

SENATE BILL NO. 105—SENATOR SETTELMAYER

PREFILED FEBRUARY 1, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the possession and administration of controlled substances and dangerous drugs. (BDR 40-759)

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 public health; eliminating provisions which authorize a person to possess and administer a controlled substance or dangerous drug pursuant to certain written agreements; authorizing an immediate family member of a person who is the ultimate user of a controlled substance or dangerous drug to possess and administer such medications on behalf of the ultimate user; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes certain persons to possess and administer controlled
2 substances or dangerous drugs, including persons who are the ultimate users of
3 such medications and persons who receive consent from an ultimate user to
4 administer the controlled substance or dangerous drug to the ultimate user pursuant
5 to a written agreement. (NRS 453.375, 454.213) **Sections 1 and 2** of this bill: (1)
6 eliminate the provisions which authorize a person to possess and administer a
7 controlled substance or dangerous drug on behalf of an ultimate user pursuant to a
8 written agreement entered into with the ultimate user; and (2) authorize an
9 immediate family member of an ultimate user to possess and administer a
10 controlled substance or dangerous drug on behalf of the ultimate user.

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

1 **Section 1.** NRS 453.375 is hereby amended to read as follows:
2 453.375 A controlled substance may be possessed and
3 administered by the following persons:



* S B 1 0 5 *

- 1 1. A practitioner.
- 2 2. A registered nurse licensed to practice professional nursing
- 3 or licensed practical nurse, at the direction of a physician, physician
- 4 assistant, dentist, podiatric physician or advanced practitioner of
- 5 nursing, or pursuant to a chart order, for administration to a patient
- 6 at another location.
- 7 3. An advanced emergency medical technician:
- 8 (a) As authorized by regulation of:
- 9 (1) The State Board of Health in a county whose population
- 10 is less than 100,000; or
- 11 (2) A county or district board of health in a county whose
- 12 population is 100,000 or more; and
- 13 (b) In accordance with any applicable regulations of:
- 14 (1) The State Board of Health in a county whose population
- 15 is less than 100,000;
- 16 (2) A county board of health in a county whose population is
- 17 100,000 or more; or
- 18 (3) A district board of health created pursuant to NRS
- 19 439.362 or 439.370 in any county.
- 20 4. A respiratory therapist, at the direction of a physician or
- 21 physician assistant.
- 22 5. A medical student, student in training to become a physician
- 23 assistant or student nurse in the course of his or her studies at an
- 24 approved college of medicine or school of professional or practical
- 25 nursing, at the direction of a physician or physician assistant and:
- 26 (a) In the presence of a physician, physician assistant or a
- 27 registered nurse; or
- 28 (b) Under the supervision of a physician, physician assistant or a
- 29 registered nurse if the student is authorized by the college or school
- 30 to administer the substance outside the presence of a physician,
- 31 physician assistant or nurse.
- 32 ↪ A medical student or student nurse may administer a controlled
- 33 substance in the presence or under the supervision of a registered
- 34 nurse alone only if the circumstances are such that the registered
- 35 nurse would be authorized to administer it personally.
- 36 6. An ultimate user or ~~{any person whom}~~ **an immediate**
- 37 **family member of** the ultimate user . ~~{designates pursuant to a~~
- 38 ~~written agreement.}~~
- 39 7. Any person designated by the head of a correctional
- 40 institution.
- 41 8. A veterinary technician at the direction of his or her
- 42 supervising veterinarian.
- 43 9. In accordance with applicable regulations of the State Board
- 44 of Health, an employee of a residential facility for groups, as



1 defined in NRS 449.017, pursuant to a written agreement entered
2 into by the ultimate user.

3 10. In accordance with applicable regulations of the State
4 Board of Pharmacy, an animal control officer, a wildlife biologist or
5 an employee designated by a federal, state or local governmental
6 agency whose duties include the control of domestic, wild and
7 predatory animals.

8 11. A person who is enrolled in a training program to become
9 an advanced emergency medical technician, respiratory therapist or
10 veterinary technician if the person possesses and administers the
11 controlled substance in the same manner and under the same
12 conditions that apply, respectively, to an advanced emergency
13 medical technician, respiratory therapist or veterinary technician
14 who may possess and administer the controlled substance, and under
15 the direct supervision of a person licensed or registered to perform
16 the respective medical art or a supervisor of such a person.

17 **Sec. 2.** NRS 454.213 is hereby amended to read as follows:

18 454.213 A drug or medicine referred to in NRS 454.181 to
19 454.371, inclusive, may be possessed and administered by:

20 1. A practitioner.

21 2. A physician assistant licensed pursuant to chapter 630 or
22 633 of NRS, at the direction of his or her supervising physician or a
23 licensed dental hygienist acting in the office of and under the
24 supervision of a dentist.

