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Codey Signs Bills Cracking Down on Illegal Sale, Use of Prescription and OTC Drugs

Bills will Regulate Wholesale Drug Distributors and Target Makers of "Crystal Meth"

(TRENTON) –Acting Governor Richard J. Codey today signed into law a package of bills designed to crack down on the booming black market of stolen prescription drugs and prevent certain over the counter drugs from being used to manufacture dangerous methamphetamines. The legislation was conceived in response to the largest pharmaceutical drug bust in state history, which took place in Bergen County in March 2004.

“People caught selling stolen or counterfeit prescription drugs should not receive a slap on the wrist. Their very actions threaten the public welfare while preying on innocent victims,” said Codey. “A person pushing these drugs is no different than a crack-cocaine dealer when it comes to jeopardizing the public’s health.”

“By strengthening the regulation of wholesale drug distributors and increasing the penalties for illegal distribution and possession of prescription drugs, we are making sure that some of our most vulnerable citizens receive the life-saving medications they need – untainted,” Codey said.

Codey signed the three bills during a public ceremony at HD Smith, a wholesale drug distributor in Carlstadt. He was joined by bill sponsors, including Senators Paul A. Sarlo (D-Bergen, Essex, Passaic) and Joseph M. Kyrillos (R-Middlesex, Monmouth) and Assembly members Frederick Scalera (D-Bergen, Essex, Passaic) and Linda Stender (D-Middlesex, Somerset, Union). Also in attendance were Health and Senior Services Commissioner Fred M. Jacobs, M.D., J.D. and Bergen County Prosecutor John Mollinelli.

The three bills are:

S1428, which upgrades the penalties for unlawful distribution and possession of prescription drugs from a disorderly persons offense to a third and fourth degree crime, respectively. The bill’s sponsors include Senators Paul A. Sarlo (D-Bergen, Essex, Passaic), Joseph V. Doria, Jr. (D-Hudson) as well as Assembly members Frederick Scalera (D-Bergen, Essex, Passaic), Linda R. Greenstein (D-Mercer, Middlesex), Joseph Vas (D-Middlesex) and Neil M.Cohen (D-Union).

"Today we are saying that a drug dealer is a drug dealer. There is no difference between trafficking black market prescription drugs or trafficking illegal narcotics," said Sarlo. "I am proud to have sponsored this comprehensive legislation that will protect New Jersey's consumers, pharmacies and pharmaceutical industry from criminal elements."

S1753 establishes licensing requirements and standards for pharmaceutical wholesale distribution. The bill's sponsors include Senators Joseph F. Vitale (D-Middlesex) and Paul A. Sarlo (D-Bergen, Essex, Passaic).

"Today New Jersey is taking an important step in protecting New Jersey consumers from counterfeit and subpotent pharmaceuticals," said Vitale, Chair of the Senate Health, Human Services and Senior Citizens Committee. "For too long the federal government has delayed in enforcing its own laws in this area, so we are taking action to make sure that when someone picks up a prescription from the pharmacy, the medicine they get is safe and effective."

"This law will go a long way in protecting consumers from serious health and safety risks posed by counterfeit drugs. Increased fines and penalties and improved regulations for record-keeping, storage, transportation and distribution, demonstrate that New Jersey will not tolerate attempts to defraud and harm the public," said Dr. Jacobs.

S2320 restricts sales of ephedrine and pseudoephedrine and criminalizes certain possessions of anhydrous ammonia as precursors in the manufacturing of methamphetamine. The bill's sponsors include Senators Paul A. Sarlo (D-Bergen, Essex, Passaic), Joseph M. Kyrillos, Jr. (R-Middlesex, Monmouth) and Assembly members Linda Stender (D-Middlesex, Somerset, Union), Neil M. Cohen (D-Union) and Frederick Scalera (D-Bergen, Essex, Passaic).

Methamphetamine is a central nervous system stimulant like cocaine and caffeine. In the form of crystal meth, it can be produced relatively easily using ephedrine and pseudoephedrine as ingredients. Because these ingredients have many legitimate medical uses and are commonly sold over-the-counter as cold remedies, the new law is intended to make it more difficult to obtain the drugs for uses other than their legitimate medical purposes.

"Statistics indicate that states that have enacted legislation limiting the sale of products containing ephedrine and pseudoephedrine experienced a substantial decline in the number of meth labs. This bill is proactive as well as preventive legislation that will limit the potential inception of meth labs," said Scalera.

New Jersey now joins the growing list of more than 30 states that have imposed restrictions on the sale of products containing ephedrine and pseudoephedrine. New Jersey's legislation is part of a proactive measure to curb the spread of the methamphetamine epidemic, which is currently plaguing many mid-Western states and rural communities.