

Amendment No. 261

Senate Amendment to Senate Bill No. 201	(BDR 54-444)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 201 (§§ 7, 11).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/BJF



Date: 4/19/2021

S.B. No. 201—Requires licensing of pharmaceutical sales representatives.
(BDR 54-444)



SENATE BILL NO. 201—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE COMMITTEE TO CONDUCT
AN INTERIM STUDY CONCERNING THE
COSTS OF PRESCRIPTION DRUGS)

MARCH 9, 2021

Referred to Committee on Health and Human Services

SUMMARY—Requires licensing of pharmaceutical sales representatives.
(BDR 54-444)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.
Effect on the State: Yes.

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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 pharmaceutical sales representatives; providing for the
licensure and regulation of pharmaceutical sales representatives;
providing a penalty; and providing other matters properly relating
thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Division of Public and Behavioral Health of the Department of
2 Health and Human Services licenses and regulates certain health care facilities and
3 organizations that provide health care. (Chapter 449 of NRS) **Sections 2-13** of this bill require
4 the Division to also license and regulate pharmaceutical sales representatives. **Section 7** of
5 this bill prohibits a person from marketing prescription drugs in this State to providers of
6 health care, pharmacies or employees thereof, operators or employees of certain medical
7 facilities, and insurers, for more than 15 days in a calendar year without obtaining a license
8 from the Division. **Section 7** also: (1) provides that such a license expires after 1 year; and (2)
9 requires the State Board of Health to adopt regulations concerning the practice and regulation
10 of pharmaceutical sales representatives. **Section 8** of this bill prohibits a licensed
11 pharmaceutical sales representative from engaging in certain conduct. **Section 9** of this bill
12 requires the Division to keep records of proceedings relating to the licensure, discipline and
13 investigation of pharmaceutical sales representatives. **Sections 9 and 15** of this bill declare
14 certain records related to such proceedings to be confidential. **Sections 10 and 11** of this bill
15 enact certain provisions necessary to comply with federal law governing the collection of
16 child support from persons holding a professional license, including a requirement in **section**
17 **10** that an applicant for a license include his or her social security number in the application.
18 **Sections 18 and 19** of this bill eliminate that requirement on the date Congress repeals those
19 provisions of federal law. **Section 19** also eliminates all of the requirements related to the
20 collection of child support 2 years after Congress repeals the provisions of federal law

21 imposing those requirements. **Section 14** of this bill makes a conforming change to clarify the
 22 applicability of the requirement governing the submission of a social security number.

23 **Section 12** of this bill provides that it is a misdemeanor to violate any provision of
 24 **sections 2-13** relating to the licensure and regulation of pharmaceutical sales representatives.
 25 **Section 13** of this bill authorizes the Division to maintain an action for an injunction against a
 26 natural person or business entity who violates any provision of **sections 2-13**. **Section 16** of
 27 this bill makes a conforming change to ensure that the term “pharmaceutical sales
 28 representative” is defined for an existing provision of law in the same manner as that term is
 29 defined in **section 5** of this bill. (NRS 439B.660) **Section 17** of this bill classifies
 30 pharmaceutical sales representatives as professionals for the purposes of certain requirements
 31 related to compensation, wages and hours and exemptions from those requirements.

32 Under section 7, fees collected for the licensure of pharmaceutical sales
 33 representation: (1) must be accounted for separately in the State General Fund; (2) used
 34 only to cover the costs of licensing and regulating pharmaceutical sales representatives
 35 and for the purposes of improving transparency concerning the costs of prescription
 36 drugs; and (3) do not revert to the State General Fund at the end of any fiscal year.

