

[Second Reprint]  
**SENATE, No. 3240**

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

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INTRODUCED DECEMBER 3, 2018

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**SYNOPSIS**

“Charlie’s Law”; requires pharmacy practice sites and hospice programs to furnish patients with information and products to safely dispose of unused prescription drugs and medications.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health and Senior Services Committee on February 7, 2019, with amendments.

(Sponsorship Updated As Of: 2/26/2019)

1 AN ACT concerning prescription medications <sup>2</sup>**[and]** <sup>2</sup>  
 2 supplementing <sup>2</sup>**[Title 24 and]**<sup>2</sup> Title 45 of the Revised Statutes  
 3 <sup>2</sup>, and amending P.L.2017, c.135.

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

7  
 8 <sup>2</sup>**[1. a. A health care professional authorized to issue**  
 9 prescriptions shall, when issuing any prescription for a drug or  
 10 medication which is a controlled dangerous substance, and when  
 11 issuing a prescription for any other prescription drug or medication  
 12 as may be designated by the Commissioner of Health by regulation:

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

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

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

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

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

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

37 (3) provide the patient with <sup>1</sup>**[oral and]**<sup>1</sup> written <sup>1</sup>**[instructions**  
 38 **on]** informational materials concerning<sup>1</sup> how to properly, safely,  
 39 and promptly dispose of unused, unwanted, or expired drugs and  
 40 medications, which may include, but shall not be limited to,  
 41 <sup>1</sup>**[providing]**<sup>1</sup> instructions concerning the use of a product  
 42 furnished to the patient pursuant to paragraph (2) of this subsection  
 43 <sup>1</sup>**[, and advising the patient of]** and information concerning<sup>1</sup> the

**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.

<sup>2</sup>Assembly AHE committee amendments adopted February 7, 2019.

1 availability of secure prescription medication drop-off receptacles  
2 and prescription medication take back programs. <sup>1</sup>The health care  
3 professional, or an appropriate designee, shall answer any questions  
4 the patient may have upon receiving the written informational  
5 materials pursuant to this paragraph.<sup>1</sup>

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

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

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

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

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

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

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

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

41 (3) provide the patient with <sup>1</sup>**[oral and]**<sup>1</sup> written <sup>1</sup>**[instructions**  
42 **on]** informational materials concerning<sup>1</sup> how to properly, safely,  
43 and promptly dispose of unused, unwanted, or expired drugs and  
44 medications, which may include, but shall not be limited to,  
45 <sup>1</sup>**[providing]**<sup>1</sup> instructions concerning the use of a product  
46 furnished to the patient pursuant to paragraph (2) of this subsection  
47 <sup>1</sup>**[, and advising the patient of]** and information concerning<sup>1</sup> the

1 availability of secure prescription medication drop-off receptacles  
2 and prescription medication take back programs. <sup>1</sup>The health care  
3 professional, or an appropriate designee, shall answer any questions  
4 the patient may have upon receiving the written informational  
5 materials pursuant to this paragraph.<sup>1</sup>

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

13 c. Any time a health care professional authorized to issue  
14 prescriptions issues a prescription for a hypodermic syringe or  
15 needle or for any drug or other medication which is to be  
16 administered using a hypodermic syringe or needle, the health care  
17 professional shall provide the patient with <sup>1</sup>**oral instructions and**  
18 **the**<sup>1</sup> written informational materials <sup>1</sup>prepared by the Division of  
19 Consumer Affairs in the Department of Law and Public Safety  
20 pursuant to section 3 of this act<sup>1</sup> concerning the safe disposal of  
21 used hypodermic syringes and needles so as to prevent against the  
22 potential transmission of bloodborne pathogens that can occur when  
23 used hypodermic syringes and needles are reused or when they  
24 cause accidental injury. <sup>1</sup>The health care professional, or an  
25 appropriate designee, shall answer any questions the patient may  
26 have upon receiving the written informational materials pursuant to  
27 this subsection.<sup>1</sup><sup>2</sup>

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

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

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

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

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

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

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

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

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

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

1 receiving the written informational materials pursuant to this  
2 subsection.<sup>1</sup>]<sup>2</sup>

