

SENATE BILL NO. 197—SENATORS WIENER, TITUS, CARE, COFFIN,
LEE, MCGINNESS, NOLAN, SCHNEIDER AND WOODHOUSE

MARCH 1, 2007

JOINT SPONSORS: ASSEMBLYMEN LESLIE, BUCKLEY, HORNE,
MCCLAIN, OCEGUERA, ALLEN, ANDERSON, ARBERRY,
ATKINSON, BEERS, BOBZIEN, CLABORN, CONKLIN, DENIS,
GERHARDT, KIHUEN, KIRKPATRICK, KOIVISTO, MABEY,
MANENDO, MORTENSON, MUNFORD, OHRENSCHALL,
PARKS, PARNELL, PIERCE, SEGERBLOM AND SMITH

Referred to Committee on Commerce and Labor

SUMMARY—Requires the State Board of Pharmacy to make
available to consumers certain information relating
to pharmacies and the prices of commonly
prescribed prescription drugs. (BDR 54-67)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included
in Executive Budget.

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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 the State Board of Pharmacy; requiring the
Board to compile and make available to consumers
certain information relating to pharmacies and the prices
of commonly prescribed prescription drugs; making an
appropriation; providing an administrative penalty; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Sections 2 and 4-7** of this bill require the State Board of Pharmacy to: (1)
- 2 compile a list of not less than 100 prescription drugs, and their generic equivalents,
- 3 that are most commonly prescribed to residents of this State; (2) combine the
- 4 contents of the list with retail pricing information received from pharmacies that are
- 5 licensed by the Board; and (3) present the combined information on the Board's
- 6 Internet website so that consumers may compare the retail prices currently being



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charged by those pharmacies for those prescription drugs. **Section 3** of this bill requires pharmacies that are licensed by the Board and located in the State of Nevada to provide to the Board, at least once each month, the retail prices that the pharmacy charges for the prescription drugs on the Board's most-prescribed list as well as certain contact information for the pharmacy. Pharmacies that are licensed by the Board but located outside the State of Nevada may, but are not required to, provide such information. **Section 8** of this bill allows the Board to accept grants, donations, gifts and other public and private money to carry out the provisions of this bill. **Section 9** of this bill provides that if a pharmacy is required to provide information to the Board pursuant to **section 3** and the pharmacy, without good cause, fails to do so or fails to do so in a timely manner, the Board may impose an administrative penalty of up to \$500 for each day on which such a failure occurs. **Section 12** of this bill makes an appropriation to the Board to pay for the goods and services needed by the Board in order to furnish information to consumers by way of its Internet website.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *The Board shall:*

1. Compile a list of not less than the 100 brand name prescription drugs most commonly prescribed to residents of this State; and

2. Ensure that the list compiled pursuant to subsection 1:

(a) Sets forth a separate entry for the generic equivalent, if any, of each brand name prescription drug included on the list; and

(b) Is updated at least once each calendar quarter.

Sec. 3. 1. Except as otherwise provided in subsections 2 and 3, each pharmacy that is licensed under the provisions of this chapter shall, in accordance with the regulations adopted pursuant to section 7 of this act, provide to the Board:

(a) Information that a consumer may use to locate, contact or otherwise do business with the pharmacy, including, without limitation:

(1) The name of the pharmacy;

(2) The physical address of the pharmacy; and

(3) The phone number of the pharmacy;

(b) If the pharmacy maintains an electronic mail address, the electronic mail address of the pharmacy;

(c) If the pharmacy maintains an Internet website, the Internet address of that website; and

(d) Not less frequently than once each month:



(1) For each prescription drug that is on the list compiled pursuant to section 2 of this act and that is stocked by the pharmacy, the retail price that the pharmacy is currently charging for the prescription drug; and

(2) For each generic equivalent that is on the list compiled pursuant to section 2 of this act and that is stocked by the pharmacy, the retail price that the pharmacy is currently charging for the generic equivalent.

2. If a pharmacy that is licensed under the provisions of this chapter is not located within the State of Nevada, the pharmacy may, but is not required to, provide to the Board the information described in subsection 1.

3. If a pharmacy is part of a larger company or corporation or a chain of pharmacies or retail stores, the parent company or corporation may provide to the Board the information described in subsection 1.

4. As used in this section, "retail price" means the price that an uninsured consumer, in the absence of any discount plan or other form of subsidy, would be required to pay to obtain:

(a) A 30-day supply of a prescription drug; or

(b) If a prescription drug is typically prescribed for a course of treatment that is of less than 30 days' duration, a supply of the prescription drug sufficient to complete the typical course of treatment.

Sec. 4. 1. Except as otherwise provided in subsection 2, the Board shall:

(a) Place or cause to be placed on the Internet website maintained by the Board the information provided by each pharmacy pursuant to section 3 of this act;

(b) If a pharmacy maintains an Internet website, place or cause to be placed on the Internet website maintained by the Board a link to the pharmacy's Internet website;

(c) Ensure that the information provided by each pharmacy pursuant to section 3 of this act and placed on the Internet website maintained by the Board is organized so that each individual pharmacy has its own separate entry on that website; and

(d) Ensure that the pricing information provided by each pharmacy pursuant to section 3 of this act and placed on the Internet website maintained by the Board:

(1) Is presented in a manner which complies with the requirements of section 5 of this act; and

(2) Is updated not less frequently than once each month.

2. If a pharmacy is part of a larger company or corporation or a chain of pharmacies or retail stores, the Board may present the pricing information relative to such a pharmacy in such a



1 manner that the pricing information is combined with the pricing
2 information relative to other pharmacies that are part of the same
3 company, corporation or chain, to the extent that the pricing
4 information does not differ among those pharmacies.

