

Informational Statement

LCB File No. R121-20

Pursuant to NRS 439B.730, 735 and 740, this informational statement addresses the following:

1. A clear and concise explanation of the need for the adopted regulation.

The Department of Health and Human Services has proposed changes to the Nevada Administrative Code, (NAC) Chapter 439 Administration of Public Health, NAC 439.730, 735 and 740 regarding the appeals process. The need for the adopted regulation is to:

Provide a mechanism for appeals process of penalties,

Define the appointment and rotation of hearing officers,

Clarify the notification process if a fine will be imposed,

Add wholesalers to the reporting process and thus increase transparency.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

A public hearing notice was posted to the State of Nevada Drug Transparency Website, the LCB website and notices.com, soliciting responses from the public. People interested in submitting public response or obtaining copies of the summary, were instructed to contact us through the Drug Transparency mailbox drugtransparency@dhhs.nv.gov

There were no public responses/requests received via the Drug Transparency Mailbox.

3. The number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed regulation:

Attended each hearing (all participants via Zoom):

Public Workshop: Approximately 40 participants

Public Hearing: Approximately 30 participants

There were no written or spoken public comments at either the public workshop or public hearing.

4. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

The Department distributed a small business survey on January 14th. A public workshop notice was distributed on February 10th and conducted on February 25th. There were no public comments at this workshop. There were also no written public comments submitted.

The minutes for the public workshop are posted on the drug transparency site at comments are posted on at Drug Transparency (nv.gov)

A separate document “SMALL BUSINESS IMPACT STATEMENT2022” provides a summary of the small business survey. This summary may be accessed on the drug transparency site at Drug Transparency (nv.gov)

5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

At both the Public Workshop and Public Hearing, there were two opportunities for comments regarding these regulations. In both cases, there were no public comments. There were also no public comments submitted via email regarding these proposed changes to the regulations. For this reason, the permanent regulation was adopted at the DHHS Public Hearing on April 11th, 2022, without any change.

6. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

The proposed amendments are not expected to have any adverse effect on businesses or the public.

There will be a beneficial effect. This proposed regulation change provides a mechanism for an appeals process of penalties that will be beneficial to the businesses it affects. In addition, it adds wholesalers to the reporting process and that increases transparency. This is beneficial to the public.

7. The estimated cost to the agency for enforcement of the proposed regulation:

There are no new costs.

8. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The proposed regulations do not overlap or duplicate any other Nevada regulations.

9. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not overlap or duplicate any Federal regulation.

10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the way the money will be used.

There are no changes to a fee schedule.