
ASSEMBLY BILL NO. 276—ASSEMBLYMEN SMITH, GIUNCHIGLIANI,
DENIS, MCCLAIN, HOGAN, KOIVISTO AND WEBER (BY REQUEST)

MARCH 21, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Requires registered pharmacist, upon request by patient, to transmit prescription for patient to another registered pharmacist under certain circumstances. (BDR 54-1266)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to pharmacists; requiring a registered pharmacist, upon request by a patient, to transmit a prescription for the patient to another registered pharmacist under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 639 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. Upon the request of a patient, a registered pharmacist shall***
4 ***transmit a prescription for the patient to another registered***
5 ***pharmacist if the registered pharmacist transmitting the***
6 ***prescription determines that the prescription is lawfully issued to***
7 ***the patient.***

8 ***2. A registered pharmacist who transmits a prescription***
9 ***pursuant to subsection 1 shall:***

10 ***(a) Provide with the prescription any information required to***
11 ***fill the prescription, including, but not limited to:***

12 ***(1) The name and address of the practitioner who originally***
13 ***issued the prescription and the classification of the license of the***
14 ***practitioner;***



(2) *The name and address of the patient;*

(3) *The name, strength and quantity of the drug prescribed;*

(4) *Directions for use of the drug; and*

(5) *The date of issue;*

(b) *Prepare and maintain a record of the name of the patient, the date of the request by the patient and the date the prescription was transmitted by the registered pharmacist;*

(c) *Cancel the prescription on file and ensure that no further drugs are dispensed pursuant to the original prescription and no further requests for transmission pursuant to subsection 1 are granted; and*

(d) *Transmit with the prescription a statement indicating that the pharmacist has cancelled the prescription.*

3. *A registered pharmacist who receives a prescription pursuant to this section shall:*

(a) *Not dispense any drug pursuant to that prescription unless the registered pharmacist has received the statement described in paragraph (d) of subsection 2;*

(b) *Prepare and maintain a record of the name of the registered pharmacist that transmitted the prescription, the name of the pharmacy in which the prescription was previously held, the name of the drug, the number of times that drugs have been dispensed pursuant to the prescription and the number of authorized refills for the prescription; and*

(c) *If determined to be necessary by the registered pharmacist, contact the practitioner who originally issued the prescription to obtain his consent to fill the prescription.*

Sec. 2. NRS 639.2353 is hereby amended to read as follows:

639.2353 Except as otherwise provided in a regulation adopted pursuant to NRS 453.385 ~~§~~ **or section 1 of this act:**

1. A prescription must be given:

(a) Directly from the practitioner to a pharmacist;

(b) Indirectly by means of an order signed by the practitioner;

(c) By an oral order transmitted by an agent of the practitioner;
or

(d) Except as otherwise provided in subsection 5, by electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.

2. A written prescription must contain:

(a) Except as otherwise provided in this section, the name and signature of the practitioner, and his address if not immediately available to the pharmacist;



- 1 (b) The classification of his license;
- 2 (c) The name of the patient, and his address if not immediately
- 3 available to the pharmacist;
- 4 (d) The name, strength and quantity of the drug ~~for drugs~~
- 5 prescribed;
- 6 (e) Directions for use; and
- 7 (f) The date of issue.

8 3. The directions for use must be specific in that they indicate
9 the portion of the body to which the medication is to be applied or,
10 if to be taken into the body by means other than orally, the orifice or
11 canal of the body into which the medication is to be inserted or
12 injected.

13 4. Each written prescription must be written in such a manner
14 that any registered pharmacist would be able to dispense it. A
15 prescription must be written in Latin or English and may include
16 any character, figure, cipher or abbreviation which is generally used
17 by pharmacists and practitioners in the writing of prescriptions.

18 5. A prescription for a controlled substance must not be given
19 by electronic transmission or transmission by a facsimile machine
20 unless authorized by federal law.

21 6. A prescription that is given by electronic transmission is not
22 required to contain the signature of the practitioner if:

23 (a) It contains a facsimile signature, security code or other mark
24 that uniquely identifies the practitioner; or

25 (b) A voice recognition system, biometric identification
26 technique or other security system approved by the Board is used to
27 identify the practitioner.

28 **Sec. 3.** NRS 639.238 is hereby amended to read as follows:

29 639.238 1. Prescriptions filled and on file in a pharmacy are
30 not a public record. ~~1A~~ ***Except as otherwise provided in section 1***
31 ***of this act, a*** pharmacist shall not divulge the contents of any
32 prescription or provide a copy of any prescription, except to:

33 (a) The patient for whom the original prescription was issued;

34 (b) The practitioner who originally issued the prescription;

35 (c) A practitioner who is then treating the patient;

36 (d) A member, inspector or investigator of the Board or an
37 inspector of the Food and Drug Administration or an agent of the
38 Investigation Division of the Department of Public Safety;

39 (e) An agency of state government charged with the
40 responsibility of providing medical care for the patient;

41 (f) An insurance carrier, on receipt of written authorization
42 signed by the patient or his legal guardian, authorizing the release of
43 such information;

44 (g) Any person authorized by an order of a district court;



(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person; or

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order.

2. ~~{Any}~~ *Except as otherwise provided in section 1 of this act,* any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face “Copy, Not Refillable—For Reference Purposes Only.” The copy must bear the name or initials of the registered pharmacist who prepared the copy.

3. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

~~4. If, at the express request of a customer, a copy of a prescription for any controlled substance or dangerous drug is furnished to another pharmacist, the original prescription must be voided and notations made thereon showing the date and the name of the pharmacist to whom the copy was furnished. The pharmacist receiving the copy shall call the prescribing practitioner for a new prescription.~~

~~5.~~ As used in this section, “peace officer” does not include:

(a) A member of the Police Department of the University and Community College System of Nevada.

(b) A school police officer who is appointed or employed pursuant to NRS 391.100.

