

**LCB File No. R036-06**

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

**CONDITIONS UNDER WHICH A PHARMACIST MAY  
DECLINE TO FILL A PRESCRIPTION**

**Section 1.** NAC chapter 639 shall be amended to add the following new language:

*1. A pharmacist may decline to fill a prescription because the pharmacist reasonably believes in his professional judgment that:*

*(a) The filling of the prescription would be unlawful or potentially harmful to the health of the patient; or*

*(b) The prescription is fraudulent or not for a legitimate medical purpose.*

*2. If a pharmacist declines to fill a prescription pursuant to this section, the pharmacist shall speak with the prescribing practitioner to discuss and resolve the pharmacist's concern regarding the prescription. Until the pharmacist speaks with the practitioner, the pharmacist may in his professional judgment:*

*(a) Retain the prescription and not return it to the patient;*

*(b) Return the prescription to the patient;*

*(c) Make a photocopy of the prescription and return the prescription to the patient; and*

*(d) Unless the prescription is for a controlled substance in schedule II, dispense a quantity of the drug sufficient to allow the patient the take the drug therapeutically for a reasonable period of time within which the practitioner can be expected to speak with the pharmacist, not to exceed a three-days' supply.*

*3. If the pharmacist is satisfied, after speaking with the prescribing practitioner, that the prescription is:*

*(a) Lawful,*

*(b) Not potentially harmful to the health of the patient,*

*(c) Not fraudulent, or*

*(d) For a legitimate medical purpose,*

*the pharmacist may fill the prescription. If the pharmacist is satisfied, after speaking with the prescribing practitioner, that the prescription is unlawful, fraudulent, or not for a legitimate medical purpose, then the pharmacist must retain the prescription and may not return it to the patient.*