

SENATE BILL NO. 17—SENATOR WIENER

PREFILED DECEMBER 13, 2010

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Establishes provisions relating to the reissuance of certain drugs for certain animals. (BDR 54-22)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to drugs; authorizing an owner of an animal to donate certain drugs for reissuance by licensed veterinarians; establishing certain requirements for the reissuance of those drugs for certain animals; authorizing the Nevada State Board of Veterinary Medical Examiners to adopt regulations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes public and private mental health facilities, facilities for
2 skilled nursing, facilities for intermediate care and correctional facilities to return to
3 the dispensing pharmacy certain prescription drugs for reissuance by a nonprofit
4 pharmacy. (NRS 433.801, 449.2485, 639.2675, 639.2676) **Section 1** of this bill is
5 modeled in part on those provisions and authorizes an owner of an animal to donate
6 to a licensed veterinarian or a facility in which veterinary medicine is practiced
7 certain drugs dispensed for, but not used by, the animal. **Section 1** also: (1)
8 authorizes the licensed veterinarian to reissue the drug free of charge for certain
9 animals; (2) provides immunity from certain civil and criminal liability to a person
10 who, or a facility or agency in which veterinary medicine is practiced that,
11 exercises reasonable care in the donation, acceptance, distribution or dispensation
12 of a drug pursuant to **section 1**; (3) provides a similar immunity for a manufacturer
13 of a drug that is donated, accepted, distributed or dispensed pursuant to **section 1**;
14 and (4) authorizes the Nevada State Board of Veterinary Medical Examiners to
15 adopt regulations to carry out the provisions of **section 1**.

16 Existing law, with certain exceptions, authorizes a person to return certain
17 ampules or vials of drugs which do not require refrigeration only to the pharmacy
18 which dispensed the ampules or vials. (NRS 639.267) **Section 2** of this bill adds a
19 specific exception to this provision for a person who donates such an ampule or a
20 vial pursuant to **section 1** to a licensed veterinarian or a facility in which veterinary
21 medicine is practiced.



22 Under existing law, it is unlawful for a person to possess or have under his or
23 her control for the purpose of dispensing or giving away certain drugs, including,
24 without limitation, drugs which have been dispensed pursuant to a prescription or
25 chart order and have left the control of a registered pharmacist or practitioner.
26 (NRS 639.282) **Section 3** of this bill provides a specific exception to those
27 provisions for a person who possesses or otherwise has control of a drug for
28 purposes of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 638 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. An owner of an animal may donate a drug that is*
4 *dispensed for the animal, but will not be used by that animal, to a*
5 *licensed veterinarian or a facility in which veterinary medicine is*
6 *practiced if the licensed veterinarian or facility chooses to accept*
7 *the drug.*

8 *2. Except as otherwise provided in subsection 9, a licensed*
9 *veterinarian may reissue a drug accepted pursuant to this section*
10 *to fill other prescriptions dispensed by the licensed veterinarian*
11 *free of charge for an animal if:*

12 *(a) The licensed veterinarian determines that the owner of the*
13 *animal is eligible for the reissuance of the drug based on*
14 *economic need;*

15 *(b) The licensed veterinarian determines that the drug is*
16 *suitable for that purpose;*

17 *(c) The drug was originally dispensed by a licensed*
18 *veterinarian, a facility in which veterinary medicine is practiced*
19 *which is licensed pursuant to NRS 638.132, a pharmacy licensed*
20 *pursuant to chapter 639 of NRS or an Internet pharmacy that is*
21 *accredited through the National Association of Boards of*
22 *Pharmacy's Veterinary-Verified Internet Pharmacy Practice Sites*
23 *program or its successor;*

24 *(d) The drug is not a controlled substance;*

25 *(e) The drug is not a compounded drug;*

26 *(f) Except as otherwise provided in subsection 3, the drug does*
27 *not require refrigeration;*

28 *(g) Except as otherwise provided in subsection 4, the drug is*
29 *not in a liquid form;*

30 *(h) The usefulness of the drug has not expired;*

31 *(i) The packaging or bottle contains the expiration date of the*
32 *usefulness of the drug; and*

33 *(j) The name of the animal and the name of the owner of the*
34 *animal for which the drug was originally dispensed, the*



1 *prescription number and any other identifying marks are*
2 *obliterated from the packaging or bottle before the reissuance of*
3 *the drug.*

4 3. *For the purposes of paragraph (f) of subsection 2, the drug*
5 *may be donated if refrigeration of the drug is required only after*
6 *opening and the drug is unopened when donated.*

7 4. *For the purposes of paragraph (g) of subsection 2, the*
8 *drug may be donated if it is in a liquid form and is packaged in a*
9 *single dose in an ampule or vial.*

10 5. *A licensed veterinarian or other person who, or a facility*
11 *or agency in which veterinary medicine is practiced that, exercises*
12 *reasonable care in the donation, acceptance, distribution or*
13 *dispensation of a drug in accordance with the provisions of this*
14 *section and any regulations adopted pursuant thereto is not*
15 *subject to any civil or criminal liability or disciplinary action by a*
16 *professional licensing board for any loss, injury or death that*
17 *results from the donation, acceptance, distribution or dispensation*
18 *of the drug.*

19 6. *A manufacturer of a drug is not subject to civil or criminal*
20 *liability for any claim or injury arising from the donation,*
21 *acceptance, distribution or dispensation of the drug pursuant to*
22 *this section and any regulations adopted pursuant thereto.*

