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EXPLANATION OF SENATE BILL NO. 337

Senate Bill No. 337 revises certain provisions relating to dispensing or distributing prescription drugs via the Internet.

Section 1 of S.B. 337 addresses the problem of filling or refilling a prescription for a prescription drug via the Internet with a drug of questionable quality that is obtained from a foreign country and distributed in this country unlawfully. This bill does not "make it illegal under most circumstances to distribute prescription drugs via the Internet" as the Las Vegas Review-Journal mistakenly reported on March 18, 2003. Rather, this bill clarifies that a person is prohibited from filling or refilling a prescription for a prescription drug via the Internet with a drug that has not been approved for distribution in this country. **Subsection 1 of section 1** prohibits a person from filling or refilling a prescription for a prescription drug via the Internet with a drug that has not been lawfully imported into the United States. **Subsection 2 of section 1** prohibits a person from filling or refilling a prescription for a prescription drug via the Internet if the prescription was not delivered to the person in accordance with all applicable state and federal laws, regulations and standards. In other words, this provision prohibits a person from filling or refilling a prescription via the Internet if the prescription was unlawfully obtained. **Subsection 3 of section 1** prohibits a person from knowingly aiding another person in any act or transaction prohibited in subsections 1 and 2. **Subsection 4 of section 1** provides that a person who violates any provision of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130. **Subsection 5 of section 1** provides a greater penalty if the violation involves a substance or drug that is classified in schedule I or that proximately causes substantial bodily harm to or the death of the intended recipient of the substance or drug. For such a violation, a person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$100,000. In addition, **subsection 6 of section 1** provides that the court shall not grant probation to or suspend the sentence of a person punished pursuant to subsection 5. Finally, **subsection 7 of section 1** provides that a person may be prosecuted, convicted and punished for a violation of this section whether or not the person is prosecuted, convicted or punished for violating any other specific statute based upon the same act or transaction.

In addition, **section 18** revises NRS 453.3635 to clarify that the provisions of NRS 453.3611 to 453.3648, inclusive, and section 1 of this act, which relate to filling and refilling a prescription with a prescription drug via the Internet, do not prohibit a person from filling or refilling a prescription for a prescription drug during the period in which the prescription is valid pursuant to NRS 453.256 if the person is otherwise authorized by law to dispense or distribute the prescription drug.

Section 19 of this bill revises NRS 453.3648 to provide that the Attorney General may investigate and prosecute a person who violates the provisions of section 1.

Sections 2 to 17, inclusive, and 20 to 32, inclusive, of this bill make technical amendments to sections of NRS relating to pharmacies and prescription drugs to add a reference to section 1 of this bill into existing inclusive references.

Section 33 of this bill provides that this act becomes effective on July 1, 2003.