

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 transfer prescription for patient to another registered pharmacist. (BDR 54-1266)

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

~

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 transfer a prescription for the patient to another registered pharmacist; 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 ***transfer a prescription for the patient to another registered***
5 ***pharmacist.***

6 ***2. A registered pharmacist who transfers a prescription***
7 ***pursuant to subsection 1 shall comply with any applicable***
8 ***regulations adopted by the Board relating to the transfer.***

9 ***3. The provisions of this section do not authorize or require a***
10 ***pharmacist to transfer a prescription in violation of:***

11 ***(a) Any law or regulation of this State;***

12 ***(b) Federal law or regulation; or***

13 ***(c) A contract for payment by a third party if the patient is a***
14 ***party to that contract.***



1 **Sec. 2.** NRS 639.2353 is hereby amended to read as follows:
2 639.2353 Except as otherwise provided in a regulation adopted
3 pursuant to NRS 453.385 ~~or~~ **or section 1 of this act:**

4 1. A prescription must be given:

5 (a) Directly from the practitioner to a pharmacist;

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

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

8 or

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

15 2. A written prescription must contain:

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

19 (b) The classification of his license;

20 (c) The name of the patient, and his address if not immediately
21 available to the pharmacist;

22 (d) The name, strength and quantity of the drug ~~for drugs~~
23 prescribed;

24 (e) Directions for use; and

25 (f) The date of issue.

26 3. The directions for use must be specific in that they indicate
27 the portion of the body to which the medication is to be applied or,
28 if to be taken into the body by means other than orally, the orifice or
29 canal of the body into which the medication is to be inserted or
30 injected.

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

36 5. A prescription for a controlled substance must not be given
37 by electronic transmission or transmission by a facsimile machine
38 unless authorized by federal law.

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

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

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



1 **Sec. 3.** NRS 639.238 is hereby amended to read as follows:
2 639.238 1. Prescriptions filled and on file in a pharmacy are
3 not a public record. ~~1A~~ *Except as otherwise provided in section 1*
4 *of this act, a* pharmacist shall not divulge the contents of any
5 prescription or provide a copy of any prescription, except to:
6 (a) The patient for whom the original prescription was issued;
7 (b) The practitioner who originally issued the prescription;
8 (c) A practitioner who is then treating the patient;
9 (d) A member, inspector or investigator of the Board or an
10 inspector of the Food and Drug Administration or an agent of the
11 Investigation Division of the Department of Public Safety;
12 (e) An agency of state government charged with the
13 responsibility of providing medical care for the patient;
14 (f) An insurance carrier, on receipt of written authorization
15 signed by the patient or his legal guardian, authorizing the release of
16 such information;
17 (g) Any person authorized by an order of a district court;
18 (h) Any member, inspector or investigator of a professional
19 licensing board which licenses a practitioner who orders
20 prescriptions filled at the pharmacy;
21 (i) Other registered pharmacists for the limited purpose of and to
22 the extent necessary for the exchange of information relating to
23 persons who are suspected of:
24 (1) Misusing prescriptions to obtain excessive amounts of
25 drugs; or
26 (2) Failing to use a drug in conformity with the directions for
27 its use or taking a drug in combination with other drugs in a manner
28 that could result in injury to that person; or
29 (j) A peace officer employed by a local government for the
30 limited purpose of and to the extent necessary:
31 (1) For the investigation of an alleged crime reported by an
32 employee of the pharmacy where the crime was committed; or
33 (2) To carry out a search warrant or subpoena issued
34 pursuant to a court order.
35 2. ~~Any~~ *Except as otherwise provided in section 1 of this act,*
36 *any* copy of a prescription for a controlled substance or a dangerous
37 drug as defined in chapter 454 of NRS, issued to a person authorized
38 by this section to receive such a copy, must contain all of the
39 information appearing on the original prescription and be clearly
40 marked on its face "Copy, Not Refillable—For Reference Purposes
41 Only." The copy must bear the name or initials of the registered
42 pharmacist who prepared the copy.
43 3. If a copy of a prescription for any controlled substance or a
44 dangerous drug as defined in chapter 454 of NRS is furnished to the
45 customer, the original prescription must be voided and notations



1 made thereon showing the date and the name of the person to whom
2 the copy was furnished.

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

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

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

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

15 **Sec. 4.** This act becomes effective upon passage and approval.

