

Amendment No. 329

Assembly Amendment to Assembly Bill No. 213

(BDR 40-39)

Proposed by: Assembly Committee on Health and Human Services**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 dashed underlining*** is newly added transitory language.

MSN/TMC



Date: 4/13/2009

A.B. No. 213—Requires the establishment of the Cancer Drug Donation Program.
(BDR 40-39)



ASSEMBLY BILL NO. 213—ASSEMBLYMEN ANDERSON, CONKLIN, HORNE, KIHUEN, PARNELL; ARBERRY, ATKINSON, CARPENTER, DONDERO LOOP, GUSTAVSON, HAMBRICK, KIRKPATRICK, MANENDO, MCARTHUR, MCCLAIN, MORTENSON, OHRENSCHALL, SEGERBLOM AND SETTELMAYER (BY REQUEST)

FEBRUARY 25, 2009

Referred to Committee on Health and Human Services

SUMMARY—Requires the establishment of the Cancer Drug Donation Program. (BDR 40-39)

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:

Existing law establishes a system for the reporting and analyzing of information relating to cancer and establishes task forces on prostate cancer and cervical cancer. (Chapter 457 of NRS)

Section 7 of this bill requires the State Board of Pharmacy to establish the Cancer Drug Donation Program. The Program will distribute and dispense cancer drugs donated to the Program to cancer patients. **Section 7** also authorizes persons to donate cancer drugs at any pharmacy, medical facility, health clinic or provider of health care that participates in the Program. The donated drugs must be in the original, unopened and sealed packages and must not be adulterated or misbranded. **Section 10** of this bill requires the Board to adopt regulations to carry out the Program. **Section 11** of this bill provides immunity from civil or criminal liability, or any disciplinary action by a professional licensing board for damages caused by certain acts or omissions of a person other than a manufacturer of a cancer drug, pharmacy, medical facility, health clinic or provider of health care who donates; (1) any person who exercises reasonable care in donating a cancer drug to the Program; and (2) any pharmacy, medical facility, health clinic or provider of health care that exercises reasonable care in accepting, distributing or dispensing a cancer drug pursuant to the Program. **Section 11** also provides that a manufacturer of a cancer drug is immune from civil or criminal liability for any claim or injury arising from the donation, acceptance, distribution or dispensation of the cancer drug pursuant to the Program.

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

1 **Section 1.** Chapter 457 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 11, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 11, inclusive, of this act, unless the context*
4 *otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of*
5 *this act have the meanings ascribed to them in those sections.*

6 **Sec. 3.** *“Cancer drug” means a prescription drug that is used to treat* ~~+~~
7 ~~1. Cancer or its side effects; or~~
8 ~~2. The side effects of a prescription drug that is used to treat cancer or its~~
9 ~~side effects.~~

10 ~~The term includes medical supplies used in the administration of a cancer~~
11 ~~drug.~~ cancer.

12 **Sec. 4.** *“Medical facility” has the meaning ascribed to it in NRS 449.0151.*

13 **Sec. 5.** *“Program” means the Cancer Drug Donation Program established*
14 *pursuant to section 7 of this act.*

15 **Sec. 6.** *“Provider of health care” has the meaning ascribed to it in*
16 *NRS 629.031.*

17 **Sec. 7.** 1. *The State Board of Pharmacy shall establish and maintain the*
18 *Cancer Drug Donation Program to accept, distribute and dispense cancer drugs*
19 *donated to the Program.*

20 2. *Any person may donate a cancer drug to the Program. A cancer drug*
21 *may be donated at a pharmacy, medical facility, health clinic or provider of*
22 *health care that participates in the Program.*

23 3. *A pharmacy, medical facility, health clinic or provider of health care that*
24 *participates in the Program may charge a patient who receives a cancer drug a*
25 *handling fee in accordance with the regulations adopted by the State Board of*
26 *Pharmacy pursuant to section 10 of this act.*

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

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

32 (b) *Is not adulterated or misbranded; and*

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

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

36 (a) *Resold; or*

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

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

40 **Sec. 8.** *A cancer drug donated for use in the Program may only be*
41 *dispensed:*

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

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

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

47 **Sec. 9.** *A pharmacy, medical facility, health clinic or provider of health*
48 *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. 10. The State Board of Pharmacy shall adopt regulations to carry out the provisions of sections 2 to 11, 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 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. 11. ~~Any person other than a manufacturer of a cancer drug, pharmacy, medical facility, health clinic or provider of health care who donates~~

1. A person who exercises reasonable care in the donation of a cancer drug in accordance with the provisions of sections 2 to 11, inclusive, of this act, and the regulations adopted pursuant thereto, is not ~~(liable for)~~ subject to any civil ~~(damages as a result of any act or omission, not amounting to gross negligence, by him in donating)~~ or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the donation of the cancer drug.

2. A pharmacy, medical facility, health clinic or provider of health care which participates in the Program and which exercises reasonable care in the acceptance, distribution or dispensation of a cancer drug is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the acceptance, distribution or dispensation of the cancer drug.

3. A manufacturer of a cancer drug is not subject to civil or criminal liability for any claim or injury arising from the donation, acceptance, distribution or dispensation of the cancer drug pursuant to sections 2 to 11, inclusive, of this act and the regulations adopted pursuant thereto.

Sec. 12. This act becomes effective on July 1, 2009.