

[Second Reprint]  
**SENATE, No. 958**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED FEBRUARY 4, 2010

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

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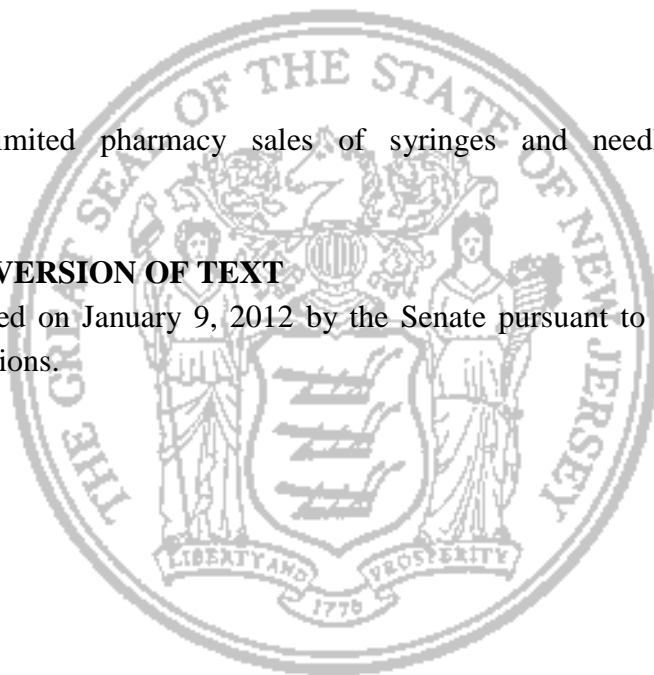
**Senators Scutari, Gill, Lesniak, Assemblywomen Voss, Tucker, Quigley,  
Assemblyman Giblin and Assemblywoman Spencer**

**SYNOPSIS**

Permits limited pharmacy sales of syringes and needles without a prescription.

**CURRENT VERSION OF TEXT**

As amended on January 9, 2012 by the Senate pursuant to the Governor's recommendations.



**(Sponsorship Updated As Of: 12/6/2011)**

1 AN ACT concerning the sale and possession of hypodermic syringes  
 2 and needles, <sup>2</sup>and<sup>2</sup> supplementing Title 2C of the New Jersey  
 3 Statutes and Title 45 of the Revised Statutes<sup>2</sup>], and repealing  
 4 N.J.S.2C:36-6]<sup>2</sup>.

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

8  
 9 1. a. Notwithstanding any State law, rule or regulation to the  
 10 contrary, a licensed pharmacy may sell a hypodermic syringe or  
 11 needle, or any other instrument adapted for the administration of  
 12 drugs by injection, to a person over 18 years of age <sup>2</sup>who presents  
 13 valid photo identification to demonstrate proof of age or who  
 14 otherwise satisfies the seller that he is over 18 years of age,<sup>2</sup> as  
 15 follows:

16 (1) without a prescription if sold in quantities of 10 or fewer;  
 17 and

18 (2) pursuant to a prescription issued by a person authorized to  
 19 prescribe under State law if sold in quantities of more than 10.

20 b. <sup>2</sup>[Notwithstanding any State law, rule or regulation to the  
 21 contrary, possession of a hypodermic syringe or needle pursuant to  
 22 paragraph (1) of subsection a. of this section shall not constitute an  
 23 offense pursuant to N.J.S.2C:36-1 et seq.] A licensed pharmacy  
 24 that provides hypodermic syringes or needles for sale shall also be  
 25 required to:

26 (1) maintain its supply of such instruments under or behind the  
 27 pharmacy sales counter such that they are accessible only to a  
 28 person standing behind a pharmacy sales counter; and

29 (2) make available to each person who purchases any such  
 30 instrument, at the time of purchase, information to be developed by  
 31 the Department of Health and Senior Services to the purchaser,  
 32 about:

33 (a) the safe disposal of the instrument, including local disposal  
 34 locations or a telephone number to call for that information; and

35 (b) substance abuse treatment, including a telephone number to  
 36 call for assistance in obtaining treatment.<sup>2</sup>

37 c. <sup>2</sup>[A] In addition to any other provision of law that may  
 38 apply, a<sup>2</sup> person who purchases a hypodermic syringe or needle  
 39 pursuant to subsection a. of this section and sells that needle or  
 40 syringe to another person is guilty of a<sup>1</sup> crime of the fourth  
 41 degree] disorderly persons offense<sup>1</sup>.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SHH committee amendments adopted January 20, 2011.