23 7. *A licensed veterinarian shall not sell or resell any drug*
24 *accepted pursuant to this section.*

25 8. *A licensed veterinarian shall:*

26 (a) *Identify and maintain separately from other stock any drug*
27 *accepted pursuant to this section; and*

28 (b) *Make a record of each drug accepted pursuant to this*
29 *section that includes, without limitation:*

30 (1) *The date on which the drug was donated;*

31 (2) *The name of the person who donated the drug;*

32 (3) *The expiration date of the drug; and*

33 (4) *If the drug expires while in the custody of the licensed*
34 *veterinarian and the drug is destroyed, the date on which the drug*
35 *was destroyed.*

36 ↪ *The record must be maintained for not less than 4 years.*

37 9. *A licensed veterinarian may not reissue a drug accepted*
38 *pursuant to this section to fill other prescriptions dispensed by the*
39 *licensed veterinarian for an animal if the animal is raised to*
40 *produce food for human consumption or the animal is ordinarily*
41 *consumed by animals that are raised to produce food for human*
42 *consumption.*

43 10. *The Board may adopt such regulations as are necessary*
44 *to carry out the provisions of this section, including, without*
45 *limitation:*



1 (a) *Requirements for reissuing drugs pursuant to this section,*
2 *including, without limitation, requirements that provide*
3 *appropriate safeguards for ensuring that the drugs are not*
4 *compromised or illegally diverted before being reissued.*

5 (b) *Requirements for accepting drugs donated to a licensed*
6 *veterinarian or facility in which veterinary medicine is practiced*
7 *pursuant to this section.*

8 (c) *Requirements for maintaining records relating to the*
9 *acceptance and use of drugs to fill other prescriptions pursuant to*
10 *this section.*

11 *11. As used in this section, "Internet pharmacy" has the*
12 *meaning ascribed to it in NRS 639.00865.*

13 **Sec. 2.** NRS 639.267 is hereby amended to read as follows:

14 639.267 1. As used in this section, "unit dose" means that
15 quantity of a drug which is packaged as a single dose.

16 2. A pharmacist who provides a regimen of drugs in unit doses
17 to a patient in a facility for skilled nursing or facility for
18 intermediate care as defined in chapter 449 of NRS may credit the
19 person or agency which paid for the drug for any unused doses. The
20 pharmacist may return the drugs to the dispensing pharmacy, which
21 may reissue the drugs to fill other prescriptions or transfer the drugs
22 in accordance with the provisions of NRS 449.2485.

23 3. Except schedule II drugs specified in or pursuant to chapter
24 453 of NRS and except as otherwise provided in NRS 433.801,
25 449.2485, 639.2675 and 639.2676, *and section 1 of this act*, unit
26 doses packaged in ampules or vials which do not require
27 refrigeration may be returned to the pharmacy which dispensed
28 them. The Board shall, by regulation, authorize the return of any
29 other type or brand of drug which is packaged in unit doses if the
30 Food and Drug Administration has approved the packaging for that
31 purpose.

32 **Sec. 3.** NRS 639.282 is hereby amended to read as follows:

33 639.282 1. Except as otherwise provided in NRS 433.801,
34 449.2485, 639.267, 639.2675 and 639.2676, *and section 1 of this*
35 *act*, it is unlawful for any person to have in his or her possession, or
36 under his or her control, for the purpose of resale, or to sell or offer
37 to sell or dispense or give away, any pharmaceutical preparation,
38 drug or chemical which:

39 (a) Has been dispensed pursuant to a prescription or chart order
40 and has left the control of a registered pharmacist or practitioner;

41 (b) Has been damaged or subjected to damage by heat, smoke,
42 fire or water, or other cause which might reasonably render it unfit
43 for human or animal use;

44 (c) Has been obtained through bankruptcy or foreclosure
45 proceedings, or other court action, auction or other legal or



1 administrative proceedings, except when the pharmaceutical
2 preparation, drug or chemical is in the original sealed container;

3 (d) Is no longer safe or effective for use, as indicated by the
4 expiration date appearing on its label; or

5 (e) Has not been properly stored or refrigerated as required by
6 its label.

7 2. The provisions of subsection 1 do not apply if the person in
8 whose possession the pharmaceutical preparation, drug or chemical
9 is found also has in his or her possession a valid and acceptable
10 certification of analysis attesting to the purity and strength of the
11 pharmaceutical preparation, drug or chemical and attesting to the
12 fact that it can be safely and effectively used by humans or animals.
13 The preparation, drug or chemical must not be sold or otherwise
14 disposed of until the certification required by this subsection has
15 been presented to and approved by the Board.

16 3. In the absence of conclusive proof that the preparation, drug
17 or chemical can be used safely and effectively by humans or
18 animals, it must be destroyed under the direct supervision of a
19 member or an inspector of the Board, or two persons designated as
20 agents by the Board who include an inspector of a health care board,
21 a licensed practitioner of a health care board or a peace officer of an
22 agency that enforces the provisions of chapters 453 and 454 of NRS.

23 4. As used in this section, "health care board" includes the
24 State Board of Pharmacy, the State Board of Nursing, the Board of
25 Medical Examiners and the Nevada State Board of Veterinary
26 Medical Examiners.

27 **Sec. 4.** This act becomes effective upon passage and approval
28 for the purpose of adopting regulations and on October 1, 2011, for
29 all other purposes.

