

SENATE BILL NO. 197—SENATORS WIENER, PARKS, COPENING,  
WOODHOUSE, BREEDEN; AMODEI, CEGAVSKE, HARDY,  
HORSFORD, LEE, MCGINNESS, NOLAN AND WASHINGTON

MARCH 10, 2009

Referred to Committee on Health and Education

SUMMARY—Revises provisions relating to the reissuance of  
certain prescription drugs. (BDR 39-804)

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 drugs; authorizing certain facilities to return  
certain prescription drugs for reissuance by nonprofit  
pharmacies; establishing procedures and requirements for  
the reissuance of certain prescription drugs transferred to  
nonprofit pharmacies; and providing other matters  
properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law allows public and private mental health facilities, facilities for  
2 skilled nursing, facilities for intermediate care and correctional facilities to return to  
3 the dispensing pharmacy certain prescription drugs that are dispensed to a patient of  
4 the facility but not used by that patient and to reissue those drugs to other patients  
5 of the facility. (NRS 433.801, 449.2485, 639.2675) **Sections 1, 2 and 6** of this bill  
6 authorize those facilities to return to the dispensing pharmacy such drugs for  
7 reissuance by a nonprofit pharmacy designated by the State Board of Pharmacy to  
8 reissue the drugs. **Section 3** of this bill authorizes nonprofit pharmacies to reissue  
9 those drugs for other prescriptions in the pharmacy free of charge. **Section 3** also  
10 provides that a person, pharmacy, facility or pharmaceutical manufacturer is  
11 immune from certain civil liability for damages sustained as a result of any act or  
12 omission in carrying out the provisions relating to the transfer and reissuance of  
13 those drugs. The Board is required to adopt regulations to carry out the provisions  
14 of this bill.



\* S B 1 9 7 R 1 \*

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

- 1       **Section 1.** NRS 433.801 is hereby amended to read as follows:  
2       433.801 1. A public or private mental health facility may  
3 return a prescription drug that is dispensed to a patient of the  
4 facility, but will not be used by that patient, to the dispensing  
5 pharmacy for the purpose of reissuing the drug to fill other  
6 prescriptions for patients in that facility *or for the purpose of*  
7 *transferring the drug to a nonprofit pharmacy designated by the*  
8 *State Board of Pharmacy pursuant to section 3 of this act* if:  
9       (a) The drug is not a ~~[schedule II drug specified in or pursuant to~~  
10 ~~chapter 453 of NRS;]~~ *controlled substance*;  
11       (b) The drug is dispensed in a unit dose, in individually sealed  
12 doses or in a bottle that is sealed by the manufacturer of the drug;  
13       (c) The drug is returned unopened and sealed in the original  
14 manufacturer's packaging or bottle;  
15       (d) The usefulness of the drug has not expired;  
16       (e) The packaging or bottle contains the expiration date of the  
17 usefulness of the drug; and  
18       (f) The name of the patient for whom the drug was originally  
19 prescribed, the prescription number and any other identifying marks  
20 are obliterated from the packaging or bottle before the return of the  
21 drug.  
22       2. A dispensing pharmacy to which a drug is returned pursuant  
23 to this section may ~~[reissue]~~ :  
24       (a) *Reissue* the drug to fill other prescriptions for patients in the  
25 same facility if the registered pharmacist of the pharmacy  
26 determines that the drug is suitable for that purpose in accordance  
27 with standards adopted by the State Board of Pharmacy pursuant to  
28 subsection 5 ~~[ ]~~ ; *or*  
29       (b) *Transfer the drug to a nonprofit pharmacy designated by*  
30 *the State Board of Pharmacy pursuant to section 3 of this act.*  
31       3. No drug that is returned to a dispensing pharmacy pursuant  
32 to this section may be used to fill other prescriptions more than one  
33 time.  
34       4. A mental health facility shall adopt written procedures for  
35 returning drugs to a dispensing pharmacy pursuant to this section.  
36 The procedures must:  
37       (a) Provide appropriate safeguards for ensuring that the drugs  
38 are not compromised or illegally diverted during their return.  
39       (b) Require the maintenance and retention of such records  
40 relating to the return of such drugs as are required by the State  
41 Board of Pharmacy.  
42       (c) Be approved by the State Board of Pharmacy.



1 5. The State Board of Pharmacy shall adopt such regulations as  
2 are necessary to carry out the provisions of this section, including,  
3 without limitation, requirements for:

4 (a) Returning and reissuing such drugs pursuant to the  
5 provisions of this section.

6 (b) *Transferring drugs to a nonprofit pharmacy pursuant to*  
7 *the provisions of this section and section 3 of this act.*

8 (c) Maintaining records relating to the return and the use of such  
9 drugs to fill other prescriptions.

