
SENATE BILL NO. 159—SENATORS CEGAVSKE, RAGGIO, NOLAN,
LEE, COPENING; AMODEI, BREEDEN, CARE, CARLTON,
HARDY, MATHEWS, MCGINNESS, PARKS, RHOADS,
SCHNEIDER, TOWNSEND, WASHINGTON, WIENER AND
WOODHOUSE

FEBRUARY 25, 2009

JOINT SPONSORS: ASSEMBLYMEN ANDERSON, GANSERT, COBB,
SETTELMAYER, CHRISTENSEN; GOEDHART AND MASTROLUCA

Referred to Committee on Health and Education

SUMMARY—Requires the establishment of the Cancer Drug
Donation Program. (BDR 40-14)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to health; 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 7** 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 7** 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 10** of this bill requires the Board to adopt regulations to carry out the
11 Program. **Section 11** 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 11** 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:

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

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

8 **Sec. 3.** *“Cancer drug” means a prescription drug that is used*
9 *to treat:*

10 1. *Cancer or its side effects; or*

11 2. *The side effects of a prescription drug that is used to treat*
12 *cancer or its side effects.*

13 *↳ The term includes medical supplies used in the administration*
14 *of a cancer drug, but does not include a prescription drug for the*
15 *treatment of cancer that can only be dispensed to a patient who is*
16 *registered with the manufacturer of the drug in accordance with*
17 *the requirements of the United States Food and Drug*
18 *Administration.*

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

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

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

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

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

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

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



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

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

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

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

8 (a) *Resold; or*

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

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

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

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

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

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

21 **Sec. 9.** *A pharmacy, medical facility, health clinic or*
22 *provider of health care that participates in the Program:*

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

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

29 **Sec. 10.** *The State Board of Pharmacy shall adopt*
30 *regulations to carry out the provisions of sections 2 to 11,*
31 *inclusive, of this act. The regulations must prescribe, without*
32 *limitation:*

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

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

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

42 2. *The criteria for determining the eligibility of persons to*
43 *receive cancer drugs dispensed pursuant to the Program,*
44 *including, without limitation, a requirement that a person sign up*
45 *with the State Board of Pharmacy on a form prescribed by the*



1 *Board to be eligible to receive cancer drugs dispensed pursuant to*
2 *the Program;*

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

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

8 **Sec. 11.** *1. Any person who donates, accepts, distributes or*
9 *dispenses a cancer drug in accordance with the provisions of*
10 *sections 2 to 11, inclusive, of this act, and the regulations adopted*
11 *pursuant thereto, is not liable for any civil damages as a result of*
12 *any act or omission, not amounting to gross negligence, by him in*
13 *donating, accepting, distributing or dispensing the cancer drug.*

14 *2. A manufacturer of a cancer drug is immune from civil or*
15 *criminal liability for any claim arising due to an injury, death or a*
16 *loss to person or property, resulting from the use of the cancer*
17 *drug that was donated, accepted, distributed or dispensed pursuant*
18 *to the Program, if the manufacturer acted without malicious*
19 *intent, including, without limitation, liability for failure to transfer*
20 *or communicate product or consumer information concerning the*
21 *cancer drug or the expiration date of the cancer drug.*

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

