

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO **SENATE, No. 3240**

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 17, 2019

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3240.

As amended by the committee, this bill requires that patients be provided with certain written information concerning safe drug disposal and the opportunity to receive a product that can be used for the safe disposal of unused, unwanted, and expired drugs and medications under certain circumstances.

Specifically, patients are to be provided with the information and offer of a disposal product:

- When a health care professional issues any prescription for a drug or medication which is a controlled dangerous substance, and a prescription for any other prescription drug or medication as may be designated by the Commissioner of Health by regulation to a patient, regardless of whether the prescription is being issued to a new or existing patient, regardless of whether the prescription is for a new drug or medication or continues a current prescription, and regardless of the health care setting in which the prescription is issued;
- When a change is made to a patient's course of treatment that results in a change in the drugs or medications prescribed for the patient, or in the patient discontinuing the use of a prescription drug or medication, regardless of whether the patient is a new or existing patient, and regardless of the health care setting in which the care or treatment is provided;
- When a pharmacy practice site or health care professional that dispenses prescription drugs, other than a long-term care pharmacy, dispenses a prescription drug or medication which is a controlled dangerous substance, or any other prescription drug or medication as may be designated by the Commissioner of Health by regulation, regardless of whether the prescription is an initial prescription or a renewal or refill of an existing prescription, and regardless of whether the patient is a new or

returning customer at the pharmacy practice site or is a new or existing patient of the health care professional.

The written informational materials are to include information advising the patient of the risks of theft, diversion, abuse, misuse, and accidental ingestion when unused, unwanted, and expired drugs and medications are not properly, promptly, and safely disposed of, and that improperly disposing of drugs and medications presents a risk of harm to both individuals and the environment. The health care professional issuing the prescription or individual dispensing the prescription drug, or an appropriate designee, will be required to answer any questions the patient has upon receiving the written informational materials.

The patient is additionally to be offered, either for purchase or at no cost, a product that can be used to permanently sequester or deactivate unused, unwanted, or expired drugs and medications for the purpose of safely disposing of the drugs and medications. The patient is also to be provided with information on how to properly, safely, and promptly dispose of unused, unwanted, or expired drugs and medications, which may include, but will not be limited to, providing instructions concerning the use of any disposal product furnished to the patient and informing the patient of the availability of secure prescription medication drop-off receptacles and prescription medication take back programs.

Additionally, health care practitioners issuing a prescription for a hypodermic syringe or needle or for a medication to be administered using a hypodermic syringe or needle, and pharmacy practice sites and other health care practitioners selling or dispensing a hypodermic syringe or needle, regardless of whether the patient has a prescription, are to provide the patient with written information, to prepared by the Division of Consumer Affairs in the Department of Law and Public Safety, concerning the safe disposal of used hypodermic syringes and needles so as to prevent the potential spread of bloodborne pathogens that can occur when used syringes and needles are reused or when they cause an injury. The professional or a designee is to answer any questions the patient may have upon receiving the written informational materials.

The written informational materials prepared by the Division of Consumer Affairs are to be made available on the division's Internet website and distributed to healthcare professionals and pharmacy practice sites upon request.

As amended, this bill will take effect 90 days after the date of enactment.

COMMITTEE AMENDMENTS:

The committee amendments remove the requirement that prescribers and pharmacy practice sites provide the information required under the bill orally; as amended, all information is to be

provided in writing, but the professional or an appropriate designee is to answer any questions the patient may have upon receiving the written materials.

The committee amendments require the Division of Consumer Affairs in the Department of Law and Public Safety to develop written informational materials concerning the safe disposal of used hypodermic syringes and needles, which are to be made available through the division's Internet website and distributed to health care professionals and pharmacy practice sites upon request.

The committee amendments revise the effective date from 30 days after the date of enactment to 90 days after the date of enactment.

The committee amendments update the synopsis to change the term "pharmacist" to read "pharmacy practice site" to better reflect the terminology used throughout the bill.