

**CHAPTER 39**

**STATE BOARD OF PHARMACY**

**Authority**

N.J.S.A. 45:1-15.1 and 45:14-47.

**Source and Effective Date**

R.2010 d.090, effective May 17, 2010.  
See: 42 N.J.R. 132(a), 42 N.J.R. 1221(a).

**Chapter Expiration Date**

Chapter 39, State Board of Pharmacy, expires on May 17, 2015.

**Chapter Historical Note**

Chapter 39, State Board of Pharmacy, was adopted and became effective prior to September 1, 1969.

Chapter 39, State Board of Pharmacy, was repealed and adopted as new rules by R.1989 d.314, effective June 19, 1989. See: 20 N.J.R. 1648(a), 21 N.J.R. 1712(a).

Pursuant to Executive Order No. 66(1978), Chapter 39, State Board of Pharmacy, was readopted as R.1994 d.351, effective June 16, 1994. See: 26 N.J.R. 1596(a), 26 N.J.R. 2905(b), 26 N.J.R. 3878(a).

Subchapter 12, Nuclear Pharmacies, was recodified from Subchapter 11 by R.1994 d.476, effective September 19, 1994. See: 26 N.J.R. 1303(a), 26 N.J.R. 3878(b).

Pursuant to Executive Order No. 66(1978), Chapter 39, State Board of Pharmacy, was readopted as R.1999 d.214, effective June 16, 1999. See: 31 N.J.R. 1151(a), 31 N.J.R. 1932(a).

Subchapter 10, Automated Medication Systems, was adopted as R.2000 d.28, effective January 18, 2000. See: 31 N.J.R. 2293(b), 32 N.J.R. 317(a).

Subchapter 3A, Continuing Education, was adopted as R.2003 d.130, effective March 17, 2003. See: 34 N.J.R. 1089(a), 35 N.J.R. 1433(a).

Chapter 39, State Board of Pharmacy, was readopted as R.2005 d.25, effective December 10, 2004. See: 36 N.J.R. 3345(a), 37 N.J.R. 295(a).

Subchapter 2, Licensure Requirements, was renamed Requirements for Initial Licensure; Subchapter 2A, Requirements for Reciprocal Licensure, was adopted in part as new rules and recodified in part from Subchapter 3, Licensure by Reciprocity; Subchapter 3, Licensure by Reciprocity, was renamed Registered Pharmacist Requirements; and Subchapter 8, Pharmacy Training Sites, was repealed by R.2009 d.247, effective August 3, 2009. See: 41 N.J.R. 371(a), 41 N.J.R. 2969(b).

Chapter 39, State Board of Pharmacy, was readopted as R.2010 d.090, effective May 17, 2010. As a part of R.2010 d.090, Subchapter 3, Registered Pharmacist Requirements, was renamed Pharmacist Requirements; and Subchapter 6, Registered Pharmacist-in-Charge; Pharmacy Personnel, was renamed Pharmacist-in-Charge; Pharmacy Personnel, effective June 21, 2010. See: Source and Effective Date. See, also, section annotations.

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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 pharmacy 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".

## 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.

(f) A pharmacist-in-charge shall be a full-time employee, employed for a minimum of 35 hours per week and shall be physically present in the pharmacy or pharmacy department for that amount of time necessary to supervise and ensure that:

1. The pharmacy is staffed by sufficient, competent personnel in keeping with the size, scope and complexity of the pharmaceutical services provided by the pharmacy;

2. Accurate records of all prescription medication received and dispensed are maintained;

3. Policies are in place regarding accurate dispensing and labeling of prescriptions and that such policies are followed;

4. Security of the prescription area and its contents are maintained at all times consistent with the requirements set forth in N.J.A.C. 13:39-4.14;