Board of Pharmacy Law Book Index

Pharmacies and drug stores
- Administrative proceedings, 639.241-639.2576
- AIDS pharmacies, establishment, duties, 441A.330
- Canadian pharmacies, 223.560, 639.230, 639.23279-639.23286
- Change of partners or corporate officers, notice, 639.230
- Controlled substances
  - Definition, 0.031
  - Delivery to hospital or facility for intermediate care or skilled nursing, 639.23275
  - Nonprescription substances, false representation to obtain, 453.505
  - Prescriptions *(See PRESCRIPTIONS)*
  - Records of purchases and sales, 639.268
- Correctional institutions, regulation of pharmacies in, 639.070, 639.072, 639.2326
- Dangerous drugs
  - Delivery to hospital or facility for intermediate care or skilled nursing, 639.23275
  - Prescriptions *(See PRESCRIPTIONS)*
  - Records of purchases and sales, 454.286, 639.268
- Definition, 454.0094, 639.012
- Drugs
  - Dispensing of specific drug when choice available, 639.2803
  - Exchange authorized, 639.265
  - Substance not approved as drug, misrepresentation, 41.610
- Employees, information to be provided to State Board of Pharmacy, 639.287
- Foreign pharmacies, 639.23279-639.23286
- Inspection of premises and records, 453.261, 453.266
- Institutional pharmacies
  - Definition, 639.0085
  - Display of certificates, licenses and permits, 639.150
  - Fees, 639.170
  - Regulations, 639.070, 639.071
  - Requirements for operation, 639.2324
  - Sale of controlled substances and dangerous drugs, 639.268
- Internet pharmacies
  - Applicability of laws, 453.3635, 639.23279
  - Certification, 639.2328, 639.23288
  - Civil penalty, recovery, 453.553, 453.5531
  - Definitions, 453.3611-453.3633, 639.00865
  - Forfeiture of property for violations, presumptions, 179.1164, 453.301
  - Information regarding pharmacies to be posted on Board website, 639.23288
  - Inspections, 639.2328, 639.23284
  - Licensing, requirements, 639.2328
  - Records, 639.23284
  - Reports to State Board of Pharmacy, 639.23284
  - Substitution of drugs authorized, 639.23286
  - Toll-free customer service number required, 639.23286
  - Unlawful acts, 453.3638-453.3643
- Laws and regulations, copies to be furnished, 639.095
- Licenses
  - Application, 639.231
  - Display, 639.230
  - Expiration, 639.180
  - Foreign pharmacies, requirements, 639.2328, 639.23282
  - Forfeiture, 639.180
  - Internet pharmacies, 639.2328
  - Issuance, 639.231, 639.232
  - Out-of-state pharmacies, requirements, 639.2328, 639.23282
  - Renewal, 639.180, 639.213
  - Requirement, 639.230
  - Suspension or revocation, 639.210, 639.2107, 639.230, 639.255
  - Transfer of license prohibited, 639.230

Limited-liability companies, licensure, 86.555
Managing pharmacists, 639.220
Out-of-state pharmacies, 639.23279-639.23286
Parenteral solutions, selling, dispensing or compounding, 639.0105, 639.2806, 639.2807
Poison control center, telephone number to be available, 454.130
Poisons, purchases, 639.268
Prescriptions *(See PRESCRIPTIONS)*
Rx or RX, restrictions on use, 639.230
Sales and use taxes, medicines exempt from, 372.283, 374.287
Sales by unlicensed persons, 639.285
Weights and measures, ch. 581
Pharmacists
Administrative proceedings, 639.241-639.2576
Area Health Education Center Program, 396.907
Assault or battery committed upon, penalty, 200.471, 200.481
Bill to patient, itemization of charges, 629.071
Certificates of registration
Application, 639.127
Child support obligations, effect, 639.129, 639.2555
Denial, notice, procedure for reconsideration, 639.138, 639.139
Display, 639.150
Duplicates, issuance, 639.200
Examination, 639.120, 639.130, 639.134
Exemptions, 639.100
Expiration, 639.180
False representations unlawful, 639.281
Fees, 639.127, 639.170
Forfeiture, 639.180, 639.190
Issuance, 639.127, 639.190
Qualifications, 639.120
Reciprocity, 639.134
Renewal, 639.129, 639.180, 639.200, 639.210, 639.2174
Suspension or revocation *(See Disciplinary action, this subhead)*
Communication of information to patient or caregiver, 639.266
Comparative negligence, action involving, 41.141
Computerized mechanical equipment, authority to use, 639.2655
Confidential communications, 453.157
Continuing education requirements, 639.2171-639.2176
Controlled substances
Addiction, effect, 639.210, 639.2445
Purchase, possession and sale, 453.371-453.381, 453.505
Counseling of patients, 639.266
Dangerous drugs, possession and administration, 454.213
Disciplinary action
Administrative proceedings, 639.241-639.2576
Authorized action, 639.255
Background checks, requirements if proceedings initiated, 622.360
Consent or settlement agreements, conditions and limitations, 622.330
Contested cases, applicability of adjudication procedures, 622A.120
Grounds generally, 639.210
Hearing officers or panels, authority, procedural requirements, 639.2575
Immunities, 639.2576
Medical use of marijuana, discipline prohibited, 453A.510
Methods of discipline, 639.255
Open Meeting Law, applicability, 622.320
Records, 622.330, 639.2485, 639.255
Summary of action, reports, availability to public, 622.100
Suspension or revocation of certificates
Child support obligations, failure to comply, 639.2555
Contested cases, revocation and reinstatement of license, 622A.410
Conviction for certain drug or chemical violations, 454.361, 639.2121
Fingerprints, failure to provide to State Board of Pharmacy, 622.360

Incompetency, 639.2445, 639.2565
Mental illness, 639.211, 639.212
Reinstatement, petitions for, 639.257
Summary suspension authorized, 233B.127
Dispensing of specific drug when choice available, 639.2803
Dispensing opticians' licensing laws inapplicable, 637.025
District attorneys to prosecute violators, 639.300
Drugs, exchange authorized, 639.265
Felony convictions, 639.2121
Fine, 639.255
Gerovital H3, selling or dispensing, 639.2845
Health Service Corps, establishment by Nevada System of Higher Education, 396.899-396.903
Immunizations, possession and administration of dangerous drugs, 454.213
Institutional pharmacy, duties of pharmacist, 639.2324
Interns *(See Intern pharmacists, this heading)*
Intoxicating liquors
Excise tax, exemption, 369.340
Permissible person, defined as, 369.070
Permits for importation of liquor, 369.390, 369.440
Laws and regulations, copies to be furnished, 639.095
Malpractice
Grounds for disciplinary action, 639.210
Reports by insurer, 690B.250
Managing pharmacists, 639.220, 639.2321
Medical Care Advisory Group, membership, 422.153
Medical Education Council of Nevada, 396.908
Mental illness, 639.211, 639.212
Negligence, 639.210
New place of practice, notice, 639.160
Observation of rendering of care by practitioner, immunity from liability, 629.081
Parenteral solutions, regulation, 639.0105, 639.2806, 639.2807
Pesticides, disclosure of formulas, 586.410
Pharmaceutical technicians, ratio to pharmacists permitted, 639.1371
Poison, sales regulated, 454.010-454.170
Practice declared learned profession, 639.213
Practice regulated by State Board of Pharmacy, 639.070
Probation, 639.2445, 639.255
Professional incompetence, 639.2445, 639.2565
Property, exemption from execution, 21.090
Provider of health care defined, 629.031
Referral of patients restricted, penalty, 439B.420, 439B.425
Registered pharmacist defined, 639.015
Reprimand, 639.255
Research information confidential, 453.157
Rules of professional conduct, 639.215
Substance not approved as drug, misrepresentation, 41.610
Unprofessional conduct, 639.210
Pharmacy and Therapeutics Committee, membership, 422.4035
Prepaid professional services contracts with public employee organizations, 287.500-287.530
Prescriptions *(See PRESCRIPTIONS)*
Senior citizens, subsidies for pharmaceutical services, 439.635-439.690
State Board of Pharmacy
Abuse, neglect, exploitation or isolation of older person or vulnerable person by licensee, receipt of report, 200.5095
Administrative Procedure Act, applicability, 233B.039
Administrative proceedings, 639.241-639.2576
Appearance before Board, licensee to make disclosures regarding relatives, 622.300
Attorney's fees and costs, recovery, 622.400, 622.410, 639.081
Audits, 218.825
Base budgets, fundamental review, 218.5381-218.5386
Biennial reports to Governor, 639.060
Canadian pharmacies, duties, 639.2328

Child support obligations of certificate holders and licensees, duties, 639.129, 639.2555
Civil penalties, action to recover, 639.300
Communications with public agencies, immunity, 639.093
Contested cases, applicability of adjudication procedures, 622A.120
Controlled substances, duties, ch. 453
Creation, 639.020
Criminal history records, inspection, 179.259, 453.3365
Dangerous drugs, duties, 454.181-454.371
Deposits, 639.081, 639.515
Drugs, poisons and chemicals, destruction of unsafe materials, 639.282
Duties, generally, 639.070, 639.090
Employees, 284.013, 622.210-622.230, 639.040, 639.050, 639.070
Enforcement of laws for public benefit and protection, 622.080
Euthanasia technicians, notification of cessation of employment, 638.118
FBI, authority to request information from Bureau, 239B.010
Financial administration, laws inapplicable, 353.005
Fiscal year, 639.075
Immunity from liability, 639.2576
Injunctive relief, 639.097
Internet pharmacies, duties, 639.0725, 639.23288
Investments, 639.081
Legislative Counsel Bureau, reports to, 622.100, 622.110
Legislative review of public agencies, ch. 232B
Meetings *(See also MEETINGS OF PUBLIC AGENCIES)*
    Audio or video teleconferences, notices, requirements, 622.340
    Generally, 639.050
    Open Meeting Law, applicability, 622.320
    Out-of-state meetings, restrictions, 622.350
Members
    Compensation, 639.050
    Number, appointment, 639.020
    Oath of office, 282.020, 639.030
    Qualifications, 232A.020, 639.030
    Removal, grounds, 639.030
    Terms, vacancies, 232A.020, 639.030
    Training, 622.200
Narcotic drugs, information to be furnished, 453.690
Officers, 639.040
Offices, 639.070
Optometrists certified to administer and dispense, receipt of list, 636.288
Poisons, regulation and enforcement of sales laws, 454.010-454.170
Powers generally, 639.070
Quarantine of food, drugs, devices and cosmetics, 585.250, 585.260
Quorum, 639.050
Records, 239.010, 622.310, 622.330, 639.2485, 639.255
Regulations
    Administrative Procedure Act, ch. 233B
    Continuing professional education program, 639.2176
    Dentists, willful disobedience, 631.3485
    Fines, 639.255
    Generally, 639.070-639.0745, 639.215
    Internet pharmacies, 639.0725, 639.23288
    Legislative Committee on Health Care, review, 439B.225
    Mental health facilities, return of unused drugs, 433.801
    Nurses, 639.074, 639.1375
    Osteopathic physician assistants, 639.1373
    Osteopathic physicians, willful disobedience, 633.131
    Pharmaceutical technicians, 639.1371
    Physician assistants, 639.1373
    Podiatry physicians or hygienists, willful violations grounds for disciplinary action, 635.130
    Prescriptions, transfer, security and exchange of information, 639.0745
    Provision to pharmacists and applicants for registration, 639.095

Reissuance of unused prescription drugs in correctional facilities, 639.2675
Sale of drugs under direct supervision of registered pharmacist, 639.073
Steroids, 453.146
Veterinarians, violation grounds for disciplinary action, 638.140
Veterinary drugs, 639.2345
Violations, penalties, 639.286
Regulatory proceedings, 622.300-622.360
Return of unused drugs to issuing pharmacy from certain facilities and institutions, reports, 639.063
Sovereign immunity waived, 41.0305-41.039
Special meetings, payment of costs, 639.170
Subpoenas, 639.246
Wholesalers and wholesale distribution, duties, 639.510, 639.540
Witnesses, 639.2565
State purchasing of pharmaceutical services and prescription drugs, 333.435
Trade practices
Dispensing of specific drug when choice available, 639.2803
Drugs, exchange authorized, 639.265
False or misleading advertising prohibited, 639.263
Gerovital H3, dispensing, 639.2804
Laetrile, dispensing, 639.2804
Rebates, refunds and commissions prohibited, 639.264
Return of unused drugs packaged in unit doses, 449.2485, 639.267, 639.2675
Substitution of generic drugs for brand name drugs, 639.2583-639.2597
Unlawful acts, 639.281-639.288
Wholesalers and wholesale distribution
Administrative proceedings, 639.241-639.2576
Bond or other security, 639.210, 639.515
Business practices
Agreements with other wholesalers, 639.585
Certification regarding other wholesalers, 639.590
Due diligence, evidence regarding, 639.575, 639.580
Information regarding other wholesalers, duty to maintain, 639.575
On-site inspections, 639.585
Prohibited business relationships, 639.580
Quantity of drugs purchased, sold or distributed, limitations prohibited, 639.595
Transactions involving prescription drugs, 639.545, 639.595
Definition, 639.016
Employees and agents, wholesaler to submit annual list to Board, restrictions on activities, 639.500
Fees, 639.170
Fingerprints, 622.360, 639.500, 639.505
Laws and regulations, copies to be furnished to, 639.095
License
Application, 639.500
Expiration, 639.180
Provisional license, 639.500
Renewal, 639.129, 639.180, 639.515
Requirement, 639.100, 639.233
Suspension, revocation or denial
Bond, failure to file or maintain, 639.515
Child support obligations, failure to comply, 639.129, 639.2555
Contested cases, revocation and reinstatement of license, 622A.410
Fingerprints, failure to provide to Board, 622.360
Grounds generally, 639.210
Records, refusal to copy or permit inspection, 639.234
Summary suspension authorized, 233B.127
Limited-liability companies, licensure, 86.555
Records, inspection, 639.234
Statement of prior sales, 639.535-639.555
Unlawful acts, 639.288, 639.550, 639.555

CHAPTER 453 - CONTROLLED SUBSTANCES

GENERAL PROVISIONS

NRS 453.005	Applicability of chapter to medical use of marijuana.

UNIFORM CONTROLLED SUBSTANCES ACT

General Provisions

NRS 453.011	Short title; purpose.
NRS 453.013	Uniformity of interpretation.
NRS 453.016	Definitions.
NRS 453.021	"Administer" defined.
NRS 453.023	"Advanced practitioner of nursing" defined.
NRS 453.026	"Agent" defined.
NRS 453.031	"Board" defined.
NRS 453.038	"Chart order" defined.
NRS 453.039	"Compound" and "compounding" defined.
NRS 453.043	"Controlled substance analog" defined.
NRS 453.046	"Counterfeit substance" defined.
NRS 453.051	"Deliver" and "delivery" defined.
NRS 453.053	"Department" defined.
NRS 453.056	"Dispense" defined.
NRS 453.061	"Dispenser" defined.
NRS 453.066	"Distribute" defined.
NRS 453.071	"Distributor" defined.
NRS 453.076	"Division" defined.
NRS 453.081	"Drug" defined.
NRS 453.082	"Drug Enforcement Administration" defined.
NRS 453.083	"Fill" defined.
NRS 453.085	"Hospital" defined.
NRS 453.086	"Immediate precursor" defined.
NRS 453.087	"Institutional pharmacy" defined.
NRS 453.0875	"Isomer" defined.
NRS 453.091	"Manufacture" defined.
NRS 453.096	"Marijuana" defined.
NRS 453.098	"Narcotic addict" defined.
NRS 453.099	"Narcotic addiction" defined.
NRS 453.101	"Narcotic drug" defined.
NRS 453.106	"Opiate" defined.
NRS 453.111	"Opium poppy" defined.
NRS 453.113	"Person" defined.
NRS 453.117	"Pharmacy" defined.
NRS 453.118	"Pharmacy in a correctional institution" defined.
NRS 453.121	"Poppy straw" defined.
NRS 453.126	"Practitioner" defined.
NRS 453.128	"Prescription" defined.
NRS 453.131	"Production" defined.

NRS 453.134 **"Refill" defined.**
NRS 453.136 **"State" defined.**
NRS 453.137 **"Steroid" defined.**
NRS 453.141 **"Ultimate user" defined.**
NRS 453.146 **Powers and duties of Board.**
NRS 453.151 **Cooperative arrangements; confidentiality of information.**
NRS 453.153 **Cooperation between Board and Division required.**
NRS 453.154 **Division required to prepare certain reports concerning controlled substances; Division and Board may enter into agreements with public agencies; requirements.**
NRS 453.1545 **Board and Division required to develop computerized program to track prescriptions for controlled substances; reporting of illegal activity; confidentiality of information obtained from program; gifts, grants and donations.**
NRS 453.155 **Board or Division authorized to conduct programs for research and education.**
NRS 453.157 **Confidentiality of information concerning research or medical practice.**
NRS 453.159 **Existing orders or regulations unaffected.**

Schedules

NRS 453.166 **Schedule I tests.**
NRS 453.176 **Schedule II tests.**
NRS 453.186 **Schedule III tests.**
NRS 453.196 **Schedule IV tests.**
NRS 453.206 **Schedule V tests.**
NRS 453.211 **Review, revision and dissemination of schedules.**
NRS 453.216 **Nomenclature.**
NRS 453.218 **Addition of immediate precursor to schedule.**
NRS 453.2182 **Treatment by Board when substance is designated, rescheduled or deleted as controlled substance by federal law.**
NRS 453.2184 **Scheduling of substance by extraordinary regulation.**
NRS 453.2186 **Board prohibited from including certain substances on schedule; exceptions; required considerations.**
NRS 453.2188 **Placement of substance in schedule allowed if controlled by federal law pursuant to international treaty, convention or protocol.**
NRS 453.219 **Controlled substance analog: Treatment as substance in schedule I; notice of prosecution; determination by Board.**

Regulations

NRS 453.221 **Regulations; fees.**
NRS 453.226 **Requirements for registration; authority of registrant; exemptions and waivers; inspections.**
NRS 453.231 **Registration: Public interest; specific controlled substances; research.**
NRS 453.232 **Penalty for failure to register.**
NRS 453.233 **Notice of conviction of registered person to be furnished.**
NRS 453.236 **Suspension, revocation of registration; seizure, placement under seal of controlled substance owned or possessed by registrant; notification of Drug Enforcement Administration and Division concerning suspension, revocation or forfeiture; registrant prohibited from employing person whose pharmacist's certificate was suspended or revoked.**
NRS 453.241 **Administrative proceedings to deny, suspend or revoke registration.**
NRS 453.246 **Recordkeeping and inventory requirements for registrants.**
NRS 453.251 **Order forms.**
NRS 453.256 **Prescriptions; requirements for dispensing certain substances; penalty.**
NRS 453.257 **Filling second or subsequent prescriptions.**

Enforcement

NRS 453.261 **Administrative inspections.**

NRS 453.266 Administrative warrant for inspection.
NRS 453.271 Powers of enforcement of officers and employees of Division.
NRS 453.276 Injunctions.
NRS 453.281 Burden of proof; immunity of officers from liability.
NRS 453.286 Judicial review.

Forfeitures

NRS 453.301 Property subject to forfeiture.
NRS 453.305 Forfeiture of real property or mobile home: Notices to owner.
NRS 453.311 Controlled substances; plants; seizure and forfeiture.

