  
22 answer any questions the patient may have upon receiving the  
23 written informational materials pursuant to this paragraph.<sup>1</sup>

24 b. The requirements of subsection a. of this section shall apply  
25 regardless of whether the prescription is an initial prescription or a  
26 renewal or refill of an existing prescription, and regardless of  
27 whether the patient is a new or returning customer at the pharmacy  
28 practice site or is a new or existing patient of the health care  
29 professional.

30 c. Any time a pharmacy practice site or health care  
31 professional that dispenses prescription drugs, other than a long-  
32 term care pharmacy, sells or dispenses a hypodermic syringe or  
33 needle, regardless of whether the hypodermic syringe or needle is  
34 sold or dispensed pursuant to a prescription, the pharmacy practice  
35 site or health care professional shall provide the patient with <sup>1</sup>["oral  
36 instructions and"] the<sup>1</sup> written informational materials <sup>1</sup>prepared by  
37 the Division of Consumer Affairs in the Department of Law and  
38 Public Safety pursuant to section 3 of this act<sup>1</sup> concerning the safe  
39 disposal of used hypodermic syringes and needles so as to prevent  
40 against the potential transmission of bloodborne pathogens that can  
41 occur when used hypodermic syringes and needles are reused or  
42 when they result in accidental injury. <sup>1</sup>The individual selling or  
43 dispensing the hypodermic syringe or needle, or an appropriate  
44 designee, shall answer any questions the patient may have upon  
45 receiving the written informational materials pursuant to this  
46 subsection.<sup>1</sup>

1       <sup>1</sup>3. The Division of Consumer Affairs in the Department of Law  
2 and Public Safety shall prepare written informational materials for  
3 distribution to patients by health care professionals and pharmacy  
4 practice sites concerning the safe disposal of used hypodermic  
5 syringes and needles so as to prevent against the potential  
6 transmission of bloodborne pathogens that can occur when used  
7 hypodermic syringes and needles are reused or when they result in  
8 accidental injury. The written informational materials shall be  
9 made available through the division's Internet website and shall be  
10 distributed to health care professionals and pharmacy practice sites  
11 upon request.<sup>1</sup>  
12

13       <sup>1</sup>[3.] 4.<sup>1</sup> This act shall take effect <sup>1</sup>[30] 90<sup>1</sup> days after the  
14 date of enactment.