

The Act does not require the disclosure of any information that is subject to the attorney-client privilege. The commissioner is charged with the responsibility of reporting to the New Jersey Supreme Court any possible violations of the American Bar Association's Code of Professional Responsibility. However, the Act expressly precludes the commissioner's regulating either attorneys or their fees.

—*Donald O'Connor*

HEALTH—CONTROLLED DANGEROUS SUBSTANCES THERAPEUTIC RESEARCH ACT—N.J. STAT. ANN. §§ 26:2L-1 to -9 (West Supp. 1981)

N.J. STAT. ANN. §§ 26:2L-1 to -9 permits the use, under strictly controlled circumstances, of certain Schedule I controlled dangerous substances for therapeutic research. (Schedule I controlled dangerous substances are those substances with a high addiction liability, with no accepted medical use in the United States, and listed in N.J. Admin. Code § 8:65-10.1) The New Jersey Legislature has taken notice of recent medical studies which indicate that the therapeutic use of such drugs could alleviate the nausea and ill-effects of various medical treatments and diseases.

This legislation establishes within the State Department of Health a research program limited to therapeutic research programs presently conducted by the Bureau of Drugs in the Food and Drug Administration of the U.S. Department of Health and Human Services. The provisions of this Act do not apply to those persons receiving drugs through the Investigational Drug Branch of the National Cancer Institute. This program, under the direction of the State Commissioner of Health, is available to patients suffering from life-threatening or sense-threatening illnesses who either are not responding to drug treatments or are suffering severe side effects from such treatments.

The Act enumerates certain duties incumbent upon the parties involved in the research. The commissioner must appoint licensed physicians to a Therapeutic Research Qualification Review Board which is responsible for choosing eligible practitioners and patients. The commissioner is required to enter into an agreement, subject to the provisions of the federal Controlled Dangerous Substances law, with the National Institute on Drug Abuse regarding the receipt and transfer of such drugs to certified practitioners. In addition, the commissioner and the board must review and evaluate medical reports submitted by the practitioners

to determine the effectiveness of the program. Their findings and recommendations are to be reported to the Legislature annually.

—*Ann Mader*

LANDLORD/TENANT—EMERGENCY FUEL OIL DELIVERY—N.J. STAT. ANN. §§ 26:3-31.4 to -31.10 (West 1980)

This permissive legislation authorizes the governing body of a municipality to designate a local health officer to act as an agent for a landlord in securing fuel oil for an apartment building when the landlord fails to provide the heat necessary to protect the health and safety of residential tenants.

The governing body of the municipality must decide whether it wishes to have this emergency program, and, additionally, which municipal department or health officer is to implement the program. The emergency relief provided by this Act would be nullified if the governing body failed to give the local health officer the power to secure fuel and instead required a meeting each time the health officer was requested to act. The Act implies that the governing body should not be burdened by the daily decisions of implementation.

The health officer may act only under certain circumstances: if a certain amount of time has elapsed after the tenant has lodged a complaint; if good faith efforts have been made to notify the landlord of the lack of heat; and if the landlord has failed to act after such notification. A landlord whose negligence or failure to act results in action by the health officer pursuant to this Act will be fined not more than \$300 for each affected dwelling in a single building. The fine is payable to the municipality. Additionally, the landlord may be billed directly by the fuel oil dealer who supplies the fuel at the direction of the health officer. If, instead, the municipality is billed for the fuel, a court may order the landlord to reimburse the municipality for actual costs incurred for fuel delivery, for the service charge for refiring the burner, and for reasonable attorney's fees. The goods and chattels of the landlord, including sums due for rent, may be used to reimburse the municipality.

The Act contains an immunity provision which protects the municipality from liability in implementing the provisions of this Act, except where gross negligence or malfeasance is found.