ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R038-06

Effective May 4, 2006

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

AUTHORITY: §1, NRS 639.2345.

A REGULATION relating to permits for the sale of veterinary drugs; increasing the fee for such permits; revising the period for which such permits are valid; and providing other matters properly relating thereto.

Section 1. NAC 639.650 is hereby amended to read as follows:

639.650 In compliance with NRS 639.2345, the Board hereby adopts the following provisions to regulate the retail sale of prescription and nonprescription veterinary drugs:

1. The fee for a biennial permit, valid for a 2-year period commencing **[**~~July 1, is $50.~~**]** ***November 1 of each even-numbered year, is $300.*** The permit includes authorization for the sale of hypodermic devices.

2. The Board will assess a penalty for failure to register or reregister within the time prescribed by statute or regulation in the amount of 50 percent of the registration fee for each period of delinquency or fraction thereof. The penalty is in addition to the registration fee for each such period or fraction thereof.

3. Prescription drugs and hypodermic devices must not be sold on a self-service basis.

4. Biologicals and other drugs must be kept refrigerated if the requirement is stated on the manufacturer's label.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R038-06

The State Board of Pharmacy adopted regulations pertaining to Chapter 639 of the Nevada Administrative Code on April 20, 2006.

Notice date: 3/15/2006 **Date of adoption by agency:** 4/10/2006
Hearing date: 4/20/2006 **Filing date:** 5/4/2006

INFORMATIONAL STATEMENT

1. A DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Public comment was solicited through public notices posted in county courthouses and through mailings to interested parties.

There was no public response expressed relative to this proposed regulation.

2. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

There was no public response expressed relative to this proposed regulation.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Comments were solicited from affected businesses through posting of public notices in the county courthouses, by direct mailings to all interested persons who have requested notices of board of pharmacy meeting agendas and by direct mailings to professional and trade associations.

There was no response from affected businesses relative to this proposed regulation.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The proposed regulation was adopted without change as no testimony was offered.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A) BOTH ADVERSE AND BENEFICIAL EFFECTS.

This regulation should have no economic impact on affected businesses or on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation will have no immediate or long-term economic effects on business or the public.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

Enforcement of the regulation will be performed during annual inspections of all pharmacies. There will be no additional cost incurred by the board.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

The Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

8. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Board of Pharmacy is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

The regulation will provide an increase of $250. The amount of money the agency expects to collect is indeterminate at this time as it will depend on how many retail establishments sell veterinary prescription drugs. The money will be used toward the licensing and enforcement of the regulation.