

Title 26
Chapter 2H
Part IV (Rename)
Advance and
Other Patient
Directives for
Health Care
§1
C.26:2H-78.1
§3
Note
Part VI
(Rename)
Health Care Aide
Criminal History
Record Check
Part VI - I
(New)
Program of
All-Inclusive
Care for the
Elderly (PACE)
C.26:2H-88
to 26:2H-91,
C.26:2H-91.1,
and 26:2H-91.2
(P.L.1997, c.296,
§§1-4 and
P.L.2015, c.151,
§§1,2)
The following
is recodified:
C.26:2H-12.87b
(P.L.2021, c.190,
§2, formerly
C.26:2H-87.3)

P.L. 2025, CHAPTER 383, *approved January 20, 2026*
Assembly, No. 5595 *(Second Reprint)*

1 **AN ACT** concerning voluntary nonopioid directives and
2 supplementing Title 26 of the Revised Statutes.
3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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:
¹Assembly AHE committee amendments adopted June 12, 2025.
²Assembly amendments adopted in accordance with Governor's recommendations January 12, 2026.

1 1. a. As used in this act:

2 “Authorized representative” means a parent or legal guardian of
3 a minor, an individual's guardian, or other person appointed by the
4 individual or court to manage the individual's health care.

5 “Health care facility” means a physician's office, or an acute care
6 general hospital or any other health care facility licensed pursuant
7 to P.L.1971, c.136 (C.26:2H-1 et seq.).

8 “Health care professional” means a person licensed or certified to
9 practice a health care profession pursuant to Title 45 of the Revised
10 Statutes.

11 b. An individual who is 18 years of age or older, an
12 emancipated minor, or a patient’s authorized representative may
13 execute a voluntary nonopioid directive stating that an opioid may
14 not be administered or prescribed to the individual. ²This directive
15 shall not apply to intraoperative procedures requiring general
16 anesthesia.²

17 c. A voluntary nonopioid directive shall be made on a form that
18 shall be developed by the Department of Health and published on
19 the department’s Internet website. ²The form shall include
20 information on circumstances in which the directive would not be
21 applicable.²

22 d. A voluntary nonopioid directive may be revoked at any time
23 either orally or in writing by an individual or the individual’s
24 authorized representative.

25 e. The Department of Health shall publicize information about
26 voluntary nonopioid directives through various means, including
27 social media.

28 f. A voluntary nonopioid directive submitted by a patient or
29 the patient’s authorized representative to a health care professional
30 or to a health care facility shall be entered into the patient’s
31 electronic file in a manner that permits the patient or the patient’s
32 authorized representative to access the directive. ²The Department
33 of Health may designate a secure common repository for nonopioid
34 directives to be accessed by licensed healthcare professionals and
35 pharmacists in accordance with all State and federal health privacy
36 laws and in a manner determined by the department.²

37 g. Nothing in this act shall prevent an opioid from being
38 prescribed ¹or administered¹ to a patient if deemed medically
39 necessary.

40 h. (1) A health care professional, a health care facility, or an
41 employee of a health care professional or health care facility shall
42 be immune from disciplinary action by the Department of Health or
43 a licensing agency or board for any act that was done to comply
44 with the provisions of this act.

45 (2) A health care professional, a health care facility, or an
46 employee of a health care professional or health care facility shall
47 be immune from any civil or criminal liability for failure to

1 administer, prescribe, or dispense an opioid, and for ¹the intentional
2 or¹ inadvertent administration of an opioid, to an individual who
3 has a voluntary nonopioid directive, if the act or the failure was
4 reasonable and done in good faith.

5
6 2. ²a.² The Commissioner of Health ²**[shall]** may² adopt rules
7 and regulations, in accordance with the “Administrative Procedure
8 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to
9 effectuate the provisions of this act.

10 ²b. The Division of Consumer Affairs may adopt rules and
11 regulations, in accordance with the “Administrative Procedure Act,”
12 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
13 the provisions of this act.²

14
15 3. This act shall take effect ²**[immediately]** on the first day of
16 the 13th month after enactment².

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20
21 Permits individuals to establish voluntary nonopioid directives.