

ASSEMBLY, No. 4883

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 17, 2024

Sponsored by:

Assemblywoman MARGIE DONLON, M.D.

District 11 (Monmouth)

SYNOPSIS

Clarifies authorization for any person or entity to distribute opioid antidotes.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning opioid antidotes and amending P.L.2013, c.46.

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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. Section 4 of P.L.2013, c.46 (C.24:6J-4) is amended to read as
7 follows:

8 4. a. (1) A prescriber or other health care practitioner, as
9 appropriate, may prescribe or dispense an opioid antidote directly or
10 through a standing order to any person or entity. Any person or
11 entity may be dispensed an opioid antidote pursuant to an individual
12 prescription or a standing order issued by a prescriber, and any
13 person or entity may be dispensed an opioid antidote by a pharmacy
14 as provided in section 1 of P.L.2017, c.88 (C.45:14-67.2).

15 (2) Nothing in P.L.2013, c.46 (C.24:6J-1 et al.) shall be
16 construed to restrict in any way the ability of any individual or
17 entity to be dispensed an opioid antidote. The persons and entities
18 to whom an opioid antidote may be prescribed and dispensed shall
19 include private citizens, individuals who are dispensed an opioid
20 antidote for administration or distribution to others in either a
21 private or professional capacity, entities that are dispensed opioid
22 antidotes on behalf of individuals who administer or distribute
23 opioid antidotes to others in the course of their professional duties,
24 and entities other than a prescriber or pharmacist that maintain a
25 stock of opioid antidotes for distribution or administration to others.

26 (3) (Deleted by amendment, P.L.2021, c.152).

27 (4) (Deleted by amendment, P.L.2021, c.152).

28 b. (1) A recipient in possession of an opioid antidote may
29 administer the opioid antidote to any other person, without fee, in
30 any situation in which the recipient reasonably believes the other
31 person to be experiencing an opioid overdose.

32 (2) A recipient in possession of an opioid antidote may distribute
33 the opioid antidote, without fee, to any other person who the
34 recipient reasonably believes to be at risk of experiencing an opioid
35 overdose or who the recipient reasonably believes will be in a
36 position to administer the opioid antidote to a person experiencing
37 an opioid overdose. A recipient distributing an opioid antidote to
38 another person pursuant to this paragraph shall make reasonable
39 efforts to furnish the person with the overdose prevention
40 information described in section 5 of P.L.2013, c.46 (C.24:6J-5).
41 The Commissioner of Health, or, if the commissioner is not a duly
42 licensed physician, the Deputy Commissioner for Public Health
43 Services, shall issue a standing order authorizing the distribution of
44 opioid antidotes pursuant to this paragraph. Such standing order
45 shall authorize the distribution of any opioid antidote approved by

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 the United States Food and Drug Administration. Any program
2 approved by the State for the distribution of opioid antidotes shall
3 be authorized to distribute any opioid antidote, as defined in section
4 3 of P.L.2013, c.46 (C.24:6J-3), that is approved by the United
5 States Food and Drug Administration.

6 c. (1) A prescriber or other health care practitioner who
7 prescribes or dispenses an opioid antidote in good faith, and in
8 accordance with the provisions of this section, shall not, as a result
9 of the practitioner's acts or omissions, be subject to any criminal or
10 civil liability, or any professional disciplinary action under Title 45
11 of the Revised Statutes, for prescribing or dispensing the opioid
12 antidote. A pharmacist that dispenses an opioid antidote in good
13 faith, in accordance with the provisions of this section or section 1
14 of P.L.2017, c.88 (C.45:14-67.2), shall not, as a result of the
15 pharmacist's acts or omissions, be subject to any criminal or civil
16 liability, or any professional disciplinary action under Title 45 of
17 the Revised Statutes, for dispensing the opioid antidote.

18 (2) A recipient who administers or distributes an opioid antidote
19 in good faith as provided in subsection b. of this section shall not,
20 as a result of any of the recipient's acts or omissions, be subject to
21 any criminal or civil liability, or any professional disciplinary
22 action, for administering or distributing the opioid antidote.

23 d. (Deleted by amendment, P.L.2021, c.152).

24 e. The immunity provided by this section for persons who are
25 engaged in prescribing, dispensing, distributing, or administering an
26 opioid antidote shall be coextensive with the immunity provided
27 under sections 7 and 8 of P.L.2013, c.46 (C.2C:35-30 and C.2C:35-
28 31), to the extent that the provisions of those sections apply.

29 f. (Deleted by amendment, P.L.2021, c.152).

30 g. (Deleted by amendment, P.L.2021, c.152).

31 h. (Deleted by amendment, P.L.2021, c.152).

32 (cf: P.L.2021, c.152, s.3)

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34 2. This act shall take effect immediately.

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STATEMENT

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39 The bill clarifies that the standing order authorizing any person
40 or entity to distribute opioid antidotes under current law is to
41 authorize the distribution of any opioid antidote approved by the
42 United States Food and Drug Administration. The bill provides that
43 any program approved by the State for the distribution of opioid
44 antidotes will be authorized to distribute any opioid antidote
45 approved by the United States Food and Drug Administration.