

NALOXONE, SYRINGE, AND FENTANYL TEST STRIP LEGISLATION IMPACTING LAW ENFORCEMENT

Recent legislative changes governing Naloxone, Syringes, and Fentanyl Test Strips significantly impacts law enforcement and all first responders. A synopsis of these changes is described below. Agency leaders should consult with their municipal attorney without delay to amend any applicable policies and procedures and develop appropriate training programs and bulletins.

The Overdose Prevention Act ([N.J.S.A. § 24:6J-5.1](#)) was amended on July 2, 2021, and effective on August 30, 2021.

Naloxone

If naloxone is administered by a first responder and the person believed to be experiencing an overdose is not subsequently transported to a health care facility, the first responder **shall**:

- Offer to furnish the person with an opioid antidote. Agency leaders should develop appropriate procedures and training to ensure that when officers offer to furnish an opioid antidote when required, that such communication is detailed in the incident report and, whenever possible, captured on the officers' body-worn camera(s).
- Provide information to the person (developed by the Commissioner of Human Services) concerning substance use disorder treatment programs and resources and sterile syringe access programs and resources to the person when treatment for the drug overdose is complete. (At the time of this bulletin, the State of New Jersey is developing the information that is to be provided to the person who experienced an overdose. Agency leaders should consult with their municipal attorney and the County Prosecutor to determine if there may be other resources materials available that can be provided).
- Maintain an adequate supply of opioid antidotes, in excess of the supply needed to meet the anticipated demand for opioid antidotes to treat individuals believed to be experiencing an opioid overdose, as is necessary to ensure people treated for a suspected opioid overdose can be furnished with an opioid antidote at the time treatment for the overdose is complete.

A "First responder" is defined as "a law enforcement officer, paid or volunteer firefighter, paid or volunteer member of a duly incorporated first aid, emergency, ambulance, or rescue squad association, or any other individual who, in the course of that individual's employment, is dispatched to the scene of an emergency for the purpose of providing medical care or other assistance." Agency leaders should discuss these legislative changes with other community first responder leaders to coordinate response policies and resources.

Officers should also be aware of changes to the New Jersey Pharmacy Act, effective August 31, 2021, N.J.S.A. [45:14-67.2](#) – This act was amended to allow a "pharmacist to dispense naloxone to any person or entity, regardless of whether the person or entity holds an individual prescription for the opioid antidote." Further, "the Commissioner of Health, or, if the commissioner is not a duly licensed physician, the Deputy Commissioner for Public Health Services, was ordered to standing order authorizing all licensed pharmacists in the State to dispense an opioid antidote to any individual or entity, regardless of whether the individual or entity holds an individual prescription for the opioid antidote." Additional information may be found here: [Standing Order for Pharmacists to Dispense Opioid](#)

Effective August 31, 2021, N.J.S.A. 24:6J-4 – the Overdose Prevention Act - was amended to allow “any person or entity to be dispensed an opioid antidote pursuant to an individual prescription or a standing order issued by a prescriber, and any person or entity may be dispensed an opioid antidote by a pharmacy” as provided in N.J.S.A. 45:14-67.2.

- “The persons and entities to whom an opioid antidote may be prescribed and dispensed shall include private citizens, individuals who are dispensed an opioid antidote for administration or distribution to others in either a private or professional capacity, entities that are dispensed opioid antidotes on behalf of individuals who administer or distribute opioid antidotes to others in the course of their professional duties, and entities other than a prescriber or pharmacist that maintain a stock of opioid antidotes for distribution or administration to others.” Further, “a recipient in possession of an opioid antidote may administer the opioid antidote to any other person, without fee, in any situation in which the recipient reasonably believes the other person to be experiencing an opioid overdose.” Moreover, individuals may obtain a prescription for naloxone from a physician, physician assistant, or advanced practice nurse, and have it filled at a local pharmacy, even if the person is not the intended user but a third-party individual (friend, family member, caregiver, etc.) who may assist someone in an opioid overdose emergency.

Decriminalization of Sterile Syringes and Fentanyl Test Strips.

Legislation effective January 18, 2022 ([S-3493](#) and [A-5458](#)) has repealed N.J.S.A. 2C:36-6. Possession or distribution of hypodermic syringe or needle is no longer a disorderly person offense. Additionally, the definition of “drug paraphernalia under N.J.S.A. 2C:36-1 has been amended, making it lawful “for a person to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance” even if the syringe contains a residual amount of a controlled dangerous substance or controlled substance analog. An amendment has also occurred to N.J.S.A. 2C:52-14 to allow an expungement of prior convictions for possession or distribution of a hypodermic syringe or needle. This legislation also amended the definition of drug paraphernalia under N.J.S.A. 2C:36-1, expressly excluding fentanyl test strips as a form of testing equipment.

Sources:

New Jersey State Chiefs of Police Briefing. (March 3, 2022). Tinton Falls, New Jersey

Walsh, J. F. (2022, March 5). Deputy Attorney General. *New Jersey State Association of Chiefs of Police Police E-Alert*. Marlton, New Jersey.

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