

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
OFFICE OF DRUG CONTROL

WHEREAS, N.J.A.C. 13:45H-7.7(b) (the “New Jersey Rule”) limits providers who dispense or administer medications for opioid use disorder (MOUD) to relieve acute withdrawal symptoms to dispensing or administering a one-day supply for not more than three days; and

WHEREAS, prior to August 8, 2023, 21 C.F.R. 1306.07(b) similarly limited the emergency dispensing of MOUD, to a one-day supply, for not more than three days; and

WHEREAS, on or about August 8, 2023, the United States Drug Enforcement Administration (“DEA”) amended 21 C.F.R. 1306.07(b) to provide that “Nothing in this section shall prohibit a practitioner . . . from dispensing (but not prescribing) narcotic drugs, in accordance with applicable Federal, State, and local laws relating to controlled substances, to one person or for one person’s use at one time for the purpose of initiating maintenance treatment or detoxification treatment (or both). Not more than a three-day supply of such medication may be dispensed to the person or for such person’s use at one time while arrangements are being made for referral for treatment. Such emergency treatment may not be renewed or extended;” and

WHEREAS, waiver of the New Jersey Rule would permit a hospital emergency department to provide a patient with a two-day supply of MOUD to take home, eliminating the obstacle of subsequent trips to the hospital for the patient to receive the next two daily doses, including over the course of a weekend; and

WHEREAS, waiver of the New Jersey Rule would permit patients in New Jersey to obtain a three-day supply of MOUD in a manner consistent with federal regulations; and

WHEREAS, diversion risk is limited because many New Jersey emergency departments have integrated access to patients’ electronic medical records, which allows a provider to identify potential drug-seeking behavior; and

WHEREAS, N.J.A.C. 13:45C-2.3(c) permits the Division of Consumer Affairs to waive or relax regulatory requirements where strict compliance with the rules, or parts of the rules, would endanger the health, safety and welfare of the general public;

NOW THEREFORE, I, Elizabeth M. Harris, Acting Director of the Division of Consumer Affairs, by virtue of the authority vested in me by the New Jersey Controlled Substances Act, N.J.S.A. 24:21-1 to -56, which grants me oversight of the manufacture, distribution and dispensing of controlled dangerous substances in New Jersey, and authorizes me to promulgate rules and regulations relating to the registration and control of, among other things, the dispensing of controlled dangerous substances in New Jersey, determine that this ORDER and WAIVER is necessary and appropriate to protect the public welfare, and hereby ORDER as follows:

1. Practitioners, as that term is defined in N.J.S.A. 24:21-2, acting within their scope of practice, may administer and dispense a three-day supply of MOUD medication to a person for the purpose of relieving acute withdrawal symptoms, when necessary, while arrangements are being made for referral for treatment. This emergency treatment may not be renewed or extended.
2. The provisions of N.J.A.C. 13:45H-7.7(b) are waived insofar as they are inconsistent with the terms of this ORDER and with 21 C.F.R. 1306.07(b).

This Order shall take effect immediately and shall remain in effect until the adoption of rule amendments or unless expressly revoked or superseded by a subsequent Order issued by the Director of the Division of Consumer Affairs.

Dated: December 17, 2025



Elizabeth M. Harris
Acting Director