



Independent Pharmacy Alliance



Garden State Pharmacy Owners



Pharmacy Group



NJ Pharmacists Association

GOOD NEWS! BILL TO ALLOW PHARMACISTS TO DISPENSE BIRTH CONTROL WITHOUT INDIVIDUAL PRESCRIPTION PASSES ASSEMBLY HEALTH COMMITTEE

November 2022 – In an effort to expand access to contraceptives, the Assembly Health Committee this week approved legislation which would allow pharmacists to dispense certain hormonal contraceptives without an individual prescription.

The bill, A4149, would allow pharmacists to dispense certain self-administered hormonal contraceptives, such as birth control pills and vaginal rings, without an individual prescription. It would require the Board of Pharmacy and the State Board of Medical Examiners to issue a standing order authorizing pharmacists to do so. According to the National Alliance of State Pharmacy Associations, 20 U.S. jurisdictions currently allow pharmacists to dispense contraceptives.

A4149 is currently awaiting a vote by the full Assembly and was previously approved by the State Senate on May 26, 2022. We will keep you informed of the bill's progress. [To review the bill, click this link.](#)

Pharmacy Alert: Lifescan Targeting Independent Pharmacies on Diabetic Test Strip Purchases

- ***For a list of the top diabetic test device manufacturers that have authorized distributors see the links below.***

Attorneys on behalf of LifeScan have been sending letters to independent pharmacies seeking to aggressively recapture alleged damages based on the pharmacy's purchase of test strips from wholesalers who are not authorized wholesalers of the manufacturer.

Notwithstanding third party payor (e.g. PBM contracts)¹ contracts, in some cases LifeScan is relying on a revision to the New Jersey Pharmacy Practice Act. The revised statutes include the following language:

- It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any retail mercantile establishment to sell or offer to sell to a consumer in New Jersey a non-prescription diabetes test device that was not acquired directly from the manufacturer or from one of the manufacturer's authorized distributors, ***unless the device is plainly marked by a stamp, tag, label or sign that is either affixed to the device or located at the point of sale disclosing that the device was not acquired directly from the manufacturer or from an authorized distributor of the manufacturer.***
- It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any retail mercantile establishment to sell or offer to sell to a consumer in New Jersey a non-prescription diabetes test device that was previously sold and repackaged, ***unless the device is plainly marked by a stamp, tag, label or sign that is either affixed to the***

device or located at the point of sale disclosing that the device was previously sold and re-packaged.

N.J.S.A 45:14-84 (emphasis added).

Please note that authorized distributor as utilized in this law is different than a VAWD or NABP accredited wholesaler. ***A wholesaler can be VAWD or NABP accredited and still not be a manufacturer authorized wholesaler.***

Additionally, the new statute also provides for disciplinary action by the New Jersey Board of Pharmacy, stating “A pharmacist who sells, offers for sale, or otherwise dispenses to the public a non-prescription diabetes test device that the pharmacist knows or reasonably should have known was not acquired by the pharmacy either directly from the manufacturer or from one of the manufacturer's authorized distributors shall be subject to disciplinary action.” N.J.S.A. 45:14-86

Please note that as of today, the Board of Pharmacy has not proposed or passed any corresponding regulations as it relates to these new statutes.

¹ • ***The statute discussed above is separate from third-party insurance requirements.*** Those requirements are typically governed by contract. Before submitting a claim for diabetic test strips, contact the PBM / Insurer to confirm if they require that diabetic test devices be purchased from a manufacturer's authorized distributor.

Links for diabetic test device manufacturers that have authorized distributors

- [California's State website has a comprehensive list of manufacturers with authorized distributors:](#)
- [Lifescan:](#)
- [Abbott:](#)
- [Roche:](#)

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