

CHAPTER 45H

CONTROLLED DANGEROUS SUBSTANCES

Authority

N.J.S.A. 24:21-3 and 24:21-9; and P.L. 2007, c.244.

Source and Effective Date

R.2008 d.58, effective February 15, 2008.  
See: 39 N.J.R. 3854(a), 40 N.J.R. 1680(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 45H, Controlled Dangerous Substances, expires on February 15, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 65, Controlled Dangerous Substances, became effective January 17, 1973 as R.1973 d.24. See: 4 N.J.R. 303(b), 5 N.J.R. 42(c).

Subchapter 2, Security Requirements, was amended by R.1973 d.358. See: 5 N.J.R. 373(a), 6 N.J.R. 10(b). Subchapter 8, Miscellaneous Provisions, and Subchapter 10, Controlled Dangerous Substances Schedules, became effective January 17, 1973, as R.1973 d.23. See: 5 N.J.R. 42(b).

Subchapter 2, Security Requirements, was amended by R.1974 d.130, effective April 24, 1974. See: 6 N.J.R. 107(b), 6 N.J.R. 184(b). Further amendments to Subchapter 2, Security Requirements, became effective September 20, 1974 as R.1974 d.261. See: 6 N.J.R. 309(b), 6 N.J.R. 397(c).

Subchapter 6, Order Forms, was amended by R.1975 d.56, effective March 12, 1975. See: 7 N.J.R. 55(a), 7 N.J.R. 164(a).

Subchapter 7, Prescription Requirements for Controlled Dangerous Substances, was amended by R.1975 d.58, effective March 12, 1975. See: 7 N.J.R. 54(a), 7 N.J.R. 164(f).

Subchapter 11, Narcotic Treatment Program, became effective March 12, 1975 as R.1975 d.59. See: 7 N.J.R. 50(c), 7 N.J.R. 164(c). Further amendments to Subchapter 7, Narcotic Treatment Program, became effective November 18, 1975 as R.1975 d.349. See: 7 N.J.R. 263(a), 7 N.J.R. 556(b).

Subchapter 9, Administrative Functions, Practice and Procedures, was repealed by R.1976 d.376, effective November 24, 1976. See: 8 N.J.R. 512(a), 9 N.J.R. 17(b).

Subchapter 7, Prescription Requirements for Controlled Dangerous Substances, was amended by R.1978 d.391, effective November 1, 1978. See: 10 N.J.R. 427(c), 10 N.J.R. 556(b).

Subchapter 2, Security Requirements, was amended by R.1979 d.73, effective February 15, 1979. See: 11 N.J.R. 12(b), 11 N.J.R. 130(e).

Subchapter 4, Quotas, was repealed by R.1979 d.74, effective February 15, 1979. See: 11 N.J.R. 12(c), 11 N.J.R. 130(f).

Subchapter 6, Order Forms, was amended by R.1979 d.75, effective February 15, 1979 d.75. See: 11 N.J.R. 13(a), 11 N.J.R. 131(a).

Subchapter 7, Prescription Requirements for Controlled Dangerous Substances, was amended by R.1979 d.76, effective February 15, 1979. See: 11 N.J.R. 14(a), 11 N.J.R. 131(b). Further amendments to Subchapter 7, Prescription Requirements for Controlled Dangerous Substances, became effective April 18, 1979 as R.1979 d.152. See: 11 N.J.R. 128(a), 11 N.J.R. 237(b).

Subchapter 1, General Provisions; Registration, Subchapter 2, Security Requirements, Subchapter 5, Records and Reports of Registrants, and Subchapter 6, Order Forms, were amended by R.1980 d.86, effective

February 14, 1980. See: 12 N.J.R. 13(a), 12 N.J.R. 117(b). An exempt emergency Rule amending Subchapter 11 became effective July 18, 1980 as R.1980 d.328. See: 12 N.J.R. 468(c). Further amendments to Subchapter 5 became effective as an exempt emergency rule August 7, 1980 as R.1980 d.360. See: 12 N.J.R. 517(a).

Subchapter 8, Miscellaneous Provisions, was amended by R.1981 d.238, effective July 9, 1981. See: 13 N.J.R. 131(a), 13 N.J.R. 411(b).

Subchapter 7, Prescription Requirements for Controlled Dangerous Substances, was amended by R.1981 d.452, effective November 16, 1981. See: 13 N.J.R. 130(b), 13 N.J.R. 845(a).