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

1 **Section 1.** Title 54 of NRS is hereby amended by adding thereto a new
 2 chapter to consist of the provisions set forth as sections 2 to 13, inclusive, of this
 3 act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise requires, the*
 5 *words and terms defined in sections 3 to 6, inclusive, of this act have the*
 6 *meanings ascribed to them in those sections.*

7 **Sec. 3.** *“Division” means the Division of Public and Behavioral Health of*
 8 *the Department of Health and Human Services.*

9 **Sec. 4.** *“License” means a license as a pharmaceutical sales representative*
 10 *issued by the Division pursuant to the provisions of this chapter.*

11 **Sec. 5.** *“Pharmaceutical sales representative” means a person who is*
 12 *licensed as a pharmaceutical sales representative pursuant to section 7 of this act.*

13 **Sec. 6.** *“Provider of health care” has the meaning ascribed to it in NRS*
 14 *629.031.*

15 **Sec. 7. 1.** *A person shall not market prescription drugs in this State to*
 16 *providers of health care, pharmacies or employees thereof, operators or*
 17 *employees of medical facilities, or persons licensed or certified under the*
 18 *provisions of Title 57 of NRS, for more than 15 days in any calendar year unless*
 19 *the person holds a valid license as a pharmaceutical sales representative issued*
 20 *by the Division. Such a license expires 1 year after the date on which the license*
 21 *is issued and may be renewed.*

22 **2.** *The State Board of Health shall adopt regulations to carry out the*
 23 *provisions of this chapter. The regulations must establish, without limitation:*

24 *(a) The qualifications for obtaining and renewing a license as a*
 25 *pharmaceutical sales representative, including, without limitation, any necessary*
 26 *training or continuing education required to obtain or renew such a license.*

27 *(b) The requirements and procedures to apply for or renew a license as a*
 28 *pharmaceutical sales representative, including, without limitation, the fees to*
 29 *apply for, reinstate or renew a license. Such fees must be not less than \$500 but*
 30 *not more than \$800.*

31 *(c) Standards of practice for pharmaceutical sales representatives.*

32 *(d) The types of disciplinary action that may be imposed for violating any*
 33 *provision of this chapter or any regulation adopted pursuant thereto. Such*

1 *disciplinary action may include, without limitation, the suspension or revocation*
2 *of a license, the placement of limitations on the practice of a licensee and the*
3 *imposition of an administrative penalty.*

4 *(e) Grounds for initiating disciplinary action.*

5 *(f) Procedures for imposing disciplinary action.*

6 *(g) Procedures for the submission, investigation and resolution of a*
7 *complaint for violating any provision of this chapter or any regulation adopted*
8 *pursuant thereto.*

9 *3. The money collected as fees pursuant to this section must be deposited in*
10 *the State Treasury and accounted for separately in the State General Fund. The*
11 *Department shall administer the account and use money in the account only to*
12 *cover the costs to the Division of administering the provisions of sections 2 to 13,*
13 *inclusive, of this act and for purposes relating to the improvement of*
14 *transparency concerning the costs of prescription drugs including, without*
15 *limitation, the administration of NRS 439B.600 to 439B.695, inclusive. The*
16 *interest and income earned on money in the account, after deducting any*
17 *applicable charges, must be credited to the account. Money in the account does*
18 *not revert to the State General Fund at the end of any fiscal year.*

19 **Sec. 8.** *A pharmaceutical sales representative shall not:*

20 *1. Engage in deceptive or misleading marketing;*

21 *2. Falsely represent that he or she is licensed or certified as a provider of*
22 *health care; or*

23 *3. Attend an examination of a patient by a provider of health care without*
24 *the consent of the patient.*

25 **Sec. 9.** *1. The Division shall keep a record of its proceedings conducted*
26 *pursuant to this chapter relating to licensing, disciplinary actions and*
27 *investigations. Except as otherwise provided in this chapter, the records must be*
28 *open to public inspection at all reasonable times.*

29 *2. Except as otherwise provided in this section and NRS 239.0115, a*
30 *complaint filed with the Division, all documents and other information filed with*
31 *the complaint and all documents and other information compiled as a result of*
32 *an investigation conducted to determine whether to initiate disciplinary action*
33 *against a person are confidential and privileged, unless the person submits a*
34 *written statement to the Division requesting that such documents and information*
35 *be made public records.*

36 *3. A complaint or other document filed by the Division to initiate*
37 *disciplinary action pursuant to chapter 622A of NRS and all documents and*
38 *information considered by the Division when determining whether to impose*
39 *discipline are public records.*

