

SENATE, No. 721

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senator HAINES

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
33 prescriptions, drugs, chemicals, medicinal preparations or devices or
34 for whom he might manufacture, prepare or package, or supervise 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.

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

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

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

16 c. (Deleted by amendment.)

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

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

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

42 g. Advertising of prescription drug prices in a manner inconsistent
43 with rules and regulations promulgated by the Director of the Division
44 of Consumer Affairs; provided, however, no such advertising of any
45 drug or substance shall be authorized unless the Commissioner of
46 Health shall have determined that such advertising is not harmful to

1 public health, safety and welfare.

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

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4 2. This act shall take effect immediately.

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STATEMENT

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

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