10 **Sec. 2.** NRS 449.2485 is hereby amended to read as follows:

11 449.2485 1. A facility for skilled nursing or a facility for  
12 intermediate care may return a prescription drug that is dispensed to  
13 a patient of the facility, but will not be used by that patient, to the  
14 dispensing pharmacy for the purpose of reissuing the drug to fill  
15 other prescriptions for patients in that facility *or for the purpose of*  
16 *transferring the drug to a nonprofit pharmacy designated by the*  
17 *State Board of Pharmacy pursuant to section 3 of this act* if:

18 (a) The drug is not a ~~[schedule II drug specified in or pursuant to~~  
19 ~~chapter 453 of NRS;]~~ *controlled substance*;

20 (b) The drug is dispensed in a unit dose, in individually sealed  
21 doses or in a bottle sealed by the manufacturer of the drug;

22 (c) The drug is returned unopened and sealed in the original  
23 manufacturer's packaging or bottle;

24 (d) The usefulness of the drug has not expired;

25 (e) The packaging or bottle contains the expiration date of the  
26 usefulness of the drug; and

27 (f) The name of the patient for whom the drug was originally  
28 prescribed, the prescription number and any other identifying marks  
29 are obliterated from the packaging or bottle before the return of the  
30 drug.

31 2. A dispensing pharmacy to which a drug is returned pursuant  
32 to this section may ~~[reissue]~~:

33 (a) *Reissue* the drug to fill other prescriptions for patients in the  
34 same facility if the registered pharmacist of the pharmacy  
35 determines that the drug is suitable for that purpose in accordance  
36 with standards adopted by the State Board of Pharmacy pursuant to  
37 subsection 5 ~~[ ]~~; *or*

38 (b) *Transfer the drug to a nonprofit pharmacy designated by*  
39 *the State Board of Pharmacy pursuant to section 3 of this act.*

40 3. No drug that is returned to a dispensing pharmacy pursuant  
41 to this section may be used to fill other prescriptions more than one  
42 time.

43 4. A facility for skilled nursing or facility for intermediate care  
44 shall adopt written procedures for returning drugs to a dispensing  
45 pharmacy pursuant to this section. The procedures must:



1 (a) Provide appropriate safeguards for ensuring that the drugs  
2 are not compromised or illegally diverted during their return.

3 (b) Require the maintenance and retention of such records  
4 relating to the return of drugs to dispensing pharmacies as are  
5 required by the State Board of Pharmacy.

6 (c) Be approved by the State Board of Pharmacy.

7 5. The State Board of Pharmacy shall adopt such regulations as  
8 are necessary to carry out the provisions of this section, including,  
9 without limitation, requirements for:

10 (a) Returning and reissuing such drugs pursuant to the  
11 provisions of this section.

12 (b) *Transferring drugs to a nonprofit pharmacy pursuant to*  
13 *the provisions of this section and section 3 of this act.*

14 (c) Maintaining records relating to the return and the use of such  
15 drugs to fill other prescriptions.

16 **Sec. 3.** Chapter 639 of NRS is hereby amended by adding  
17 thereto a new section to read as follows:

18 *1. A nonprofit pharmacy designated by the Board in*  
19 *accordance with the regulations adopted pursuant to subsection 5*  
20 *to which a drug is transferred pursuant to NRS 433.801, 449.2485*  
21 *or 639.2675 may reissue the drug to fill other prescriptions in the*  
22 *same pharmacy free of charge if the registered pharmacist of the*  
23 *nonprofit pharmacy determines that the drug is suitable for that*  
24 *purpose in accordance with the requirements adopted by the*  
25 *Board pursuant to subsection 5 and if:*

26 (a) *The drug is not a controlled substance;*

27 (b) *The drug is dispensed in a unit dose, in individually sealed*  
28 *doses or in a bottle that is sealed by the manufacturer of the drug;*

29 (c) *The drug is unopened and sealed in the original*  
30 *manufacturer's packaging or bottle;*

31 (d) *The usefulness of the drug has not expired;*

32 (e) *The packaging or bottle contains the expiration date of the*  
33 *usefulness of the drug; and*

34 (f) *The name of the patient for whom the drug was originally*  
35 *prescribed, the prescription number and any other identifying*  
36 *marks are obliterated from the packaging or bottle before the*  
37 *reissuance of the drug.*

38 *2. A person, pharmacy, facility or pharmaceutical*  
39 *manufacturer is immune from civil liability for damages sustained*  
40 *as a result of any act or omission in carrying out the provisions of*  
41 *this section if:*

42 (a) *That person, pharmacy, facility or pharmaceutical*  
43 *manufacturer complied with the procedures adopted pursuant to*  
44 *subsection 4 and the regulations adopted pursuant to subsection 5;*  
45 *and*



1       ***(b) The act or omission does not amount to gross negligence or***  
2 ***willful misconduct.***

