

RULE ADOPTIONS  
VOLUME 43, ISSUE 12  
ISSUE DATE: JUNE 20, 2011  
**Law and Public Safety**  
**DIVISION OF CONSUMER AFFAIRS**  
**BOARD OF PHARMACY**

**Jointly Adopted New Rules: N.J.A.C. 13:39-5.13 and 13:45A-32**

**Prescription Drug Retail Price List**

Proposed: July 6, 2010 at 42 N.J.R. 1327(a).

Adopted: February 9, 2011 by Thomas R. Calcagni, Acting Director, Division of Consumer Affairs and Board of Pharmacy, Edward G. McGinley, President.

Filed: May 13, 2011 as R.2011 d.168, **without change**.

Authority: N.J.S.A. 45:14-81.

Effective Date: June 20, 2011.

Expiration Dates: May 17, 2017, N.J.A.C. 13:39; and  
September 17, 2013, N.J.A.C. 13:45A.

**Summary of Public Comment and Agency Response:**

**The Division and the Board received no comments on the notice of proposal.**

**Federal Standards Statement**

A Federal standards analysis is not required because the adopted new rules are governed by N.J.S.A. 45:14-81. The adopted new rules are not subject to any Federal requirements or standards.

**Full text** of the adopted new rules follows:

CHAPTER 39

STATE BOARD OF PHARMACY

SUBCHAPTER 5. RETAIL FACILITY REQUIREMENTS

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.

[page=1425] CHAPTER 45A

ADMINISTRATIVE RULES OF THE DIVISION OF CONSUMER AFFAIRS

SUBCHAPTER 32. PRESCRIPTION DRUG RETAIL PRICE LIST

13:45A-32.1 Prescription drug retail price list; maintenance; posting of notice

(a) A pharmacy shall maintain a prescription drug retail price list containing the names of the 150 most frequently prescribed drugs in their most commonly prescribed dosage, made available to the pharmacy by the Director of the Division of Consumer Affairs pursuant to N.J.S.A. 45:14-82. The prescription drug retail price list shall contain the retail price charged by the pharmacy for each listed drug's most commonly prescribed dosage, in quantities of 30, 60 or 90 units, if applicable, and shall include the drug's price per unit. The date when the list was last updated by the pharmacy shall be noted on the list.

(b) A pharmacy shall conspicuously post an advisory statement prepared by the Division of Consumer Affairs and available for download on the Division's website at [www.njconsumeraffairs.gov](http://www.njconsumeraffairs.gov), at or adjacent to the prescription dispensing area, in the patient waiting area or in any area where prescription drugs are delivered, which is accessible by the general public, notifying consumers about the following:

1. The availability of the pharmacy's prescription drug retail list, the consumer's right to ask for the current retail price that the pharmacy is charging for any drug on the price list and the availability of additional prescription drug price information from the Division of Consumer Affairs;
2. The right to obtain price comparison information for generic prescription drugs; and
3. The need to tell the pharmacist and the consumer's healthcare practitioner about all medications the consumer may be taking and to ask the pharmacist and the healthcare practitioner how to avoid harmful interactions between any drugs they may be taking.

(c) A pharmacy shall make a written prescription drug retail price list available to consumers for review upon request. The list shall be printed in at least 12-point type.

(d) A pharmacy may change the retail price for any of the drugs included on its prescription drug retail price list at any time, provided the prescription drug retail price list is updated as soon as possible, but at least weekly, to reflect the new retail price charged by the pharmacy.

(e) The Director of the Division of Consumer Affairs shall refer any pharmacy that fails to comply with this section to the Board of Pharmacy for appropriate disciplinary action.