Subchapter 7, Prescription Requirements for Controlled Dangerous Substances, was amended by R.1982 d.124, effective April 19, 1982. See: 14 N.J.R. 195(a), 14 N.J.R. 389(b).

Subchapter 7, Prescription Requirements for Controlled Dangerous Substances, was amended by R.1983 d.193, effective June 6, 1983. See: 15 N.J.R. 125(a), 15 N.J.R. 923(d).

Pursuant to Executive Order No. 66(1978), Subchapter 7, Prescription Requirements for Controlled Dangerous Substances, expired on November 1, 1983.

Pursuant to Executive Order No. 66(1978), Subchapter 6, Order Forms, expired on February 15, 1984.

Pursuant to Executive Order No. 66(1978), Subchapter 2, Security Requirements, was readopted as R.1984 d.529, effective October 31, 1984, with amendments effective November 19, 1984. See: 16 N.J.R. 1311(a), 16 N.J.R. 3203(a).

Subchapter 7, Prescription Requirements for Controlled Dangerous Substances, was adopted as new rules by R.1985 d.607, effective January 7, 1985. See: 16 N.J.R. 2327(a), 17 N.J.R. 83(b).

Pursuant to Executive Order No. 66(1978), Subchapter 1, General Provisions; Registration, Subchapter 5, Records and Reports of Registrants, and Subchapter 8, Miscellaneous Provisions, expired on February 11, 1985. Pursuant to Executive Order No. 66(1978), Subchapter 11, Narcotic Treatment Program, expired on July 17, 1985.

Subchapter 6, Order Forms, was adopted as new rules by R.1985 d.457, effective September 3, 1985. See: 17 N.J.R. 528(a), 17 N.J.R. 2135(a).

Subchapter 1, General Provisions; Registration, was adopted as new rules by R.1985 d.459, effective September 3, 1985. See: 17 N.J.R. 1508(a), 17 N.J.R. 2132(a).

Subchapter 5, Records and Reports of Registrants, was adopted as new rules by R.1985 d.606, effective December 2, 1985. See: 17 N.J.R. 524(a), 17 N.J.R. 2890(a).

Subchapter 8, Miscellaneous Provisions, was adopted as new rules by R.1986 d.65, effective March 17, 1986. See: 17 N.J.R. 2721(a), 18 N.J.R. 555(c).

Subchapter 11, Narcotic Treatment Program, was adopted as new rules by R.1986 d.330, effective August 4, 1986 as R.1986 d.330. See: 18 N.J.R. 924(b), 18 N.J.R. 1592(b).

Pursuant to Executive Order No. 66(1978), Chapter 65, Controlled Dangerous Substances, expired on December 2, 1990. The expired rules were adopted as new rules by R.1991 d.292, effective June 17, 1991. See: 22 N.J.R. 3190(a), 23 N.J.R. 1943(a).

Pursuant to Executive Order No. 66(1978), Chapter 65, Controlled Dangerous Substances, expired on June 17, 1996. The expired rules were adopted as new rules by R.1996 d.342, effective July 15, 1996. See: 28 N.J.R. 2371(a), 28 N.J.R. 3563(a).

Annual Publication of Controlled Dangerous Substances List: 16 N.J.R. 3063(a), 18 N.J.R. 2463(a), 20 N.J.R. 108(d), 28 N.J.R. 3675(a).

Additions or deletions of drugs to the schedules in Subchapter 10 are exempt from the public notice and comment requirements of the Admin-

istrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and are made by Public Notice of the Commissioner's Order in the New Jersey Register.

Chapter 65, Controlled Dangerous Substances, expired on January 11, 2002.

Chapter 65, Controlled Dangerous Substances, was adopted as new rules by R.2002 d.276, effective August 19, 2002. See: 33 N.J.R. 2754(a), 34 N.J.R. 3024(a).

Chapter 65, Controlled Dangerous Substances, was readopted as R.2008 d.58, effective February 15, 2008. See: Source and Effective Date. See, also, section annotations.

Pursuant to the transfer of authority under P.L. 2007, c. 244, and by notice of administrative change, Chapter 65 of Title 8, Controlled Dangerous Substances, was recodified as Chapter 45H of Title 13, effective March 17, 2011. See: 43 N.J.R. 1204(b).