40 *4. An order that imposes discipline and the findings of fact and conclusions*
41 *of law supporting the order are public records.*

42 *5. The provisions of this section do not prohibit the Division from*
43 *communicating or cooperating with or providing any documents or other*
44 *information to any other licensing board or any other agency that is investigating*
45 *a person, including, without limitation, a law enforcement agency.*

46 **Sec. 10.** *1. In addition to any other requirements set forth in the*
47 *regulations adopted pursuant to section 7 of this act, an applicant for the*
48 *issuance or renewal of a license as a pharmaceutical sales representative must:*

49 *(a) Include the social security number of the applicant in the application*
50 *submitted to the Division.*

51 *(b) Submit to the Division the statement prescribed by the Division of*
52 *Welfare and Supportive Services of the Department of Health and Human*

1 *Services pursuant to NRS 425.520. The statement must be completed and signed*
2 *by the applicant.*

3 2. *The Division shall include the statement required pursuant to subsection*
4 *I in:*

5 (a) *The application or any other forms that must be submitted for the*
6 *issuance or renewal of the license; or*

7 (b) *A separate form prescribed by the Division.*

8 3. *A license as a pharmaceutical sales representative may not be issued or*
9 *renewed by the Division if the applicant:*

10 (a) *Fails to submit the statement required pursuant to subsection 1; or*

11 (b) *Indicates on the statement submitted pursuant to subsection 1 that the*
12 *applicant is subject to a court order for the support of a child and is not in*
13 *compliance with the order or a plan approved by the district attorney or other*
14 *public agency enforcing the order for the repayment of the amount owed*
15 *pursuant to the order.*

16 4. *If an applicant indicates on the statement submitted pursuant to*
17 *subsection 1 that the applicant is subject to a court order for the support of a*
18 *child and is not in compliance with the order or a plan approved by the district*
19 *attorney or other public agency enforcing the order for the repayment of the*
20 *amount owed pursuant to the order, the Division shall advise the applicant to*
21 *contact the district attorney or other public agency enforcing the order to*
22 *determine the actions that the applicant may take to satisfy the arrearage.*

23 **Sec. 11.** 1. *If the Division receives a copy of a court order issued pursuant*
24 *to NRS 425.540 that provides for the suspension of all professional, occupational*
25 *and recreational licenses, certificates and permits issued to a person who is the*
26 *holder of a license as a pharmaceutical sales representative, the Division shall*
27 *deem the certificate issued to that person to be suspended at the end of the 30th*
28 *day after the date on which the court order was issued unless the Division*
29 *receives a letter issued to the holder of the certificate by the district attorney or*
30 *other public agency pursuant to NRS 425.550 stating that the holder of the*
31 *certificate has complied with the subpoena or warrant or has satisfied the*
32 *arrearage pursuant to NRS 425.560.*

33 2. *The Division shall reinstate a license to a pharmaceutical sales*
34 *representative that has been suspended by a district court pursuant to NRS*
35 *425.540 if:*

36 (a) *The Division receives a letter issued by the district attorney or other*
37 *public agency pursuant to NRS 425.550 to the person whose license was*
38 *suspended stating that the person whose license was suspended has complied with*
39 *the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560;*
40 *and*

41 (b) *The person whose license was suspended pays the fee imposed pursuant*
42 *to the regulations adopted pursuant to section 7 of this act for the reinstatement*
43 *of a suspended license.*

44 **Sec. 12.** *A person who violates the requirements of this chapter is guilty of*
45 *a misdemeanor and may be subject to additional disciplinary action as prescribed*
46 *by the regulations adopted pursuant to section 7 of this act.*

47 **Sec. 13.** 1. *The Division may maintain in any court of competent*
48 *jurisdiction an action for an injunction against any natural person or business*
49 *entity who violates any provision of this chapter.*

50 2. *Such an injunction:*

51 (a) *May be issued without proof of actual damage sustained by any natural*
52 *person or business entity.*

1 ***(b) Does not relieve the natural person or business entity from any criminal***
2 ***prosecution for the same violation.***

3 **Sec. 14.** NRS 622.238 is hereby amended to read as follows:

4 622.238 1. The Legislature hereby finds and declares that:

5 (a) It is in the best interests of this State to make full use of the skills and
6 talents of every resident of this State.