Offenses and Penalties

NRS 453.316 Opening or maintaining of place for unlawful sale, gift or use of controlled substance prohibited; penalties; prohibition against probation or suspension of sentence for certain repeat offenders.
NRS 453.321 Offer, attempt or commission of unauthorized act relating to controlled or counterfeit substance unlawful; penalties; prohibition against probation or suspension of sentence for certain repeat offenders.
NRS 453.322 Offer, attempt or commission of unauthorized act relating to manufacture or compounding of certain controlled substances unlawful; penalty; prohibition against probation of offenders.
NRS 453.326 Unlawful acts relating to recordkeeping, inspections and knowingly keeping or maintaining place where controlled substances are unlawfully used, kept or sold; penalty.
NRS 453.331 Unlawful acts relating to distribution of certain controlled substances by registrants, use of unauthorized registration number and possession of signed blank prescription forms; certain fraudulent acts prohibited; penalty.
NRS 453.332 Unlawful acts relating to imitation controlled substances; penalties.
NRS 453.3325 Unlawful to allow child to be present during commission of certain violations which involve controlled substances other than marijuana; penalties; probation or suspended sentence prohibited.
NRS 453.333 Penalties for making available controlled substance which causes death.
NRS 453.3335 Additional penalty for failing to render or seek medical assistance for person injured or killed by use of controlled substance under certain circumstances.
NRS 453.334 Penalty for second or subsequent offense of sale of controlled substance to minor.
NRS 453.3345 Additional penalty for commission of certain violations at or near school, school bus stop, recreational facilities for minors or public park.
NRS 453.3351 Additional penalty for commission of certain violations which involve methamphetamine under certain circumstances.
NRS 453.3353 Additional and alternative penalties for commission of certain violations which involve controlled substances other than marijuana and result in death or substantial bodily harm to another person.
NRS 453.336 Unlawful possession not for purpose of sale: Prohibition; penalties.
NRS 453.3361 Unlawful possession not for purpose of sale: Local ordinances adopting penalties for certain similar offenses; allocation of fines collected for violation of local ordinance.
NRS 453.3363 Suspension of proceedings and probation of accused under certain conditions; effect of discharge and dismissal.
NRS 453.3365 Sealing of record of person convicted of possession of controlled substance not for purpose of sale; conditions.
NRS 453.337 Unlawful possession for sale of flunitrazepam, gamma-hydroxybutyrate and schedule I or II substances; penalties.
NRS 453.338 Unlawful possession for sale of substances classified in schedule III, IV or V; penalties.
NRS 453.3383 Determination of weight of controlled substance for purposes of NRS 453.3385, 453.339 and 453.3395.
NRS 453.3385 Trafficking in controlled substances: Flunitrazepam, gamma-hydroxybutyrate and schedule I substances, except marijuana.

NRS 453.339 Trafficking in controlled substances: Marijuana.
NRS 453.3395 Trafficking in controlled substances: Schedule II substances.
NRS 453.3405 Trafficking in controlled substances: Suspended sentence limited; eligibility for parole; reduction or suspension of sentence of person assisting in identification, arrest or conviction.
NRS 453.341 Prosecution or proceeding under prior law unaffected.
NRS 453.346 Effect of conviction or acquittal under federal or other state laws.
NRS 453.348 Previous convictions.

ILLEGAL INTERNET PHARMACIES

NRS 453.3611 Definitions.
NRS 453.3615 "Dangerous drug" defined.
NRS 453.3618 "Illegal Internet pharmacy" defined.
NRS 453.3621 "Imitation controlled substance" defined.
NRS 453.3625 "Internet" defined.
NRS 453.3628 "Prescription drug" defined.
NRS 453.3633 Circumstances under which person has "reasonable cause to believe."
NRS 453.3635 Applicability.
NRS 453.3638 Unlawful acts relating to filling or refilling prescription or delivering certain substances or drugs; aiding unlawful act prohibited; penalties; multiple punishments authorized.
NRS 453.3639 Unlawful acts relating to filling or refilling prescription via Internet; exception; aiding unlawful act prohibited; penalties; multiple punishments authorized.
NRS 453.3643 Unlawful acts relating to issuance of prescription; circumstances under which practitioner or person licensed by another jurisdiction is prohibited from prescribing prescription drug; aiding unlawful act prohibited; penalties; multiple punishments authorized.
NRS 453.3648 Concurrent jurisdiction of Attorney General and district attorneys to prosecute violations.

FURTHER REGULATION AND PROHIBITIONS

NRS 453.371 Definitions.
NRS 453.375 Authority to possess and administer controlled substances.
NRS 453.377 Authority to dispense controlled substances.
NRS 453.381 Limitations on prescribing, possessing, administering, transporting and dispensing controlled substances.
NRS 453.385 Adoption of regulations governing prescriptions for controlled substances; compliance with federal law.
NRS 453.391 Unlawful taking or obtaining of controlled substance or prescription.
NRS 453.401 Penalties for conspiracy.
NRS 453.411 Unlawful use of controlled substance; penalties.
NRS 453.421 Penalty for violation of **NRS 453.371** to **453.391**, inclusive.
NRS 453.431 Unlawful acts relating to filling and refilling prescriptions and obtaining controlled substance or prescription; authorization to request proper identification from person requesting controlled substance.
NRS 453.505 Controlled substance for which prescription is not required: Violation of regulation by pharmacist; misrepresentation to pharmacist to obtain controlled substance; penalties.
NRS 453.521 Unlawful possession or sale of nasal inhaler; exception.
NRS 453.541 Sacramental use of peyote permitted.
NRS 453.551 Immunity for acts in performance of official duties.
NRS 453.552 Criminal penalties additional to civil penalties or sanctions.

CIVIL PENALTIES

NRS 453.553 Action to recover civil penalty: Persons liable for civil penalty; action to be

brought by Attorney General or district attorney; definitions.
NRS 453.5531 **Action to recover civil penalty: Amount of money recoverable as civil penalty.**
NRS 453.5532 **Money collected as civil penalty: Limitations on use.**
NRS 453.5533 **Limitation on action to recover civil penalty; effect of criminal proceeding on civil action.**

DRUG PARAPHERNALIA

NRS 453.554 **"Drug paraphernalia" defined.**
NRS 453.556 **Factors for identifying object as item of drug paraphernalia.**
NRS 453.558 **Injunctions.**
NRS 453.560 **Unlawful delivery, sale, possession or manufacture.**
NRS 453.562 **Unlawful delivery to minor.**
NRS 453.564 **Unlawful advertising.**
NRS 453.566 **Unlawful use or possession.**

MISCELLANEOUS PROVISIONS

NRS 453.568 **Report of loss or theft of controlled substance.**
NRS 453.570 **Amount of controlled substance needed to sustain conviction for prohibited offense.**
NRS 453.575 **Fee for analysis of controlled substance or other substance or drug: Inclusion in sentence of offender; distribution and use of proceeds.**
NRS 453.580 **Program for treatment of certain offenders: Powers and duties of court; contents; payment of costs.**

TREATMENT AND REHABILITATION OF ADDICTS

NRS 453.600 **Declaration of legislative purpose.**
NRS 453.660 **Experimental and clinical programs; personnel; regulations.**
NRS 453.670 **Local governments may assist programs and services.**
NRS 453.680 **Cooperative agreements.**
NRS 453.690 **Information to be furnished.**
NRS 453.700 **Application for treatment; regulations for voluntary submission.**
NRS 453.710 **Liability for costs of treatment.**
NRS 453.720 **Confidential and privileged information.**
NRS 453.730 **Emergency treatment authorized without notification to law enforcement officer or agency.**

GENERAL PROVISIONS

NRS 453.005 Applicability of chapter to medical use of marijuana. The provisions of this chapter do not apply to the extent that they are inconsistent with the provisions of chapter 453A of NRS.
(Added to NRS by 2001, 3066)

UNIFORM CONTROLLED SUBSTANCES ACT

General Provisions

NRS 453.011 Short title; purpose.

1. NRS 453.011 to 453.348, inclusive, may be cited as the Uniform Controlled Substances Act.
2. The Uniform Controlled Substances Act (1990) is substituted in a continuing way for the provisions of NRS 453.011 to 453.348, inclusive, except as those provisions are specifically amended.
(Added to NRS by 1971, 1999; A 1987, 1653; 1991, 1648)

NRS 453.013 Uniformity of interpretation. NRS 453.011 to 453.348, inclusive, shall be so applied and construed as to effectuate its general purpose and to make uniform the law with respect to the subject of such sections among those states which enact it.
(Added to NRS by 1971, 2022)—(Substituted in revision for NRS 453.361)

NRS 453.016 Definitions. As used in this chapter, the words and terms defined in NRS 453.021 to 453.141, inclusive, have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.
(Added to NRS by 1971, 1999; A 1977, 1409; 1979, 1654; 1987, 1653; 1989, 1680; 1991, 484, 793, 1648)

NRS 453.021 "Administer" defined. "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:
1. A practitioner or, in the practitioner's presence, by the practitioner's authorized agent; or
2. The patient or research subject at the direction and in the presence of the practitioner.
(Added to NRS by 1971, 1999; A 1973, 579; 1977, 672; 1979, 1654; 1991, 1648)

NRS 453.023 "Advanced practitioner of nursing" defined. "Advanced practitioner of nursing" means a registered nurse who holds a valid certificate of recognition as an advanced practitioner of nursing issued by the State Board of Nursing.
(Added to NRS by 1991, 793)

NRS 453.026 "Agent" defined. "Agent" means a pharmacist, licensed practical nurse or registered nurse who cares for a patient of a prescribing practitioner in a medical facility or an authorized person who acts on behalf of or at the direction of and is employed by a manufacturer, distributor, dispenser or prescribing practitioner. The term does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.
(Added to NRS by 1971, 2000; A 1979, 1654; 1991, 1953)

NRS 453.031 "Board" defined. "Board" means the State Board of Pharmacy.
(Added to NRS by 1971, 2000; A 1977, 1221)

NRS 453.038 "Chart order" defined. "Chart order" means an order entered on the chart of a patient:
1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department; or
2. Under emergency treatment in a hospital by a physician, advanced practitioner of nursing, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant, advanced practitioner of nursing, dentist or podiatric physician authorizing the administration of a drug to the patient.
(Added to NRS by 1979, 1671; A 1981, 1957; 1985, 1750; 1993, 2232; 1995, 1717; 2001, 408, 783, 794)

NRS 453.039 "Compound" and "compounding" defined. "Compound" or "compounding" means to form or make up a composite product by combining two or more different ingredients.
(Added to NRS by 1979, 1671)

NRS 453.043 "Controlled substance analog" defined.
1. "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance placed in schedule I or II and:
(a) Which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance placed in schedule I or II pursuant to NRS 453.166 or 453.176; or
(b) With respect to a particular person, which he represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in schedule I or II.
2. The term does not include:

(a) A controlled substance;
(b) A substance for which there is an approved new drug application;
(c) A substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) to the extent conduct with respect to the substance is permitted by the exemption; or
(d) Any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.
(Added to NRS by 1991, 1644)

NRS 453.046 "Counterfeit substance" defined. "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.
(Added to NRS by 1971, 2000)

NRS 453.051 "Deliver" and "delivery" defined. "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.
(Added to NRS by 1971, 2000)

NRS 453.053 "Department" defined. "Department" means the Department of Health and Human Services.
(Added to NRS by 1979, 1671)

NRS 453.056 "Dispense" defined.
1. Except as limited by subsection 2, "dispense" means to deliver a controlled substance to an ultimate user, patient or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.
2. The term does not include the furnishing of a controlled substance by a hospital pharmacy for inpatients.
(Added to NRS by 1971, 2000; A 1973, 579; 1977, 672, 938; 1979, 1654; 1987, 1653; 1991, 1648)

NRS 453.061 "Dispenser" defined. "Dispenser" means a practitioner who dispenses.
(Added to NRS by 1971, 2000)

NRS 453.066 "Distribute" defined. "Distribute" means to deliver other than by administering or dispensing a controlled substance. The term includes wholesale distribution as defined in NRS 639.0155.
(Added to NRS by 1971, 2000; A 1991, 1160)

NRS 453.071 "Distributor" defined. "Distributor" means a person who distributes. The term includes a wholesaler as defined in NRS 639.016.
(Added to NRS by 1971, 2000; A 1991, 1160)

NRS 453.076 "Division" defined. "Division" means the Investigation Division of the Department of Public Safety.
(Added to NRS by 1971, 2000; A 1981, 2014; 1985, 1996; 2001, 2624)

NRS 453.081 "Drug" defined.
1. "Drug" means substances:
(a) Recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;
(b) Intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;
(c) Other than food, intended to affect the structure or any function of the body of man or animals; and
(d) Intended for use as a component of any article specified in paragraph (a), (b) or (c).
2. "Drug" does not include devices or their components, parts or accessories.
(Added to NRS by 1971, 2000)

NRS 453.082 "Drug Enforcement Administration" defined. "Drug Enforcement Administration" means the Drug Enforcement Administration of the United States Department of Justice, or its successor agency.

(Added to NRS by 1991, 484)

NRS 453.083 "Fill" defined. "Fill" means the counting, measuring, compounding, pouring, packaging and labeling required to prepare a drug for either direct or indirect delivery to a patient.
(Added to NRS by 1979, 1672)

NRS 453.085 "Hospital" defined. "Hospital" means any facility which is licensed by the Department as a hospital and which provides care and treatment of human illness or other abnormal physical or mental conditions on an inpatient basis, including any such facility operated by this State or a political subdivision of this State.
(Added to NRS by 1979, 1672; A 1987, 950)

NRS 453.086 "Immediate precursor" defined. "Immediate precursor" means a substance:
1. Which the Board has found to be and by regulation has designated to be the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance; and
2. Which is a chemical intermediary used or likely to be used in the manufacture of the controlled substance or the control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance.
(Added to NRS by 1971, 2001; A 1979, 1655; 1991, 1649; 1995, 296)

NRS 453.087 "Institutional pharmacy" defined. "Institutional pharmacy" means a pharmacy or other storage place as defined by regulations adopted by the Board which is a part of or operated in conjunction with a medical facility as that term is defined in NRS 449.0151. The term includes:
1. A pharmacy on the premises of the medical facility which provides a system of distributing and supplying medication to the facility, whether or not operated by the facility; and
2. A pharmacy off the premises of the medical facility which provides services only to the patients of the facility and provides a system of distributing medication based upon chart orders from the medical facility.
(Added to NRS by 1987, 1653; A 1993, 1989)

NRS 453.0875 "Isomer" defined. "Isomer" means an optical isomer, but in subsection 5 of NRS 453.101 the term includes a geometric isomer.
(Added to NRS by 1991, 1644)

NRS 453.091 "Manufacture" defined.
1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.
2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant, dentist, podiatric physician, advanced practitioner of nursing or veterinarian:
(a) As an incident to his administering or dispensing of a substance in the course of his professional practice; or
(b) By his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.
(Added to NRS by 1971, 2001; A 1981, 1958; 1983, 921; 1993, 2232; 1995, 1717; 2001, 408, 783, 794, 888)

NRS 453.096 "Marijuana" defined.
1. "Marijuana" means:
(a) All parts of any plant of the genus *Cannabis*, whether growing or not;
(b) The seeds thereof;
(c) The resin extracted from any part of the plant; and
(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.
2. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
(Added to NRS by 1971, 2001; A 1975, 450)

NRS 453.098 "Narcotic addict" defined. "Narcotic addict" means a person of any age who has developed a

compulsion to continue taking or who has developed a psychic or physical dependence on the effects of a narcotic drug.
(Added to NRS by 1979, 1672)

NRS 453.099 "Narcotic addiction" defined. "Narcotic addiction" means compulsion to continue taking or psychic or physical dependence on the effects of a narcotic drug.
(Added to NRS by 1979, 1672)

NRS 453.101 "Narcotic drug" defined. "Narcotic drug" means any of the following, however manufactured:
1. Opium, opium derivative, and any derivative of either, including their salts, isomers and salts of isomers but not including isoquinoline alkaloids of opium;
2. Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers;
3. Poppy straw and concentrate of poppy straw;
4. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
5. Cocaine, or any salt, isomer or salt of isomer of cocaine;
6. Cocaine base;
7. Ecgonine, or any derivative, salt, isomer or salt of isomer of ecgonine; and
8. A compound, mixture or preparation containing any quantity of a substance listed in this section.
(Added to NRS by 1971, 2001; A 1991, 1649)

NRS 453.106 "Opiate" defined.
1. "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability, including opium, opium derivatives and synthetic opiates.
2. "Opiate" does not include, unless specifically designated as controlled under NRS 453.146, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan) but includes the racemic and levorotatory forms of dextromethorphan.
(Added to NRS by 1971, 2002; A 1991, 1649)

NRS 453.111 "Opium poppy" defined. "Opium poppy" means the plant of the species *Papaver somniferum L.*, except its seeds.
(Added to NRS by 1971, 2002)

NRS 453.113 "Person" defined. "Person" includes a government or a governmental subdivision or agency.
(Added to NRS by 1991, 1644)

NRS 453.117 "Pharmacy" defined.
1. "Pharmacy" means every store or shop licensed by the Board where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, or dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded or dispensed.
2. "Pharmacy" includes pharmacies owned or operated by the State of Nevada and political subdivisions and municipal corporations therein.
(Added to NRS by 1979, 1672)

NRS 453.118 "Pharmacy in a correctional institution" defined. "Pharmacy in a correctional institution" means a pharmacy or other storage place for medicines, controlled substances and dangerous drugs which is a part of or is operated in conjunction with a correctional facility, including a jail and facility for the detention of juveniles.
(Added to NRS by 1987, 1653)

NRS 453.121 "Poppy straw" defined. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
(Added to NRS by 1971, 2002)

NRS 453.126 "Practitioner" defined. "Practitioner" means:
1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this State and is registered pursuant to this chapter.

2. An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy authorizing him to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he possesses or administers sodium pentobarbital pursuant to his license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. An osteopathic physician's assistant who:

(a) Holds a certificate from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

(Added to NRS by 1971, 2002; A 1979, 593, 1655; 1989, 539; 1991, 793, 1650; 1993, 2232; 1995, 1718; 1997, 691; 1999, 1916; 2001, 409, 784, 795)

NRS 453.128 "Prescription" defined.

1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, osteopathic physician's assistant, physician assistant, dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian, or his agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he is to take home upon his discharge.

2. The term does not include a chart order written for an inpatient for use while he is an inpatient.

(Added to NRS by 1973, 579; A 1979, 1655; 1981, 1958; 1983, 1511; 1987, 1653; 1991, 1953; 1993, 2233; 1995, 1718; 1999, 1916; 2001, 409, 784, 795)

NRS 453.131 "Production" defined. "Production" includes the manufacturing of a controlled substance and the planting, cultivation, growing or harvesting of a plant from which a controlled substance is derived.

(Added to NRS by 1971, 2002; A 1991, 1650)

NRS 453.134 "Refill" defined. "Refill" means to fill again.

(Added to NRS by 1979, 1672)

NRS 453.136 "State" defined. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a territory or insular possession subject to the jurisdiction of the United States.

(Added to NRS by 1971, 2002; A 1991, 1650)

NRS 453.137 "Steroid" defined. "Steroid" means any of the compounds that contain a hydrogenated cyclopentophenanthrene-ring system, and includes the sterols.

(Added to NRS by 1989, 1680)

NRS 453.141 "Ultimate user" defined. "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or the use of a member of his household or for administering to any animal owned by him or by a member of his household. The term includes the guardian of an ultimate user or any other person authorized in a durable power of attorney to act on the behalf of the ultimate user. The term does not include a patient in or an employee of a medical facility, as defined in NRS 449.0151, who is not statutorily authorized to administer drugs.

(Added to NRS by 1971, 2002; A 1987, 950; 1991, 1954; 1993, 1215)

NRS 453.146 Powers and duties of Board.

1. The Board shall administer the provisions of NRS 453.011 to 453.552, inclusive, and may add substances to

or delete or reschedule all substances enumerated in schedules I, II, III, IV and V by regulation.

