

ASSEMBLY, No. 310

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman BODINE

1 AN ACT concerning the sale of drugs and medications and amending  
2 R.S.45:14-12.

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

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7 1. R.S.45:14-12 is amended to read as follows:  
8 45:14-12. The board may refuse an application for examination or  
9 may suspend or revoke the certificate of a registered pharmacist or a  
10 registered assistant pharmacist for any of the following causes: When  
11 the application or registration is shown to have been obtained by  
12 misrepresentation or fraudulent means or when the applicant or  
13 registrant is guilty of chronic or persistent inebriety, or has been  
14 adjudged guilty of violating any State or Federal law or any law of the  
15 District of Columbia or of any territory of the United States relating  
16 to the practice of pharmacy, or relating to the dispensing of drugs, or  
17 has been convicted of a crime involving moral turpitude, or has  
18 impersonated an applicant for registration before the board or has been  
19 convicted of knowingly, intentionally or fraudulently adulterating or  
20 causing to be adulterated drugs, chemicals or medicinal preparations  
21 or has sold or caused to be sold adulterated drugs, chemicals or  
22 medicinal preparations knowing, or having reason to know, that same  
23 were adulterated, or has procured or attempted to procure registration  
24 for another by misrepresentation or fraudulent means, and the board  
25 shall refuse an application for examination or suspend or revoke the  
26 certificate of a registered pharmacist or a registered assistant  
27 pharmacist when the applicant or registrant is shown to be addicted to  
28 the use of narcotic drugs, or has been convicted of violating any law  
29 of this or any other state or of the United States relating to narcotic  
30 drugs or has been adjudicated an incompetent, or is shown to have any  
31 abnormal physical or mental condition which threatens the safety of  
32 persons to whom said applicant or registrant might sell or dispense

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 prescriptions, drugs, chemicals, medicinal preparations or devices or  
2 for whom he might manufacture, prepare or package, or supervise the  
3 manufacturing, preparation or packaging of prescriptions, drugs,  
4 chemicals, medicinal preparations or devices. In addition, the board  
5 may refuse an application for examination or may suspend or revoke  
6 the certificate of a registered pharmacist or a registered assistant  
7 pharmacist upon proof satisfactory to the board that such registered  
8 pharmacist or such registered assistant pharmacist is guilty of grossly  
9 unprofessional conduct and the following acts are hereby declared to  
10 constitute grossly unprofessional conduct for the purpose of this act:

11 a. Paying rebates or entering into an agreement for payment of  
12 rebates to any physician, dentist or other person for the recommending  
13 of the services of any person.

14 b. The providing or causing to be provided to a physician, dentist,  
15 veterinarian or other persons authorized to prescribe, prescription  
16 blanks or forms bearing the pharmacist's or pharmacy's name, address  
17 or other means of identification.

18 c. (Deleted by amendment.)

19 d. The claiming of professional superiority in the compounding or  
20 filling of prescriptions or in any manner implying professional  
21 superiority which may reduce public confidence in the ability,  
22 character or integrity of other pharmacists.

23 e. Fostering the interest of one group of patients at the expense of  
24 another which compromises the quality or extent of professional  
25 services or facilities made available.

26 f. The distribution of premiums or rebates of any kind whatever in  
27 connection with the sale of drugs and medications provided, however,  
28 that trading stamps and similar devices shall not be considered to be  
29 rebates for the purposes of this chapter and provided further that  
30 discounts, premiums and rebates may be provided in connection with  
31 the sale of drugs and medications to any person who is [62] 60 years  
32 of age or older. Before a certificate shall be refused, suspended or  
33 revoked, the accused person shall be furnished with a copy of the  
34 complaint and given a hearing before the board. Any person whose  
35 certificate is so suspended or revoked shall be deemed an unregistered  
36 person during the period of such suspension or revocation, and as such  
37 shall be subject to the penalties prescribed in this chapter, but such  
38 person may, at the discretion of the board, have his certificate  
39 reinstated at any time without an examination, upon application to the  
40 board. Any person to whom a certificate shall be denied by the board  
41 or whose certificate shall be suspended or revoked by the board shall  
42 have the right to review such action by appeal to the Appellate  
43 Division of the Superior Court in lieu of prerogative writ.

44 g. Advertising of prescription drug prices in a manner inconsistent  
45 with rules and regulations promulgated by the Director of the Division  
46 of Consumer Affairs; provided, however, no such advertising of any

1 drug or substance shall be authorized unless the Commissioner of  
2 Health shall have determined that such advertising is not harmful to  
3 public health, safety and welfare.

4 (cf: P.L.1977, c.240, s.2)

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6 2. This act shall take effect immediately.

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STATEMENT

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11 This bill reduces the minimum age of a person to whom a  
12 prescription drug price may be discounted, or a portion thereof  
13 rebated, from 62 to 60 years of age. This change will correct an  
14 inequity in the current law which prevents New Jersey residents from  
15 receiving prescription drug price discounts and rebates at the same age  
16 as other states which permit such discounts and rebates for persons 60  
17 years of age and older.

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23 Reduces minimum age of a person to whom a prescription drug price  
may be discounted from 62 to 60 years of age.