

**PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R097-13

November 4, 2013

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

AUTHORITY: §1, NRS 639.070; §2, NRS 639.070 and 639.430; §3, NRS 639.070, 639.430 and 639.440.

A REGULATION relating to pharmacy; establishing the minimum requirements for a real-time, stop sale system concerning the sale or transfer of certain products that are precursors to methamphetamine; establishing the requirements for the use of the system by pharmacies and law enforcement agencies in this State; and providing other matters properly relating thereto.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *For a real-time, stop sale system to be approved by the Board pursuant to NRS 639.430 for use by pharmacies in this State, the real-time, stop sale system must, at a minimum:*

(a) Satisfy the requirements set forth in subsection 1 of NRS 639.430;

(b) Allow pharmacies in this State to electronically submit the following information to the system:

(1) The information set forth in subsection 2 of NRS 453.357; and

(2) The name or initials of or the unique identifier which is approved by the Board for the pharmacist or the employee of the pharmacy who sold or transferred the product;

(c) Be capable of producing a record of the information described in paragraph (b) for use by law enforcement agencies; and

(d) Maintain the confidentiality of all data and information entered into the system and be capable of preventing access to the data and information in the system unless such access is authorized pursuant to a specific state or federal law.

2. The Board will deem the electronic record created by a real-time, stop sale system approved by the Board pursuant to NRS 639.430 as satisfying the requirements for entering information in a logbook pursuant to subsection 2 of NRS 453.357.

Sec. 3. 1. Except as otherwise provided in NRS 639.440, on or before the 90th day after a pharmacy in this State receives notice from the Board that it has approved a real-time stop sale system pursuant to NRS 639.430, the pharmacy shall:

(a) Obtain access to and begin using the real-time, stop sale system to document the sale or transfer of each product that is a precursor to methamphetamine;

(b) Verify that the pharmacy is submitting the information to the system required pursuant to paragraph (b) of subsection 1 of section 2 of this regulation in real time;

(c) In accordance with NRS 639.440, obtain any information necessary from the person seeking the purchase or transfer of a product that is a precursor to methamphetamine to receive notice from the real-time, stop sale system;

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

(e) Except as otherwise provided in subsection 2, not allow the sale or transfer of a product to be completed if the pharmacy receives an alert from the real-time, stop sale system that the sale or transfer of the product may violate NRS 453.355 or any other state or federal law which prohibits the sale or transfer of a product that is a precursor to methamphetamine.

2. A pharmacist or an employee of the pharmacy may complete a sale or transfer of a product despite an alert from the real-time, stop sale system that the sale or transfer of the product may violate NRS 453.355 or any other state or federal law which prohibits the sale or transfer of a product that is a precursor to methamphetamine if the pharmacist or employee of the pharmacy has a reasonable fear of imminent bodily harm if the sale or transfer is not completed. If a pharmacist or an employee of the pharmacy completes a sale or transfer pursuant to this subsection, the pharmacist or employee of the pharmacy shall report the sale or transfer to the Board and an appropriate law enforcement agency as soon as the pharmacist or the employee of the pharmacy reasonably believes that the imminent danger has subsided but not later than 24 hours after the sale or transfer.

3. A pharmacist or an employee of a pharmacy may complete a sale or transfer of a product that is a precursor to methamphetamine without first consulting a real-time, stop sale system approved by the Board pursuant to NRS 639.430 if the pharmacy:

(a) Experiences a mechanical or electronic failure of the real-time, stop sale system or the real-time, stop sale system is otherwise unavailable;

(b) Requests and is granted from the Executive Secretary a temporary waiver of the requirement of using the real-time, stop sale system; and

(c) Maintains the information required to be submitted to the real-time, stop sale system pursuant to section 2 of this regulation on a written list or in another alternative format until the waiver is terminated.