

Digest for Adopted Regulation R_097-13

Existing law requires the State Board of Pharmacy to approve a real-time, stop sale system for use by pharmacies in this State if the Board determines that a real-time, stop sale system is available and appropriate for use by pharmacies in this State. Existing law further requires the Board to adopt regulations establishing the minimum requirements for the real-time, stop sale system before approving any such system. (NRS 639.430)

Section 2 of this regulation establishes those minimum requirements. First, the real-time, stop sale system is required to satisfy certain statutory requirements. Second, the system must allow pharmacies in this State to electronically submit certain information to the system. Third, the system must be capable of producing a record of the information submitted to the system for use by law enforcement agencies. Finally, the system must maintain the confidentiality of all data and information entered into the system and be capable of preventing access to that data and information unless such access is authorized pursuant to a specific state or federal law.

Existing law requires the Board to adopt regulations establishing the requirements for the use of the real-time, stop sale system by the pharmacies and law enforcement agencies of this State. (NRS 639.430) Existing law further requires the Board to provide by regulation for exceptions to allow for the completion of a sale or transfer: (1) despite an alert from the system that the sale or transfer of a product may violate certain laws which prohibit the sale or transfer of a product that is a precursor to methamphetamine if the pharmacist or an employee of the pharmacy has a reasonable fear of imminent bodily harm; and (2) if the pharmacy experiences a mechanical or electronic failure of the real-time, stop sale system. (NRS 639.440)

Section 3 of this regulation sets forth the: (1) requirements for use of the real-time, stop sale system by pharmacies in this State, including providing a 90-day grace period for those

pharmacies to begin using the real-time, stop sale system; and (2) conditions under which a pharmacist or an employee of a pharmacy is authorized to complete a sale or transfer of a product that is a precursor to methamphetamine despite an alert from the system or without first consulting the system.