3       ***↳ Before receiving a drug pursuant to this section, a person or his***  
4 ***guardian, if applicable, must sign a form acknowledging that he***  
5 ***understands the provisions of this subsection.***

6       ***3. No drug that is transferred to a nonprofit pharmacy***  
7 ***pursuant to this section may be used to fill other prescriptions***  
8 ***more than one time.***

9       ***4. A nonprofit pharmacy shall adopt written procedures for***  
10 ***accepting and reissuing drugs pursuant to this section. The***  
11 ***procedures must:***

12       ***(a) Provide appropriate safeguards for ensuring that the drugs***  
13 ***are not compromised or illegally diverted before being reissued.***

14       ***(b) Require the maintenance and retention of records relating***  
15 ***to the acceptance and use of the drugs and any other records as***  
16 ***are required by the Board.***

17       ***(c) Be approved by the Board.***

18       ***5. The Board shall adopt such regulations as are necessary to***  
19 ***carry out the provisions of this section, including, without***  
20 ***limitation:***

21       ***(a) Requirements for reissuing drugs pursuant to this section.***

22       ***(b) Requirements for accepting drugs transferred to a***  
23 ***nonprofit pharmacy pursuant to the provisions of this section and***  
24 ***NRS 433.801, 449.2485 and 639.2675.***

25       ***(c) Requirements for maintaining records relating to the***  
26 ***acceptance and use of drugs to fill other prescriptions pursuant to***  
27 ***this section.***

28       ***(d) The criteria and procedure for obtaining a designation as a***  
29 ***nonprofit pharmacy for the purposes of this section, including,***  
30 ***without limitation, provisions for a pharmacy, registered***  
31 ***pharmacist or practitioner who is registered with the Board to be***  
32 ***designated as a nonprofit pharmacy.***

33       **Sec. 4.** NRS 639.063 is hereby amended to read as follows:

34       639.063 1. The Board shall prepare an annual report  
35 concerning drugs that are returned or transferred to pharmacies  
36 pursuant to NRS 433.801, 449.2485 and 639.2675 ***and section 3 of***  
37 ***this act*** and are reissued to fill other prescriptions. The report must  
38 include, without limitation:

39       ***(a) The number of drugs that are returned to dispensing***  
40 ***pharmacies.***

41       ***(b) The number of drugs that are transferred to nonprofit***  
42 ***pharmacies designated by the Board pursuant to section 3 of this***  
43 ***act.***

44       ***(c) The number of drugs that are reissued to fill other***  
45 ***prescriptions.***



1 ~~[(e)]~~ (d) An estimate of the amount of money saved by  
2 reissuing such drugs to fill other prescriptions.

3 ~~[(d)]~~ (e) Any other information that the Board deems necessary.

4 2. The report must be:

5 (a) Available for public inspection during regular business hours  
6 at the office of the Board; and

7 (b) Posted on a website or other Internet site that is operated or  
8 administered by or on behalf of the Board.

9 **Sec. 5.** NRS 639.267 is hereby amended to read as follows:

10 639.267 1. As used in this section, "unit dose" means that  
11 quantity of a drug which is packaged as a single dose.

12 2. A pharmacist who provides a regimen of drugs in unit doses  
13 to a patient in a facility for skilled nursing or facility for  
14 intermediate care as defined in chapter 449 of NRS may credit the  
15 person or agency which paid for the drug for any unused doses. The  
16 pharmacist may return the drugs to the dispensing pharmacy, which  
17 may reissue the drugs to fill other prescriptions *or transfer the*  
18 *drugs* in accordance with the provisions of NRS 449.2485.

19 3. Except schedule II drugs specified in or pursuant to chapter  
20 453 of NRS and except as otherwise provided in NRS 433.801,  
21 449.2485 and 639.2675 ~~[(3)]~~ *and section 3 of this act*, unit doses  
22 packaged in ampules or vials which do not require refrigeration may  
23 be returned to the pharmacy which dispensed them. The Board shall,  
24 by regulation, authorize the return of any other type or brand of drug  
25 which is packaged in unit doses if the Food and Drug  
26 Administration has approved the packaging for that purpose.

27 **Sec. 6.** NRS 639.2675 is hereby amended to read as follows:

28 639.2675 1. A prescription drug that is dispensed by a  
29 pharmacy to an offender incarcerated in a correctional institution,  
30 but will not be used by that offender, may be returned to that  
31 dispensing pharmacy for the purpose of reissuing the drug to fill  
32 other prescriptions for offenders incarcerated in that correctional  
33 institution *or for the purposes of transferring the drug to a*  
34 *nonprofit pharmacy designated by the Board pursuant to section 3*  
35 *of this act* if:

36 (a) The drug is not a ~~[(schedule II drug specified in or pursuant to~~  
37 ~~chapter 453 of NRS;)]~~ *controlled substance*;

38 (b) The drug is dispensed in a unit dose, in individually sealed  
39 doses or in a bottle that is sealed by the manufacturer of the drug;

40 (c) The drug is returned unopened and sealed in the original  
41 manufacturer's packaging or bottle;

42 (d) The usefulness of the drug has not expired;

43 (e) The packaging or bottle contains the expiration date of the  
44 usefulness of the drug; and



1 (f) The name of the patient for whom the drug was originally  
2 prescribed, the prescription number and any other identifying marks  
3 are obliterated from the packaging or bottle before the return of the  
4 drug.

