

ASSEMBLY BILL NO. 421—ASSEMBLYWOMAN CARLTON

MARCH 21, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing dispensing of certain drugs and medications. (BDR 54-768)

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 prescriptions; revising requirements for prescribing and dispensing certain drugs and medication for which a special warning label is required; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing federal law requires that certain drugs or medications that are
2 prescribed must have a black box warning on the label to warn the patient of the
3 serious risks associated with the use of the drug or medication. (21 C.F.R. § 201.57)
4 Existing Nevada regulations require a pharmacist or an intern pharmacist to provide
5 certain information to patients regarding prescription drugs before dispensing the
6 drugs, unless the patient refuses to accept the counseling. (NAC 639.707) **Section 2**
7 of this bill requires a person who prescribes a drug or medication for which a black
8 box warning is required to counsel the patient regarding the reason for the warning
9 and the risks and benefits of using the drug or medication. **Section 3** of this bill
10 similarly requires a person who dispenses such a drug or medication to counsel the
11 patient or person who is filling the prescription about the black box warning and
12 certain other information. The person dispensing the drug or medication is further
13 required to include certain written information with the drug or medication. **Section**
14 **3** prohibits a person from dispensing such a drug or medication if the patient or
15 person caring for the patient refuses to accept the counseling and it is the first time
16 that the prescription is filled. **Sections 2 and 3** provide that a person who prescribes
17 or dispenses a drug or medication requiring a black box warning who does not
18 comply with these requirements shall be deemed to have engaged in unprofessional
19 conduct.



* A B 4 2 1 *

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 and 3 of this act.

Sec. 2. 1. *Before prescribing or writing a prescription for a drug or medication that requires a box warning pursuant to 21 C.F.R. § 201.57(c)(1), a practitioner shall counsel the patient regarding the reason for the warning and the risks and benefits of using the drug or medication.*

2. *The practitioner shall further counsel the patient regarding the manner in which to minimize the risks associated with the use of the drug or medication and any other information which, in the professional judgment of the practitioner, is necessary to ensure the safe and effective use of the drug or medication by the patient.*

3. *A practitioner is not required to comply with the provisions of this section when the prescription is a refill for the patient.*

4. *A practitioner who fails to comply with the provisions of this section shall be deemed to have engaged in unprofessional conduct.*

Sec. 3. 1. *Before dispensing a drug or medication for which the prescription requires a box warning pursuant to 21 C.F.R. § 201.57(c)(1), the pharmacist or practitioner filling the prescription shall counsel the patient or the person caring for the patient concerning:*

(a) The information contained in the box warning;

(b) Any information regarding the manner in which to minimize the risks associated with the use of the drug or medication; and

(c) Any other information which, in the professional judgment of the pharmacist, intern pharmacist or practitioner is necessary to ensure the safe and effective use of the drug or medication by the patient.

2. *A pharmacist, intern pharmacist or practitioner shall include written information with a drug or medication described in subsection 1 each time that the drug or medication is dispensed to the patient, including notice about the box warnings and any other information concerning the manner in which to use the drug or medication to minimize the risk of adverse effects from the drug or medication.*

3. *A pharmacist, intern pharmacist or practitioner shall not dispense a drug or medication described in subsection 1 the first time that the prescription is to be filled if the patient or the person*



- 1 *caring for the patient refuses to accept the counseling required*
- 2 *pursuant to this section.*
- 3 *4. A pharmacist, intern pharmacist or practitioner who fails*
- 4 *to comply with the provisions of this section shall be deemed to*
- 5 *have engaged in unprofessional conduct.*

