4. Storage place of substantial construction, which is capable of being securely locked when the pharmacist is not present in the prescription dispensing area, for Schedule II controlled substances, if not dispersed;

5. Suitable volumetric devices;

6. A steel spatula and a spatula of rubber or composition;

7. Refrigerator, as required by United States Pharmacopoeia Standards, to be used only for the storage of pharmaceuticals;

8. Suitable counting trays or approved counting device;

9. Labels;

10. Auxiliary labels;

11. Two Drug Utilization Review Council Placards and the 29th edition of the list of "Approved Drug Products with Therapeutic Equivalence Evaluations," commonly known as the "Orange Book," incorporated herein by reference, as amended and supplemented, consistent with Department of Health and Senior Services rules set forth at N.J.A.C. 8:71-1. The Orange Book can be obtained by contacting the Superintendent of Documents, Government Printing Office, PO Box 371954, Pittsburgh, PA 15250-7954, (202) 512-1800 or toll free (866) 512-1800, and is available on-line at http://www.fda.gov/cder/orange/default.htm and at http://www.fda.gov/cder/ob/default.htm;

12. Assorted stock of prescription containers and child safety closures or caps that meet United States Pharmacopoeia/National Formulary standards on light resistance and tightness; and

13. Copies of, or access to, current State statutes and rules relating to the practice of pharmacy.

(b) All prescription areas where non-sterile compounding is performed shall contain the following minimum equipment and supplies, which shall be stored, so as to be readily accessible:

1. Class A prescription balance with a complete set of metric weights or equivalent electronic weighing device;

2. A glass mortar and pestle;

3. Glass funnels;

4. Stirring rods;

5. Ointment tile or parchment paper; and

6. Suppository mold.

(c) The prescription area and all related equipment and supplies shall be kept in a clean, orderly and sanitary condition at all times.

Amended by R.1994 d.351, effective July 18, 1994.
See: 26 N.J.R. 1596(a), 26 N.J.R. 2905(b).
Amended by R.1999 d.196 effective June 21, 1999.
See: 30 N.J.R. 4113(a), 31 N.J.R. 253(a), 31 N.J.R. 1618(a).
In (a), added a reference to equivalent electronic weighing devices at the end of 5, and rewrote 15.
Amended by R.1999 d.214, effective July 19, 1999.
See: 31 N.J.R. 1151(a), 31 N.J.R. 1932(a).
In (a), rewrote 1, 2 and 13.
Recodified from N.J.A.C. 13:39-7.7 and amended by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Rewrote the section. Former N.J.A.C. 13:39-5.8 Prescriptions and medication orders transmitted by technological devices in an institution, recodified to N.J.A.C. 13:39-9.27.
Amended by R.2009 d.247, effective August 3, 2009.
See: 41 N.J.R. 371(a), 41 N.J.R. 2969(b).
In (a)4, substituted "Storage place of substantial construction, which is capable of being securely locked when the pharmacist is not present in the prescription dispensing area," for "Securely locked, substantially constructed storage place", and inserted a comma following "substances".
Amended by R.2010 d.090, effective June 21, 2010.
See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).
Section was "Minimum equipment and facilities". Rewrote the introductory paragraph of (a), (a)1, (a)2 and (a)5; deleted former (a)6 through (a)9; recodified (a)10 as (a)6; deleted former (a)11; recodified former (a)12 through (a)15 as (a)7 through (a)10; in (a)10, deleted ", including poison labels" from the end; deleted (a)16; recodified (a)17 and (a)18 as (a)11 and (a)12; rewrote (a)11 and (a)12; and added (a)13, (b), and (c).
Administrative change.
See: 43 N.J.R. 1204(b).

13:39-5.9 Prescription balances, scales, weights and automatic counting devices

(a) All pharmacies shall have all balances, scales, weights and automatic counting devices inspected every 12 months by the Department of Weights and Measures of the municipality or county in which the pharmacy is located, and such balances, scales, weights and automatic counting devices shall be properly sealed by the applicable authority.

(b) Counting trays or counting devices that meet the requirements of (a) above shall be used to count oral, solid drugs or medications.

The following annotation applies to N.J.A.C. 13:39-5.9 prior to its repeal by R.2010 d.090:

Recodified from N.J.A.C. 13:39-7.8 by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Former N.J.A.C. 13:39-5.9, Labeling, recodified to N.J.A.C. 13:39-7.12.

The following annotations apply to N.J.A.C. 13:39-5.9 subsequent to its recodification from N.J.A.C. 13:39-5.11 by R.2010 d.090:

Amended by R.1994 d.351, effective July 18, 1994.
See: 26 N.J.R. 1596(a), 26 N.J.R. 2905(b).
Recodified from N.J.A.C. 13:39-7.11 and amended by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Recodified from N.J.A.C. 13:39-5.11 and amended by R.2010 d.090, effective June 21, 2010.
See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).
Inserted designation (a); in (a), deleted "or other Board-licensed establishment" following "pharmacy"; and added (b). Former N.J.A.C. 13:39-5.9, Cleanliness, orderliness and sanitation, repealed.

