

SENATE BILL NO. 5—SENATORS CEGAVSKE, HECK, HORSFORD,
MATHEWS, NOLAN, WASHINGTON, WIENER AND WOODHOUSE

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 State Board of Pharmacy
to establish the Cancer Drug Donation Program; requiring
the Board 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 State Board of Pharmacy to establish the
5 Cancer Drug Donation Program. The Program will distribute and dispense cancer
6 drugs donated to the Program to cancer patients. **Section 6** also authorizes persons
7 to donate cancer drugs at any pharmacy, medical facility, health clinic or provider
8 of health care 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 Board to adopt regulations to carry out the
11 Program. **Section 10** of this bill provides immunity from civil liability for damages
12 caused by any act or omission of a person who donates a cancer drug to the
13 Program, or who accepts, distributes or dispenses a cancer drug donated to the
14 Program. **Section 10** also provides immunity from civil and criminal liability to a
15 manufacturer of a cancer drug that is donated, accepted, distributed or dispensed
16 pursuant to the 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 to 5.5, inclusive, 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. *“Medical Facility” has the meaning ascribed to it in NRS 449.0151.*

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

Sec. 5.5. *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 6. 1. *The State Board of Pharmacy 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, medical facility, health clinic or provider of health care that participates in the Program.*

3. *A pharmacy, medical facility, health clinic or provider of health care 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 State Board of Pharmacy 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



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

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

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

1. By a pharmacist who is registered pursuant to chapter 639 of NRS;

2. Pursuant to a prescription written by a person who is authorized to write prescriptions; and

3. To a person who is eligible to receive cancer drugs dispensed pursuant to the Program.

Sec. 8. A pharmacy, medical facility, health clinic or provider of health care that participates in the Program:

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

2. May distribute a cancer drug donated to the Program to another pharmacy, medical facility, health clinic or provider of health care for use in the Program.

Sec. 9. The State Board of Pharmacy shall adopt regulations to carry out the provisions of sections 2 to 10, inclusive, of this act. The regulations must prescribe, without limitation:

1. The requirements for the participation of pharmacies, medical facilities, health clinics and providers of health care in the Program, including, without limitation:

(a) A requirement that each provider of health care who participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer; and

(b) A requirement that each medical facility that participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer;

2. The criteria for determining the eligibility of persons to receive cancer drugs dispensed pursuant to the Program, including, without limitation, a requirement that a person must sign up with the State Board of Pharmacy on a form prescribed by the Board to be eligible to receive cancer drugs dispensed pursuant to the Program;

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

4. The maximum fee that a pharmacy, medical facility, health clinic or provider of health care may charge to distribute or dispense cancer drugs pursuant to the Program.

Sec. 10. 1. Any person who donates, accepts, distributes or dispenses a cancer drug in accordance with the provisions of



1 *sections 2 to 10, inclusive, of this act, and the regulations adopted*
2 *pursuant to section 9 of this act, is not liable for any civil damages*
3 *as a result of any act or omission, not amounting to gross*
4 *negligence, by him in donating, accepting, distributing or*
5 *dispensing the cancer drug.*

6 *2. A manufacturer of a cancer drug is immune from civil or*
7 *criminal liability for any claim arising due to an injury, death or a*
8 *loss to person or property, resulting from the use of the cancer*
9 *drug that was donated, accepted, distributed or dispensed pursuant*
10 *to the Program, if the manufacturer acted without malicious*
11 *intent, including, without limitation, liability for failure to transfer*
12 *or communicate product or consumer information concerning the*
13 *cancer drug or the expiration date of the cancer drug.*

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