2. In making a determination regarding a substance, the Board shall consider the following:

(a) The actual or relative potential for abuse;

(b) The scientific evidence of its pharmacological effect, if known;

(c) The state of current scientific knowledge regarding the substance;

(d) The history and current pattern of abuse;

(e) The scope, duration and significance of abuse;

(f) The risk to the public health;

(g) The potential of the substance to produce psychic or physiological dependence liability; and

(h) Whether the substance is an immediate precursor of a controlled substance.

3. The Board may consider findings of the federal Food and Drug Administration or the Drug Enforcement Administration as prima facie evidence relating to one or more of the determinative factors.

4. After considering the factors enumerated in subsection 2, the Board shall make findings with respect thereto and adopt a regulation controlling the substance if it finds the substance has a potential for abuse.

5. The Board shall designate as a controlled substance a steroid or other product which is used to enhance athletic performance, muscle mass, strength or weight without medical necessity. The Board may not designate as a controlled substance an anabolic steroid which is:

(a) Expressly intended to be administered through an implant to cattle, poultry or other animals; and

(b) Approved by the Food and Drug Administration for such use.

(Added to NRS by 1971, 2002; A 1973, 580, 1203; 1977, 72; 1979, 1655; 1981, 734; 1987, 1552, 1654; 1989, 1680; 1991, 1650; 1999, 2637; 2001, 1055; 2003, 551)

NRS 453.151 Cooperative arrangements; confidentiality of information.

1. The Board and the Division shall cooperate with federal and other state agencies in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, the Board and Division may:

(a) Arrange for the exchange of information among governmental officials concerning the use and abuse of controlled substances;

(b) Coordinate and cooperate in training programs concerning controlled substance law enforcement at local and state levels;

(c) Cooperate with the Drug Enforcement Administration by establishing a centralized unit to accept, catalog, file and collect statistics, including records of drug-dependent persons and other controlled substance law offenders within the State, and make the information available for federal, state and local law enforcement purposes. The Board and the Division shall not furnish the name or identity of a patient or research subject whose identity could not be obtained pursuant to NRS 453.157; and

(d) Conduct programs of eradication aimed at destroying the wild growth or illicit propagation of plant species from which controlled substances may be extracted.

2. Results, information and evidence received from the Drug Enforcement Administration relating to the regulatory functions of the provisions of NRS 453.011 to 453.552, inclusive, including results of inspections conducted by it, may be relied and acted upon by the Board in the exercise of its regulatory functions pursuant to NRS 453.011 to 453.552, inclusive.

(Added to NRS by 1971, 2003; A 1973, 1204; 1991, 484, 1651)

NRS 453.153 Cooperation between Board and Division required. The Board and Division shall cooperate with each other in effectuating the purposes of NRS 453.011 to 453.552, inclusive.

(Added to NRS by 1971, 2003; A 1995, 1434)

NRS 453.154 Division required to prepare certain reports concerning controlled substances; Division and Board may enter into agreements with public agencies; requirements.

1. In this section, “diversion” means the transfer of a controlled substance from a lawful to an unlawful channel of distribution or use.

2. The Division shall regularly prepare and make available to other state regulatory, licensing and law enforcement agencies a report on the patterns and trends of distribution, diversion and abuse of controlled substances.

3. The Board and the Division may enter into written agreements with local, state and federal agencies to improve identification of sources of diversion and to improve enforcement of and compliance with NRS 453.011 to 453.348, inclusive, and other laws and regulations pertaining to unlawful conduct involving controlled substances. An agreement must specify the roles and responsibilities of each agency that has information or authority to identify,

prevent or control diversion and abuse of controlled substances. The Board and the Division may convene periodic meetings to coordinate a state program to prevent and control diversion. The Board and the Division may arrange for cooperation and exchange of information among agencies and with other states and the Federal Government.

4. The Division shall report annually to the Governor and biennially to the presiding officer of each house of the Legislature on the outcome of the program with respect to its effect on distribution and abuse of controlled substances, including recommendations for improving control and prevention of the diversion of controlled substances in this State.

(Added to NRS by 1991, 1646)

NRS 453.1545 Board and Division required to develop computerized program to track prescriptions for controlled substances; reporting of illegal activity; confidentiality of information obtained from program; gifts, grants and donations.

1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Division, the Health Division of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

2. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

3. The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

4. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on his behalf by his attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

5. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

(Added to NRS by 1995, 1433; A 1999, 245, 1872, 1890; 2001, 417; 2003, 2294)

NRS 453.155 Board or Division authorized to conduct programs for research and education.

1. The Board or Division, in cooperation with the Health Division of the Department, may carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs the Board or Division may:

(a) Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(b) Assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(c) Consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(d) Evaluate procedures, projects, techniques and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;

(e) Disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to alleviate them; and

(f) Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

2. The Board shall encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of the provisions of NRS 453.011 to 453.552, inclusive, it may:

(a) Establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse;

(b) Make studies and undertake programs of research to:

(1) Develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of such sections;

(2) Determine patterns of misuse and abuse of controlled substances and the social effects thereof; and

(3) Improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances; and

(c) Enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations or special projects which bear directly on misuse and abuse of controlled substances.

3. The Board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subject of the research. A person who obtains this authorization is not compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

4. The Board may authorize the possession and distribution of controlled substances by persons engaged in research. A person who obtains this authorization is exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization. The Board shall promptly notify the Division of any such authorization.

(Added to NRS by 1971, 2015; A 1973, 582, 1210; 1991, 1652)

NRS 453.157 Confidentiality of information concerning research or medical practice. A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the Board, nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceeding to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

(Added to NRS by 1971, 2016)—(Substituted in revision for NRS 453.296)

NRS 453.159 Existing orders or regulations unaffected. Any orders and regulations promulgated under any law affected by NRS 453.011 to 453.552, inclusive, and in effect on January 1, 1972, and not in conflict with it continue in effect until modified, superseded or repealed.

(Added to NRS by 1971, 2022; A 1979, 1668)—(Substituted in revision for NRS 453.356)

Schedules

NRS 453.166 Schedule I tests. The Board shall place a substance in schedule I if it finds that the substance:

1. Has high potential for abuse; and
2. Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

(Added to NRS by 1971, 2005)

NRS 453.176 Schedule II tests. The Board shall place a substance in schedule II if it finds that:

1. The substance has high potential for abuse;
2. The substance has accepted medical use in treatment in the United States, or accepted medical use with severe restrictions; and
3. The abuse of the substance may lead to severe psychological or physical dependence.

(Added to NRS by 1971, 2006; A 1991, 1653)

NRS 453.186 Schedule III tests. The Board shall place a substance in schedule III if it finds that:

1. The substance has a potential for abuse less than the substances listed in schedules I and II;
2. The substance has currently accepted medical use in treatment in the United States; and
3. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

(Added to NRS by 1971, 2008)

NRS 453.196 Schedule IV tests. The Board shall place a substance in schedule IV if it finds that:

1. The substance has a low potential for abuse relative to substances in schedule III;
2. The substance has currently accepted medical use in treatment in the United States; and
3. Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in schedule III.

(Added to NRS by 1971, 2008)

NRS 453.206 Schedule V tests. The Board shall place a substance in schedule V if it finds that:
1. The substance has a low potential for abuse relative to substances listed in schedule IV;
2. The substance has accepted medical use in treatment in the United States; and
3. Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in schedule IV.
(Added to NRS by 1971, 2009; A 1991, 1653)

NRS 453.211 Review, revision and dissemination of schedules.
1. The Board shall:
(a) Review the schedules annually and maintain a list of current schedules.
(b) Upon the revision of a schedule, cause a copy of the revised schedule to be sent to each district attorney, public defender and judge in the State of Nevada.
(c) Make copies of the list of current schedules available to members of the public upon request. The Board may charge a reasonable fee for providing the copies.
2. Failure to publish revised schedules is not a defense in any administrative or judicial proceeding under NRS 453.011 to 453.552, inclusive.
(Added to NRS by 1971, 2009; A 1991, 1653; 1993, 635; 2001, 1056; 2003, 551)

NRS 453.216 Nomenclature. The controlled substances listed or to be listed in schedules I, II, III, IV or V are included by whatever official, common, usual, chemical or trade name designated.
(Added to NRS by 1971, 2009; A 1981, 735)

NRS 453.218 Addition of immediate precursor to schedule. The Board, without regard to the findings required by NRS 453.166, 453.176, 453.186, 453.196, 453.206 or subsection 4 of NRS 453.146 or the procedures prescribed by subsections 1 to 4, inclusive, of NRS 453.146, may add an immediate precursor to the same schedule in which the controlled substance of which it is an immediate precursor is included or to in any other schedule. If the Board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor are not subject to control solely because they are precursors of the controlled precursor.
(Added to NRS by 1991, 1644)

NRS 453.2182 Treatment by Board when substance is designated, rescheduled or deleted as controlled substance by federal law. If a substance is designated, rescheduled or deleted as a controlled substance pursuant to federal law, the Board shall similarly treat the substance pursuant to the provisions of NRS 453.011 to 453.552, inclusive, after the expiration of 60 days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance or from the date of issuance of an order of temporary scheduling under Section 508 of the federal Dangerous Drug Diversion Control Act of 1984, 21 U.S.C. § 811(h), unless within the 60-day period, the Board or an interested party objects to the treatment of the substance. If no objection is made, the Board shall adopt, without making the determinations or findings required by subsections 1 to 4, inclusive, of NRS 453.146 or NRS 453.166, 453.176, 453.186, 453.196 or 453.206, a final regulation treating the substance. If an objection is made, the Board shall make a determination with respect to the treatment of the substance as provided by subsections 1 to 4, inclusive, of NRS 453.146. Upon receipt of an objection to the treatment by the Board, the Board shall publish notice of the receipt of the objection, and action by the Board is stayed until the Board adopts a regulation as provided by subsection 4 of NRS 453.146.
(Added to NRS by 1991, 1644; A 2001, 1056; 2003, 552)

NRS 453.2184 Scheduling of substance by extraordinary regulation. The Board, by extraordinary regulation and without regard to the requirements of subsections 1, 2 and 3 of NRS 453.146 may schedule a substance in schedule I, whether or not the substance is substantially similar to a controlled substance included in schedule I or II, if the Board finds that scheduling of the substance by extraordinary regulation is necessary to avoid an imminent hazard to the public safety and the substance is not in any other schedule and no exemption or approval is in effect for the substance under Section 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355). Upon receipt of notice under NRS 453.219 the Board shall initiate scheduling of the controlled substance analog by extraordinary regulation pursuant to this section. The scheduling of a substance under this section expires 1 year after the adoption of the extraordinary regulation. With respect to the finding of an imminent hazard to the public safety, the Board shall consider whether the substance has been scheduled on a temporary basis under federal law and the factors set

forth in paragraphs (d), (e) and (f) of subsection 2 of NRS 453.146, and may also consider clandestine importation, manufacture or distribution, and if available, information concerning the other factors set forth in subsection 2 of NRS 453.146. An extraordinary regulation may not be adopted under this section until the Board initiates a proceeding to adopt a regulation pursuant to subsections 1 to 4, inclusive, of NRS 453.146 with respect to the substance. An extraordinary regulation adopted under this section lapses upon the conclusion of the proceeding initiated under subsections 1 to 4, inclusive, of NRS 453.146 with respect to the substance.

(Added to NRS by 1991, 1645)

NRS 453.2186 Board prohibited from including certain substances on schedule; exceptions; required considerations.

1. Authority to control pursuant to NRS 453.146, 453.218, 453.2182 and 453.2184 does not extend to distilled spirits, wine, malt beverages or tobacco.

2. The Board shall not include any nonnarcotic substance on any schedule if that substance is in a form suitable for final dosage and has been approved by the Food and Drug Administration for sale over the counter without a prescription, unless the Board affirmatively finds that:

(a) The substance itself or one or more of its active ingredients is an immediate precursor of a controlled substance; and

(b) The substance is materially misbranded or mislabeled, or the public interest requires the scheduling of the substance as a controlled substance in schedule I, II, III or IV.

3. In determining whether the public interest requires the scheduling of the substance, the Board shall consider:

(a) Whether the customary methods of marketing and distributing the substance are likely to lead to its unlawful distribution or use, including any relevant information with regard to a manufacturer or distributor of the substance concerning:

(1) His record of compliance with applicable federal, state and local statutes, ordinances and regulations;

(2) His past experience in the manufacture and distribution of controlled substances, and the existence in his establishment of effective controls against the unlawful distribution or use of the substance;

(3) Whether he has ever been convicted under any federal or state law relating to a controlled substance; and

(4) Whether he has ever furnished materially falsified or fraudulent material in any application filed pursuant to NRS 453.011 to 453.552, inclusive.

(b) Whether the substance is controlled under the federal Controlled Substances Act;

(c) The status of any pending proceeding to determine whether the substance should be controlled or exempted from control;

(d) Any history of abuse or misuse of the substance in this State; and

(e) Any other factors which are relevant to the public health and safety.

4. In determining whether a substance is misbranded or mislabeled, the Board shall consider the requirements of the federal Food, Drug, and Cosmetic Act and the Code of Federal Regulations concerning indications for its use and any advertising for a use not so indicated.

(Added to NRS by 1991, 1645)

NRS 453.2188 Placement of substance in schedule allowed if controlled by federal law pursuant to international treaty, convention or protocol. The Board may place a substance in schedule I, II, III, IV or V without making the findings respectively required for those schedules if the substance is controlled under the corresponding schedule of the federal Controlled Substances Act by a federal agency as the result of an international treaty, convention or protocol.

(Added to NRS by 1991, 1646)

NRS 453.219 Controlled substance analog: Treatment as substance in schedule I; notice of prosecution; determination by Board. A controlled substance analog, to the extent intended for human consumption, must be treated, for the purposes of NRS 453.011 to 453.552, inclusive, as a substance included in schedule I. Within 30 days after the initiation of prosecution with respect to a controlled substance analog by indictment or information, the district attorney shall notify the Board of information relevant to scheduling by extraordinary regulation as provided for in NRS 453.2184. If the Board finally determines that the controlled substance analog should not be scheduled, no prosecution relating to that substance as a controlled substance analog may be commenced or continued.

(Added to NRS by 1991, 1646; A 2001, 1056; 2003, 552)

Regulations

NRS 453.221 Regulations; fees.

1. The Board may adopt regulations and charge reasonable fees relating to the registration and control of the dispensing of controlled substances within this State.

2. The Board may charge an additional fee for dispensing controlled substances included in schedules I to V, inclusive, to cover the cost of developing and maintaining the computerized program developed pursuant to NRS 453.1545. The amount of the fee must be:

(a) Set so that the aggregate amount received from the fee does not exceed the estimated costs of developing and maintaining the program.

(b) Approved by the Legislature, if it is in regular session, or the Interim Finance Committee, if the Legislature is not in regular session.

(Added to NRS by 1971, 2009; A 1979, 1661; 1981, 735; 1991, 1160, 1653; 1995, 296, 1434)

NRS 453.226 Requirements for registration; authority of registrant; exemptions and waivers; inspections.

1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he is acting in the usual course of his business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, osteopathic physician's assistant, physician assistant, dentist, advanced practitioner of nursing, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

(Added to NRS by 1971, 2009; A 1973, 1204; 1979, 1661; 1981, 736, 1958; 1991, 1161, 1653; 1993, 2233; 1995, 296, 1718; 2001, 409, 785, 796)

NRS 453.231 Registration: Public interest; specific controlled substances; research.

1. The Board shall register an applicant to dispense controlled substances included in schedules I to V, inclusive, unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board shall consider the following factors:

(a) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, research or industrial channels;

(b) Compliance with state and local law;

(c) Promotion of technical advances in the art of manufacturing controlled substances and the development of new substances;

(d) Convictions of the applicant pursuant to laws of another country or federal or state laws relating to a controlled substance;

(e) Past experience of the applicant in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion of controlled substances into other than legitimate medical, scientific research or industrial channels;

(f) Furnishing by the applicant of false or fraudulent material in an application filed pursuant to the provisions of NRS 453.011 to 453.552, inclusive;

(g) Suspension or revocation of the applicant's federal registration to manufacture, distribute, possess, administer or dispense controlled substances as authorized by federal law; and

(h) Any other factors relevant to and consistent with the public health and safety.

2. Registration pursuant to subsection 1 entitles a registrant to dispense a substance included in schedules I or II only if it is specified in the registration.

3. A practitioner must be registered before dispensing a controlled substance or conducting research with respect to a controlled substance included in schedules II to V, inclusive. The Board need not require separate registration pursuant to the provisions of NRS 453.011 to 453.552, inclusive, for practitioners engaging in research with nonnarcotic controlled substances included in schedules II to V, inclusive, if the registrant is already registered in accordance with the provisions of NRS 453.011 to 453.552, inclusive, in another capacity. A practitioner registered in accordance with federal law to conduct research with a substance included in schedule I may conduct research with the substance in this State upon furnishing the Board evidence of the federal registration.

(Added to NRS by 1971, 2010; A 1973, 1205; 1979, 1662; 1981, 737, 1959; 1991, 1161, 1654; 1995, 297)

NRS 453.232 Penalty for failure to register. A person who dispenses a controlled substance without being registered by the Board if required by NRS 453.231 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(Added to NRS by 1979, 1672; A 1981, 737; 1991, 1162, 1656; 1995, 298, 1280, 1329)

NRS 453.233 Notice of conviction of registered person to be furnished. Upon the conviction of any person required to be registered under the provisions of NRS 453.011 to 453.552, inclusive, of violation of any federal or state law relating to any controlled substance, the prosecuting attorney shall cause copies of the judgment of conviction to be sent to the Board and to any other licensing agency by whom the convicted person has been licensed or registered under the laws of the State of Nevada to engage in the practice of his business or profession.

(Added to NRS by 1973, 579; A 2001, 1056; 2003, 552)

NRS 453.236 Suspension, revocation of registration; seizure, placement under seal of controlled substance owned or possessed by registrant; notification of Drug Enforcement Administration and Division concerning suspension, revocation or forfeiture; registrant prohibited from employing person whose pharmacist's certificate was suspended or revoked.

1. The Board may suspend or revoke a registration pursuant to NRS 453.231 to dispense a controlled substance upon a finding that the registrant has:

(a) Furnished false or fraudulent material information in an application filed pursuant to NRS 453.011 to 453.552, inclusive;

(b) Been convicted of a felony under a state or federal law relating to a controlled substance;

(c) Had his federal registration to dispense controlled substances suspended or revoked and is no longer authorized by federal law to dispense those substances; or

(d) Committed an act that would render registration under NRS 453.231 inconsistent with the public interest as determined pursuant to that section.

2. The Board may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

3. If a registration is suspended or revoked, the Board may place under seal all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. When a revocation becomes final, the court may order the controlled substances forfeited to the State.

4. The Board may seize or place under seal any controlled substance owned or possessed by a registrant whose registration has expired or who has ceased to practice or do business in the manner permitted by the registration. The controlled substance must be held for the benefit of the registrant or his successor in interest. The Board shall notify a registrant, or his successor in interest, whose controlled substance is seized or placed under seal, of the procedures to be followed to secure the return of the controlled substance and the conditions under which it will be returned. The Board may not dispose of a controlled substance seized or placed under seal under this subsection until the expiration of 180 days after the controlled substance was seized or placed under seal. The Board may recover costs it incurred in seizing, placing under seal, maintaining custody and disposing of any controlled substance under this subsection from the registrant, from any proceeds obtained from the disposition of the controlled substance, or from both. The

Board shall pay to the registrant or his successor in interest any balance of the proceeds of any disposition remaining after the costs have been recovered.

5. The Board shall promptly notify the Drug Enforcement Administration and the Division of all orders suspending or revoking registration and the Division shall promptly notify the Drug Enforcement Administration and the Board of all forfeitures of controlled substances.