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

15  
16 <sup>2</sup>1. (New section) a. A pharmacy practice site that dispenses  
17 prescription drugs, other than a long-term care pharmacy, shall, when  
18 dispensing to an individual located in this State a prescription drug or  
19 medication which is a controlled dangerous substance, and when  
20 dispensing any other prescription drug or medication as may be  
21 designated by the Commissioner of Health by regulation:

22 (1) provide the patient with written informational materials  
23 advising that when unused, unwanted, or expired drugs and  
24 medications are not properly, safely, and promptly disposed of:

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

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

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

36 (d) when drugs or medications are disposed of in the household  
37 trash without the drug or medication having been rendered deactivated,  
38 inaccessible, or otherwise unpalatable, the drug or medication may be  
39 stolen by individuals seeking to divert, abuse, or misuse the drug or  
40 medication;

41 (2) offer to make available for purchase, or furnish at no cost to the  
42 patient, a nontoxic composition that can be used to permanently  
43 sequester or deactivate unused, unwanted, or expired drugs and  
44 medications for the purpose of safely disposing of the drugs and  
45 medications; and

46 (3) provide the patient with written informational materials  
47 concerning how to properly, safely, and promptly dispose of unused,

1 unwanted, or expired drugs and medications, which may include, but  
2 shall not be limited to, instructions concerning the use of a product  
3 furnished to the patient pursuant to paragraph (2) of this subsection  
4 and information concerning the availability of secure prescription  
5 medication drop-off receptacles and prescription medication take back  
6 programs. The individual dispensing the prescription drug, or an  
7 appropriate designee, shall answer any questions the patient may have  
8 upon receiving the written informational materials pursuant to this  
9 paragraph.

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

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

30  
31 <sup>2</sup>2. Section 1 of P.L.2017, c.135 (C.26:2H-81.1) is amended to  
32 read as follows:

33 1. a. As used in this section:

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

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

39 "Hospice care patient" means a person currently receiving hospice  
40 care services in a private home or an assisted living facility through a  
41 licensed hospice care program.

42 "Third party caregiver" means a person who:

43 (1) is 18 years of age or older;

44 (2) provides care or assistance to a hospice care patient; and

45 (3) is not the patient's health care representative, a family member  
46 of the patient, or employed by the patient's hospice care program.

47 b. A hospice care program licensed pursuant to P.L.1997, c.78  
48 (C.26:2H-79 et seq.) may choose, but shall not be required, to accept

1 for disposal, at such time as a hospice care patient ceases to use the  
2 drug or medication or ceases to receive hospice care services through  
3 the program, the hospice care patient's unused prescription drugs and  
4 medications. A hospice care program that chooses to accept unused  
5 prescription drugs and medications for disposal pursuant to this section  
6 shall:

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

9 (2) Furnish a copy of the written policy to each patient, and to the  
10 patient's health care representative, at the time the patient is enrolled in  
11 the hospice care program, and designate a program representative who  
12 shall discuss the procedures and requirements for surrendering unused  
13 prescription drugs and medications with the patient and the patient's  
14 health care representative;

15 (3) Accept drugs and medications prescribed and dispensed to the  
16 patient pursuant to the patient's hospice care plan, as well as any other  
17 prescription drugs and medications that the patient, or the patient's  
18 health care representative, chooses to surrender to the program;

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

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

26 (6) (a) at the time the patient is enrolled in the hospice care  
27 program, at such time as any change is made to the patient's course of  
28 treatment that results in a change in the drugs or medications  
29 prescribed for the patient, or in the patient discontinuing the use of a  
30 prescription drug or medication, and at such time as the patient ceases  
31 to receive hospice care services through the program, provide the  
32 patient or the patient's health care representative with oral instructions  
33 and written informational materials advising that when unused,  
34 unwanted, or expired drugs and medications are not properly, safely,  
35 and promptly disposed of:

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

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

43 (iii) when drugs or medications are disposed of in the household  
44 trash or flushed down the drain, the drugs and medications can leak  
45 into the ecosystem, which can have a potentially adverse or harmful  
46 effect on the environment; and

47 (iv) when drugs or medications are disposed of in the household  
48 trash without the drug or medication having been rendered deactivated,



1 inaccessible, or otherwise unpalatable, the drug or medication may be  
2 stolen by individuals seeking to divert, abuse, or misuse the drug or  
3 medication;

4 (b) offer to make available for purchase, or furnish at no cost to the  
5 patient, a nontoxic composition that can be used to permanently  
6 sequester or deactivate unused, unwanted, or expired drugs and  
7 medications for the purpose of safely disposing of the drugs and  
8 medications; and

9 (c) provide the patient with oral and written instructions on how to  
10 properly, safely, and promptly dispose of unused, unwanted, or  
11 expired drugs and medications, which may include, but shall not be  
12 limited to, providing instructions concerning the use of a nontoxic  
13 composition furnished to the patient pursuant to subparagraph (b) of  
14 this paragraph, and advising the patient of the availability of secure  
15 prescription medication drop-off receptacles and prescription  
16 medication take back programs.

