

SENATE, No. 1538

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Prohibits pharmacies from charging additional fee for processing prescriptions transmitted by telephone or electronic means.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning electronic prescriptions and amending
2 P.L.2003, c.280.

3

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

6

7 1. Section 19 of P.L.2003, c.280 (C.45:14-58) is amended to
8 read as follows:

9 19. a. Nothing contained in this act shall preclude a practitioner
10 from transmitting to a pharmacist by telephone or electronic means
11 a prescription, as otherwise authorized by law, if that practitioner
12 provides the practitioner's Drug Enforcement Administration
13 registration number and the practitioner's license number, or any
14 other federally identified number, as appropriate, to the pharmacist
15 at the time the practitioner transmits the prescription. A pharmacist
16 shall not charge any fee for processing a prescription transmitted by
17 telephone or electronic means unless the fee is also charged for
18 processing a prescription transmitted in writing.

19 b. Except as may be otherwise permitted by law, no
20 prescription for any Schedule II controlled dangerous substance
21 shall be given or transmitted to pharmacists, in any other manner,
22 than in writing signed by the practitioner giving or transmitting the
23 same, nor shall such prescription be renewed or refilled. The
24 requirement in this subsection that a prescription for any controlled
25 dangerous substance be given or transmitted to pharmacists in
26 writing signed by the practitioner shall not apply to a prescription
27 for a Schedule II drug if that prescription is transmitted or prepared
28 in compliance with federal and State regulations.

29 c. (1) Each vendor that sells, leases, or licenses for use an
30 electronic health records system that is used to electronically
31 transmit prescriptions in this State on the effective date of
32 P.L.2017, c.338 shall ensure that the system meets all federal
33 requirements for the system to accept, process, and transmit
34 prescriptions for Schedule II controlled dangerous substances no
35 later than one year after the effective date of P.L.2017, c.338 as a
36 condition of continuing to sell, lease, or license for use the
37 electronic health records system in this State. Each vendor that
38 commences selling, leasing, or licensing for use an electronic health
39 records system that is used to electronically transmit prescriptions
40 in this State after the effective date of P.L.2017, c.338 shall ensure
41 that the system meets all federal requirements for the system to
42 accept, process, and transmit prescriptions for Schedule II
43 controlled dangerous substances as a condition of selling, leasing,
44 or licensing for use the electronic health records system in this
45 State.

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.

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1 (2) The requirements of paragraph (1) of this subsection shall
2 not apply to a telemedicine or telehealth organization, as that term
3 is defined in section 1 of P.L.2017, c.117 (C.45:1-61), that
4 exclusively provides telehealth and telemedicine services.
5 (cf: P.L.2017, c.338, s.1)

6

7 2. This act shall take effect immediately.

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10 **STATEMENT**

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12 This bill would prohibit pharmacists from charging additional
13 fees for processing prescriptions that are transmitted by telephone
14 or electronic means unless the fees also apply to prescriptions
15 transmitted in writing.

16 It is the Sponsor's belief that electronically-transmitted
17 prescriptions are more efficient than written prescriptions, and that
18 imposing additional processing fees may discourage the use of
19 electronic prescriptions.