6. A registrant shall not employ as his agent or employee in any premises where controlled substances are sold, dispensed, stored or held for sale any person whose pharmacist's certificate has been suspended or revoked.

(Added to NRS by 1971, 2011; A 1973, 580, 1206; 1975, 988; 1977, 669; 1979, 1663; 1981, 738; 1983, 1511; 1991, 485, 1162, 1656; 1995, 298)

NRS 453.241 Administrative proceedings to deny, suspend or revoke registration.

1. Administrative proceedings by the Board to deny, suspend or revoke a registration must be initiated, conducted and concluded pursuant to the provisions of NRS 639.241 to 639.257, inclusive, without regard to any criminal prosecution or other proceeding, but instead of the methods of discipline provided in paragraphs (c) and (d) of subsection 1 of NRS 639.255, the Board shall:

(a) Suspend the right of the registrant to use his registration or a schedule thereof; or

(b) Revoke the registration or a schedule thereof.

2. Proceedings to refuse renewal of registration do not abate the existing registration, which remains in effect pending the outcome of the administrative hearing.

3. The Board may suspend, before the hearing, any registration with the institution of proceedings under NRS 453.236, or where renewal of registration is refused, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension continues in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the Board or dissolved by a court of competent jurisdiction. In the event of such a suspension the Board shall conduct a hearing at the earliest possible date, but in any event, the hearing must be conducted no later than 15 days after the date of suspension unless a continuance is requested by the registrant or the registrant otherwise prevents the holding of the hearing.

(Added to NRS by 1971, 2011; A 1977, 73; 1979, 1664; 1991, 1657)

NRS 453.246 Recordkeeping and inventory requirements for registrants. Persons registered to dispense controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive, shall keep records and maintain inventories in conformance with the recordkeeping and inventory requirements of state and federal law and with any additional regulations the Board issues.

(Added to NRS by 1971, 2012; A 1973, 1207; 1979, 1665; 1991, 1164, 1658; 1995, 299; 2001, 1057; 2003, 552)

NRS 453.251 Order forms. Controlled substances listed in schedules I and II may be distributed by a registrant or licensed pharmacy to another registrant or licensed pharmacy only pursuant to an order form and may be received by a registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

(Added to NRS by 1971, 2012; A 1977, 670; 1979, 1318, 1665; 1987, 950)

NRS 453.256 Prescriptions; requirements for dispensing certain substances; penalty.

1. Except as otherwise provided in subsection 2, a substance included in schedule II must not be dispensed without the written prescription of a practitioner.

2. A controlled substance included in schedule II may be dispensed without the written prescription of a practitioner only:

(a) In an emergency, as defined by regulation of the Board, upon oral prescription of a practitioner, reduced to writing promptly and in any case within 72 hours, signed by the practitioner and filed by the pharmacy.

(b) Upon the use of a facsimile machine to transmit the prescription for a substance included in schedule II by a practitioner or a practitioner's agent to a pharmacy for:

(1) Direct administration to a patient by parenteral solution; or

(2) A resident of a facility for intermediate care or a facility for skilled nursing which is licensed as such by the Health Division of the Department.

Ê A prescription transmitted by a facsimile machine pursuant to this paragraph must be printed on paper which is capable of being retained for at least 2 years. For the purposes of this section, such a prescription constitutes a written prescription. The pharmacy shall keep prescriptions in conformity with the requirements of NRS 453.246. A prescription for a substance included in schedule II must not be refilled.

3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a substance

included in schedule III or IV which is a dangerous drug as determined under NRS 454.201, must not be dispensed without a written or oral prescription of a practitioner. The prescription must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

4. A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.

5. A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his profession.

6. No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

7. An individual practitioner may not dispense a substance included in schedule II, III or IV for his own personal use except in a medical emergency.

8. A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

9. As used in this section:

(a) "Facsimile machine" means a device which sends or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.

(b) "Medical treatment" includes dispensing or administering a narcotic drug for pain, whether or not intractable.

(c) "Parenteral solution" has the meaning ascribed to it in NRS 639.0105.

(Added to NRS by 1971, 2012; A 1973, 581; 1979, 1665; 1981, 1960; 1989, 1125; 1991, 1658; 1995, 299, 1280, 1329)

NRS 453.257 Filling second or subsequent prescriptions. A pharmacist shall not fill a second or subsequent prescription for a controlled substance listed in schedule II for the same patient unless the frequency of prescriptions is in conformity with the directions for use. The need for any increased amount shall be verified by the practitioner in writing or personally by telephone.

(Added to NRS by 1977, 668; A 1979, 1665)

Enforcement

NRS 453.261 Administrative inspections.

1. The Division or the Board may make administrative inspections of controlled premises in accordance with the following provisions:

(a) When authorized by an administrative warrant for inspection issued pursuant to NRS 453.266, an officer, employee or other person who possesses some or all of the powers of a peace officer, designated by the Division or the Board, upon presenting the warrant and appropriate credentials to the owner, operator or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.

(b) When authorized by an administrative warrant for inspection, an officer, employee or other person who possesses some or all of the powers of a peace officer, designated by the Division or the Board may:

(1) Inspect and copy records required to be kept by the provisions of NRS 453.011 to 453.552, inclusive;

(2) Inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subsection 3, all other things therein, including records, files, papers, processes, controls and facilities bearing on any violation of the provisions of NRS 453.011 to 453.552, inclusive; and

(3) Inventory any stock of any controlled substance therein and obtain samples thereof.

2. This section does not prevent the inspection without a warrant of books and records, nor does it prevent entries and administrative inspections, including seizures of property, without a warrant:

(a) If the owner, operator or agent in charge of the controlled premises consents;

(b) In situations presenting imminent danger to health or safety;

(c) In situations involving inspection of conveyances if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(d) In any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; or

(e) In all other situations in which a warrant is not constitutionally required.

3. An inspection authorized by this section must not extend to financial data or sales data, other than data for shipment or pricing, unless the owner, operator or agent in charge of the controlled premises consents in writing.

4. For purposes of this section, "controlled premises" means:

(a) Places where persons registered or exempted from the requirements for registration pursuant to NRS 453.011 to 453.552, inclusive, are required to keep records;

(b) Places, including factories, warehouses, establishments and conveyances in which persons registered or exempted from the requirements for registration pursuant to NRS 453.011 to 453.552, inclusive, are permitted to hold, manufacture, compound, process, sell, deliver or otherwise dispose of any controlled substance; and

(c) Places where immediate precursors are sold, compounded, manufactured, processed or delivered.

(Added to NRS by 1971, 2012; A 1973, 581, 1207; 1981, 1960; 1985, 293; 1991, 486, 1659)

NRS 453.266 Administrative warrant for inspection.

1. Issuance and execution of an administrative warrant for inspection must be as follows:

(a) A magistrate, within his jurisdiction, and upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by the provisions of NRS 453.011 to 453.552, inclusive, or regulations of the Board or Division, and seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of the provisions of NRS 453.011 to 453.552, inclusive, or regulations of the Board or Division, sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant.

(b) A warrant must issue only upon an affidavit of an officer or employee of the Board or Division having knowledge of the facts alleged, sworn to before the magistrate and establishing the grounds for issuing the warrant. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any.

2. The warrant must:

(a) State the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;

(b) Be directed to a person authorized to execute it;

(c) Command the person to whom it is directed to permit the inspection of the area, premises, building or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;

(d) Identify the item or types of property to be seized, if any; and

(e) Direct that it be served during normal business hours and designate the magistrate to whom it shall be returned.

3. A warrant issued pursuant to this section must be executed and returned within 10 days of its date of issuance unless, upon a showing of a need for additional time, the magistrate orders otherwise.

4. If property is seized pursuant to a warrant, a copy must be given to the person from whom or from whose premises the property is taken, together with a receipt for the property taken.

5. The return of the warrant must be made promptly, accompanied by a written inventory of any property taken. The inventory must be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory must be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

6. The magistrate who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the district court in the county in which the inspection was made.

(Added to NRS by 1971, 2013; A 1973, 1208; 1979, 1666; 2003, 553)

NRS 453.271 Powers of enforcement of officers and employees of Division. Any officer or employee of the Division designated by his appointing authority may:

1. Carry firearms in the performance of his official duties;

2. Execute and serve search warrants, arrest warrants, administrative warrants for inspections, subpoenas and summonses issued under the authority of this State;

3. Make arrests without warrant for any offense under the provisions of NRS 453.011 to 453.552, inclusive, committed in his presence, or if he has probable cause to believe that the person to be arrested has committed or is committing a violation of such sections which may constitute a felony;

4. Make seizures of property pursuant to the provisions of NRS 453.011 to 453.552, inclusive; or

5. Perform other law enforcement duties as the Division designates.

(Added to NRS by 1971, 2014; A 1973, 1209; 2001, 1057; 2003, 554)

NRS 453.276 Injunctions. The Board or the Attorney General may bring an action to enjoin any act which would be in violation of the provisions of this chapter. Such an action must be commenced in the district court for the county in which the act is to occur and must be in conformity with Rule 65 of the Nevada Rules of Civil Procedure, except that the Board or the Attorney General is not required to allege facts necessary to show or tending to show lack of adequate remedy at law or irreparable damage or loss. The action must be brought in the name of the State of Nevada.

(Added to NRS by 1971, 2014; A 1973, 1209; 1979, 1667; 2001, 1057)

NRS 453.281 Burden of proof; immunity of officers from liability.

1. It is not necessary for the State to negate any exemption or exception in the provisions of NRS 453.011 to 453.552, inclusive, in any complaint, information, indictment or other pleading or in any trial, hearing or other proceeding under such sections. The burden of proof of any exemption or exception is upon the person claiming it.

2. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under the provisions of NRS 453.011 to 453.552, inclusive:

(a) The person is presumed not to be the holder of the registration or form; and

(b) The burden of proof is upon the person to rebut the presumption.

3. No liability is imposed by the provisions of NRS 453.011 to 453.552, inclusive, upon any authorized state, county or municipal officer engaged in the lawful performance of his duties.

(Added to NRS by 1971, 2014; A 1973, 1209; 2001, 1057; 2003, 554)

NRS 453.286 Judicial review. All final determinations, findings and conclusions of the Board or Division under the provisions of NRS 453.011 to 453.552, inclusive, are final and conclusive decisions of the matters involved. Any person aggrieved by the decision is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS. Findings of fact by the Board or Division, if supported by substantial evidence, are conclusive.

(Added to NRS by 1971, 2015; A 1973, 1210; 1989, 1654; 2001, 1058; 2003, 554)

Forfeitures

NRS 453.301 Property subject to forfeiture. The following are subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive:

1. All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

2. All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

3. All property which is used, or intended for use, as a container for property described in subsections 1 and 2.

4. All books, records and research products and materials, including formulas, microfilm, tapes and data, which are used, or intended for use, in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

5. All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, concealment, manufacture or protection, for the purpose of sale, possession for sale or receipt of property described in subsection 1 or 2.

6. All drug paraphernalia as defined by NRS 453.554 which are used in violation of NRS 453.560, 453.562 or 453.566 or a law of any other jurisdiction which prohibits the same or similar conduct, or of an injunction issued pursuant to NRS 453.558.

7. All imitation controlled substances which have been manufactured, distributed or dispensed in violation of the provisions of NRS 453.332 or 453.3611 to 453.3648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

8. All real property and mobile homes used or intended to be used by any owner or tenant of the property or mobile home to facilitate a violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 453.011 to 453.552, inclusive, except NRS 453.336. As used in this subsection, “tenant” means any person entitled, under a written or oral rental agreement, to occupy real property or a mobile

home to the exclusion of others.

9. Everything of value furnished or intended to be furnished in exchange for a controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct, all proceeds traceable to such an exchange, and all other property used or intended to be used to facilitate a violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 453.011 to 453.552, inclusive, except NRS 453.336. If an amount of cash which exceeds $300 is found in the possession of a person who is arrested for a violation of NRS 453.337 or 453.338, then there is a rebuttable presumption that the cash is traceable to an exchange for a controlled substance and is subject to forfeiture pursuant to this subsection.

10. All firearms, as defined by NRS 202.253, which are in the actual or constructive possession of a person who possesses or is consuming, manufacturing, transporting, selling or under the influence of any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

11. All computer hardware, equipment, accessories, software and programs that are in the actual or constructive possession of a person who owns, operates, controls, profits from or is employed or paid by an illegal Internet pharmacy and who violates the provisions of NRS 453.3611 to 453.3648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

(Added to NRS by 1971, 2016; A 1973, 1211; 1977, 1409; 1981, 408; 1983, 288, 440, 922; 1987, 1385; 1989, 11, 1231; 1991, 336; 2001, 1058; 2003, 554)

NRS 453.305 Forfeiture of real property or mobile home: Notices to owner.

1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by him as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.

2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by him as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.

3. The notices required by this section must:

(a) Be written in language which is easily understood;

(b) Be sent by certified or registered mail, return receipt requested, to the owner at his last known address;

(c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;

(d) Identify the tenant involved and the offense for which he has been arrested or convicted; and

(e) Advise the owner that:

(1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, and 453.301 unless the tenant, if convicted, is evicted;

(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;

(3) In any proceeding for forfeiture based upon such a violation he will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and

(4) The provisions of NRS 40.2514 and 40.254 authorize the supplemental remedy of summary eviction to facilitate his recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees he incurs in doing so.

4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.119, inclusive, and 453.301.

5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

(Added to NRS by 1989, 1230; A 2001, 1059; 2003, 556)

NRS 453.311 Controlled substances; plants; seizure and forfeiture.

1. Controlled substances listed in schedule I:

(a) That are possessed, transferred, sold or offered for sale in violation of the provisions of NRS 453.011 to 453.552, inclusive, are contraband and must be seized and summarily forfeited to the State.

(b) Which are seized or come into the possession of the State, the owners of which are unknown, are contraband and must be summarily forfeited to the State.

2. Species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of the provisions of NRS 453.011 to 453.552, inclusive, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the State.

3. The failure, upon demand by the Division or other law enforcement agency, or the authorized agent of either, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

(Added to NRS by 1971, 2017; A 1973, 1212; 2001, 1060; 2003, 556)

Offenses and Penalties

NRS 453.316 Opening or maintaining of place for unlawful sale, gift or use of controlled substance prohibited; penalties; prohibition against probation or suspension of sentence for certain repeat offenders.

1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000, except as otherwise provided in subsection 2.

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, he has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, he is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $20,000. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section if he has been previously convicted under this section or of any other offense described in this subsection.

3. This section does not apply to any rehabilitation clinic established or licensed by the Health Division of the Department.

(Added to NRS by 1971, 2018; A 1973, 1406; 1977, 1410; 1979, 1471; 1995, 1281)

NRS 453.321 Offer, attempt or commission of unauthorized act relating to controlled or counterfeit substance unlawful; penalties; prohibition against probation or suspension of sentence for certain repeat offenders.

1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to:

(a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance;

(b) Manufacture or compound a counterfeit substance; or

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1 and the controlled substance is classified in schedule I or II, he is guilty of a category B felony and shall be punished:

(a) For the first offense, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $20,000.

(b) For a second offense, or if, in the case of a first conviction under this subsection, the offender has previously been convicted of an offense under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $20,000.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. The court shall not grant probation to or suspend the sentence of a person convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of subsection 2.

4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1, and the controlled substance is classified in schedule III, IV or V, he shall be punished:

(a) For the first offense, for a category C felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the offender has previously been convicted of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $15,000.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

5. The court shall not grant probation to or suspend the sentence of a person convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of subsection 4.

(Added to NRS by 1971, 2018; A 1973, 1213, 1372; 1977, 1411; 1979, 1471, 1667; 1981, 739; 1983, 510; 1995, 1281; 1999, 2637)

NRS 453.322 Offer, attempt or commission of unauthorized act relating to manufacture or compounding of certain controlled substances unlawful; penalty; prohibition against probation of offenders.

1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection 4; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 4, is commonly used in manufacturing or compounding such a controlled substance.

Ê The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.3385 or 453.3395, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.

3. The court shall not grant probation to a person convicted pursuant to this section.

4. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.

(b) Acetone.

(c) N-Acetylanthranilic acid, its esters and its salts.

(d) Anthranilic acid, its esters and its salts.

(e) Benzaldehyde, its salts, isomers and salts of isomers.

(f) Benzyl chloride.

(g) Benzyl cyanide.

(h) 1,4-Butanediol.

(i) 2-Butanone (or methyl ethyl ketone or MEK).

(j) Ephedrine, its salts, isomers and salts of isomers.

(k) Ergonovine and its salts.

(l) Ergotamine and its salts.

(m) Ethylamine, its salts, isomers and salts of isomers.

(n) Ethyl ether.

(o) Gamma butyrolactone.

(p) Hydriodic acid, its salts, isomers and salts of isomers.

(q) Hydrochloric gas.

(r) Iodine.

(s) Isosafrole, its salts, isomers and salts of isomers.

(t) Methylamine, its salts, isomers and salts of isomers.
(u) 3,4-Methylenedioxy-phenyl-2-propanone.
(v) N-Methylephedrine, its salts, isomers and salts of isomers.
(w) Methyl isobutyl ketone (MIBK).
(x) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
(y) Nitroethane, its salts, isomers and salts of isomers.
(z) Norpseudoephedrine, its salts, isomers and salts of isomers.
(aa) Phenylacetic acid, its esters and its salts.
(bb) Phenylpropanolamine, its salts, isomers and salts of isomers.
(cc) Piperidine and its salts.
(dd) Piperonal, its salts, isomers and salts of isomers.
(ee) Potassium permanganate.
(ff) Propionic anhydride, its salts, isomers and salts of isomers.
(gg) Pseudoephedrine, its salts, isomers and salts of isomers.
(hh) Red phosphorous.
(ii) Safrole, its salts, isomers and salts of isomers.
(jj) Sulfuric acid.
(kk) Toluene.
(Added to NRS by 1999, 2636; A 2003, 1396)

NRS 453.326 Unlawful acts relating to recordkeeping, inspections and knowingly keeping or maintaining place where controlled substances are unlawfully used, kept or sold; penalty.

1. It is unlawful for a person:

(a) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under the provisions of NRS 453.011 to 453.552, inclusive;

(b) To refuse an entry into any premises for any inspection authorized by the provisions of NRS 453.011 to 453.552, inclusive; or

(c) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft or other structure or place which is resorted to by persons using controlled substances in violation of the provisions of NRS 453.011 to 453.552, inclusive, for the purpose of using these substances, or which is used for keeping or selling them in violation of those sections.

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(Added to NRS by 1971, 2019; A 1973, 1214; 1979, 1472; 1995, 1283; 1999, 2638; 2001, 1060; 2003, 557)

NRS 453.331 Unlawful acts relating to distribution of certain controlled substances by registrants, use of unauthorized registration number and possession of signed blank prescription forms; certain fraudulent acts prohibited; penalty.

1. It is unlawful for a person knowingly or intentionally to:

(a) Distribute as a registrant a controlled substance classified in schedule I or II, except pursuant to an order form as required by NRS 453.251;

(b) Use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended or issued to another person;

(c) Assume falsely the title of or represent himself as a registrant or other person authorized to possess controlled substances;

(d) Acquire or obtain or attempt to acquire or obtain possession of a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge or alteration;

(e) Furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under the provisions of NRS 453.011 to 453.552, inclusive, or any record required to be kept by those sections;

(f) Sign the name of a fictitious person or of another person on any prescription for a controlled substance or falsely make, alter, forge, utter, publish or pass, as genuine, any prescription for a controlled substance;

(g) Make, distribute or possess any punch, die, plate, stone or other thing designed to print, imprint or reproduce the trademark, trade name or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance;

(h) Possess prescription blanks which have been signed before being filled out; or

(i) Make a false representation to a pharmacist for the purpose of obtaining a controlled substance for which a prescription is required.

