

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO
SENATE, No. 3957

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 2023

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3957.

As amended by the committee, this bill exempts certain harm reduction supplies from State criminal drug paraphernalia laws.

Current law establishes criminal penalties for possessing, manufacturing, distributing, dispensing, or advertising drug paraphernalia, which items used in connection with the production, distribution, and use of illicit drugs. Current law provides certain exceptions from the definition of “drug paraphernalia” for fentanyl test strips and hypodermic needles and syringes that are sold by a pharmacy.

As amended by the committee, this bill would expand the current exceptions to include any materials or equipment used or intended for use in preventing, reducing, or mitigating the adverse effects associated with personal drug use, including materials and equipment, such as clean syringes and needles, that can prevent disease transmission, as well as materials like opioid antidotes and test strips, that can help prevent and reverse an overdose. The bill expands a provision of current law specifying that it is not unlawful to use, or to possess with the intent to use, a hypodermic needle or syringe, to additionally provide it is not unlawful to distribute hypodermic needles and syringes. The bill additionally revises the definition of “harm reduction supplies” used in the “Bloodborne Disease Harm Reduction Act,” which authorizes the establishment of syringe access programs, to align that definition with the one established under the bill in relation to drug paraphernalia.

As amended, the bill revises the definition of “drug paraphernalia” used in the criminal code to remove from the definition: dilutants and adulterants used to cut drugs; certain devices that can be used to compound drugs, such as mixing bowls and blenders; and various objects that can be used to ingest drugs, such as pipes, roach clips, and cocaine spoons. The bill additionally

removes from the definition a reference to testing equipment, which is obviated by the bill.

Current law authorizes pharmacies to sell up to 10 hypodermic needles and syringes to an individual without a prescription, provided the needles and syringes are maintained under or behind the pharmacy counter. This bill authorizes needles and syringes to be stored in another otherwise-secure place in the pharmacy, and requires pharmacies to offer the option of returning used needles and syringes to the pharmacy for safe disposal.

The bill makes certain technical changes to the current law to update a citation, to update certain obsolete language, and to clarify certain rulemaking authority under the “Bloodborne Disease Harm Reduction Act.”

COMMITTEE AMENDMENTS:

The committee amendments further revise the definition of “drug paraphernalia” used in the Criminal Code to harmonize language within the definition with the changes being made by the bill.

The committee amendments add language expressly providing that “drug paraphernalia” does not include “harm reduction supplies” as defined in the bill, and requiring a determination as to whether an object constitutes drug paraphernalia include consideration of whether the object might fall within the definition of “harm reduction supplies” established under the bill.

The committee amendments revise gendered language to make it gender neutral and revise the manner in which the bill updates a reference to “substance abuse.”