5 3. The Board may establish additional or alternative
6 procedures by which a consumer who is unable to access the
7 Internet or is otherwise unable to receive the information
8 described in subsection 1 in the manner in which it is presented by
9 the Board may obtain that information:

10 (a) In the form of paper records;

11 (b) Through the use of a telephonic system; or

12 (c) Using other methods or technologies designed specifically
13 to assist consumers who are hearing impaired or visually
14 impaired.

15 Sec. 5. Except as otherwise provided in this section, the
16 Board shall ensure that the list of prescription drugs compiled
17 pursuant to section 2 of this act and the information that
18 pharmacies provide pursuant to section 3 of this act are combined
19 and presented to consumers in such a manner that a consumer
20 may easily compare the prices for particular prescription drugs,
21 and their generic equivalents, that are currently charged by:

22 1. Pharmacies located within the same city, county or zip
23 code in which the consumer resides;

24 2. Internet pharmacies; and

25 3. Pharmacies that provide mail order service to residents of
26 Nevada.

27 ➔ The requirements of subsections 2 and 3 apply only to the
28 extent that information regarding such pharmacies is made
29 available to the Board.

30 Sec. 6. The Board and its members, officers and employees
31 are not liable civilly or criminally for any act, omission, error or
32 technical problem that results in:

33 1. The failure to provide to consumers information regarding
34 a pharmacy, including, without limitation, the prices charged by
35 the pharmacy for the prescription drugs and generic equivalents
36 that are on the list compiled pursuant to section 2 of this act; or

37 2. The providing to consumers of incorrect information
38 regarding a pharmacy, including, without limitation, the prices
39 charged by the pharmacy for the prescription drugs and generic
40 equivalents that are on the list compiled pursuant to section 2 of
41 this act.

42 Sec. 7. The Board shall adopt such regulations as it
43 determines to be necessary or advisable to carry out the provisions
44 of sections 2 to 9, inclusive, of this act. Such regulations must
45 provide for, without limitation:



1 1. Notice to consumers stating that:

2 (a) Although the Board will strive to ensure that consumers
3 receive accurate information regarding pharmacies, including,
4 without limitation, the prices charged by those pharmacies for the
5 prescription drugs and generic equivalents that are on the list
6 compiled pursuant to section 2 of this act, the Board is unable to
7 guarantee the accuracy of such information;

8 (b) If a consumer follows an Internet link from the Internet
9 website maintained by the Board to an Internet website
10 maintained by a pharmacy, the Board is unable to guarantee the
11 accuracy of any information made available on the Internet
12 website maintained by the pharmacy; and

13 (c) The Board advises consumers to contact a pharmacy
14 directly to verify the accuracy of any information regarding the
15 pharmacy which is made available to consumers pursuant to
16 sections 2 to 9, inclusive, of this act;

17 2. Procedures pursuant to which consumers and pharmacies
18 may report to the Board that information made available to
19 consumers pursuant to sections 2 to 9, inclusive, of this act is
20 inaccurate;

21 3. The form and manner in which pharmacies are to provide
22 to the Board the information described in section 3 of this act; and

23 4. Standards and criteria pursuant to which the Board may
24 remove from its Internet website information regarding a
25 pharmacy or an Internet link to the Internet website maintained by
26 a pharmacy, or both, if the Board determines that the pharmacy
27 has:

28 (a) Ceased to be licensed and in good standing pursuant to this
29 chapter;

30 (b) Engaged in a pattern of providing to consumers
31 information that is false or would be misleading to reasonably
32 informed persons; or

33 (c) Violated any state or federal law governing the practice of
34 pharmacy.

35 Sec. 8. The Board may apply for and accept any available
36 grants and may accept any bequests, devises, donations or gifts
37 from any public or private source to carry out the provisions of
38 sections 2 to 9, inclusive, of this act.

39 Sec. 9. If a pharmacy that is licensed under the provisions of
40 this chapter and is located within the State of Nevada fails to
41 provide to the Board the information required to be provided
42 pursuant to section 3 of this act or fails to provide such
43 information on a timely basis, and the failure was not caused by
44 excusable neglect, technical problems or other extenuating
45 circumstances, the Board may impose against the pharmacy an



administrative penalty of not more than \$500 for each day of such failure.

Sec. 10. NRS 639.2802 is hereby amended to read as follows:

639.2802 ~~{Prescription}~~ *In addition to any applicable requirements set forth in sections 2 to 9, inclusive, of this act, prescription* price information must be made available, upon request, by a pharmacist or practitioner who dispenses drugs.

Sec. 11. NRS 639.28025 is hereby amended to read as follows:

639.28025 ~~{Every}~~ *In addition to any applicable requirements set forth in sections 2 to 9, inclusive, of this act, every* practitioner who dispenses drugs shall post on the premises in a place conspicuous to customers and easily accessible and readable by customers a notice, provided by the Board, advising customers that a price list of drugs and professional services is available to them upon request.

Sec. 12. 1. There is hereby appropriated from the State General Fund to the State Board of Pharmacy for the purpose of allowing the Board to acquire such equipment, goods, services and technologies as may be necessary for the Board to provide to consumers, by way of the Board's Internet website, the information described in sections 2 to 9, inclusive, of this act:

For the Fiscal Year 2007-2008.....\$25,000

For the Fiscal Year 2008-2009.....\$10,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 13. 1. This section and section 12 of this act become effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act become effective on October 1, 2007.