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within 30 days after the date when issued, except as provided in (a)1 below. A practitioner may sign a prescription in the same manner as he would sign a check or legal document (for example, J.H. Smith or John H. Smith). Where an oral order is not permitted, prescriptions shall be written in ink or indelible pencil or typewriter and shall be manually signed by the practitioner. The prescription may be prepared by a secretary or agent of the practitioner for the signature of the practitioner, but the prescribing practitioner is responsible in case the prescription does not conform in all essential respects to the law or rules. A corresponding liability rests upon the pharmacist who fills a prescription not prepared in the form prescribed by these rules.

1. When up to three separate prescriptions for a total of up to a 90-day supply of a Schedule II controlled substance are issued to a patient by a physician pursuant to N.J.S.A. 45:9-22.19 (P.L. 2009, c. 165), a pharmacist shall fill such prescriptions.

i. All three prescriptions may be accepted at one time and held pending filling as indicated below:

(1) The first prescription shall be filled no later than 30 days after the date of issuance; and

(2) The second and third prescriptions shall be filled no later than 30 days after the date indicated on the prescription as the earliest date on which the prescription may be filled.

ii. Prescriptions presented individually shall be filled as indicated below:

(1) The first prescription shall be filled no later than 30 days after the date of issuance;

(2) The second and third prescriptions shall be presented to the pharmacy and filled no later than 30 days after the date indicated on the prescription as the earliest date on which the prescription may be filled.

iii. A patient shall not be provided with more than a 30-day supply of a Schedule II medication at one time.

(b) An intern, resident, or foreign-trained physician, or physician on the staff of a Veteran's Administration facility, exempted from registration under the Code of Federal Regulations, Title 21, part 1301.24(c) shall include on all prescriptions issued by him the registration number of the hospital or other institution and the special internal code number assigned to him by the hospital or other institution as provided in the Code of Federal Regulations, Title 21, part 1301.24(c), in lieu of the registration number of the practitioner required by this section. Each written prescription shall have the name of the physician stamped, typed, or hand-printed on it, as well as the signature of the physician.

(c) An official exempted from registration under the Code of Federal Regulations, Title 21, part 1301.25 shall include on all prescriptions issued by him, his branch of service or agency (e.g., "U.S. Army" or "Public Health Service") and

his service identification number, in lieu of the registration number of the practitioner required by this section. The service identification number for a Public Health Service employee is his Social Security identification number. Each prescription shall have the name of the officer stamped, or handprinted on it, as well as the signature of the officer.

Amended by R.1992 d.205, effective May 4, 1992.

See: 23 N.J.R. 3618(a), 24 N.J.R. 1795(a).

Drug name, strength, dosage, form, quantity, directions and degree or identification of the prescriber to be included in each prescription.

Amended by R.2012 d.001, effective January 3, 2012.

See: 42 N.J.R. 2568(a), 44 N.J.R. 117(a).

In the introductory paragraph of (a), inserted ", except as provided in (a)1 below"; and added (a)1.

#### Cross References

Oral prescriptions, see N.J.A.C. 13:45H-7.13.

#### 13:45H-7.6 Persons entitled to fill prescriptions

A prescription for controlled substances may only be filled by a pharmacist acting in the usual course of his professional practice and either registered individually or employed in a registered pharmacy or registered institutional practitioner.

#### 13:45H-7.7 Administering or dispensing of narcotic drugs

(a) The administering or dispensing directly (but not prescribing) of narcotic drugs listed in any schedule to a narcotic drug dependent person for "detoxification treatment" or "maintenance treatment" as defined in N.J.A.C. 13:45H-11.1 shall be deemed to be within the meaning of the term "in the course of professional practice or research"; provided that the practitioner is separately registered with the Drug Control Unit as required by N.J.A.C. 13:45H-11.2 and then thereafter complies with the regulatory standards imposed relative to treatment qualifications, security, records and unsupervised use of drugs pursuant to the Act.

(b) Nothing in this section shall prohibit a physician who is not specifically registered to conduct a narcotic treatment program from administering (but not prescribing) narcotic drugs to a person for the purpose of relieving acute withdrawal symptoms when necessary while arrangements are being made for referral for treatment. Not more than one day's medication may be administered to the person or for the person's use at one time. Such emergency treatment may be carried out for not more than three days and may not be renewed or extended.

(c) This section is not intended to impose any limitations on a physician or authorized hospital staff to administer or dispense narcotic drugs in a hospital to maintain or detoxify a person as an incidental adjunct to medical or surgical treatment of conditions other than addiction, or to administer or dispense narcotic drugs to persons with intractable pain in which no relief or cure is possible or none has been found after reasonable efforts.

Amended by R.2002 d.276, effective August 19, 2002.