17 c. At the time a hospice care patient ceases to receive hospice  
18 care services, a program representative shall provide a written request  
19 for surrender of unused **【medication】** drugs and medications to the  
20 patient or the patient's health care representative, which shall:

21 (1) request that the patient or the patient's health care  
22 representative surrender any unused prescription drugs or medications  
23 that were prescribed and dispensed to the patient pursuant to the  
24 patient's hospice care plan;

25 (2) offer to accept and dispose of any other prescription drug or  
26 medication which the patient will not use; and

27 (3) urge that the patient or the patient's health care representative  
28 dispose of any unused prescription drug or medication that is not  
29 surrendered to the program in a safe and legal manner, so as to avoid  
30 the risk of theft, diversion, or accidental ingestion.

31 d. No hospice care program may accept and dispose of an unused  
32 prescription drug or medication pursuant to this section unless the  
33 patient or the patient's health care representative authorizes, in writing,  
34 the surrender of the unused prescription drug or medication to the  
35 program; except that, if the patient is unable to provide written  
36 authorization and the patient does not have a health care  
37 representative, a third party caregiver may provide written  
38 authorization for the surrender. A hospice care program shall not  
39 accept an unused prescription drug or medication unless the drug or  
40 medication is identified for inclusion in the authorization for surrender.

41 e. (1) Unused prescription drugs and medications surrendered to a  
42 hospice care program pursuant to this section shall be surrendered to a  
43 registered professional nurse or a licensed practical nurse employed by  
44 the program.

45 (2) A nurse accepting the surrender of unused prescription  
46 **【medication】** drugs or medications pursuant to this section shall  
47 dispose of the drugs or medications at the site where hospice care was  
48 provided; in no case shall the nurse transport the unused prescription

1 medications off-site for disposal or for any other purpose. The nurse  
2 may dispose of the unused drugs or medications using a nontoxic  
3 composition that can be used to permanently sequester or deactivate  
4 unused, unwanted, or expired drugs and medications for the purpose of  
5 safely disposing of the drugs and medications.

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

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

9 (b) the name of the person authorizing the surrender, and the  
10 relationship of the person to the patient;

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

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

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

20 f. Nothing in this section shall prohibit any person from  
21 disposing of an unused prescription drug or medication by any means  
22 authorized by law, including, but not limited to, disposing of the drug  
23 or medication using a nontoxic composition that can be used to  
24 permanently sequester or deactivate unused, unwanted, or expired  
25 drugs and medications for the purpose of safely disposing of the drugs  
26 and medications or surrendering the medication at a secure  
27 prescription medication drop-off receptacle.

28 g. No person shall be subject to civil or criminal liability or  
29 professional disciplinary action for any act or omission undertaken in  
30 good faith consistent with the requirements of this section.<sup>2</sup>

31 (cf: P.L.2017, c.135, s.1)

32  
33 <sup>2</sup>3. (New section) The Division of Consumer Affairs in the  
34 Department of Law and Public Safety shall prepare written  
35 informational materials for distribution to patients by hospice care  
36 programs and pharmacy practice sites concerning the safe disposal of  
37 used hypodermic syringes and needles so as to prevent against the  
38 potential transmission of bloodborne pathogens that can occur when  
39 used hypodermic syringes and needles are reused or when they result  
40 in accidental injury. The written informational materials shall be made  
41 available through the division's Internet website and shall be  
42 distributed to hospice care programs and pharmacy practice sites upon  
43 request.<sup>2</sup>

44  
45 <sup>1</sup>[3.] 4.<sup>1</sup> This act shall take effect <sup>1</sup>[30] 90<sup>1</sup> days after the  
46 date of enactment.