

Amendment No. 972

Assembly Amendment to Senate Bill No. 163 First Reprint (BDR 54-22)

Proposed by: Committee on Commerce and Labor

Amendment Box: Replaces Amendment No. 836.

Resolves Conflicts with: N/A

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4,
following sec. 3, to read as follows:

“Sec. 4. Except as otherwise provided by a specific statute, a regulatory body shall not issue a temporary or new license to an applicant who has not passed a background investigation that is required pursuant to this title or has not complied with any other requirement to qualify for the issuance of the license.”.

Amend the bill as a whole by adding a new section designated sec. 95.5, following sec. 95, to
read as follows:

“Sec. 95.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as
follows:

JDA/JRS

Date: 5/24/2005

S.B. No. 163—Makes changes relating to certain regulatory bodies which administer occupational
licensing.

1. A pharmacist shall not refuse to fill or refill a prescription unless the pharmacist knows or has reasonable cause to believe that the prescription:

- (a) Has been obtained by any fraudulent representation;*
- (b) Has been issued in violation of any applicable law or regulation; or*
- (c) Has been contraindicated by the Food and Drug Administration.*

2. Before a pharmacist refuses to fill or refill a prescription pursuant to paragraph (c) of subsection 1, the pharmacist shall, as soon as practicable, consult with the prescribing practitioner concerning the prescription.

3. The provisions of this section do not:

- (a) Require a pharmacy to stock a drug; or*
- (b) Prohibit a pharmacist from:*
 - (1) Substituting a drug pursuant to NRS 639.2583; or*
 - (2) Requiring payment for a drug in the regular course of business.*

4. A pharmacist who commits a second or subsequent violation of a provision of this section is subject to discipline as provided in NRS 639.255.”.

Amend the title of the bill to read as follows:

“AN ACT relating to occupations; prohibiting certain regulatory bodies which administer occupational licensing from holding a meeting outside this State under certain circumstances; requiring such regulatory bodies to indicate in their notices under the Open Meeting Law whether a meeting will be conducted by an audio or video teleconference at one or more locations; prohibiting such regulatory bodies from issuing a temporary or new license to an applicant who has not qualified for the issuance of the

license under certain circumstances; extending the date on which certain provisions relating to occupational licensing expire by limitation; prohibiting a pharmacist from refusing to fill or refill a prescription under certain circumstances; making technical revisions to certain provisions relating to occupational licensing; providing a penalty; and providing other matters properly relating thereto.”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law defines a regulatory body as an agency, board or commission that has the authority to regulate an occupation or profession under Title 54 of NRS. (NRS 622.060)

This bill requires meetings of a regulatory body to be held in Nevada if the meeting is subject to the Open Meeting Law and the regulatory body conducts business during the meeting. This bill does not prohibit a member of a regulatory body from attending an educational seminar, retreat for professional development or similar activity conducted outside the State.

Under the Open Meeting Law, a regulatory body must provide written notice indicating the time, location and agenda of each meeting. (NRS 241.020)

This bill requires the written notice issued by a regulatory body to indicate whether the meeting will be conducted by audio or video teleconference and to specify the teleconference locations. This bill also requires a regulatory body to allow participation during the meeting by people attending at the teleconference locations.

Under existing law, certain regulatory bodies are required to conduct background investigations of an applicant who seeks issuance, renewal or reinstatement of a license. (Title 54 of NRS)

This bill prohibits a regulatory body which is required to conduct a background investigation from issuing a temporary or new license if the applicant has not passed the required background investigation. This bill also prohibits a regulatory body from issuing a temporary or new license if

the applicant has not complied with any other licensing requirements. These prohibitions do not apply if a specific statute provides otherwise.

Existing law contains provisions that were added to comply with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. First, existing law requires an applicant for the issuance of an occupational license to submit his social security number with his application. Second, existing law requires an applicant for the issuance or renewal of an occupational license to submit a statement indicating whether the applicant is subject to a court order for child support. Third, existing law requires a regulatory body to suspend an occupational license if it receives a copy of a court order determining that the holder of the license has failed to pay child support or has failed to comply with a subpoena or warrant relating to a child support or paternity proceeding. These provisions expire by limitation on the date of the repeal of the federal Act.

This bill changes the date on which certain provisions required by the federal Act expire by limitation. Specifically, under this bill, the provisions in Title 54 of NRS which relate to the submission of a child support statement and the suspension of an occupational license for the failure to pay child support expire 2 years after the date of the repeal of the federal Act. However, the provisions in Title 54 of NRS which relate to the submission of a social security number still expire on the date of the repeal of the federal Act.

Existing law provides for the regulation of the filling and refilling of prescriptions by pharmacists. (Chapter 639 of NRS).

This bill prohibits a pharmacist from refusing to fill or refill a prescription unless the pharmacist knows or has reasonable cause to believe that the prescription has been obtained fraudulently, has

been issued in violation of any applicable law or regulation or has been contraindicated by the Food and Drug Administration.

Finally, this bill makes technical revisions to the provisions in Title 54 of NRS which relate to the submission of a social security number and the submission of a child support statement.