7 (b) It is the public policy of this State that each resident of this State, regardless
8 of his or her immigration or citizenship status, is eligible to receive the benefit of
9 applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

10 2. Notwithstanding any other provision of this title, a regulatory body shall
11 not deny the application of a person for the issuance of a license pursuant to this
12 title based solely on his or her immigration or citizenship status.

13 3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268,
14 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446,
15 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103,
16 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175,
17 641A.215, 641B.206, 641C.280, 642.0195, 643.095, 644A.485, 645.358,
18 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645E.210,
19 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and
20 656.155 **and section 10 of this act**, an applicant for a license who does not have
21 a social security number must provide an alternative personally identifying number,
22 including, without limitation, his or her individual taxpayer identification number,
23 when completing an application for a license.

24 4. A regulatory body shall not disclose to any person who is not employed by
25 the regulatory body the social security number or alternative personally identifying
26 number, including, without limitation, an individual taxpayer identification number,
27 of an applicant for a license for any purpose except:

28 (a) Tax purposes;

29 (b) Licensing purposes; and

30 (c) Enforcement of an order for the payment of child support.

31 5. A social security number or alternative personally identifying number,
32 including, without limitation, an individual taxpayer identification number,
33 provided to a regulatory body is confidential and is not a public record for the
34 purposes of chapter 239 of NRS.

35 **Sec. 15.** NRS 239.010 is hereby amended to read as follows:

36 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
37 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516,
38 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150,
39 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
40 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
41 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
42 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382,
43 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007,
44 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
45 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129,
46 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070,
47 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
48 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
49 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475,
50 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300,
51 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
52 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140,
53 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,

1 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130,
2 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105,
3 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
4 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387,
5 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
6 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351,
7 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
8 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240,
9 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160,
10 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
11 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,
12 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365,
13 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325,
14 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447,
15 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115,
16 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749,
17 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205,
18 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
19 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840,
20 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220,
21 441A.230, 442.320, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773,
22 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164,
23 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
24 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
25 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093,
26 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469,
27 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
28 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
29 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
30 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
31 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
32 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
33 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214,
34 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485,
35 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620,
36 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191,
37 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800,
38 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
39 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
40 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
41 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,
42 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370,
43 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152,
44 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,
45 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
46 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
47 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
48 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725,
49 706A.230, 710.159, 711.600, *section 9 of this act*, sections 35, 38 and 41 of chapter
50 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
51 and unless otherwise declared by law to be confidential, all public books and public
52 records of a governmental entity must be open at all times during office hours to
53 inspection by any person, and may be fully copied or an abstract or memorandum

1 may be prepared from those public books and public records. Any such copies,
2 abstracts or memoranda may be used to supply the general public with copies,
3 abstracts or memoranda of the records or may be used in any other way to the
4 advantage of the governmental entity or of the general public. This section does not
5 supersede or in any manner affect the federal laws governing copyrights or enlarge,
6 diminish or affect in any other manner the rights of a person in any written book or
7 record which is copyrighted pursuant to federal law.

8 2. A governmental entity may not reject a book or record which is
9 copyrighted solely because it is copyrighted.

10 3. A governmental entity that has legal custody or control of a public book or
11 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
12 receive a copy of a public book or record on the basis that the requested public
13 book or record contains information that is confidential if the governmental entity
14 can redact, delete, conceal or separate, including, without limitation, electronically,
15 the confidential information from the information included in the public book or
16 record that is not otherwise confidential.