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(Added to NRS by 1971, 2019; A 1973, 1214; 1975, 988; 1979, 1318; 1981, 1962; 1985, 886; 1987, 950; 1995, 1283)

NRS 453.332 Unlawful acts relating to imitation controlled substances; penalties.

1. Except as otherwise provided in subsection 6, it is unlawful for a person to manufacture, distribute, sell or possess with the intent to distribute or sell an imitation controlled substance.

2. Except as otherwise provided in subsection 3, a person who violates subsection 1 is guilty of a misdemeanor.

3. A person who is 18 years of age or older who distributes or sells an imitation controlled substance to a person who is under the age of 18 years is guilty of a category C felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court may order the convicted person to pay restitution for any reasonable costs incurred for the participation of the person to whom he distributed or sold the imitation controlled substance in a program for the treatment of the abuse of controlled substances. If the court orders the convicted person to make such restitution, the court shall notify the parent, guardian or other person legally responsible for the person to whom the imitation controlled substance was distributed or sold that such restitution has been ordered.

4. A person who:

(a) Uses or possesses with the intent to use an imitation controlled substance; or

(b) Advertises or solicits in any manner with reasonable knowledge that the advertisement or solicitation is to promote the distribution of an imitation controlled substance,

Ê is guilty of a gross misdemeanor upon his first and second convictions, and upon a third or any further conviction, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

5. For the purposes of this section:

(a) “Distribute” means the actual, constructive or attempted transfer, delivery or dispensing to another of an imitation controlled substance.

(b) “Imitation controlled substance” means a substance, not a controlled substance, which:

(1) In the form distributed is shaped, marked or colored so as to lead a reasonable person to believe it is a controlled substance; or

(2) Is represented to be a controlled substance. In determining whether such a representation was made, the court shall consider, in addition to all other logically relevant factors:

(I) Statements made by the defendant regarding the nature of the substance, its use or effect.

(II) Statements made by the defendant regarding the recipient’s ability to resell the substance at a substantially higher price than is customary for the substance.

(III) Whether the substance is packaged in a manner normally used for illicit controlled substances.

6. This section does not apply to the manufacture, distribution, sale or possession of an imitation controlled substance for use as a placebo by a practitioner in the course of his professional practice or research.

(Added to NRS by 1983, 920; A 1995, 1284; 1999, 748)

NRS 453.3325 Unlawful to allow child to be present during commission of certain violations which involve controlled substances other than marijuana; penalties; probation or suspended sentence prohibited.

1. A person shall not intentionally allow a child to be present in any conveyance or upon any premises wherein a controlled substance other than marijuana:

(a) Is being used in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity;

(b) Is being sold, exchanged, bartered, supplied, prescribed, dispensed, given away or administered in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity; or

(c) Is being or has been manufactured or compounded in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity.

2. Unless a greater penalty is provided by specific statute:

(a) A person who violates the provisions of paragraph (a) of subsection 1:

(1) If the violation does not proximately cause substantial bodily harm or death to the child, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If the violation proximately causes substantial bodily harm to the child other than death, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 6 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than $20,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

(b) A person who violates the provisions of paragraph (b) of subsection 1:

(1) If the violation does not proximately cause substantial bodily harm or death to the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not more than $10,000.

(2) If the violation proximately causes substantial bodily harm to the child other than death, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 6 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than $20,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

(c) A person who violates the provisions of paragraph (c) of subsection 1:

(1) If the violation does not proximately cause substantial bodily harm or death to the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than $15,000.

(2) If the violation proximately causes substantial bodily harm to the child other than death, is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(I) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(II) For a definite term of 40 years, with eligibility for parole beginning when a minimum of 10 years has been served,

Ê and shall be further punished by a fine of not more than $50,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

3. Except as otherwise provided in NRS 453.3363, the court shall not grant probation to or suspend the sentence of a person convicted pursuant to this section.

4. As used in this section:

(a) “Child” means a person who is less than 18 years of age.

(b) “Conveyance” means any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car, or other means of conveyance.

(c) “Premises” means any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent, whether located aboveground or underground and whether inhabited or not.

(Added to NRS by 2005, 1056)

NRS 453.333 Penalties for making available controlled substance which causes death. If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him is guilty of murder. If convicted of murder in the second degree, he is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, he is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385, 453.339 or 453.3395 or a law of any other jurisdiction which prohibits the same conduct.

(Added to NRS by 1983, 510; A 1985, 1598; 1987, 1462; 1995, 1285)

NRS 453.3335 Additional penalty for failing to render or seek medical assistance for person injured or killed by use of controlled substance under certain circumstances.

1. Except as otherwise provided in NRS 193.169, a defendant who is found guilty of violating NRS 453.321 or

453.333 where:

(a) The use of the controlled substance by a person resulted in death or substantial bodily harm to the person;

(b) The defendant was in the presence of the injured person when he manifested an adverse physical reaction to the controlled substance; and

(c) The defendant failed to render or seek necessary medical assistance for the injured person in a timely manner,

Ê shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

(Added to NRS by 2003, 871)

NRS 453.334 Penalty for second or subsequent offense of sale of controlled substance to minor. Unless a greater penalty is provided in NRS 453.333, a person who is convicted of selling a controlled substance to a minor in violation of this chapter is guilty of a category A felony and shall be punished for a second or subsequent violation by imprisonment in the state prison:

1. For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

2. For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

Ê and may be further punished by a fine of not more than $20,000. In addition to any other penalty, the court may order a person who is 18 years of age or older who is convicted of selling a controlled substance to a minor in violation of this chapter to pay restitution for any reasonable costs incurred for the participation of the minor in a program for the treatment of the abuse of controlled substances. If the court orders the convicted person to make such restitution, the court shall notify the parent, guardian or other person legally responsible for the minor that such restitution has been ordered.

(Added to NRS by 1983, 510; A 1995, 1285; 1999, 749)

NRS 453.3345 Additional penalty for commission of certain violations at or near school, school bus stop, recreational facilities for minors or public park.

1. Unless a greater penalty is provided in NRS 453.333 or 453.334, and except as otherwise provided in NRS 193.169, any person who violates NRS 453.321 or 453.322:

(a) On the grounds of a public or private school, a playground, public park, public swimming pool, recreational center for youths or a video arcade;

(b) On a campus of the Nevada System of Higher Education;

(c) Within 1,000 feet of the perimeter of such a school ground or campus, playground, park, pool, recreational center or arcade; or

(d) Within 1,000 feet of a school bus stop from 1 hour before school begins until 1 hour after school ends during scheduled school days,

Ê must be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. For the purposes of this section:

(a) “Playground” means any outdoor facility, intended for recreation, open to the public and in any portion thereof containing one or more apparatus intended for the recreation of children, such as a sliding board, teeterboard, sandbox or swingset.

(b) “Recreational center for youths” means a recreational facility or gymnasium which regularly provides athletic, civic or cultural activities for persons under 18 years of age.

(c) “School bus” has the meaning ascribed to it in NRS 483.160.

(d) “Video arcade” means a facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement and which contains a minimum of 10 such machines.

(Added to NRS by 1989, 2066; A 1991, 1060; 1993, 406; 1999, 731, 2639; 2001, 193, 194; 2003, 383)

NRS 453.3351 Additional penalty for commission of certain violations which involve methamphetamine

under certain circumstances.

1. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, any person who violates NRS 453.322, 453.3385 or 453.3395 where the violation included the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine:

(a) Within 500 feet of a residence, business, church, synagogue or other place of religious worship, public or private school, campus of the Nevada System of Higher Education, playground, public park, public swimming pool or recreational center for youths; or

(b) In a manner which creates a great risk of death or substantial bodily harm to another person,

Ê shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. For the purposes of this section:

(a) “Playground” has the meaning ascribed to it in NRS 453.3345.

(b) “Recreational center for youths” has the meaning ascribed to it in NRS 453.3345.

(c) “Residence” means any house, room, apartment, tenement, manufactured home as defined in NRS 489.113, or mobile home as defined in NRS 489.120, that is designed or intended for occupancy.

(Added to NRS by 2003, 339; A 2005, 1058)

NRS 453.3353 Additional and alternative penalties for commission of certain violations which involve controlled substances other than marijuana and result in death or substantial bodily harm to another person.

1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

Ê the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

Ê the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section, “premises” means:

(a) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(b) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

Ê whether located aboveground or underground and whether inhabited or not.

(Added to NRS by 2005, 945)

NRS 453.336 Unlawful possession not for purpose of sale: Prohibition; penalties.

1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, osteopathic physician's assistant, physician assistant, dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian while acting in the course of his professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether he is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that he is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(Added to NRS by 1971, 2019; A 1973, 1214; 1977, 1413; 1979, 1473; 1981, 740, 1210, 1962; 1983, 289; 1987, 759; 1991, 1660; 1993, 2234; 1995, 1285, 1719; 1997, 521, 525, 903; 1999, 1917; 2001, 410, 785, 797, 3067)

NRS 453.3361 Unlawful possession not for purpose of sale: Local ordinances adopting penalties for certain similar offenses; allocation of fines collected for violation of local ordinance.

1. A local authority may enact an ordinance adopting the penalties set forth for misdemeanors in NRS 453.336 for similar offenses under a local ordinance. The ordinance must set forth the manner in which money collected from fines imposed by a court for a violation of the ordinance must be disbursed in accordance with subsection 2.

2. Money collected from fines imposed by a court for a violation of an ordinance enacted pursuant to subsection 1 must be evenly allocated among:

(a) Nonprofit programs for the treatment of abuse of alcohol or drugs that are certified by the Health Division of the Department;

(b) A program of treatment and rehabilitation established by a court pursuant to NRS 453.580, if any; and

(c) Local law enforcement agencies,

Ê in a manner determined by the court.

3. As used in this section, "local authority" means the governing board of a county, city or other political

subdivision having authority to enact ordinances.
(Added to NRS by 2001, 3066)

NRS 453.3363 Suspension of proceedings and probation of accused under certain conditions; effect of discharge and dismissal.

1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place him on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to him.

(Added to NRS by 1991, 1647; A 1993, 1234, 1622; 1995, 557, 2468; 1997, 1189; 2001, 1061, 2624, 3068; 2001 Special Session, 241; 2003, 289, 306, 557, 1486; 2005, 1058)

NRS 453.3365 Sealing of record of person convicted of possession of controlled substance not for purpose of sale; conditions.

1. Three years after a person is convicted and sentenced pursuant to subsection 3 of NRS 453.336, the court may order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order, if the:

(a) Person fulfills the terms and conditions imposed by the court and the parole and probation officer; and

(b) Court, after a hearing, is satisfied that the person is rehabilitated.

2. Except as limited by subsection 4, 3 years after an accused is discharged from probation pursuant to NRS 453.3363, the court shall order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the person fulfills the terms and conditions imposed by the court and the Division of Parole and Probation of the Department of Public Safety. The court shall order those records sealed without a hearing unless the Division of Parole and Probation petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the court orders sealed the record of a person discharged pursuant to NRS 453.3363, it shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

4. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

(Added to NRS by 1987, 759; A 1991, 1662; 1993, 1624; 2001, 2625)

NRS 453.337 Unlawful possession for sale of flunitrazepam, gamma-hydroxybutyrate and schedule I or II substances; penalties.

1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2.

(Added to NRS by 1977, 1407; A 1981, 742; 1983, 291; 1995, 1287; 1997, 904)

NRS 453.338 Unlawful possession for sale of substances classified in schedule III, IV or V; penalties.

1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale any controlled substance classified in schedule III, IV or V.

2. A person who violates this section shall be punished:

(a) For the first and second offense, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $10,000.

(b) For a third or subsequent offense, or if the offender has been previously convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

3. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable under paragraph (b) of subsection 2.

(Added to NRS by 1977, 1407; A 1979, 1474; 1981, 743; 1995, 1287; 1997, 523)

NRS 453.3383 Determination of weight of controlled substance for purposes of NRS 453.3385, 453.339 and 453.3395. For the purposes of NRS 453.3385, 453.339 and 453.3395, the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

(Added to NRS by 1985, 159)

NRS 453.3385 Trafficking in controlled substances: Flunitrazepam, gamma-hydroxybutyrate and schedule I substances, except marijuana. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

1. Is 4 grams or more, but less than 14 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than $50,000.

2. Is 14 grams or more, but less than 28 grams, for a category B felony by imprisonment in the state prison for a

minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $100,000.

3. Is 28 grams or more, for a category A felony by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

Ê and by a fine of not more than $500,000.

(Added to NRS by 1983, 287; A 1995, 1288; 1997, 905; 1999, 2639)

NRS 453.339 Trafficking in controlled substances: Marijuana.

1. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of marijuana shall be punished, if the quantity involved:

(a) Is 100 pounds or more, but less than 2,000 pounds, for a category C felony as provided in NRS 193.130 and by a fine of not more than $25,000.

(b) Is 2,000 pounds or more, but less than 10,000 pounds, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(c) Is 10,000 pounds or more, for a category A felony by imprisonment in the state prison:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(2) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

Ê and by a fine of not more than $200,000.

2. For the purposes of this section:

(a) “Marijuana” means all parts of any plant of the genus *Cannabis*, whether growing or not.

(b) The weight of marijuana is its weight when seized or as soon as practicable thereafter.

(Added to NRS by 1983, 287; A 1989, 661; 1995, 1288)

NRS 453.3395 Trafficking in controlled substances: Schedule II substances. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of any controlled substance which is listed in schedule II or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

1. Is 28 grams or more, but less than 200 grams, for a category C felony as provided in NRS 193.130 and by a fine of not more than $50,000.

2. Is 200 grams or more, but less than 400 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than $100,000.

3. Is 400 grams or more, for a category A felony by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

Ê and by a fine of not more than $250,000.

(Added to NRS by 1983, 288; A 1995, 1289; 1999, 2640)

NRS 453.3405 Trafficking in controlled substances: Suspended sentence limited; eligibility for parole; reduction or suspension of sentence of person assisting in identification, arrest or conviction.

1. Except as provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385, 453.339 or 453.3395 must not be suspended and the person is not eligible for parole until he has actually served the mandatory minimum term of imprisonment prescribed by the section under which he was convicted.

2. The judge, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385, 453.339 or 453.3395 if he finds that the convicted person rendered

substantial assistance in the identification, arrest or conviction of any of his accomplices, accessories, coconspirators or principals or of any other person involved in trafficking in a controlled substance in violation of NRS 453.3385, 453.339 or 453.3395. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

(Added to NRS by 1983, 288; A 1985, 159)

NRS 453.341 Prosecution or proceeding under prior law unaffected.

1. Prosecution for any violation of law occurring before January 1, 1972, is not affected or abated by the provisions of NRS 453.011 to 453.552, inclusive. If the offense being prosecuted is similar to one set out in NRS 453.321 to 453.552, inclusive, then the penalties under NRS 453.321 to 453.552, inclusive, apply if they are less than those under prior law.

2. Civil seizures or forfeitures and injunctive proceedings commenced before January 1, 1972, are not affected by the provisions of NRS 453.011 to 453.552, inclusive.

3. All administrative proceedings pending under prior laws which are superseded by NRS 453.011 to 453.552, inclusive, must be continued and brought to a final determination in accord with the laws and rules in effect before January 1, 1972. Any substance controlled under prior law which is not listed within schedules I to V, inclusive, is automatically controlled without further proceedings and must be listed in the appropriate schedule.

4. The Board shall initially permit persons to register who own or operate any establishment engaged in the dispensing of any controlled substance before January 1, 1972, and who are registered or licensed by the State.

5. NRS 453.011 to 453.552, inclusive, apply to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur on or after January 1, 1972.

(Added to NRS by 1971, 2021; A 1973, 1216; 1995, 300; 1997, 510)

NRS 453.346 Effect of conviction or acquittal under federal or other state laws.

1. If a violation of NRS 453.011 to 453.552, inclusive, is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this State.

2. The provisions of subsection 1 do not prohibit any licensing board within this State from proceeding administratively to suspend or revoke any certificate, license or permit held by any person who has been convicted of a violation of any federal or state controlled substance law.

(Added to NRS by 1971, 2021; A 2001, 1061; 2003, 558)

NRS 453.348 Previous convictions. In any proceeding brought under NRS 453.316, 453.321, 453.322, 453.333, 453.334, 453.337, 453.338 or 453.401, any previous convictions of the offender for a felony relating to controlled substances must be alleged in the indictment or information charging the primary offense, but the conviction may not be alluded to on the trial of the primary offense nor may any evidence of the previous offense be produced in the presence of the jury except as otherwise prescribed by law. If the offender pleads guilty to or is convicted of the primary offense but denies any previous conviction charged, the court shall determine the issue after hearing all relevant evidence. A certified copy of a conviction of a felony is prima facie evidence of the conviction.

(Added to NRS by 1977, 1408; A 1981, 1647; 1983, 511; 1995, 2468; 1999, 2640; 2003, 1487)

ILLEGAL INTERNET PHARMACIES

NRS 453.3611 Definitions. As used in NRS 453.3611 to 453.3648, inclusive, unless the context otherwise requires, the words and terms defined in NRS 453.3615 to 453.3628, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 2001, 1052)

NRS 453.3615 "Dangerous drug" defined. "Dangerous drug" has the meaning ascribed to it in NRS 454.201.

(Added to NRS by 2001, 1052)

NRS 453.3618 "Illegal Internet pharmacy" defined.

1. "Illegal Internet pharmacy" means a person located within or outside this State who is not licensed and certified by the Board pursuant to chapter 639 of NRS to engage in the practice of pharmacy via the Internet and who knowingly:

(a) Uses or attempts to use the Internet, in whole or in part, to communicate with or obtain information from another person; and

(b) Uses or attempts to use such communication or information, in whole or in part, to:

(1) Fill or refill a prescription for a prescription drug for the other person; or

(2) Deliver or cause, allow or aid in the delivery of a controlled substance, imitation controlled substance, counterfeit substance or prescription drug to the other person.

2. The term does not include a person who is authorized by the provisions of NRS 453.011 to 453.552, inclusive, to dispense or distribute, unless the person is acting outside of that authorization.

(Added to NRS by 2001, 1052)

NRS 453.3621 "Imitation controlled substance" defined. "Imitation controlled substance" has the meaning ascribed to it in NRS 453.332.

(Added to NRS by 2001, 1052)

NRS 453.3625 "Internet" defined.

1. "Internet" means:

(a) The computer network commonly known as the Internet and any other computer network that is similar to or is a predecessor or successor of the Internet; and

(b) Any identifiable site on the Internet or such other computer network.

2. The term includes, without limitation:

(a) A website or other similar site on the World Wide Web;

(b) A site that is identifiable through a Uniform Resource Location;

(c) A site on a computer network that is owned, operated, administered or controlled by a provider of Internet service;

(d) An electronic bulletin board;

(e) A list server;

(f) A newsgroup; or

(g) A chat room.

(Added to NRS by 2001, 1052)

NRS 453.3628 "Prescription drug" defined. "Prescription drug" means:

1. A controlled substance or dangerous drug that may be dispensed to an ultimate user only pursuant to a lawful prescription; and

2. Any other substance or drug substituted for such a controlled substance or dangerous drug.

(Added to NRS by 2001, 1053)

NRS 453.3633 Circumstances under which person has "reasonable cause to believe." For the purposes of NRS 453.3611 to 453.3648, inclusive, a person has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(Added to NRS by 2001, 1053)

NRS 453.3635 Applicability.

1. The provisions of NRS 453.3611 to 453.3648, inclusive, do not apply to a person who is:

(a) A common or contract carrier or warehouseman, or an employee thereof, unless the person is acting outside of the usual course of his business or employment and knows or has reasonable cause to believe that the act or transaction is unlawful.