See: 33 N.J.R. 2754(a), 34 N.J.R. 3024(a).

In (a), substituted "provided" for "Provided" and "Drug Control Unit" for "Department of Health".

#### Case Notes

Administrative regulation relating to administering or dispensing of narcotic drugs does not apply to laboratory managers who administered nitroglycerin to heart patient. 296 N.J.Super. 298, 686 A.2d 1212 (A.D. 1997).

### 13:45H-7.8 Requirements of prescriptions; schedule II

(a) A pharmacist may dispense directly a controlled substance listed in schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, only pursuant to a written prescription signed by the prescribing individual practitioner, except as provided in (d) below.

(b) An individual practitioner may administer or dispense directly a controlled substance listed in schedule II in the course of his professional practice without a prescription, subject to N.J.A.C. 13:45H-7.6.

(c) An institutional practitioner may administer or dispense directly (but not prescribe) a controlled substance listed in schedule II only pursuant to a written prescription signed by the prescribing individual practitioner or to an order for medication made by an individual practitioner which is dispensed for immediate administration to the ultimate user.

(d) In the case of an emergency situation, as defined by the Secretary in the Code of Federal Regulations, Title 21, part 290.10, a pharmacist may dispense a controlled substance listed in schedule II upon receiving oral authorization of a prescribing individual practitioner, provided that:

1. The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period not to exceed 72 hours (dispensing beyond the emergency period must be pursuant to a written prescription signed by the prescribing individual practitioner);
2. The prescription shall be immediately reduced to writing by the pharmacist and shall contain all information required in N.J.A.C. 13:45H-7.4, except for the signature of the prescribing individual practitioner;
3. If the prescribing individual practitioner is not known to the pharmacist, he must make a reasonable effort to determine that the oral authorization came from a registered individual practitioner, which may include a callback to the prescribing individual practitioner using his phone number as listed in the telephone directory and/or other good faith efforts to insure his identity; and
4. Within 72 hours after authorizing an emergency oral prescription, the prescribing individual practitioner shall cause a written prescription for the emergency quantity prescribed (not to exceed the amount for a 72 hour period) to be delivered to the dispensing pharmacist. In addition to

conforming to the requirements of N.J.A.C. 13:45H-7.4, the prescription shall have written on its face "Authorization for Emergency Dispensing," and the date of the oral order. The written prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail it must be postmarked within the 72-hour period. Upon receipt, the dispensing pharmacist shall attach this prescription to the oral emergency prescription which had earlier been reduced to writing. The pharmacist shall notify the Drug Control Unit and the nearest office of the DEA in his district if the prescribing individual practitioner fails to deliver a written prescription to him; failure of the pharmacist to do so shall void the authority conferred by this paragraph to dispense with a written prescription of a prescribing individual practitioner.

(e) A practitioner shall not prescribe or dispense a schedule II controlled substance to an individual patient in excess of the limits set forth at N.J.A.C. 13:35-7.6, except that prescriptions for patients in a Long Term Care Facility (LTCF) may be in amounts as set forth in N.J.A.C. 13:45H-7.10(d).

Amended by R.1999 d.71, effective March 1, 1999.

See: 30 N.J.R. 1364(a), 31 N.J.R. 678(a).

In (e), substituted "the limits set forth at N.J.A.C. 13:35-7.6" for "120 dosage forms or a 30 days' supply, whichever is the lesser amount" following "excess of".

Amended by R.2002 d.276, effective August 19, 2002.

See: 33 N.J.R. 2754(a), 34 N.J.R. 3024(a).

In (d)4, substituted "Drug Control Unit" for "Department of Health".

### 13:45H-7.9 Refilling prescriptions; schedule II

The refilling of a prescription for a controlled substance listed in schedule II is prohibited.

### 13:45H-7.10 Partial filling of prescriptions; schedule II

(a) The partial filling of a prescription for a controlled substance listed in schedule II is permissible, if the pharmacist is unable to supply the full quantity called for in a written or emergency oral prescription and he makes a notation of the quantity supplied on the face of the written prescription (or written record of the emergency oral prescription).

(b) The remaining portion of the prescription may be filled within 72 hours of the first partial filling; however, if the remaining portion is not or cannot be filled within the 72-hour period, the pharmacist shall so notify the prescribing individual practitioner.

(c) No further quantity may be supplied beyond 72 hours without a new prescription.

