ASSEMBLY, No. 5730

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 29, 2026

Sponsored by:
Assemblywoman HEATHER SIMMONS
District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Requires pharmacies to provide emergency 30-day supply of insulin in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning insulin access in certain circumstances and supplementing P.L.2003, c.280 (C.45:14-40 et seq.).

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

1. As defined in this act:

"Board" means the New Jersey State Board of Pharmacy established pursuant to P.L.2003, c.280 (C.45:14-40 et seq.).

"Department" means the Department of Banking and Insurance.

"Urgent need of insulin" means having readily available for use less than a seven-day supply of insulin and in need of insulin to avoid the likelihood of suffering significant health consequences.

2. a. An individual in urgent need of insulin may access a one-time emergency 30-day supply of insulin through the application established pursuant to section 3 of this act.

b. The emergency 30-day supply shall only be provided once in a 12-month period. If the individual has applied for medical assistance through the NJ FamilyCare Program but has not yet been determined eligible or the individual is determined eligible, but coverage has not become effective, a second emergency 30-day supply of insulin shall be dispensed.

3 a. The Department of Banking and Insurance, in collaboration with the New Jersey State Board of Pharmacy, shall develop an application form to be used by an individual who is in urgent need of insulin.

b. The application shall require the individual to attest that:

(1) the individual is a resident of this State;

(2) the individual is not currently enrolled in NJ Family Care or a similar medical assistance program;

(3) the individual is not enrolled in prescription drug coverage that limits the total amount of cost-sharing that the enrollee is required to pay for a 30-day supply of insulin, including co-payments, deductibles, or coinsurance to $35 or less, regardless of the type of amount of insulin prescribed;

(4) the individual is in urgent need of insulin; and

(5) the individual has not received an urgent-need supply of insulin through this program within the previous 12 months, or the individual has applied for medical assistance through the NJ FamilyCare Program but has not yet been determined eligible or has been determined eligible but coverage has not become effective.

4. The pharmacy may submit to the manufacturer of the dispensed insulin product or to the manufacturer's vendor a claim for payment, unless the manufacturer agrees to send to the pharmacy a replacement supply of the same insulin as dispensed in

the amount dispensed. If the pharmacy submits an electronic claim to the manufacturer or the manufacturer's vendor, the manufacturer or vendor shall reimburse the pharmacy an amount that covers the pharmacy's acquisition cost.

5. The department may, after notice and hearing, assess a civil penalty in an amount that is not to exceed $100,000 per month on a manufacturer that fails to comply with the provisions of this act. All civil penalties assessed pursuant to this section may be recovered with costs in a summary proceeding commenced by the department pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

6. The department shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purpose of this act.

7. This act shall take effect 180 days after the date of enactment.

STATEMENT

This bill requires pharmacies to provide an emergency 30-day supply of insulin in certain circumstances.

Under the bill, the Department of Banking and Insurance, in collaboration with the New Jersey State Board of Pharmacy, will be required to establish an application process to allow individuals in urgent need of insulin to access the medication for a one-time, emergency 30-day supply of insulin.

The application will require the individual to attest that:

(1) the individual is a resident of this State;

(2) the individual is not enrolled in NJ FamilyCare or similar medical assistance program;

(3) the individual is not enrolled in prescription drug covered that limits the total amount of cost-sharing that the enrollee is required to pay for a 30-day supply of insulin, including co-payments, deductibles, or coinsurance to $35 or less, regardless of the type of amount of insulin prescribed;

(4) the individual is in urgent need of insulin; and

(5) the individual has not received an urgent-need supply of insulin through this program within the previous 12 months

A pharmacy that dispenses insulin pursuant to this bill may submit to the manufacturer of the dispensed insulin product or to the manufacturer's vendor a claim for payment unless the manufacturer agrees to send to the pharmacy a replacement supply of the same insulin as dispensed in the amount dispensed. If the pharmacy submits an electronic claim to the manufacturer or the

manufacturer's vendor, the manufacturer or manufacturer's vendor shall reimburse the pharmacy in an amount that covers the pharmacy's acquisition cost.

If a manufacturer fails to comply with the provisions of this bill, the department may, after notice and hearing, assess a civil penalty in an amount that is not to exceed $100,000 per month of noncompliance.

For the purpose of this bill, "urgent need of insulin" means having readily available for use less than a seven-day supply of insulin and in need of insulin to avoid the likelihood of suffering significant health consequences.