25 3. Except as otherwise provided in subsection 4, a registered
26 nurse licensed to practice professional nursing or licensed practical
27 nurse, at the direction of a prescribing physician, physician assistant
28 licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric
29 physician or advanced practitioner of nursing, or pursuant to a chart
30 order, for administration to a patient at another location.

31 4. In accordance with applicable regulations of the Board, a
32 registered nurse licensed to practice professional nursing or licensed
33 practical nurse who is:

34 (a) Employed by a health care agency or health care facility that
35 is authorized to provide emergency care, or to respond to the
36 immediate needs of a patient, in the residence of the patient; and

37 (b) Acting under the direction of the medical director of that
38 agency or facility who works in this State.

39 5. Except as otherwise provided in subsection 6, an
40 intermediate emergency medical technician or an advanced
41 emergency medical technician, as authorized by regulation of the
42 State Board of Pharmacy and in accordance with any applicable
43 regulations of:

44 (a) The State Board of Health in a county whose population is
45 less than 100,000;



1 (b) A county board of health in a county whose population is
2 100,000 or more; or

3 (c) A district board of health created pursuant to NRS 439.362
4 or 439.370 in any county.

5 6. An intermediate emergency medical technician or an
6 advanced emergency medical technician who holds an endorsement
7 issued pursuant to NRS 450B.1975, under the direct supervision of a
8 local health officer or a designee of the local health officer pursuant
9 to that section.

10 7. A respiratory therapist employed in a health care facility.
11 The therapist may possess and administer respiratory products only
12 at the direction of a physician.

13 8. A dialysis technician, under the direction or supervision of a
14 physician or registered nurse only if the drug or medicine is used for
15 the process of renal dialysis.

16 9. A medical student or student nurse in the course of his or her
17 studies at an approved college of medicine or school of professional
18 or practical nursing, at the direction of a physician and:

19 (a) In the presence of a physician or a registered nurse; or

20 (b) Under the supervision of a physician or a registered nurse if
21 the student is authorized by the college or school to administer the
22 drug or medicine outside the presence of a physician or nurse.

23 ➤ A medical student or student nurse may administer a dangerous
24 drug in the presence or under the supervision of a registered nurse
25 alone only if the circumstances are such that the registered nurse
26 would be authorized to administer it personally.

27 10. Any person designated by the head of a correctional
28 institution.

29 11. An ultimate user or ~~{any person designated by}~~ **an**
30 **immediate family member of** the ultimate user . ~~{pursuant to a~~
31 ~~written agreement.}~~

32 12. A nuclear medicine technologist, at the direction of a
33 physician and in accordance with any conditions established by
34 regulation of the Board.

35 13. A radiologic technologist, at the direction of a physician
36 and in accordance with any conditions established by regulation of
37 the Board.

38 14. A chiropractic physician, but only if the drug or medicine
39 is a topical drug used for cooling and stretching external tissue
40 during therapeutic treatments.

41 15. A physical therapist, but only if the drug or medicine is a
42 topical drug which is:

43 (a) Used for cooling and stretching external tissue during
44 therapeutic treatments; and

45 (b) Prescribed by a licensed physician for:



- 1 (1) Iontophoresis; or
- 2 (2) The transmission of drugs through the skin using
- 3 ultrasound.

4 16. In accordance with applicable regulations of the State
5 Board of Health, an employee of a residential facility for groups, as
6 defined in NRS 449.017, pursuant to a written agreement entered
7 into by the ultimate user.

8 17. A veterinary technician at the direction of his or her
9 supervising veterinarian.

10 18. In accordance with applicable regulations of the Board, a
11 registered pharmacist who:

12 (a) Is trained in and certified to carry out standards and practices
13 for immunization programs;

14 (b) Is authorized to administer immunizations pursuant to
15 written protocols from a physician; and

16 (c) Administers immunizations in compliance with the
17 "Standards of Immunization Practices" recommended and approved
18 by the United States Public Health Service Advisory Committee on
19 Immunization Practices.

20 19. A person who is enrolled in a training program to become a
21 physician assistant licensed pursuant to chapter 630 or 633 of NRS,
22 dental hygienist, intermediate emergency medical technician,
23 advanced emergency medical technician, respiratory therapist,
24 dialysis technician, nuclear medicine technologist, radiologic
25 technologist, physical therapist or veterinary technician if the person
26 possesses and administers the drug or medicine in the same manner
27 and under the same conditions that apply, respectively, to a
28 physician assistant licensed pursuant to chapter 630 or 633 of NRS,
29 dental hygienist, intermediate emergency medical technician,
30 advanced emergency medical technician, respiratory therapist,
31 dialysis technician, nuclear medicine technologist, radiologic
32 technologist, physical therapist or veterinary technician who may
33 possess and administer the drug or medicine, and under the direct
34 supervision of a person licensed or registered to perform the
35 respective medical art or a supervisor of such a person.