(d) Prescriptions for schedule II controlled substances written for patients in a Long Term Care Facilities (LTCF) or for a patient with a medical diagnosis documenting a terminal illness may be filled in partial quantities to include individual dosage units. If there is any question whether a patient may be classified as having a terminal illness, the pharmacist shall

contact the practitioner prior to partially filling the prescription. Both the pharmacist and practitioner shall assure that a controlled substance is for a terminally ill patient. The pharmacist shall record on the prescription whether the patient is "terminally ill" or an "LTCF" patient. A prescription that is partially filled and does not contain the notation that the patient is "terminally ill" or a patient in a "LTCF" shall be deemed to have been filled in violation of N.J.S.A. 24:21. For each partial filling, the dispensing pharmacist shall record on the back of the prescription (or on another appropriate record, uniformly maintained, and readily retrievable) the date of the partial filling, quantity dispensed, remaining quantity authorized to be dispensed and the identification of the dispensing pharmacist. Prior to any subsequent partial filling, the phar-

macist shall determine that the additional partial filling is necessary. The total quantity of Schedule II controlled substances dispensed in all partial fillings must not exceed the total quantity prescribed. Schedule II prescriptions, for patients in a LTCF, or patients with a medical diagnosis documenting a terminal illness, shall be valid for a period not to exceed 60 days from the issue date unless sooner terminated by the discontinuance of the medication.

(e) Information pertaining to current Schedule II prescriptions for patients in a LTCF or for patients with a medical diagnosis documenting a terminal illness may be maintained in a computerized system if this system has the capability to permit:

iii. Record the date of the transfer and the name of the pharmacist transferring the information.

2. The pharmacist receiving the transferred prescription information shall reduce to writing the following:

i. Write the word "TRANSFER" on the face the prescription;

ii. Provide all information required to be on a prescription pursuant to N.J.S.A. 24:21-17 and include:

- (1) Date of issuance of original prescription;
- (2) Original number of refills authorized on original prescription;
- (3) Date of original dispensing;
- (4) Number of valid refills remaining and date of last refill;
- (5) Pharmacy's name, address and DEA registration number and original number from which the prescription information was transferred;
- (6) Name of transferor pharmacist.

3. Both the original and transferred prescription must be maintained for a period of two years from the date of the last refill.

4. Pharmacies electronically accessing the same prescription record must satisfy all information requirements of a manual mode for prescription transferral.

5. The procedure allowing the transfer of prescription information for refill purposes is permissible only if allowable under existing State or other applicable law.

Amended by R.2002 d.276, effective August 19, 2002.  
See: 33 N.J.R. 2754(a), 34 N.J.R. 3024(a).

In (e)4, substituted "Drug Control Unit" for "Department of Health" throughout.

**13:45H-7.15 Partial filling of prescriptions; schedules III and IV**

(a) The partial filling of a prescription for a controlled substance listed in schedule III, IV, or V is permissible, provided that:

1. Each partial filling is recorded in the same manner as a refilling;
2. The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed; and
3. No dispensing occurs after six months after the date on which the prescription was issued.

**13:45H-7.16 Labeling of substances; schedules III and IV**

(a) The partial filling of a prescription for a controlled substance listed in schedule III or IV shall affix to the

package a label conforming to the provisions set forth in N.J.S.A. 24:21-17.

(b) The requirements of (a) above do not apply when a controlled substance listed in schedule III or IV is prescribed for administration to an ultimate user who is institutionalized; provided, that:

1. Not more than a 34-day supply or 100 dosage units, whichever is less, of the controlled substance listed in schedule III or IV is dispensed at one time;
2. The controlled substance listed in schedule III or IV is not in the possession of the ultimate user prior to administration;
3. The institution maintains appropriate safeguards and records the proper administration, control, dispensing and storage of the controlled substance listed in schedule III or IV; and
4. The system employed by the pharmacist in filling a prescription is adequate to identify the supplier, the product, and the patient, and to set forth the directions for use and cautionary statements, if any, contained in the prescription or required by law.

**13:45H-7.17 Filing prescriptions; schedules III and IV**

All prescriptions for controlled substances listed in schedules III and IV shall be kept in accordance with N.J.A.C. 13:45H-5.17.

**13:45H-7.18 Requirement of prescriptions; schedule V**

(a) A pharmacist may dispense directly a controlled substance listed in schedule V pursuant to a prescription as required for controlled substances listed in N.J.A.C. 13:45H-7.13 schedules III and IV. A prescription for a controlled substance listed in schedule V may be refilled only as expressly authorized by the prescribing individual practitioner on the prescription; if no such authorization is given, the prescription may not be refilled. A pharmacist dispensing such substance pursuant to a prescription shall label the substance in accordance with N.J.A.C. 13:45H-7.16 and file the prescription in accordance with N.J.A.C. 13:45H-7.17.

