

ASSEMBLY, No. 4012

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Co-Sponsored by:

Assemblyman Caputo

SYNOPSIS

Authorizes pharmacists to order and administer test for coronavirus disease 2019 (COVID-19) consistent with federal guidance.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2020)

1 AN ACT concerning testing for coronavirus disease 2019.

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

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6 1. a. Notwithstanding any other provision of law to the
7 contrary, consistent with federal guidance and waivers, a
8 pharmacist licensed pursuant to P.L.2003, c.280 (C.45:14-40 et
9 seq.) shall be authorized to order or administer to any person any
10 test for the coronavirus disease 2019 (COVID-19) that the federal
11 Food and Drug Administration has authorized for use, provided
12 that:

13 (1) the manufacturer of the test is registered with the federal
14 Food and Drug Administration and is included in the Establishment
15 Registration and Device Listing database maintained by the federal
16 Food and Drug Administration;

17 (2) a statistically significant number of samples of the test have
18 been independently evaluated within the United States for
19 reliability;

20 (3) the place of manufacture provides reasonable assurance prior
21 to or at the time of shipment that the test is genuine and conforms to
22 the specifications of the samples that have been found to be reliable
23 as described in paragraph (2) of this subsection; and

24 (4) the pharmacy practice site distributes personal protection
25 equipment to all pharmacy staff and establishes protocols and
26 procedures to ensure that all persons presenting at the pharmacy for
27 any reason, including to request testing for COVID-19, maintain
28 social distancing appropriate to prevent transmission of COVID-19.

29 b. If an individual tests positive for COVID-19 using a test
30 administered by a pharmacist pursuant to subsection a. of this
31 section, the pharmacist shall advise the patient to self-isolate at
32 home for at least 14 days and provide the individual with a copy of
33 the COVID-19 Home Care Guide, except that, if the patient is a
34 member of a group that is at high risk for health complications from
35 COVID-19 or is experiencing symptoms of a severe adverse
36 reaction to COVID-19, the pharmacist shall advise the patient to
37 promptly seek treatment at a hospital. The pharmacist shall ensure
38 compliance with all other State and federal requirements concerning
39 a positive test for COVID-19, including applicable reporting and
40 data collection requirements.

41 c. The Board of Pharmacy may extend the authority to order
42 and administer COVID-19 tests to any other professional subject to
43 licensure or oversight by the board.

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45 2. This act shall take effect immediately.

STATEMENT

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This bill allows licensed pharmacists, consistent with federal guidance and waivers, to order or administer to any person any test for the coronavirus disease 2019 (COVID-19) that the federal Food and Drug Administration has authorized for use. Specifically, the bill requires that:

(1) the manufacturer of the test be registered with the federal Food and Drug Administration (FDA) and is included in the FDA’s Establishment Registration and Device Listing database;

(2) a statistically significant number of samples of the test have been independently evaluated within the United States for reliability;

(3) the place of manufacture provides reasonable assurance prior to or at the time of shipment that the test is genuine and conforms to the specifications of the samples that have been found to be reliable; and

(4) the pharmacy practice site distributes personal protection equipment to all pharmacy staff and ensures that policies and protocols are in place to ensure all people presenting at the pharmacy for any reason maintain a level of social distancing appropriate to prevent the transmission of COVID-19.

If an individual tests positive for COVID-19 using a test administered by a pharmacist under the bill, the pharmacist will be required to ensure compliance with all State and federal requirements concerning a positive test for COVID-19, including reporting and data collection requirements. Additionally, the pharmacist will be required to advise the patient to self-isolate at home for at least 14 days and provide the individual with the COVID-19 Home Care Guide. However, if the patient is a member of a group that is at high risk for health complications from COVID-19 or is experiencing symptoms of a severe adverse reaction to COVID-19, the pharmacist will be required to advise the patient to promptly seek treatment at a hospital.

The Board of Pharmacy may extend the authority to order and administer COVID-19 tests under the bill to any other professional subject to licensure or oversight by the board.