Amendment No. 135

Assembly Amendment to Assembly Bill No. 235	(BDR 54-980)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted ☐ Lost ☐	_____	Adopted ☐ Lost ☐	_____
Concurred In ☐ Not ☐	_____	Concurred In ☐ Not ☐	_____
Receded ☐ Not ☐	_____	Receded ☐ Not ☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

JLW/BJE Date: 4/15/2007

A.B. No. 235—Revises provisions relating to prescription drugs. (BDR 54-980)

ASSEMBLY BILL NO. 235–ASSEMBLYMEN BOBZIEN, BUCKLEY, CONKLIN, LESLIE, MCCLAIN, KIHUEN, KOIVISTO, MANENDO, PARKS, SEGERBLOM AND SMITH

MARCH 1, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to prescription drugs. (BDR 54-980)

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

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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 pharmacy; requiring a practitioner to include on a prescription the symptom or purpose for which a prescription drug is prescribed if requested by the patient; requiring such information to be included on the label of a prescription if requested by the patient; authorizing a practitioner to prohibit the inclusion on the label of a prescription certain information concerning the substitution of a generic drug for a drug with a brand name; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires a practitioner to include on a prescription the symptom or purpose for which the drug is prescribed if requested by the patient. **Section 2** of this bill requires each pharmacy located outside Nevada that provides prescription drugs to residents of this State to include in the information it is required to report to the State Board of Pharmacy concerning each prescription, the symptom or purpose for which the drug is prescribed if ~~[that information is included on the label pursuant to the request of]~~ **requested by** the patient. **Section 3** of this bill requires the symptom or purpose for which a drug is prescribed to be included on a written prescription ~~[if requested by the patient.]~~ **under certain circumstances.** **Section 4** of this bill authorizes a practitioner to prohibit the inclusion on the label of a prescription certain information concerning the substitution of a generic drug for a brand name drug. **Section 5** of this bill requires each label of a prescription to include the symptom or purpose for which a drug is prescribed ~~[if requested by the patient.]~~ **under certain circumstances.** **Section 6** of this bill requires the symptom or purpose for which a dangerous drug is prescribed to be included on a written prescription ~~[if requested by the patient.]~~ **under certain circumstances.**

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 a new section to read as follows:

Before issuing a prescription, a practitioner may ask the patient whether he wishes to have included on the label of the prescription the symptom or purpose for which the drug is prescribed. If the patient requests that the information be included on the label, the practitioner shall include on the prescription the symptom or purpose for which the drug is prescribed.

Sec. 2. NRS 639.23284 is hereby amended to read as follows:

639.23284 1. Every pharmacy located outside Nevada that provides mail order service to a resident of Nevada:

(a) Shall report to the Board any change of information that appears on its license and pay the fee required by regulation of the Board.

(b) Shall make available for inspection all pertinent records, reports, documents or other material or information required by the Board.

(c) As required by the Board, must be inspected by the Board or:

(1) The regulatory board or licensing authority of the state or country in which the pharmacy is located; or

(2) The Drug Enforcement Administration.

(d) As required by the Board, shall provide the following information concerning each prescription for a drug that is shipped, mailed or delivered to a resident of Nevada:

(1) The name of the patient;

(2) The name of the prescriber;

(3) The number of the prescription;

(4) The date of the prescription;

(5) The name of the drug; ~~[and]~~

(6) ***The symptom or purpose for which the drug is prescribed, if*** ~~***[that information is included on the label]***~~ ***requested by the patient pursuant to section 1 of this act; and***

(7) The strength and quantity of the dose.

2. In addition to complying with the requirements of subsection 1, every Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 that provides mail order service to a resident of Nevada shall not sell, distribute or furnish to a resident of this State:

(a) A controlled substance;

(b) A prescription drug that has not been approved by the Federal Food and Drug Administration;

(c) A generic prescription drug that has not been approved by the Federal Food and Drug Administration;

(d) A prescription drug for which the Federal Food and Drug Administration has withdrawn or suspended its approval; or

(e) A quantity of prescription drugs at one time that includes more drugs than are prescribed to the patient as a 3-month supply of the drugs.

Sec. 3. NRS 639.2353 is hereby amended to read as follows:

639.2353 Except as otherwise provided in a regulation adopted pursuant to NRS 453.385 or 639.2357:

1. A prescription must be given:

(a) Directly from the practitioner to a pharmacist;

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

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

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

2. A written prescription must contain:

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

(b) The classification of his license;

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

(d) The name, strength and quantity of the drug prescribed;

(e) ***The symptom or purpose for which the drug is prescribed, if ~~[requested]~~ included by the ~~[patient]~~ practitioner pursuant to section 1 of this act;***

(f) Directions for use; and

~~[(f)]~~ ***(g)*** The date of issue.

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

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

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

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

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

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

Sec. 4. NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner:

1. Shall note the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

2. ~~[May]~~ ***Unless prohibited by the practitioner, may*** indicate the substitution ***by writing or typing*** on the label ~~[by use of]~~ the words "substituted for" following the generic name and preceding the brand name of the drug.

Sec. 5. NRS 639.2801 is hereby amended to read as follows:

639.2801 Unless specified to the contrary in writing on the prescription by the prescribing practitioner, all prescriptions filled by any practitioner must be dispensed in a container to which is affixed a label or other device which clearly shows:

1. The date.

2. The name, address and prescription serial number of the practitioner who filled the prescription.

3. The names of the prescribing practitioner and of the person for whom prescribed.

4. The number of dosage units.

5. ***The symptom or purpose for which the drug is prescribed, if ~~[requested]~~ included by the ~~[patient]~~ practitioner pursuant to section 1 of this act.***

6. Specific directions for use given by the prescribing practitioner.

~~[6.]~~ ***7.*** The expiration date of the effectiveness of the drug or medicine dispensed, if that information is included on the original label of the manufacturer of that drug or medicine. If the expiration date specified by the manufacturer is not less than 1 year after the date of dispensing, the practitioner may use a date that is 1 year after the date of dispensing as the expiration date.

~~[7.]~~ ***8.*** The proprietary or generic name of the drug or medicine as written by the prescribing practitioner.

~~[8.]~~ ***9.*** The strength of the drug or medicine.

➥ The label must contain the warning:

Caution: Do not use with alcohol or nonprescribed drugs without consulting the prescribing practitioner.

Sec. 6. NRS 454.223 is hereby amended to read as follows:

454.223 1. Each prescription for a dangerous drug must be written on a prescription blank or as an order on the chart of a patient. A chart of a patient may be used to order multiple prescriptions for that patient.

2. A written prescription must contain:

(a) The name of the practitioner, his signature if the prescription was not transmitted orally and his address if not immediately available to the pharmacist;

(b) The classification of his license;

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

(d) The name, strength and quantity of the drug or drugs prescribed;

(e) ***The symptom or purpose for which the drug is prescribed, if ~~[requested]~~ included by the ~~[patient]~~ practitioner pursuant to section 1 of this act;***

(f) Directions for use; and

~~[(f)]~~ ***(g)*** The date of issue.

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