

# PROPOSED REGULATION OF THE STATE BOARD OF PHARMACY

## LCB File No. R097-13

Workshop September 5, 2013

Explanation – Language in *italics* is new; language in red ~~omitted material~~ is language to be omitted.

AUTHORITY: §1, NRS 639.070; NRS 453.146

**ADDITION OF REGULATIONS to Nevada Administrative Code Chapter 453 NEW LANGUAGE** To realize purpose and intent of 2013 Legislative Amendments to NRS Chapter 453 (per AB 39) regarding the sale and transfer of products that are precursors to methamphetamine

### **Section 1. Propose to add a regulation to NAC Chapter 453 that reads:**

*NAC 453.\_\_\_\_ Real-time stop sale system for the retail sale of products that are precursors to methamphetamine.*

*1. Any real-time, stop sale system for tracking the sale of precursors to methamphetamine that comes before the Board for approval and use pursuant to NRS 453.\_\_\_\_ shall:*

*(a) Allow pharmacies in this State to electronically submit information to the system before the sale or transfer of a product that is a methamphetamine precursor;*

*(b) Determine, before the sale or transfer of the product that is a precursor to methamphetamine, whether the sale or transfer of the product would violate NRS 453.355 or any other state or federal law that prohibits the sale or transfer of a product that is precursor to methamphetamine;*

*(c) Send an alert to pharmacies to stop the sale or transfer of the product that is a precursor to methamphetamine if it would violate NRS 453.355 or any other state or federal law that prohibits the sale or transfer of a product that is a precursor to methamphetamine;*

*(d) Allow law enforcement agencies in this State to access the system transaction records of any sale or transfer, or attempted sale or transfer, of a product that is a precursor to methamphetamine; and*

*(e) Be available for use by pharmacies and law enforcement agencies in this State free of charge.*

*(f) Record and be capable of transferring to the system in an electronic format approved by the Board, for use by law enforcement agencies in this State:*

- 1. The name of the product sold or transferred;*
- 2. The quantity of the product sold or transferred;*
- 3. The name and address of the person purchasing, receiving or otherwise acquiring the methamphetamine precursor;*
- 4. The date, time and location of the purchase;*
- 5. The type and number of the identification presented by the purchaser or transferee, as required by NRS 453.357(3)(a); and*

6. *The name, initials or other unique identifier of the licensed pharmacist, registered pharmacy technician or pharmacy intern or clerk supervised by a licensed pharmacist who sold the product.*

*(g) Maintain the confidentiality of all data and information entered into the system, and be capable to preventing access to the system's data and information, except such access as is specifically authorized by Nevada or federal law.*

2. *The Board will deem the electronic record created by the real-time, stop sale system it approves pursuant to NRS 453.\_\_\_\_ to satisfy the logbook requirements of NRS 453.357.*

**Section 2. Propose to add a regulation to NAC Chapter 453 that reads:**

*NAC 453.\_\_\_\_ Real-time stop sale system for the retail sale of methamphetamine precursors; Pharmacy obligations.*

*Except as otherwise provided by NRS 453.\_\_\_\_, each pharmacy operating in this State shall:*

*(a) Within ninety days of receiving notice from the Board that it has approved a real-time, stop sale system pursuant to NRS 453.\_\_\_\_:*

*1. Obtain access to and begin utilizing the real-time, stop sale system approved by the Board, pursuant to NRS 453.\_\_\_\_, for documenting the sale or transfer of products that are precursors to methamphetamine;*

*2. Verify that the system is submitting all information required in subpart 1(f) of NAC 453.\_\_\_\_ in real time; and*

*3. Obtain the information necessary from the person seeking the purchase or transfer of the product to receive notice from the real-time, stop sale system;*

*4. Review the information provided by the real-time, stop sale system before completing the sale or transfer of the product to verify that the sale or transfer does not violate NRS 453.355 any other state or federal law that prohibits the sale or transfer of a product that is a precursor to methamphetamine;*

*5. Not allow the sale or transfer of the product to be completed if the system indicates that the sale or transfer would violate NRS 453.355 or any other state or federal law that prohibits the sale or transfer of a product that is a precursor to methamphetamine.*

*(b) Despite an alert from the system that a sale or transfer would violate NRS 453.355 or another state or federal law that prohibits the sale or transfer of a product that is a precursor to methamphetamine, a pharmacist may complete the sale or transfer if the pharmacist or an employee of the pharmacy has a reasonable fear of imminent bodily harm if the sale or transfer is refused. If a pharmacist or an employee of the pharmacy completes a sale pursuant to this subsection, that individual shall report the sale or transfer to the Board and any appropriate law enforcement agency as soon as the pharmacist or employee of the pharmacy reasonably deems the imminent danger to have subsided, but within twenty-four hours of the sale or transfer.*

*(c) The Executive Secretary of the Board may grant a temporary waiver exempting a pharmacy from compliance with the requirements of this section upon showing of good cause by the pharmacy that it is otherwise unable to submit log information by electronic means for various reasons, including, but not limited to, mechanical or electronic failure or the lack of availability of the system. Such waiver may permit the pharmacy to submit log information by paper form or other means, provided that all information required by rules and regulations is submitted in this alternative format.*