

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

LCB File No. R009-20

February 26, 2020

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

AUTHORITY: §1, NRS 639.070.

A REGULATION relating to prescription drugs; authorizing the dispensing of a prescription drug to a practitioner instead of the ultimate user of the drug in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines. (NRS 639.070) Existing federal law authorizes the United States Food and Drug Administration to require the adoption of a risk evaluation and mitigation strategy for certain drugs. (21 U.S.C. § 355-1) This regulation authorizes the dispensing of a prescribed drug to a practitioner instead of the ultimate user if: (1) such a risk evaluation and mitigation strategy requires the drug to be administered only under the direct supervision of a provider of health care; and (2) the practitioner is authorized to possess the drug. This regulation also prescribes requirements governing the storage, administration and disposal of a drug that is dispensed to a practitioner under such circumstances.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A prescription for the dispensing of a drug to the ultimate user may instead be dispensed to a practitioner if:

(a) The United States Food and Drug Administration has adopted a risk evaluation and mitigation strategy for the drug pursuant to 21 U.S.C. §355-1 that requires the drug to be administered only under the direct supervision of a provider of health care; and

(b) The practitioner is authorized by federal and state law to possess the drug.

2. A practitioner to whom a drug is dispensed pursuant to subsection 1 shall:

(a) Comply with any federal and state law or regulation that addresses the handling of the drug;

(b) Store the drug separately from any other drug in the possession of the practitioner; and

(c) Except as otherwise provided in subsection 3, administer the drug only to the patient named in the prescription not later than 14 days after receiving the drug.

3. If a drug dispensed to a practitioner pursuant to subsection 1 is not administered within the time prescribed by paragraph (c) of subsection 2, the practitioner must:

(a) Destroy the drug; or

(b) Donate the drug to the Prescription Drug Donation Program established pursuant to NRS 453B.080.