

CHAPTER 383

AN ACT concerning voluntary nonopioid directives and supplementing Title 26 of the Revised Statutes.

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

C.26:2H-78.1 Definitions; voluntary nonopioid directives; immunity for health care professionals, facilities, and employees.

1. a. As used in this act:

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

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

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

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

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

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

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

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

g. Nothing in this act shall prevent an opioid from being prescribed or administered to a patient if deemed medically necessary.

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

(2) A health care professional, a health care facility, or an employee of a health care professional or health care facility shall be immune from any civil or criminal liability for failure to administer, prescribe, or dispense an opioid, and for the intentional or inadvertent administration of an opioid, to an individual who has a voluntary nonopioid directive, if the act or the failure was reasonable and done in good faith.

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

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

3. This act shall take effect on the first day of the 13th month after enactment.

Approved January 20, 2026.