(b) The intended recipient of a substance or drug, unless the intended recipient knows or has reasonable cause to believe that the act or transaction is unlawful.

2. The provisions of NRS 453.3611 to 453.3648, inclusive, do not prohibit a person from filling or refilling a prescription for a prescription drug during the period in which the prescription is valid pursuant to NRS 453.256 if the person is otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, to dispense or distribute the prescription drug.

(Added to NRS by 2001, 1053; A 2003, 558)

NRS 453.3638 Unlawful acts relating to filling or refilling prescription or delivering certain substances or drugs; aiding unlawful act prohibited; penalties; multiple punishments authorized.

1. A person who is located within this State and who owns, operates, controls, profits from or is employed or paid by an illegal Internet pharmacy shall not:

(a) Fill or refill a prescription for a prescription drug for another person located within or outside this State; or

(b) Deliver or cause, allow or aid in the delivery of a controlled substance, imitation controlled substance, counterfeit substance or prescription drug to another person located within or outside this State.

2. A person who is located outside this State, who owns, operates, controls, profits from or is employed or paid by an illegal Internet pharmacy and who knows or has reasonable cause to believe that another person is located within this State shall not:

(a) Fill or refill a prescription for a prescription drug for the other person; or

(b) Deliver or cause, allow or aid in the delivery of a controlled substance, imitation controlled substance, counterfeit substance or prescription drug to the other person.

3. A person shall not knowingly aid another person in any act or transaction that violates the provisions of this section.

4. Except as otherwise provided in subsection 5, a person who violates the provisions of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

5. A person who violates the provisions of this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000, if the substance or drug involved:

(a) Is classified in schedule I; or

(b) Proximately causes substantial bodily harm to or the death of the intended recipient of the substance or drug or any other person.

6. The court shall not grant probation to or suspend the sentence of a person punished pursuant to subsection 5.

7. A person may be prosecuted, convicted and punished for a violation of this section whether or not the person is prosecuted, convicted or punished for a violation of any other statute based upon the same act or transaction.

(Added to NRS by 2001, 1053)

NRS 453.3639 Unlawful acts relating to filling or refilling prescription via Internet; exception; aiding unlawful act prohibited; penalties; multiple punishments authorized.

1. Except as otherwise provided in subsection 3, a person who is located within or outside this State shall not, via the Internet, fill or refill a prescription drug if:

(a) The person has reasonable cause to believe that the prescription is being filled or refilled for a person in this State; and

(b) The prescription drug has not been lawfully imported into the United States.

2. Except as otherwise provided in subsection 3, a person who is located within or outside this State shall not, via the Internet, fill or refill a prescription drug if:

(a) The person has reasonable cause to believe that the prescription is being filled or refilled for a person in this State; and

(b) The prescription was not delivered to the person in accordance with all applicable state and federal laws, regulations and standards.

3. The provisions of this section do not prohibit a Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive.

4. A person shall not knowingly aid another person in any act or transaction that violates any provision of this section.

5. Except as otherwise provided in subsection 6, a person who violates any provision of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. A person who violates any provision of this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000, if the substance or drug involved:

(a) Is classified in schedule I; or

(b) Proximately causes substantial bodily harm to or the death of the intended recipient of the substance or drug or any other person.

7. The court shall not grant probation to or suspend the sentence of a person punished pursuant to subsection 6.

8. A person may be prosecuted, convicted and punished for a violation of this section whether or not the person

is prosecuted, convicted or punished for violating any other specific statute based upon the same act or transaction.
(Added to NRS by 2003, 550; A 2005, 22nd Special Session, 157)

NRS 453.3643 Unlawful acts relating to issuance of prescription; circumstances under which practitioner or person licensed by another jurisdiction is prohibited from prescribing prescription drug; aiding unlawful act prohibited; penalties; multiple punishments authorized.

1. A practitioner who is located within this State shall not prescribe a prescription drug for another person located within or outside this State if:

(a) The practitioner has not physically examined the other person within the 6 months immediately preceding the date on which the prescription is issued; and

(b) The practitioner knows or has reasonable cause to believe that an illegal Internet pharmacy will fill the prescription or otherwise use the prescription to deliver or cause, allow or aid in the delivery of the prescription drug to the other person.

2. A practitioner who is located outside this State and who knows or has reasonable cause to believe that another person is located within this State shall not prescribe a prescription drug for the other person if:

(a) The practitioner has not physically examined the other person within the 6 months immediately preceding the date on which the prescription is issued; and

(b) The practitioner knows or has reasonable cause to believe that an illegal Internet pharmacy will fill the prescription or otherwise use the prescription to deliver or cause, allow or aid in the delivery of the prescription drug to the other person.

3. A person who is located outside this State, who is licensed by another jurisdiction to prescribe prescription drugs and who knows or has reasonable cause to believe that another person is located within this State shall not prescribe a prescription drug for the other person if:

(a) The person has not physically examined the other person within the 6 months immediately preceding the date on which the prescription is issued; and

(b) The person knows or has reasonable cause to believe that an illegal Internet pharmacy will fill the prescription or otherwise use the prescription to deliver or cause, allow or aid in the delivery of the prescription drug to the other person.

4. A person shall not knowingly aid another person in any act or transaction that violates the provisions of this section.

5. Except as otherwise provided in subsection 6, a practitioner or any other person who violates the provisions of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. A practitioner or any other person who violates the provisions of this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000, if the substance or drug involved:

(a) Is classified in schedule I; or

(b) Proximately causes substantial bodily harm to or the death of the intended recipient of the substance or drug or any other person.

7. The court shall not grant probation to or suspend the sentence of a practitioner or any other person punished pursuant to subsection 6.

8. A practitioner or any other person may be prosecuted, convicted and punished for a violation of this section whether or not the practitioner or person is prosecuted, convicted or punished for violating any other specific statute based upon the same act or transaction.

(Added to NRS by 2001, 1054)

NRS 453.3648 Concurrent jurisdiction of Attorney General and district attorneys to prosecute violations.

1. The Attorney General has concurrent jurisdiction with the district attorneys of this State for the enforcement of the provisions of NRS 453.3611 to 453.3648, inclusive.

2. The Attorney General may investigate and prosecute a practitioner or any other person who violates the provisions of:

(a) NRS 453.3611 to 453.3648, inclusive; and

(b) Any other statute if the violation is committed by the practitioner or person in the course of committing a violation described in paragraph (a).

3. When acting pursuant to this section, the Attorney General may commence his investigation and file a criminal action without leave of court, and the Attorney General has exclusive charge of the conduct of the prosecution.

(Added to NRS by 2001, 1055; A 2003, 558)

FURTHER REGULATION AND PROHIBITIONS

NRS 453.371 Definitions. As used in NRS 453.371 to 453.552, inclusive:

1. "Advanced practitioner of nursing" means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.
2. "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.
3. "Pharmacist" means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.
4. "Physician," "dentist," "podiatric physician," "veterinarian" and "euthanasia technician" mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.
5. "Physician assistant" means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a certificate issued pursuant to NRS 633.451.

(Added to NRS by 1971, 2022; A 1973, 584; 1977, 964; 1979, 1668; 1981, 743; 1985, 295; 1989, 539; 1993, 2235; 1995, 1720; 2001, 411, 786, 798)

NRS 453.375 Authority to possess and administer controlled substances. A controlled substance may be possessed and administered by the following persons:

1. A practitioner.
2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.
3. An advanced emergency medical technician:

(a) As authorized by regulation of:

(1) The State Board of Health in a county whose population is less than 100,000; or

(2) A county or district board of health in a county whose population is 100,000 or more; and

(b) In accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

4. A respiratory therapist, at the direction of a physician or physician assistant.
5. A medical student, student in training to become a physician assistant or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician or physician assistant and:

(a) In the presence of a physician, physician assistant or a registered nurse; or

(b) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

Ê A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

6. An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.
7. Any person designated by the head of a correctional institution.
8. A veterinary technician at the direction of his supervising veterinarian.
9. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.
10. In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.
11. A person who is enrolled in a training program to become an advanced emergency medical technician, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to an advanced emergency medical technician, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a

person.

(Added to NRS by 1979, 1672; A 1981, 59, 743; 1983, 1219, 1513; 1987, 1654, 2214; 1991, 1662, 1954; 1993, 571, 1215, 2838; 1995, 725, 1689, 1720; 1997, 545; 1999, 2719; 2001, 786; 2003, 2294; 2005, 2475)

NRS 453.377 Authority to dispense controlled substances. A controlled substance may be dispensed by:

1. A registered pharmacist upon a legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge.
2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer.
3. A practitioner.
4. A registered nurse, when the state, county, city or district health officer has declared a state of emergency.
5. A medical intern in the course of his internship.
6. A pharmacy in an institution of the Department of Corrections to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.
7. A registered pharmacist from an institutional pharmacy, pursuant to regulations adopted by the Board.

(Added to NRS by 1979, 1673; A 1981, 744; 1983, 1514; 1987, 1655, 2239; 1991, 794; 1995, 1721; 2001, 411; 2001 Special Session, 242, 250)

NRS 453.381 Limitations on prescribing, possessing, administering, transporting and dispensing controlled substances.

1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced practitioner of nursing or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his professional practice, and he shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself, his spouse or his children except in cases of emergency.
2. A veterinarian, in the course of his professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and he may cause them to be administered by a veterinary technician under his direction and supervision.
3. A euthanasia technician, within the scope of his license, and not for use by a human being, may possess and administer sodium pentobarbital.
4. A pharmacist shall not fill an order which purports to be a prescription if he has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced practitioner of nursing, podiatric physician or veterinarian.
5. Any person who has obtained from a physician, physician assistant, dentist, advanced practitioner of nursing, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced practitioner of nursing, podiatric physician or veterinarian shall return to him any unused portion of the substance when it is no longer required by the patient.
6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.
7. A salesman of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.
8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

(Added to NRS by 1971, 2022; A 1973, 1406; 1975, 989; 1977, 670; 1979, 1668; 1981, 562, 745, 1964; 1987, 806; 1989, 539; 1991, 1164, 1663; 1993, 2235; 1995, 1690, 1722; 1997, 546; 2001, 412, 787, 1062, 1069; 2003, 559)

NRS 453.385 Adoption of regulations governing prescriptions for controlled substances; compliance with federal law.

1. Each prescription for a controlled substance must comply with the regulations of the Board adopted pursuant to subsection 2.
2. The Board shall, by regulation, adopt requirements for:

(a) The form and content of a prescription for a controlled substance. The requirements may vary depending upon the schedule of the controlled substance.

(b) Transmitting a prescription for a controlled substance to a pharmacy. The requirements may vary depending upon the schedule of the controlled substance.

(c) The form and contents of an order for a controlled substance given for a patient in a medical facility and the requirements for keeping records of such orders.

3. Except as otherwise provided in this subsection, the regulations adopted pursuant to subsection 2 must ensure

compliance with, but may be more stringent than required by, applicable federal law governing controlled substances and the rules, regulations and orders of any federal agency administering such law. The regulations adopted pursuant to paragraph (b) of subsection 2 for the electronic transmission or transmission by a facsimile machine of a prescription for a controlled substance must not be more stringent than federal law governing the electronic transmission or transmission by a facsimile machine of a prescription for a controlled substance or the rules, regulations or orders of any federal agency administering such law.

(Added to NRS by 1979, 1673; A 1981, 745, 1965; 1983, 1514; 1987, 1656; 1991, 1955; 1993, 635; 1995, 300; 1997, 691; 1999, 246; 2001, 837, 1629)

NRS 453.391 Unlawful taking or obtaining of controlled substance or prescription. A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced practitioner of nursing, veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

(Added to NRS by 1971, 2023; A 1973, 1217; 1981, 1965; 1985, 336; 1993, 636; 1995, 1722; 2001, 412, 788, 799)

NRS 453.401 Penalties for conspiracy.

1. Except as otherwise provided in subsections 3 and 4, if two or more persons conspire to commit an offense which is a felony under the Uniform Controlled Substances Act or conspire to defraud the State of Nevada or an agency of the State in connection with its enforcement of the Uniform Controlled Substances Act, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the conspirator has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or of any state, territory or district which if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(c) For a third or subsequent offense, or if the conspirator has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

2. Except as otherwise provided in subsection 3, if two or more persons conspire to commit an offense in violation of the Uniform Controlled Substances Act and the offense does not constitute a felony, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator shall be punished by imprisonment, or by imprisonment and fine, for not more than the maximum punishment provided for the offense which they conspired to commit.

3. If two or more persons conspire to possess more than 1 ounce of marijuana unlawfully, except for the purpose of sale, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator is guilty of a gross misdemeanor.

4. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, the persons so conspiring shall be punished in the manner provided in NRS 207.400.

5. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 1.

(Added to NRS by 1971, 2023; A 1973, 1217; 1977, 153, 1415; 1983, 1502; 1995, 1289; 2001, 3069)

NRS 453.411 Unlawful use of controlled substance; penalties.

1. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.

2. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Health Division of the Department, or a hospital certified by the Department.

3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished:

(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) If the controlled substance is listed in schedule V, by imprisonment in the county jail for not more than 1 year, and may be further punished by a fine of not more than $1,000.

(Added to NRS by 1971, 2023; A 1973, 1406; 1979, 1475; 1981, 745; 1993, 2236; 1995, 1290, 1723; 1997, 546)

NRS 453.421 Penalty for violation of NRS 453.371 to 453.391, inclusive. A person who violates any provision of NRS 453.371 to 453.391, inclusive, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(Added to NRS by 1971, 2023; A 1977, 1416; 1979, 1475; 1995, 1291)

NRS 453.431 Unlawful acts relating to filling and refilling prescriptions and obtaining controlled substance or prescription; authorization to request proper identification from person requesting controlled substance.

1. A pharmacist shall not knowingly fill or refill any prescription for a controlled substance for use by a person other than the person for whom the prescription was originally issued.

2. A person shall not furnish a false name or address while attempting to obtain a controlled substance or a prescription for a controlled substance. A person prescribing, administering or dispensing a controlled substance may request proper identification from a person requesting controlled substances.

3. A pharmacist shall not fill a prescription for a controlled substance if the prescription shows evidence of alteration, erasure or addition, unless he obtains approval of the practitioner who issued the prescription.

4. A pharmacist shall not fill a prescription for a controlled substance classified in schedule II unless it is tendered on or before the 14th day after the date of issue. This subsection does not prohibit a practitioner from issuing a prescription on which he indicates that the prescription may not be filled until the date indicated on the prescription, which must not be later than 6 months after the date the prescription is issued.

5. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(Added to NRS by 1971, 2023; A 1981, 1965; 1995, 1291; 2003, 2295)

NRS 453.505 Controlled substance for which prescription is not required: Violation of regulation by pharmacist; misrepresentation to pharmacist to obtain controlled substance; penalties.

1. Any pharmacist who violates any regulation of the Board regulating the dispensing of a controlled substance for which a prescription is not required is guilty of a gross misdemeanor.

2. Any person who knowingly or intentionally makes a false representation to a pharmacist for the purpose of obtaining a controlled substance for which a prescription is not required is guilty of a gross misdemeanor.

(Added to NRS by 1985, 886)

NRS 453.521 Unlawful possession or sale of nasal inhaler; exception. It is unlawful for any person within this State to possess, sell, offer to sell or hold for the purpose of sale or resale any nasal inhaler which contains any controlled substance capable of causing stimulation to the central nervous system unless:

1. The product contains a denaturant in sufficient quantity to render it unfit for internal use; and

2. The product is among such products listed as approved by the Board in the regulations officially adopted by the Board.

(Added to NRS by 1971, 2025; A 1973, 1217)

NRS 453.541 Sacramental use of peyote permitted. The criminal sanction provided in NRS 453.011 to 453.552, inclusive, does not apply to that plant of the genus *Lophophora* commonly known as peyote when such drug is used as the sacrament in religious rites of any bona fide religious organization.

(Added to NRS by 1971, 2025; A 1973, 1217; 2001, 1062; 2003, 559)

NRS 453.551 Immunity for acts in performance of official duties. All agents or inspectors of the Board or Division, peace officers, and the Attorney General, district attorneys and their deputies while investigating violations of the provisions of NRS 453.011 to 453.552, inclusive, in performance of their official duties, and any person working under their immediate direction, supervision or instruction are immune from prosecution under the provisions of such sections for acts which would otherwise be unlawful under such provisions but which are

reasonably necessary in the performance of their official duties.
(Added to NRS by 1971, 2025; A 1973, 1217; 2001, 1062; 2003, 559)

NRS 453.552 Criminal penalties additional to civil penalties or sanctions.
1. Any penalty imposed for violation of NRS 453.011 to 453.551, inclusive, is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.
2. Any violation of the provisions of NRS 453.011 to 453.551, inclusive, where no other penalty is specifically provided, is a misdemeanor.
(Added to NRS by 1971, 2022; A 1973, 583; 2001, 1063; 2003, 560)

CIVIL PENALTIES

NRS 453.553 Action to recover civil penalty: Persons liable for civil penalty; action to be brought by Attorney General or district attorney; definitions.
1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, any person who unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.
2. As used in this section and NRS 453.5531, 453.5532 and 453.5533:
(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.
(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.
(c) "Substitute" means a substance which:
(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and
(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.
(Added to NRS by 1985, 2042; A 1999, 2640; 2001, 1063; 2003, 560)

NRS 453.5531 Action to recover civil penalty: Amount of money recoverable as civil penalty.
1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:
(a) Not to exceed $350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.
(b) Not to exceed $700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.
(c) Not to exceed $1,000,000, if the quantity involved is 10,000 pounds or more.
2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:
(a) Not to exceed $350,000, if the quantity involved is 4 grams or more, but less than 14 grams.
(b) Not to exceed $700,000, if the quantity involved is 14 grams or more, but less than 28 grams.
(c) Not to exceed $1,000,000, if the quantity involved is 28 grams or more.
3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:
(a) Not to exceed $350,000, if the quantity involved is 28 grams or more, but less than 200 grams.
(b) Not to exceed $700,000, if the quantity involved is 200 grams or more, but less than 400 grams.
(c) Not to exceed $1,000,000, if the quantity involved is 400 grams or more.
4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed $350,000.
(Added to NRS by 1985, 2042; A 2001, 1063; 2003, 560)

NRS 453.5532 Money collected as civil penalty: Limitations on use.
1. Any money collected as a civil penalty pursuant to NRS 453.5531 must be used to pay the actual cost of prosecution, court costs and costs incurred for the disposal of any hazardous waste pursuant to NRS 459.400 to 459.600, inclusive, in connection with the violation for which the penalty was imposed. Any amount remaining from

the penalty must be deposited with the State Treasurer for credit to the State General Fund.

2. The money deposited in the State General Fund pursuant to subsection 1 must be accounted for separately. One-half of the money must be used only for the enforcement of chapter 453 of NRS and the other half must be used for rehabilitation of persons who are addicted to controlled substances.

(Added to NRS by 1985, 2043; A 1987, 546)

NRS 453.5533 Limitation on action to recover civil penalty; effect of criminal proceeding on civil action.

1. A civil action brought pursuant to NRS 453.553 must be brought within 3 years after the conduct in violation of the provisions of NRS 453.011 to 453.552, inclusive, occurs.

2. Such a civil action is not barred by a prior acquittal of the defendant in a criminal action arising out of the same act, transaction or occurrence. A final judgment or decree rendered in favor of the State in any criminal proceeding arising out of the same act, transaction or occurrence estops the defendant in a subsequent civil action from denying the essential allegations of the criminal offense.

