

SENATE BILL NO. 5—SENATOR CEGAVSKE

PREFILED DECEMBER 11, 2006

Referred to Committee on Human Resources and Education

SUMMARY—Requires the establishment of the Cancer Drug Donation Program. (BDR 40-19)

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

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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 cancer; requiring the Health Division of the Department of Health and Human Services to establish the Cancer Drug Donation Program; requiring the Health Division to adopt regulations to carry out the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes a system for the reporting and analyzing of information
- 2 relating to cancer and establishes task forces on prostate cancer and cervical cancer.
- 3 (Chapter 457 of NRS)
- 4 **Section 6** of this bill requires the Health Division of the Department of Health
- 5 and Human Services to establish the Cancer Drug Donation Program. The Program
- 6 will distribute and dispense cancer drugs donated to the Program to cancer patients.
- 7 **Section 6** also authorizes persons to donate cancer drugs at any pharmacy, hospital
- 8 or health clinic that participates in the Program. The donated drugs must be in the
- 9 original, unopened and sealed packages and must not be adulterated or misbranded.
- 10 **Section 9** of this bill requires the Health Division to adopt regulations to carry out
- 11 the Program. **Section 10** of this bill provides immunity from civil liability for
- 12 damages caused by any act or omission of a person who donates a cancer drug to
- 13 the Program, or who accepts, distributes or dispenses a cancer drug donated to the
- 14 Program.



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

Section 1. Chapter 457 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Cancer drug” means a prescription drug that is used to treat:*

1. Cancer or its side effects; or

2. The side effects of a prescription drug that is used to treat cancer or its side effects.

↪ The term includes medical supplies used in the administration of a cancer drug.

Sec. 4. *“Hospital” has the meaning ascribed to it in NRS 449.012.*

Sec. 5. *“Program” means the Cancer Drug Donation Program established pursuant to section 6 of this act.*

Sec. 6. 1. *The Health Division shall establish and maintain the Cancer Drug Donation Program to accept, distribute and dispense cancer drugs donated to the Program.*

2. Any person may donate a cancer drug to the Program. A cancer drug may be donated at a pharmacy, hospital or health clinic that participates in the Program.

3. A pharmacy, hospital or health clinic that participates in the Program may charge a patient who receives a cancer drug a handling fee in accordance with the regulations adopted by the Health Division pursuant to section 9 of this act.

4. A cancer drug may be accepted, distributed or dispensed pursuant to the Program only if the cancer drug:

(a) Is in its original, unopened, sealed and tamper-evident unit dose packaging or, if packaged in single-unit doses, the single-unit dose packaging is unopened;

(b) Is not adulterated or misbranded; and

(c) Bears an expiration date that is later than 30 days after the drug is donated.

5. A cancer drug donated to the Program may not be:

(a) Resold; or

(b) Designated by the donor for a specific person.

6. The provisions of this section do not require a pharmacy, hospital or health clinic to participate in the Program.



1 **Sec. 7.** *A cancer drug donated for use in the Program may*
2 *only be dispensed:*

3 1. *By a pharmacist who is registered pursuant to chapter 639*
4 *of NRS; and*

5 2. *Pursuant to a prescription written by a person who is*
6 *authorized to write prescriptions.*

7 **Sec. 8.** *A pharmacy, hospital or health clinic that participates*
8 *in the Program:*

9 1. *Shall comply with all applicable state and federal laws*
10 *concerning the storage, distribution and dispensing of the cancer*
11 *drugs; and*

12 2. *May distribute a cancer drug donated to the Program to*
13 *another pharmacy, hospital or health clinic for use in the*
14 *Program.*

15 **Sec. 9.** *The Health Division shall adopt regulations to carry*
16 *out the provisions of sections 2 to 10, inclusive, of this act. The*
17 *regulations must prescribe, without limitation:*

18 1. *The requirements for the participation of pharmacies,*
19 *hospitals and health clinics in the Program;*

20 2. *The criteria for determining the eligibility of persons to*
21 *receive cancer drugs dispensed pursuant to the Program;*

22 3. *The categories of cancer drugs that may be accepted for*
23 *distribution or dispensing pursuant to the Program; and*

24 4. *The maximum fee that a pharmacy, hospital or health*
25 *clinic may charge to distribute or dispense cancer drugs pursuant*
26 *to the Program.*

27 **Sec. 10.** *Any person who donates, accepts, distributes or*
28 *dispenses a cancer drug in accordance with the provisions of*
29 *sections 2 to 10, inclusive, of this act, and the regulations adopted*
30 *pursuant to section 9 of this act, is not liable for any civil damages*
31 *as a result of any act or omission, not amounting to gross*
32 *negligence, by him in donating, accepting, distributing or*
33 *dispensing the cancer drug.*

34 **Sec. 11.** *This act becomes effective on July 1, 2007.*

