# LCB Draft No. R118-98

# PROPOSED REGULATION OF THE NEVADA STATE BOARD OF PHARMACY

**639.709 Persons to whom pharmacy may furnish certain restricted products; statement identifying sales of prescription drugs required under certain circumstances.**

1. A pharmacy may furnish drugs, controlled substances, poisons, medicines, chemicals or devices or appliances restricted by federal law to sale by or on the order of a physician only to:

(a) The ultimate user;

(b) A licensed practitioner;

(c) Another pharmacy in order to alleviate a temporary shortage; or

(d) A wholesaler or manufacturer licensed pursuant to NRS 639.233 to engage in the business of wholesale distribution or furnishing controlled substances, poisons, drugs, devices or appliances that are restricted by federal law to sale by or on the order of a physician.

2. No more than 10% of a pharmacy's gross purchases may be sold, transferred or otherwise provided to a pharmacy wholesaler or manufacturer pursuant to this paragraph, except that a pharmacy may return drugs for credit to the original source in whatever amount. **[**If more than 5 percent of the gross sales of a pharmacy in the preceding calendar year were from the sale of prescription drugs**]** For every sale by a pharmacy to wholesalers or manufacturers pursuant to paragraph (d) of subsection 1, the pharmacy shall provide to each wholesaler or manufacturer to whom a prescription drug is sold during the current year a statement identifying each such sale.

3. The statement required pursuant to subsection 2 must:

(a) Be in writing and bear the title "Statement Identifying Sales of Prescription Drugs by Pharmacists to Wholesalers or Manufacturers";

(b) Include all necessary identifying information concerning each sale in the chain of distribution of the product from the wholesaler or manufacturer;

(c) Include the business name and address of the person from whom the drug was purchased;

(d) Include the date of sale; and

(e) Include the:

(1) Name of the drug;

(2) Strength of the drug;

(3) Size of the container;

(4) Number of containers;

(5) Lot number of the drug; and

(6) Name of the manufacturer of the finished dosage form.

4. Each statement must be:

(a) Maintained by the buyer and pharmacist for 3 years after the expiration date of the drug;

(b) Available for copying or inspection upon a request by an authorized representative of any federal, state or local agency, a manufacturer of prescription drugs or a pharmacist or practitioner who purchases prescription drugs from the pharmacy; and

(c) Maintained by the pharmacy at its place of business.

5. As used in this section, "ultimate user" means a person who lawfully possesses a drug, controlled substance, poison, medicine, chemical or device or appliance restricted by federal law to sale by or on the order of a physician for his own use, the use of a member of his household or the use of any person for whom he is caring, or for administering to any animal owned by him or by a member of his household.