17 4. If requested, a governmental entity shall provide a copy of a public record
18 in an electronic format by means of an electronic medium. Nothing in this
19 subsection requires a governmental entity to provide a copy of a public record in an
20 electronic format or by means of an electronic medium if:

21 (a) The public record:

22 (1) Was not created or prepared in an electronic format; and

23 (2) Is not available in an electronic format; or

24 (b) Providing the public record in an electronic format or by means of an
25 electronic medium would:

26 (1) Give access to proprietary software; or

27 (2) Require the production of information that is confidential and that
28 cannot be redacted, deleted, concealed or separated from information that is not
29 otherwise confidential.

30 5. An officer, employee or agent of a governmental entity who has legal
31 custody or control of a public record:

32 (a) Shall not refuse to provide a copy of that public record in the medium that
33 is requested because the officer, employee or agent has already prepared or would
34 prefer to provide the copy in a different medium.

35 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
36 the copy of the public record and shall not require the person who has requested the
37 copy to prepare the copy himself or herself.

38 **Sec. 16.** NRS 439B.660 is hereby amended to read as follows:

39 439B.660 1. A manufacturer of a prescription drug shall provide to the
40 Department a list of each pharmaceutical sales representative who markets
41 prescription drugs on behalf of the manufacturer to providers of health care
42 licensed, certified or registered in this State, pharmacies or employees thereof,
43 operators or employees of medical facilities or persons licensed or certified under
44 the provisions of title 57 of NRS and update the list at least annually.

45 2. The Department shall provide electronic access to the most recent list
46 provided by each manufacturer pursuant to subsection 1 to each provider of health
47 care licensed, certified or registered in this State, operator of a pharmacy, operator
48 of a medical facility or person licensed or certified under the provisions of title 57
49 for the purposes of ensuring compliance with the requirements of subsection 3. This
50 subsection must not be construed to impose any duty on a provider of health care,
51 operator of a pharmacy, operator of a medical facility or person licensed or certified
52 under the provisions of title 57 to ensure such compliance.

1 3. A person who is not included on a current list submitted pursuant to
2 subsection 1 shall not market prescription drugs on behalf of a manufacturer:

3 (a) To any provider of health care licensed, certified or registered in this State,
4 pharmacy or employee thereof, operator or employee of a medical facility or person
5 licensed or certified under the provisions of title 57 of NRS; or

6 (b) For sale to any resident of this State.

7 4. On or before March 1 of each year, each person who was included on a list
8 of pharmaceutical sales representatives submitted pursuant to subsection 1 at any
9 time during the immediately preceding calendar year shall submit to the
10 Department a report, which must include, for the immediately preceding calendar
11 year:

12 (a) A list of providers of health care licensed, certified or registered in this
13 State, pharmacies and employees thereof, operators and employees of medical
14 facilities and persons licensed or certified under the provisions of title 57 of NRS to
15 whom the pharmaceutical sales representative provided:

16 (1) Any type of compensation with a value that exceeds \$10; or

17 (2) Total compensation with a value that exceeds \$100 in aggregate; and

18 (b) The name and manufacturer of each prescription drug for which the
19 pharmaceutical sales representative provided a free sample to a provider of health
20 care licensed, certified or registered in this State, pharmacy or employee thereof,
21 operator or employee of a medical facility or person licensed or certified under the
22 provisions of title 57 of NRS and the name of each such person to whom a free
23 sample was provided.

24 5. The Department shall analyze annually the information submitted pursuant
25 to subsection 4 and compile a report on the activities of pharmaceutical sales
26 representatives in this State. Any information contained in such a report that is
27 derived from a list provided pursuant to subsection 1 or a report submitted pursuant
28 to subsection 4 must be reported in aggregate and in a manner that does not reveal
29 the identity of any person or entity. On or before June 1 of each year, the
30 Department shall:

31 (a) Post the report on the Internet website maintained by the Department; and

32 (b) Submit the report to the Governor and the Director of the Legislative
33 Counsel Bureau for transmittal to the Legislative Committee on Health Care and, in
34 even-numbered years, the next regular session of the Legislature.

35 6. As used in this section:

36 (a) "Medical facility" has the meaning ascribed to it in NRS 629.026.