(Added to NRS by 1985, 2043; A 2001, 1064; 2003, 561)

DRUG PARAPHERNALIA

NRS 453.554 "Drug paraphernalia" defined. As used in NRS 453.554 to 453.566, inclusive, unless the context otherwise requires, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this chapter. The term includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing or preparing controlled substances;

3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; and

11. Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(b) Water pipes;

(c) Smoking masks;

(d) Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(e) Cocaine spoons and cocaine vials;

(f) Carburetor pipes and carburetion tubes and devices;

(g) Chamber pipes;

(h) Electric pipes;

(i) Air-driven pipes;

(j) Chillums;

(k) Bongs; and
(l) Ice pipes or chillers.
(Added to NRS by 1981, 405)

NRS 453.556 Factors for identifying object as item of drug paraphernalia. In determining whether an object is an item of drug paraphernalia, a court or other authority, as the case may be, shall consider, in addition to all other logically relevant factors, the following:
1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
3. The proximity of the object, in time and space, to a direct violation of this chapter;
4. The proximity of the object to controlled substances;
5. The existence of any residue of controlled substances on the object;
6. Direct or circumstantial evidence of the intent of any owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter;
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;
9. National and local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise; and
12. Expert testimony concerning its use.

Ê The innocence of an owner or of anyone in control of the object as to a direct violation of this chapter does not prevent a finding that the object is intended for use or designed for use as an item of drug paraphernalia.
(Added to NRS by 1981, 407)

NRS 453.558 Injunctions. The district attorney or city attorney of any county or city, respectively, in which there is drug paraphernalia, may file a complaint in the district court seeking to enjoin the possessor and owner of the drug paraphernalia from delivering or selling, or possessing with intent to deliver or sell, any drug paraphernalia.
(Added to NRS by 1981, 408)

NRS 453.560 Unlawful delivery, sale, possession or manufacture. Unless a greater penalty is provided in NRS 212.160, a person who delivers or sells, possesses with the intent to deliver or sell, or manufactures with the intent to deliver or sell any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter is guilty of a category E felony and shall be punished as provided in NRS 193.130.
(Added to NRS by 1981, 407; A 1995, 1291)

NRS 453.562 Unlawful delivery to minor. A person 18 years of age or older who violates NRS 453.560 by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his junior is guilty of a category C felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court may order the convicted person to pay restitution for any reasonable costs incurred for the participation of the person to whom he delivered the paraphernalia in a program for the treatment of the abuse of controlled substances. If the court orders the convicted person to make such restitution, the court shall notify the parent, guardian or other person legally responsible for the person to whom the paraphernalia was delivered that such restitution has been ordered.
(Added to NRS by 1981, 407; A 1995, 1292; 1999, 749)

NRS 453.564 Unlawful advertising. Any person who places in any printed publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia is guilty of a misdemeanor.
(Added to NRS by 1981, 408)

NRS 453.566 Unlawful use or possession. Any person who uses, or possesses with intent to use, drug

paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter is guilty of a misdemeanor.

(Added to NRS by 1981, 407)

MISCELLANEOUS PROVISIONS

NRS 453.568 Report of loss or theft of controlled substance. All loss or theft of controlled substances must be reported on forms provided by the Division to the Board and Division within 10 days after the date of discovery of the theft or loss.

(Added to NRS by 1981, 1957)

NRS 453.570 Amount of controlled substance needed to sustain conviction for prohibited offense. The amount of a controlled substance needed to sustain a conviction of a person for an offense prohibited by the provisions of NRS 453.011 to 453.552, inclusive, is that amount necessary for identification as a controlled substance by a witness qualified to make such identification.

(Added to NRS by 1971, 359; A 1973, 1218; 2001, 1064; 2003, 561)

NRS 453.575 Fee for analysis of controlled substance or other substance or drug: Inclusion in sentence of offender; distribution and use of proceeds.

1. If a defendant pleads guilty to or is found guilty of, any violation of this chapter and an analysis of a controlled substance or other substance or drug was performed in relation to his case, the court shall include in the sentence an order that the defendant pay the sum of $60 as a fee for the analysis of the controlled substance or other substance or drug.

2. Except as otherwise provided in this subsection, any money collected for such an analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

3. The money collected pursuant to subsection 1 in any district, municipal or Justice Court must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

4. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for forensic services. The governing body of each city shall create in the city treasury a fund to be designated as the fund for forensic services. Upon receipt, the county or city treasurer, as appropriate, shall deposit any fee for the analyses of controlled substances or other substances or drugs in the fund. The money from such deposits must be accounted for separately within the fund.

5. Except as otherwise provided in subsection 6, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

6. In counties which do not receive forensic services under a contract with the State, the money deposited in the fund for forensic services pursuant to subsection 4 must be expended, except as otherwise provided in this subsection:

(a) To pay for the analyses of controlled substances or other substances or drugs performed in connection with criminal investigations within the county;

(b) To purchase and maintain equipment to conduct these analyses; and

(c) For the training and continuing education of the employees who conduct these analyses.

Ê Money from the fund must not be expended to cover the costs of analyses conducted by, equipment used by or training for employees of an analytical laboratory not registered with the Drug Enforcement Administration of the United States Department of Justice.

(Added to NRS by 1987, 1397; A 1989, 1479; 1991, 272; 1993, 2464; 1995, 2469; 2001, 1064; 2003, 1488)

NRS 453.580 Program for treatment of certain offenders: Powers and duties of court; contents; payment of costs.

1. A court may establish an appropriate treatment program to which it may assign a person pursuant to subsection 4 of NRS 453.336, NRS 453.3363 or 458.300 or it may assign such a person to an appropriate facility for the treatment of abuse of alcohol or drugs which is certified by the Health Division of the Department. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress towards completion of

the program.

2. A program to which a court assigns a person pursuant to subsection 1 must include:

(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;

(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and

(c) Alternate courses within the program based on the different substances abused and the addictions of participants.

3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program the court must also require frequent urinalysis to determine that the person is not using a controlled substance. The court shall specify how frequent such examinations must be and how many must be successfully completed, independently of other requisites for successful completion of the program.

4. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which he is assigned and the cost of any additional supervision required pursuant to subsection 3, to the extent of his financial resources. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program at a facility that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

(Added to NRS by 1993, 1233; A 1995, 557; 1999, 1872; 2001, 418, 3070)

TREATMENT AND REHABILITATION OF ADDICTS

NRS 453.600 Declaration of legislative purpose. It is the purpose of NRS 453.600 to 453.730, inclusive, to protect and promote the health, welfare and safety of the people of this State by combating the effects of the disease of narcotic addiction and by assisting the rehabilitation of certain narcotic addicts through a comprehensive program of treatment, research and investigation.

(Added to NRS by 1971, 650)

NRS 453.660 Experimental and clinical programs; personnel; regulations. The Health Division of the Department shall:

1. Within the limits of available funds, including, but not limited to, legislative appropriation, develop and implement experimental and investigational pilot clinic programs for the treatment of narcotic addicts through the administration, under medical supervision and control, of maintenance dosages of methadone, or other addicting drugs, and provide other rehabilitation services as needed in support of a methadone maintenance program.

2. Employ such personnel as may be necessary to carry out the duties imposed by NRS 453.600 to 453.730, inclusive, subject to the legislative appropriation available for such purpose.

3. Adopt such regulations as are necessary to carry out the purpose of NRS 453.600 to 453.730, inclusive.

(Added to NRS by 1971, 651; A 1979, 1670)

NRS 453.670 Local governments may assist programs and services. A county or city may extend funds for the purpose of establishing or maintaining any program or service provided for in NRS 453.660.

(Added to NRS by 1971, 651)

NRS 453.680 Cooperative agreements. The Health Division of the Department may cooperate and contract with:

1. Any agency of the Federal Government;
2. Other states;
3. Any political subdivision; or
4. Any local addiction treatment clinic whose program meets the requirements of the Food and Drug Administration and the Drug Enforcement Administration, and which is approved by the Health Division of the Department,

Ê in carrying out the purposes of NRS 453.600 to 453.730, inclusive.

(Added to NRS by 1971, 651; A 1973, 194; 1979, 623, 1670; 1991, 487)

NRS 453.690 Information to be furnished.

1. Every person or institution authorized to dispense or administer narcotic drugs shall furnish to the Health

Division of the Department, the Investigation Division of the Department of Public Safety and the State Board of Pharmacy such information as the Health Division or the Board may require by regulation.

2. Every public official or employee having duties to perform with respect to narcotic drugs shall furnish to the Health Division of the Department, the Investigation Division of the Department of Public Safety and the State Board of Pharmacy such information as the regulations of the Health Division or the Board may require.

(Added to NRS by 1971, 651; A 1979, 1670; 1981, 2014; 1985, 1996; 2001, 2625)

NRS 453.700 Application for treatment; regulations for voluntary submission.

1. Any person who believes himself to be a narcotic addict may make application to the Health Division of the Department for voluntary submission to treatment maintained under the provisions of NRS 453.660 or NRS 458.290 to 458.350, inclusive.

2. The Health Division shall adopt regulations relating to the requirements for voluntary submission under this section.

(Added to NRS by 1971, 651; A 1975, 973; 1979, 1671)

NRS 453.710 Liability for costs of treatment. When a narcotic addict is being treated under a program or service maintained under NRS 453.660, his estate or legally responsible relatives, if of sufficient ability, are liable for payment of such portion of the cost of care, treatment, rehabilitation or aftercare furnished pursuant to NRS 453.660 as may be established by a regulation of the Health Division of the Department.

(Added to NRS by 1971, 651; A 1979, 1671)

NRS 453.720 Confidential and privileged information. Unless otherwise requested by a narcotic addict being treated, or a person who in the past was treated, under NRS 453.660, all information in possession of the Health Division of the Department, any rehabilitation clinic or any certified hospital concerning such person is confidential and privileged.

(Added to NRS by 1971, 652; A 1979, 1671)

NRS 453.730 Emergency treatment authorized without notification to law enforcement officer or agency. Notwithstanding any other provision of law, any physician may render emergency treatment for narcotic or dangerous drug abuse without notifying a law enforcement official or agency.

(Added to NRS by 1971, 652)

CHAPTER 454 - POISONS; DANGEROUS DRUGS AND HYPODERMICS

GENERAL PROVISIONS

NRS 454.001 Definitions.
NRS 454.0015 "Advanced practitioner of nursing" defined.
NRS 454.002 "Authorized officers of the law" defined.
NRS 454.003 "Board" defined.
NRS 454.0041 "Chart order" defined.
NRS 454.005 "Chemical" defined.
NRS 454.0053 "Compound" and "compounding" defined.
NRS 454.0058 "Fill" defined.
NRS 454.006 "Furnish" defined.
NRS 454.007 "Hospital" defined.
NRS 454.009 "Hypodermics" defined.
NRS 454.00905 "Institutional pharmacy" defined.
NRS 454.00911 "Laboratory" defined.
NRS 454.0092 "Manufacturer" defined.
NRS 454.00922 "Medical intern" defined.
NRS 454.0094 "Pharmacy" defined.
NRS 454.00945 "Pharmacy in a correctional institution" defined.
NRS 454.0095 "Physician," "dentist," "podiatric physician," "optometrist," "veterinarian" and "pharmacist" defined.
NRS 454.00958 "Practitioner" defined.
NRS 454.00961 "Prescription" defined.
NRS 454.00973 "Public health program" defined.
NRS 454.00976 "Refill" defined.
NRS 454.00978 "Ultimate user" defined.
NRS 454.0098 "Wholesaler" defined.

POISONS

Definitions

NRS 454.010 "Poison" defined.

Regulation of Sale

NRS 454.020 Poisons enumerated in Schedules "A," "B" and "C" in NRS 454.010 may not be sold unless warning label affixed to package.
NRS 454.030 Requirements for sale or delivery of poison listed in Schedule "A" or "B."
NRS 454.040 Fictitious name or false representations to seller or dealer prohibited.
NRS 454.045 Sale or delivery of poison listed in Schedule "B" only by registered pharmacist.
NRS 454.050 Book of transactions concerning poison: Contents; when entry required; exceptions.
NRS 454.060 Book of transactions concerning poison: Form and preservation.
NRS 454.080 English language to be used in book and on label or package; additional entry in foreign language permissible.
NRS 454.090 Sale of poison listed in Schedule "A" exempt from registration.

Administration

NRS 454.110 Additional restrictions on sale of poison; adoption of regulations by Board.
NRS 454.130 Telephone number of poison control center to be available at pharmacies.
NRS 454.150 Agents for enforcement; access for inspection.
NRS 454.160 District attorney to conduct actions and prosecutions.
NRS 454.170 Penalty.

DANGEROUS DRUGS AND HYPODERMIC DEVICES

Dangerous Drugs

NRS 454.181 Application of definitions.
NRS 454.191 "Administer" defined.
NRS 454.201 "Dangerous drug" defined.
NRS 454.211 "Dispense" defined.
NRS 454.213 Authority to possess and administer dangerous drug.
NRS 454.215 Authority to dispense dangerous drugs.
NRS 454.221 Furnishing dangerous drug without prescription prohibited; penalty; exceptions.
NRS 454.223 Prescription to be written on prescription blank or chart of patient; contents.
NRS 454.231 Pharmacist to fill or refill prescription for use only by person to whom prescription originally issued.
NRS 454.286 Records: Maintenance; retention; inspection; penalty.
NRS 454.291 Stock of dangerous drugs and records open to inspection; penalty.
NRS 454.296 Immunity from prosecution of employees of Board and peace officers.
NRS 454.301 Conditions under which practitioner or veterinarian may furnish drugs without prescription.
NRS 454.306 Use of minor as agent; unlawful furnishing of dangerous drug to minor; penalty.
NRS 454.311 Fraudulent possession of dangerous drug or prescription; false or altered prescription; penalty.
NRS 454.316 Possession of dangerous drug without prescription unlawful; penalties; exceptions.
NRS 454.321 Unlawful dispensing or furnishing of dangerous drug; penalty.
NRS 454.323 Sale or distribution of product containing toluene to person less than 18 years of age.
NRS 454.326 Misrepresentation by use of telephone to obtain dangerous drug; penalty.
NRS 454.341 Unlawful possession or sale of nasal inhaler; exception.
NRS 454.346 Use or possession with intent to use drug, chemical, poison or organic solvent to induce euphoria or hallucinations unlawful; exception.
NRS 454.351 Drugs which may not be introduced into interstate commerce; penalty; exemptions.
NRS 454.356 Penalty for violation.
NRS 454.358 Fee for analysis of dangerous drug included in sentence; distribution of money collected; limitations on use of money.
NRS 454.361 Conviction for violation of provision concerning dangerous drugs constitutes grounds for suspension or revocation of professional license.
NRS 454.366 Administration and enforcement by Board.
NRS 454.371 Limitations on furnishing dangerous drug; adoption of regulations by Board; penalties.

Hypodermic Devices

NRS 454.480 Requirements for sale with or without prescription.
NRS 454.500 Regulation of sale of hypodermic devices other than hypodermic needles or syringes.
NRS 454.510 Unlawful possession of hypodermic device.
NRS 454.520 Misuse of hypodermic device; penalty.

NRS 454.530 **Obtaining possession of hypodermic device by forged or fictitious name or fraudulent misrepresentation; penalty.**

Enforcement

NRS 454.534 **Burden of proving exception or exemption.**
NRS 454.535 **Amount of drug needed to sustain conviction for prohibited offense.**

MISCELLANEOUS PROVISIONS

NRS 454.680 **Applicability to certain products.**
NRS 454.695 **Prescriptions by advanced practitioners of nursing.**
NRS 454.710 **Injunctions.**

GENERAL PROVISIONS

NRS 454.001 Definitions. As used in this chapter, the words and terms defined in NRS 454.0015 to 454.0098, inclusive, have the meanings ascribed to them in those sections, unless a different meaning clearly appears in the context.
(Added to NRS by 1967, 1635; A 1977, 187; 1979, 1674; 1987, 952, 1656; 1991, 794, 1955)

NRS 454.0015 "Advanced practitioner of nursing" defined. "Advanced practitioner of nursing" means a registered nurse who holds a valid certificate of recognition as an advanced practitioner of nursing issued by the State Board of Nursing.
(Added to NRS by 1991, 794)

NRS 454.002 "Authorized officers of the law" defined. "Authorized officers of the law" means:
1. Peace officers;
2. Members, investigators and inspectors of the Board;
3. Inspectors of the Food and Drug Administration; and
4. Commissioners and agents appointed as provided in chapter 585 of NRS for the enforcement of the Nevada Food, Drug and Cosmetic Act.
(Added to NRS by 1967, 1635)

NRS 454.003 "Board" defined. "Board" means the State Board of Pharmacy.
(Added to NRS by 1967, 1635)

NRS 454.0041 "Chart order" defined. "Chart order" means an order entered on the chart of a patient:
1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department of Health and Human Services; or
2. Under emergency treatment in a hospital by a practitioner or on the written or oral order of a practitioner authorizing the administration of a drug to the patient.
(Added to NRS by 1973, 1196; A 1979, 1674; 1985, 1751)

NRS 454.005 "Chemical" defined. "Chemical" includes all chemicals intended, designed and labeled for use in the cure, treatment, mitigation or prevention of disease in man or other animals.
(Added to NRS by 1967, 1635)

NRS 454.0053 "Compound" and "compounding" defined. "Compound" or "compounding" means to form or make up a composite product by combining two or more different ingredients.
(Added to NRS by 1979, 1681)

NRS 454.0058 "Fill" defined. "Fill" means the counting, measuring, compounding, pouring, packaging and labeling required to prepare a drug for either direct or indirect delivery to a patient.

(Added to NRS by 1979, 1681)

NRS 454.006 "Furnish" defined. "Furnish" means to supply by any means, by sale or otherwise.
(Added to NRS by 1967, 1635)

NRS 454.007 "Hospital" defined. "Hospital" means any institution, place, building or agency which is licensed by the Department of Health and Human Services as a hospital and which operates facilities for the care and treatment of human illness or other abnormal physical or mental conditions on an inpatient basis, including any such facility operated by this State or a political subdivision of this State.
(Added to NRS by 1967, 1635; A 1979, 1674; 1987, 952)

NRS 454.009 "Hypodermics" defined. "Hypodermics" means any syringe, needle, instrument, device or implement intended or capable of being adapted for the purpose of administering drugs by subcutaneous, intramuscular or intravenous injection.
(Added to NRS by 1967, 1635)

NRS 454.00905 "Institutional pharmacy" defined. "Institutional pharmacy" means a pharmacy or other storage place as defined by regulations adopted by the Board which is a part of or is operated in conjunction with a medical facility as that term is defined in NRS 449.0151. The term includes:

1. A pharmacy on the premises of the medical facility which provides a system of distributing and supplying medication to the facility, whether or not operated by the facility; and
2. A pharmacy off the premises of the medical facility which provides services only to the patients of the facility and provides a system of distributing medication based upon chart orders from the medical facility.

(Added to NRS by 1987, 1656; A 1993, 1990)

NRS 454.00911 "Laboratory" defined. "Laboratory" means a research, teaching or testing laboratory not engaged in the sale of drugs but using dangerous drugs for scientific or teaching purposes.
(Added to NRS by 1973, 1196)

NRS 454.0092 "Manufacturer" defined. "Manufacturer" means a person who:

1. Derives, produces, prepares, compounds, mixes, cultivates, grows or processes any drug;
2. Repackages any drug for the purpose of resale; or
3. Makes, produces or prepares any devices or appliances that are restricted by federal law to sale by or on the order of a physician.

(Added to NRS by 1967, 1635; A 1971, 2028; 1973, 1195; 1993, 636, 1223)

NRS 454.00922 "Medical intern" defined. "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.
(Added to NRS by 1981, 746)

NRS 454.0094 "Pharmacy" defined.

1. "Pharmacy" means every store or shop licensed by the Board where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, or dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded or dispensed.
2. "Pharmacy" includes pharmacies owned or operated by the State of Nevada and political subdivisions and municipal corporations therein.