(b) An individual practitioner may administer or dispense directly a controlled substance listed in schedule V in the course of his professional practice without a prescription, subject to N.J.A.C. 13:45H-7.7.

(c) An institutional practitioner may administer or dispense directly (but not prescribe) a controlled substance listed in schedule V only pursuant to a written prescription signed by the prescribing individual practitioner or pursuant to an oral prescription made by a prescribing individual practitioner and promptly reduced to writing by the pharmacist (containing all information required in N.J.A.C. 13:45H-5.4(b) except for the signature of the prescribing individual practitioner), or pursuant to an order for medication made by an

individual practitioner, which is dispensed for immediate administration to the ultimate user, subject to N.J.A.C. 13:45H-7.7.

(d) The transfer of original prescription information for a controlled dangerous substance listed in schedule V for the purpose of refill dispensing is permissible between pharmacies on a one time basis subject to the following requirements:

1. The transfer is communicated directly between two licensed pharmacists and the transferring pharmacist records the following information:

- i. Write the word "VOID" on the face of the invalidated prescription;
- ii. Record on the reverse of the invalidated prescription the name, address and DEA registration number of the pharmacy to which it was transferred and the name of the pharmacist receiving the prescription information;
- iii. Record the date of the transfer and the name of the pharmacist transferring the information.

2. The pharmacist receiving the transferred prescription information shall reduce to writing the following:

- i. Write the word "TRANSFER" on the face the prescription;
- ii. Provide all information required to be on a prescription pursuant to N.J.S.A. 24:21-17 and include:
  - (1) Date of issuance of original prescription;
  - (2) Original number of refills authorized on original prescription;
  - (3) Date of original dispensing;
  - (4) Number of valid refills remaining and date of last refill;
  - (5) Pharmacy's name, address and DEA registration number and original number from which the prescription information was transferred;
  - (6) Name of transferor pharmacist.

3. Both the original and transferred prescription must be maintained for a period of two years from the date of the last refill.

4. Pharmacies electronically accessing the same prescription record must satisfy all information requirements of a manual mode for prescription transferral.

5. The procedure allowing the transfer of prescription information for refill purposes is permissible only if allowable under existing State or other applicable law.

### 13:45H-7.19 Dispensing without prescription

(a) A controlled substance listed in schedule V, and a controlled substance listed in schedule II, III, or IV which is

not a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, may be dispensed by a pharmacist without a prescription to a purchaser at retail, provided that:

1. Such dispensing is made only by a pharmacist (as defined in N.J.A.C. 13:45H-7.1), and not by a nonpharmacist employee even if under the supervision of a pharmacist (although after the pharmacist has fulfilled his professional and legal responsibilities set forth in this section, the actual cash, credit transaction, or delivery, may be completed by a nonpharmacist);

2. Not more than 240 cc. (eight ounces) of any such controlled substance containing opium, nor more than 120 cc. (four ounces) of any other such controlled substance nor more than 48 dosage units of any such controlled substance containing opium, nor more than 24 dosage units of any other such controlled substance may be dispensed at retail to the same purchaser in any given 48-hour period;

3. The purchaser is at least 18 years of age;

4. The pharmacist requires every purchaser of a controlled substance under this Section not known to him to furnish suitable identification (including proof of age where appropriate);

5. A bound record book for dispensing of controlled substances under this Section is maintained by the pharmacist, which book shall contain the name and address of the purchaser, the name and quantity of controlled substance purchased, the date of each purchase, and the name or initials of the pharmacist who dispensed the substance to the purchaser (the book shall be maintained in accordance with the recordkeeping requirement of N.J.A.C. 13:45H-5.4); and

(b) A prescription is not required for distribution or dispensing of the substance pursuant to another Federal, State or local law.

#### Case Notes

Indiscriminate sale of controlled dangerous substance by pharmacist in violation of regulation constitutes grossly unprofessional conduct permitting license revocation by Board; revocation absent regulation setting standards of proscribed conduct proper; monetary penalty procedurally defective. In re: Suspension of Heller, 73 N.J. 292, 374 A.2d 1191 (1977).

## SUBCHAPTER 8. MISCELLANEOUS PROVISIONS

### 13:45H-8.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Act" means the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act (84 Stat.1285; 21 U.S.C. 951). Any term not