37 (b) "Pharmaceutical sales representative" ~~means a person who markets~~
38 ~~prescription drugs to providers of health care licensed, certified or registered in this~~
39 ~~State, pharmacies or employees thereof, operators or employees of medical~~
40 ~~facilities or persons licensed or certified under the provisions of title 57 of NRS.]~~
41 *has the meaning ascribed to it in section 5 of this act.*

42 (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

43 **Sec. 17.** NRS 608.0116 is hereby amended to read as follows:

44 608.0116 "Professional" means pertaining to:

45 1. An employee who is licensed or certified by the State of Nevada for and
46 engaged in the practice of law or any of the professions regulated by chapters 623
47 to 645, inclusive, 645G and 656A of NRS ~~§~~ *and sections 2 to 13, inclusive, of this*
48 *act.*

49 2. A creative professional as described in 29 C.F.R. § 541.302 who is not an
50 employee of a contractor as that term is defined in NRS 624.020.

51 **Sec. 18.** Section 10 of this act is hereby amended to read as follows:

52 Sec. 10. 1. In addition to any other requirements set forth in the
53 regulations adopted pursuant to section 7 of this act, an applicant for the

1 issuance or renewal of a license as a pharmaceutical sales representative
2 must ~~f~~:

3 ~~—(a) Include the social security number of the applicant in the~~
4 ~~application submitted to the Division.~~

5 ~~—(b) Submit~~ *submit* to the Division the statement prescribed by the
6 Division of Welfare and Supportive Services of the Department of Health
7 and Human Services pursuant to NRS 425.520. The statement must be
8 completed and signed by the applicant.

9 2. The Division shall include the statement required pursuant to
10 subsection 1 in:

11 (a) The application or any other forms that must be submitted for the
12 issuance or renewal of the license; or

13 (b) A separate form prescribed by the Division.

14 3. A license as a pharmaceutical sales representative may not be
15 issued or renewed by the Division if the applicant:

16 (a) Fails to submit the statement required pursuant to subsection 1; or

17 (b) Indicates on the statement submitted pursuant to subsection 1 that
18 the applicant is subject to a court order for the support of a child and is not
19 in compliance with the order or a plan approved by the district attorney or
20 other public agency enforcing the order for the repayment of the amount
21 owed pursuant to the order.

22 4. If an applicant indicates on the statement submitted pursuant to
23 subsection 1 that the applicant is subject to a court order for the support of a
24 child and is not in compliance with the order or a plan approved by the
25 district attorney or other public agency enforcing the order for the
26 repayment of the amount owed pursuant to the order, the Division shall
27 advise the applicant to contact the district attorney or other public agency
28 enforcing the order to determine the actions that the applicant may take to
29 satisfy the arrearage.

30 **Sec. 19.** 1. This section becomes effective upon passage and approval.


31 2. Sections 1 to 17, inclusive, of this act become effective:

32 (a) Upon passage and approval for the purpose of adopting any regulations and
33 performing any other preparatory administrative tasks that are necessary to carry
34 out the provisions of this act; and

35 (b) On January 1, 2022, for all other purposes.

36 3. Section 18 of this act becomes effective on the date on which the
37 provisions of 42 U.S.C. § 666 requiring each state to establish procedures under
38 which the state has authority to withhold or suspend, or to restrict the use of
39 professional, occupational and recreational licenses of persons who:

40 (a) Have failed to comply with a subpoena or warrant relating to a proceeding
41 to determine the paternity of a child or to establish or enforce an obligation for the
42 support of a child; or

43 (b) Are in arrears in the payment for the support of one or more children,
44  are repealed by the Congress of the United States.

45 4. Sections 10, 11 and 18 of this act expire by limitation 2 years after the date
46 on which the provisions of 42 U.S.C. § 666 requiring each state to establish
47 procedures under which the state has authority to withhold or suspend, or to restrict
48 the use of professional, occupational and recreational licenses of persons who:

49 (a) Have failed to comply with a subpoena or warrant relating to a proceeding
50 to determine the paternity of a child or to establish or enforce an obligation for the
51 support of a child; or

52 (b) Are in arrears in the payment for the support of one or more children,

- 1 ➤ are repealed by the Congress of the United States.