13:39-5.10 Restriction on storage of prescription legend drugs and controlled dangerous substances

(a) Prescription legend drugs, devices and controlled dangerous substances shall not be stored in the pharmacy or phar-

macy department in such a manner as to be accessible to the public.

(b) Prescription legend drugs, devices and controlled dangerous substances shall be stored only in areas of the premises that are part of the pharmacy or pharmacy department, except that in a health care facility, prescription legend drugs, devices and controlled dangerous substances shall be stored consistent with the requirements of N.J.A.C. 13:39-9.23.

(c) Prescription legend drugs, devices and controlled dangerous substances that are received during hours the pharmacy or pharmacy department is closed shall be stored consistent with the requirements of N.J.A.C. 13:39-4.15(b)3.

The following annotations apply to N.J.A.C. 13:39-5.10 prior to its repeal by R.2010 d.090:

Amended by R.1999 d.214, effective July 19, 1999.
See: 31 N.J.R. 1151(a), 31 N.J.R. 1932(a).
Inserted references to pharmacy training and patient counseling.
Recodified from N.J.A.C. 13:39-7.9 by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Former N.J.A.C. 13:39-5.10, Procedures for Centralized Prescription Handling, recodified to N.J.A.C. 13:39-4.18.

The following annotations apply to N.J.A.C. 13:39-5.10 subsequent to its recodification from N.J.A.C. 13:39-5.12 by R.2010 d.090:

Recodified from N.J.A.C. 13:39-6.5 and amended by R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Substituted "stored" for "displayed" following "shall not be" and substituted "pharmacy" for "licensed establishment" preceding "in such a manner".
Amended by R.2009 d.247, effective August 3, 2009.
See: 41 N.J.R. 371(a), 41 N.J.R. 2969(b).
Inserted designation (a); in (a), inserted "or pharmacy department" and substituted "as to" for "that they can"; and added (b).
Recodified from N.J.A.C. 13:39-5.12 and amended by R.2010 d.090, effective June 21, 2010.
See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).
Rewrote (b); and added (c). Former N.J.A.C. 13:39-5.10, Television in prescription area prohibited, repealed.

13:39-5.11 (Reserved)

Recodified to N.J.A.C. 13:39-5.9 by R.2010 d.090, effective June 21, 2010.
See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).
Section was "Prescription balances, scales, weights and automatic counting devices".

13:39-5.12 (Reserved)

Recodified to N.J.A.C. 13:39-5.10 by R.2010 d.090, effective June 21, 2010.
See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).
Section was "Restriction on storage of prescription legend drugs and controlled dangerous substance".

13:39-5.13 Prescription drug retail price list

(a) A pharmacy shall comply with all requirements imposed by, and all requests for information from, the Division of Consumer Affairs concerning prescription drug retail price lists as provided in N.J.A.C. 13:45A-32.1.

(b) Failure on the part of a pharmacy to comply with the requirements of N.J.A.C. 13:45A-32.1 may subject the permit holder and/or the pharmacist in charge to disciplinary action pursuant to N.J.S.A. 45:1-21 et seq.

New Rule, R.2011 d.168, effective June 20, 2011.
See: 42 N.J.R. 1327(a), 43 N.J.R. 1424(b).

SUBCHAPTER 6. PHARMACIST-IN-CHARGE; PHARMACY PERSONNEL

13:39-6.1 Purpose and scope

The rules in this subchapter shall apply to all pharmacies and pharmacy departments in the State. For purposes of this subchapter, "pharmacy" means a retail pharmacy or a retail pharmacy department, an institutional pharmacy or a nuclear pharmacy.

New Rule, R.2005 d.25, effective January 18, 2005.
See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).
Former N.J.A.C. 13:39-6.1, Professional judgment in dispensing drugs, recodified to N.J.A.C. 13:39-7.13.

13:39-6.2 Pharmacist-in-charge

(a) Every pharmacy shall name a pharmacist whose license is in good standing in New Jersey as the pharmacist-in-charge of the pharmacy. No pharmacy shall operate without a pharmacist-in-charge for longer than 30 days.

(b) Whenever the pharmacist-in-charge is absent from the pharmacy for more than 30 days, the pharmacist-in-charge and the permit holder shall notify the Board of the name of the pharmacist who shall act as the interim pharmacist-in-charge.

(c) A pharmacist shall not assume the responsibilities of a pharmacist-in-charge of more than one pharmacy or pharmacy department simultaneously, except as provided in (c)1 below.

1. If an area within a health care facility is permitted as both an institutional pharmacy and a retail pharmacy, the health care facility may employ one individual to act as the pharmacist-in-charge for both the institutional pharmacy and the retail pharmacy.

(d) Whenever there is a change of a pharmacist-in-charge of a pharmacy, an inventory of all controlled dangerous substances as defined in N.J.A.C. 13:45H-10.1 through 10.5 shall be performed consistent with the requirements of N.J.A.C. 13:45H-5.4 and 5.5.

(e) Whenever a pharmacist assumes or terminates the duties as a pharmacist-in-charge of a pharmacy, the pharmacist-in-charge and the permit holder shall so advise the Board in writing within 30 days by completing a form provided by the Board.