5 2. A pharmacy to which a drug is returned pursuant to this  
6 section may ~~reissue~~:

7 (a) *Reissue* the drug to fill other prescriptions for offenders  
8 incarcerated in the same correctional institution if the registered  
9 pharmacist of the pharmacy determines that the drug is suitable for  
10 that purpose in accordance with standards adopted by the Board  
11 pursuant to subsection 5 ~~†~~; or

12 (b) *Transfer the drug to a nonprofit pharmacy designated by*  
13 *the Board pursuant to section 3 of this act.*

14 3. No drug that is returned to a dispensing pharmacy pursuant  
15 to this section may be used to fill other prescriptions more than one  
16 time.

17 4. The director of a correctional institution shall adopt written  
18 procedures for returning drugs to a dispensing pharmacy pursuant to  
19 this section. The procedures must:

20 (a) Provide appropriate safeguards for ensuring that the drugs  
21 are not compromised or illegally diverted during their return.

22 (b) Require the maintenance and retention of such records  
23 relating to the return of such drugs as are required by the Board.

24 (c) Be approved by the Board.

25 5. The Board shall adopt such regulations as are necessary to  
26 carry out the provisions of this section including, without limitation,  
27 requirements for:

28 (a) Returning and reissuing such drugs pursuant to the  
29 provisions of this section.

30 (b) *Transferring drugs to a nonprofit pharmacy pursuant to*  
31 *the provisions of this section and section 3 of this act.*

32 (c) Maintaining records relating to the return and the use of such  
33 drugs to fill other prescriptions.

34 6. As used in this section, "correctional institution" means an  
35 institution or facility operated by the Department of Corrections.

36 **Sec. 7.** NRS 639.282 is hereby amended to read as follows:

37 639.282 1. Except as otherwise provided in NRS 433.801,  
38 449.2485, 639.267 and 639.2675 ~~†~~ *and section 3 of this act*, it is  
39 unlawful for any person to have in his possession, or under his  
40 control, for the purpose of resale, or to sell or offer to sell or  
41 dispense or give away, any pharmaceutical preparation, drug or  
42 chemical which:

43 (a) Has been dispensed pursuant to a prescription or chart order  
44 and has left the control of a registered pharmacist or practitioner;



1 (b) Has been damaged or subjected to damage by heat, smoke,  
2 fire or water, or other cause which might reasonably render it unfit  
3 for human or animal use;

4 (c) Has been obtained through bankruptcy or foreclosure  
5 proceedings, or other court action, auction or other legal or  
6 administrative proceedings, except when the pharmaceutical  
7 preparation, drug or chemical is in the original sealed container;

8 (d) Is no longer safe or effective for use, as indicated by the  
9 expiration date appearing on its label; or

10 (e) Has not been properly stored or refrigerated as required by  
11 its label.

12 2. The provisions of subsection 1 do not apply if the person in  
13 whose possession the pharmaceutical preparation, drug or chemical  
14 is found also has in his possession a valid and acceptable  
15 certification of analysis attesting to the purity and strength of the  
16 pharmaceutical preparation, drug or chemical and attesting to the  
17 fact that it can be safely and effectively used by humans or animals.  
18 The preparation, drug or chemical must not be sold or otherwise  
19 disposed of until the certification required by this subsection has  
20 been presented to and approved by the Board.

21 3. In the absence of conclusive proof that the preparation, drug  
22 or chemical can be used safely and effectively by humans or  
23 animals, it must be destroyed under the direct supervision of a  
24 member or an inspector of the Board, or two persons designated as  
25 agents by the Board who include an inspector of a health care board,  
26 a licensed practitioner of a health care board or a peace officer of an  
27 agency that enforces the provisions of chapters 453 and 454 of NRS.

28 4. As used in this section, "health care board" includes the  
29 State Board of Pharmacy, the State Board of Nursing, the Board of  
30 Medical Examiners and the Nevada State Board of Veterinary  
31 Medical Examiners.

32 **Sec. 8.** 1. This section and sections 1, 2, 3 and 6 of this act  
33 become effective upon passage and approval for the purposes of  
34 adopting regulations and on October 1, 2009, for all other purposes.

35 2. Sections 4, 5 and 7 of this act become effective on  
36 October 1, 2009.