<sup>2</sup>Senate amendments adopted in accordance with Governor's recommendations January 9, 2012.

1 <sup>2</sup>d. The Department Health and Senior Services, in consultation  
2 with the Department of Human Services and the New Jersey State  
3 Board of Pharmacy, may, pursuant to the “Administrative  
4 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules  
5 and regulations to effectuate the purposes of subsection b. of this  
6 section. The Department of Health and Senior Services shall make  
7 the information that is to be developed pursuant to subsection b. of  
8 this section available to pharmacies and purchases of hypodermic  
9 syringes or needles through its Internet website.<sup>2</sup>

10  
11 <sup>2</sup>[2. A pharmacy that sells hypodermic syringes or needles, or  
12 any other instrument adapted for the administration of drugs by  
13 injection, shall do so in accordance with the provisions of section 1  
14 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
15 and shall:

16 a. keep its supply of such instruments under or behind the sales  
17 counter and accessible only to a person standing behind the sales  
18 counter; and

19 b. make available to each person who purchases any such  
20 instrument, at the time of purchase, information <sup>1</sup>developed by the  
21 New Jersey State Board of Pharmacy pursuant to section 3 of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>,  
23 which shall be provided in English or Spanish<sup>1,1</sup> as appropriate to  
24 the purchaser, about:

25 (1) the safe disposal of the instrument, including local disposal  
26 locations or a telephone number to call for that information; and

27 (2) <sup>1</sup>**[drug addiction]** substance abuse<sup>1</sup> treatment, including a  
28 telephone number to call for assistance in obtaining treatment.<sup>2</sup>

29  
30 <sup>2</sup>[3. <sup>1</sup>a. The New Jersey State Board of Pharmacy shall, in  
31 consultation with the Department of Health and Senior Services,  
32 develop information to be provided pursuant to section 2 of P.L. ,  
33 c. (C. ) (pending before the Legislature as this bill). The board  
34 shall make the information available to pharmacies and purchasers  
35 of hypodermic syringes or needles through its internet website.

36 b.<sup>1</sup> The New Jersey State Board of Pharmacy, pursuant to the  
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
38 seq.), shall adopt rules and regulations to effectuate the purposes of  
39 section 2 of P.L. , c. (C. ) (pending before the Legislature as  
40 this bill).<sup>2</sup>

41  
42 <sup>2</sup>2. It is an affirmative defense to any criminal action arising  
43 under chapter 36 of Title 2C of the New Jersey Statutes for  
44 possession of a hypodermic syringe or needle that the item was  
45 obtained pursuant to the authority of section 1 of P.L. ,  
46 c. (C. ) (pending before the Legislature as this bill). The  
47 affirmative defense established herein shall be proved by the

1 defendant by a preponderance of the evidence. It shall not be  
2 necessary for the State to negate any such fact in any criminal  
3 complaint, information, indictment, or other pleading or in any trial,  
4 hearing, or other proceeding. Nothing in this act shall be construed  
5 to limit or constrain in any way a prosecution for the possession,  
6 manufacture, or distribution of a controlled dangerous substance or  
7 for any other conduct proscribed by chapter 35 or chapter 36 of  
8 Title 2C of the New Jersey Statutes.<sup>2</sup>

9

10 <sup>1</sup>**[4. N.J.S.2C:36-6 is repealed.]**<sup>1</sup>

11

12 <sup>1</sup>**[5.]** <sup>2</sup>**[4.]** <sup>1</sup>**3.**<sup>2</sup> This act shall take effect on the 180th day after  
13 enactment, except that the <sup>2</sup>Department of Health and Senior  
14 Services, in consultation with the Department of Human Services  
15 and the<sup>2</sup> New Jersey State Board of Pharmacy<sup>2, 2</sup> may take such  
16 anticipatory administrative action in advance as shall be necessary  
17 for the implementation of the act.