

SENATE, No. 4601

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 28, 2026

Sponsored by:

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District 19 (Middlesex)

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SYNOPSIS

Requires pharmacist or pharmacist's designee to notify consumer of substituted drug or biological product.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/5/2026)

1 AN ACT concerning notification of drug or biological product
2 substitutions and amending P.L.1977, c.240 and P.L.2015, c.130.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 8 of P.L.1977, c.240 (C.24:6E-7) is amended to read
8 as follows:

9 8. Every prescription blank shall be imprinted with the words,
10 "substitution permissible" and "do not substitute" and shall contain
11 space for the physician's or other authorized prescriber's initials
12 next to the chosen option. Notwithstanding any other law, unless
13 the physician or other authorized prescriber explicitly states that
14 there shall be no substitution when transmitting an oral prescription
15 or, in the case of a written prescription, indicates that there shall be
16 no substitution by initialing the prescription blank next to "do not
17 substitute," a different brand name or nonbrand name drug product
18 of the same established name shall be dispensed by a pharmacist if
19 such different brand name or nonbrand name drug product shall
20 reflect a lower cost to the consumer and is contained in the latest
21 list of interchangeable drug products published by the council;
22 provided, however, where the prescriber indicates "substitution
23 permissible, and requests the pharmacist to notify **him** the
24 prescriber of the substitution," the pharmacist shall transmit notice,
25 either orally or by written notice to be mailed no later than the end
26 of the business day, to the prescriber specifying the drug product
27 actually dispensed and the name of the manufacturer thereof.
28 However, no drug interchange shall be made unless a savings to the
29 consumer results, and the pharmacist passes such savings on to the
30 consumer in full by charging no more than the regular and
31 customary retail price for the drug to be substituted. For
32 prescriptions filled other than by mail, the consumer may, if a
33 substitution is indicated and prior to having **his** the prescription
34 filled, request the pharmacist or **his** the pharmacist's agent to
35 inform **him** the consumer of the price savings that would result
36 from substitution. If the consumer is not satisfied with said price
37 savings **he** the consumer may, upon request, be dispensed the
38 drug product prescribed by the physician. The pharmacist shall
39 make a notation of such request upon the prescription blank.

40 If a pharmacist dispenses a different brand name or non-brand
41 name drug product of the same established name, the pharmacist or
42 the pharmacist's agent shall notify the consumer of the substitution
43 at the time the drug product is dispensed.
44 (cf: P.L.1977, c.240, s.8)

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 2. Section 3 of P.L.2015, c.130 (C.24:6K-3) is amended to read
2 as follows:

3 3. a. A pharmacist may substitute a biological product for a
4 prescribed biological product, provided that the following
5 conditions are met:

6 (1) the authorized prescriber has not indicated that there shall be
7 no substitution as set forth in section 8 of P.L.1977, c.240 (C.24:6E-
8 7); and

9 (2) the biological product to be substituted has been determined
10 by the federal Food and Drug Administration to be:

11 (a) interchangeable with the prescribed biological product; or

12 (b) therapeutically equivalent to the prescribed biological
13 product.

14 b. If a pharmacist dispenses a biological product, the
15 pharmacist or the pharmacist's designee shall, within five business
16 days following the dispensing of the biological product,
17 communicate to the prescriber the specific product provided to the
18 patient, including the name of the product and the manufacturer.
19 No communication shall be required under this subsection when:

20 (1) there is no biological product that has been determined by
21 the federal Food and Drug Administration to be either:

22 (a) interchangeable with the product prescribed; or

23 (b) therapeutically equivalent to the product prescribed; or

24 (2) a refill prescription is not changed from the product
25 dispensed on the prior filling of the prescription.

26 c. The communication requirement under subsection b. of this
27 section may be satisfied by making an entry in an interoperable
28 electronic medical records system or an electronic pharmacy record
29 that can be accessed electronically by the prescriber, or through the
30 use of another electronic prescribing technology that can be
31 accessed electronically by the prescriber. Entry into an electronic
32 records system as described in this paragraph is presumed to
33 provide notice to the prescriber. Otherwise, the communication
34 may be conveyed using other electronic means, if available, or by
35 facsimile.

36 d. **[A]** If a pharmacist [who] substitutes a biological product
37 in compliance with this section;

38 (1) the pharmacist shall record, on the prescription label and
39 record of dispensing, the product name and manufacturer of the
40 biological product dispensed, followed by the words: "Substituted
41 for" and the name of the biological product for which the
42 prescription was written; and

43 (2) the pharmacist, or the pharmacist's designee, shall notify the
44 patient of the substitution at the time the biological product is
45 dispensed.

46 e. The same recordkeeping requirements as apply to the
47 dispensing of drugs shall apply to the dispensing of biological
48 products.

1 f. A pharmacist who substitutes a biological product in
2 compliance with this section shall incur no greater liability in filling
3 the prescription by dispensing the biological product than would be
4 incurred in filling the prescription by dispensing the prescribed
5 biological product.

6 (cf: P.L.2015, c.130, s.3)

7
8 3. This act shall take effect immediately.

9
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11 STATEMENT

12
13 This bill requires a pharmacist, or the pharmacist's designee, to
14 notify a consumer if the pharmacist substitutes a different brand
15 name drug or a nonbrand name drug product of the same established
16 name for a prescribed drug or substitutes a biological product for a
17 prescribed biological product. Under the bill, a consumer is to be
18 notified of a substitution at the time the substituted drug or
19 biological product is dispensed.