(Added to NRS by 1967, 1636; A 1971, 2028; 1973, 1196; 1979, 1674)

NRS 454.00945 "Pharmacy in a correctional institution" defined. "Pharmacy in a correctional institution" means a pharmacy or other storage place for medicines, controlled substances and dangerous drugs which is a part of or is operated in conjunction with a correctional facility, including a jail and facility for the detention of juveniles.
(Added to NRS by 1987, 1656)

NRS 454.0095 "Physician," "dentist," "podiatric physician," "optometrist," "veterinarian" and "pharmacist" defined. "Physician," "dentist," "podiatric physician," "optometrist," "veterinarian" and "pharmacist" mean persons authorized by a currently valid license to practice their respective professions in this State.
(Added to NRS by 1967, 1636; A 1969, 347; 1977, 964; 1993, 2236; 1995, 1034)

NRS 454.00958 "Practitioner" defined. "Practitioner" means:
1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his profession in this State.
2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.
3. When relating to the prescription of poisons, dangerous drugs and devices:
(a) An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy permitting him so to prescribe; or
(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him so to prescribe.
4. An optometrist who is certified to prescribe and administer dangerous drugs pursuant to NRS 636.288 when he prescribes or administers dangerous drugs which are within the scope of his certification.
(Added to NRS by 1979, 1681; A 1983, 1220; 1989, 1995; 1991, 794; 1993, 2236; 1995, 1034; 2001, 788)

NRS 454.00961 "Prescription" defined.
1. "Prescription" means:
(a) An order given individually for the person for whom prescribed, directly from the practitioner, or his agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist.
(b) A chart order written for an inpatient specifying drugs which he is to take home upon his discharge.
2. "Prescription" does not include a chart order written for an inpatient for use while he is an inpatient.
(Added to NRS by 1973, 1196; A 1979, 1675; 1983, 1515; 1987, 1657; 1991, 1956)

NRS 454.00973 "Public health program" defined. "Public health program" means a program of the government which is:
1. Administered by the officers and agents of:
(a) The Health Division of the Department of Health and Human Services; or
(b) The local boards of health; and
2. Created to serve the health needs of an entire political subdivision by reducing the incidence and prevalence of a disease, subset of disease or a medical event.
(Added to NRS by 1991, 1955; A 1995, 556)

NRS 454.00976 "Refill" defined. "Refill" means to fill again.
(Added to NRS by 1979, 1681)

NRS 454.00978 "Ultimate user" defined. "Ultimate user" means a person who lawfully possesses a dangerous drug for his own use or the use of a member of his household or for administering to any animal owned by him or by a member of his household. The term includes the guardian of an ultimate user or any other person authorized in a durable power of attorney to act on the behalf of the ultimate user. The term does not include a patient in or an employee of a medical facility, as defined in NRS 449.0151, who is not statutorily authorized to administer drugs.
(Added to NRS by 1987, 952; A 1993, 1216; 1995, 556)

NRS 454.0098 "Wholesaler" defined. "Wholesaler" means a wholesale distributor as defined by 21 C.F.R. § 205.3(g) who supplies dangerous drugs or chemicals or devices or appliances that are restricted by federal law to sale by or on the order of a physician to a person other than the consumer or patient. The term does not include:
1. A person who derives, produces or prepares medicines, chemicals or devices on sales orders for resale.
2. A nonprofit cooperative agricultural organization which supplies or distributes veterinary drugs and medicines only to its own members.
(Added to NRS by 1967, 1636; A 1971, 2028; 1973, 1196; 1991, 1164; 1993, 1223)

POISONS

Definitions

NRS 454.010 "Poison" defined. As used in NRS 454.010 to 454.170, inclusive, "poison" means any substance having an inherent deleterious property which when internally or externally applied to the body of man or animal is

capable of causing damage to the tissues, destroying the action of vital functions of the body or causing death, and includes the compositions of the following schedules:

Schedule "A":

1. Aconite, belladonna, cantharadis and nux vomica.
2. Alkaloids and derivatives.
3. Antiseptic tablets containing corrosive sublimate.
4. Arsenic, its compounds and preparations.
5. Corrosive sublimate.
6. Cyanide of potassium.
7. Hydrocyanic acid.
8. Oils of croton.
9. Phosphorus and its poisonous derivatives or compounds.
10. Rue and tansy.
11. Sodium fluoracetate and preparations.
12. *Strophanthus* or its preparations.
13. Strychnine.
14. Zinc phosphide and preparations.
15. All compounds, preparations or products, other than cosmetics, which contain any of the following poisons as the primary solvent or in amounts capable of causing intoxication or harmful physical effects if inhaled, absorbed or ingested:

(a) Ethyl acetate.
(b) Isobutyl ketone.
(c) Methyl cellulose acetate.
(d) Methyl ethyl ketone.
(e) Trichlorethylene.

Schedule "B":

1. Bromides.
2. Chloroform.
3. *Cocculus indicus* or its preparations.
4. Cowhage.
5. Creosote.
6. Ether.
7. Hydrochloric or muriatic acid.
8. Nitric acid.
9. Oils of savin and pennyroyal.
10. Oxalic acid.
11. Solution of formaldehyde or formalin.
12. Sugar of lead.
13. Sulfate of zinc.
14. Sulfuric acid.
15. Tartar emetic and other derivatives of antimony.
16. *Veratrum*.
17. Wood alcohol or methanol.

Schedule "C":

1. Carbon tetrachloride or any preparation in which it is used as the primary solvent.
2. Any preparation or substance which contains any of the poisons listed in Schedule "A" or "B" in amounts capable of causing harmful physical effects if inhaled, absorbed or ingested, when such products or preparations are intended and designed for agricultural, commercial, economic, industrial or household use, and are labeled in compliance with the provisions of NRS 454.020 and 454.080.

[Part 7:207:1913; A 1921, 66; NCL § 5081]—(NRS A 1959, 66; 1967, 1627; 1993, 636)

Regulation of Sale

NRS 454.020 Poisons enumerated in Schedules "A," "B" and "C" in NRS 454.010 may not be sold unless warning label affixed to package.

1. It is unlawful for any person to vend, sell, give away or furnish, either directly or indirectly, any poisons enumerated in Schedules "A," "B" and "C" in NRS 454.010 without labeling the container, package, box, bottle or paper in which the poison is contained with:

(a) The name of the article.

(b) The word "poison," which shall be printed in boldface type in capital letters not less than twice the size of other type on the label.

(c) The name and place of business of the person or firm manufacturing or selling the poison.

(d) The vignette representing the skull and crossbones.

(e) The first aid treatment or antidote approved by the Board or the American Chemical Manufacturers Association for such poison.

(f) Any supplemental warnings or cautions required by either state or federal law or by regulations of the Board.

2. The label shall be printed in type that can be clearly read, upon red paper in distinct white letters or in distinct red letters upon white paper.

[Part 1:207:1913; 1919 RL p. 2882; NCL § 5075]—(NRS A 1959, 67; 1967, 1628)

NRS 454.030 Requirements for sale or delivery of poison listed in Schedule "A" or "B." It is unlawful to vend, sell, deliver or otherwise furnish any of the poisons named in Schedule "A" or "B" or any other dangerously poisonous drug, chemical or medical substance which may from time to time be designated by the Board, unless on inquiry it is found that the person desiring the same is 18 years of age or older and is aware of its poisonous character, and it satisfactorily appears that it is to be used for a legitimate purpose.

[Part 1:207:1913; 1919 RL p. 2882; NCL § 5075]—(NRS A 1967, 1629)

NRS 454.040 Fictitious name or false representations to seller or dealer prohibited. It is unlawful for any person to give a fictitious name or false address or make any false representations to the seller or dealer when buying any of the poisons enumerated in Schedule "A" or the additions thereto.

[Part 1:207:1913; 1919 RL p. 2882; NCL § 5075]—(NRS A 1967, 1629)

NRS 454.045 Sale or delivery of poison listed in Schedule "B" only by registered pharmacist. It is unlawful for any person, other than a registered pharmacist or an intern pharmacist acting under the direct and immediate supervision of a registered pharmacist, to vend, sell, furnish or deliver any poison enumerated in Schedule "B" of NRS 454.010.

(Added to NRS by 1967, 1636; A 1971, 682)

NRS 454.050 Book of transactions concerning poison: Contents; when entry required; exceptions.

1. It is unlawful to vend, sell, furnish or deliver any poison included in Schedule "A," the additions thereto or those enumerated by regulation of the Board without making or causing to be made, at the time of the sale, an entry in a book kept solely for that purpose, stating:

(a) The date of sale.

(b) The name, complete residence or business address and signature of the purchaser.

(c) The name and quantity of the poison sold.

(d) The statement by the purchaser of the purpose for which the poison is required.

(e) The signature of the dispenser, who must be a registered pharmacist or a registered intern pharmacist acting under the direct and immediate supervision of a registered pharmacist.

2. The provisions of this section do not apply when the poisons enumerated in Schedule "A" are used as solvents for glues and cements used in making of models, when sold in single units or containers simultaneously with or as a part of a kit to be used for the construction of model airplanes, boats, automobiles, trains or other similar models if such kits have been assembled by a recognized manufacturer of such kits and are advertised as such.

[Part 1:207:1913; 1919 RL p. 2882; NCL § 5075]—(NRS A 1967, 1629; 1971, 682; 1977, 74)

NRS 454.060 Book of transactions concerning poison: Form and preservation.

1. The poison book shall be in form substantially as follows:

Date	Name of Purchaser	Residence	Kind and Quantity	Purpose of Use	Signature of Pharmacist	Signature of Purchaser

2. This book shall always be open for inspection by authorized officers of the law acting in their official capacity, and shall be preserved for at least 5 years after the date of the last entry therein.

[Part 1:207:1913; 1919 RL p. 2882; NCL § 5075]—(NRS A 1967, 1630)

NRS 454.080 English language to be used in book and on label or package; additional entry in foreign language permissible. The entries in the poison book and the printed or written matter required to be placed on the label or the package shall be in the English language, except that the vendor of the poison may enter the same in any foreign language he may desire, in addition to the entry and label in English.
[Part 3:207:1913; 1919 RL p. 2883; NCL § 5077]

NRS 454.090 Sale of poison listed in Schedule "A" exempt from registration.
1. Dealers, manufacturers and pharmacists are exempted from the registration of the sale of any poison enumerated in Schedule "A" or the additions thereto when sold:
(a) To a registered pharmacist or a practitioner;
(b) To a manufacturer or wholesaler;
(c) To a research, teaching or testing laboratory; or
(d) To other established, legitimate users in chemical or technical arts.
2. The provisions of NRS 454.010 to 454.170, inclusive, shall not apply to the sale of any poison upon the prescriptions of practitioners.
[Part 5:207:1913; 1919 RL p. 2883; NCL § 5079]—(NRS A 1967, 1630; 1969, 902; 1979, 1675)

Administration

NRS 454.110 Additional restrictions on sale of poison; adoption of regulations by Board. When, in the opinion of the Board, it is in the interest of the public health, the Board is empowered to restrict or prohibit further the retail sale of any poison by regulations not inconsistent with the provisions of NRS 454.010 to 454.170, inclusive. Such regulations may be adopted by the Board and must be applicable to all persons alike.
[Part 4:207:1913; 1919 RL p. 2883; NCL § 5078]—(NRS A 1979, 1675)

NRS 454.130 Telephone number of poison control center to be available at pharmacies. Each pharmacy must have available for the information of the public the telephone number of the closest poison control center.
[Part 1:207:1913; 1919 RL p. 2882; NCL § 5075]—(NRS A 1981, 746)

NRS 454.150 Agents for enforcement; access for inspection. The Commissioner and agents appointed as provided in chapter 585 of NRS for the enforcement of the Nevada Food, Drug and Cosmetic Act are designated and constituted agents for the enforcement of NRS 454.010 to 454.170, inclusive, and shall cooperate with the Board in carrying out the provisions of NRS 454.010 to 454.170, inclusive. For this purpose, they shall have free access at all times during business hours to all places where drugs, medicines or poisons are offered for sale.
[9:207:1913; 1919 RL p. 2886; NCL § 5083]—(NRS A 1967, 1631)

NRS 454.160 District attorney to conduct actions and prosecutions. The district attorney of the county wherein any violation of NRS 454.010 to 454.170, inclusive, is committed shall conduct all actions and prosecutions for the same at the request of the Board.
[Part 6:207:1913; A 1915, 119; 1919 RL p. 2883; NCL § 5080]—(NRS A 1967, 1631)

NRS 454.170 Penalty. Any person violating any of the provisions of NRS 454.010 to 454.160, inclusive, shall be guilty of a misdemeanor.
[Part 7:207:1913; A 1921, 66; NCL § 5081]—(NRS A 1967, 586)

DANGEROUS DRUGS AND HYPODERMIC DEVICES

Dangerous Drugs

NRS 454.181 Application of definitions. Definitions of words and terms in NRS 454.00922, 454.191, 454.201 and 454.211 apply only to NRS 454.181 to 454.371, inclusive.
(Added to NRS by 1973, 1196; A 1981, 746; 1987, 1399)

NRS 454.191 "Administer" defined. "Administer" means the direct application of a drug or medicine referred

to in NRS 454.181 to 454.371, inclusive, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject.

(Added to NRS by 1973, 1196; A 1977, 672, 964; 1979, 593, 1676)

NRS 454.201 "Dangerous drug" defined. "Dangerous drug" means any drug, other than a controlled substance, unsafe for self-medication or unsupervised use, and includes the following:

1. Any drug which has been approved by the Food and Drug Administration for general distribution and bears the legend: "Caution: Federal law prohibits dispensing without prescription";
2. Procaine hydrochloride with preservatives and stabilizers (Gerovital H3) in injectable doses and amygdalin (laetrile) which have been licensed by the State Board of Health for manufacture in this State but have not been approved as drugs by the Food and Drug Administration; or
3. Any drug which, pursuant to the Board's regulations, may be sold only by prescription because the Board has found those drugs to be dangerous to public health or safety.

(Added to NRS by 1973, 1197; A 1977, 1645; 1983, 336; 1987, 1553)

NRS 454.211 "Dispense" defined.

1. "Dispense" means the furnishing of a dangerous drug in any amount greater than that which is necessary for the present and immediate needs of the ultimate user.
2. The term does not include the furnishing of a dangerous drug by a hospital pharmacy for inpatients.

(Added to NRS by 1973, 1197; A 1977, 673; 1979, 594, 1676; 1987, 1657)

NRS 454.213 Authority to possess and administer dangerous drug. A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.
2. A physician assistant at the direction of his supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.
3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.
4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:
   (a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and
   (b) Acting under the direction of the medical director of that agency or facility who works in this State.
5. An intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:
   (a) The State Board of Health in a county whose population is less than 100,000;
   (b) A county board of health in a county whose population is 100,000 or more; or
   (c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.
6. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.
7. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.
8. A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:
   (a) In the presence of a physician or a registered nurse; or
   (b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

Ê A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

9. Any person designated by the head of a correctional institution.
10. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.
11. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.
12. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

13. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

14. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

15. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

16. A veterinary technician at the direction of his supervising veterinarian.

17. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards of Immunization Practices" recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices.

18. A person who is enrolled in a training program to become a physician assistant, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(Added to NRS by 1979, 1682; A 1981, 60, 746; 1983, 1221, 1515, 1937; 1987, 952, 1657, 2215; 1989, 749; 1991, 1956; 1993, 1216, 2839; 1995, 725, 1691; 1999, 2720; 2001, 2, 789, 792; 2003, 2296; 2005, 2476)

NRS 454.215 Authority to dispense dangerous drugs. A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his internship;

6. An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy permitting him to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

Ê except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

(Added to NRS by 1979, 1682; A 1981, 747; 1983, 1516; 1987, 807, 1583, 1658; 1989, 915; 1991, 794; 2001, 790; 2001 Special Session, 242; 2003, 1017)

NRS 454.221 Furnishing dangerous drug without prescription prohibited; penalty; exceptions.

1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his patients;

(b) A physician assistant if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board

of Pharmacy permitting him to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the State Health Officer or his designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

(Added to NRS by 1973, 1197; A 1975, 354; 1977, 673, 938; 1979, 594, 1676; 1981, 747; 1983, 453, 1938; 1985, 887, 1701; 1987, 1658; 1989, 1126; 1991, 795; 1993, 451, 2841; 1995, 301, 1292, 1329; 2001, 791; 2001 Special Session, 242)

NRS 454.223 Prescription to be written on prescription blank or chart of patient; contents.

1. Each prescription for a dangerous drug must be written on a prescription blank or as an order on the chart of a patient. A chart of a patient may be used to order multiple prescriptions for that patient.

2. A written prescription must contain:

(a) The name of the practitioner, his signature if the prescription was not transmitted orally and his address if not immediately available to the pharmacist;

(b) The classification of his license;

(c) The name of the patient, and his address if not immediately available to the pharmacist;

(d) The name, strength and quantity of the drug or drugs prescribed;

(e) Directions for use; and

(f) The date of issue.

3. Directions for use must be specific in that they must indicate the portion of the body to which the medication is to be applied, or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

(Added to NRS by 1979, 1682; A 1981, 748; 1983, 1516; 1985, 887; 1987, 1659)

NRS 454.231 Pharmacist to fill or refill prescription for use only by person to whom prescription originally issued. No pharmacist shall knowingly fill or refill any prescription for a dangerous drug for use by any person other than the one for whom the prescription was originally issued.

(Added to NRS by 1973, 1197)

NRS 454.286 Records: Maintenance; retention; inspection; penalty.

1. Every retail pharmacy, hospital or any practitioner who engages in the practice of dispensing or furnishing drugs to patients shall maintain a complete and accurate record of all dangerous drugs purchased and those sold on prescription, dispensed, furnished or disposed of otherwise.

2. The records must be retained for a period of 2 years and must be open to inspection by members, inspectors or investigators of the Board or inspectors of the Food and Drug Administration.

3. Invoices showing all purchases of dangerous drugs constitute a complete record of all dangerous drugs received.

4. For the purpose of this section, the prescription files of a pharmacy constitute a record of the disposition of all dangerous drugs.

5. A person who violates any provision of this section is guilty of a misdemeanor.

(Added to NRS by 1973, 1198; A 1979, 1678; 1981, 748; 1987, 1034; 1989, 1000, 1126; 1991, 1165; 1995, 302)

NRS 454.291 Stock of dangerous drugs and records open to inspection; penalty.

1. All stock and records of purchase and disposition of any dangerous drug of a wholesaler, pharmacy, practitioner, hospital, laboratory or a nonprofit cooperative agriculture organization which supplies and distributes drugs and medicines only to its members are at all times, during business hours, open to inspection by agents, assistants, members and inspectors of the Board, inspectors of the Food and Drug Administration, and agents and commissioners appointed pursuant to chapter 585 of NRS for the enforcement of the Nevada Food, Drug and Cosmetic Act. The records must be preserved for at least 2 years after the date of making.

2. Any person who fails, neglects or refuses to maintain those records or who, when called upon by an authorized officer to produce those records, fails, neglects or refuses to produce them, or who willfully produces or

furnishes records which are false, is guilty of a misdemeanor.
(Added to NRS by 1973, 1198; A 1979, 1678; 1981, 748; 1989, 1127; 1995, 302)

NRS 454.296 Immunity from prosecution of employees of Board and peace officers. All agents, assistants and inspectors of the Board and peace officers, while investigating violations of NRS 454.181 to 454.371, inclusive, in performance of their official duties, and any person working under their immediate direction, supervision or instruction are immune from prosecution under NRS 454.181 to 454.371, inclusive.
(Added to NRS by 1973, 1198)

NRS 454.301 Conditions under which practitioner or veterinarian may furnish drugs without prescription.
1. Except as otherwise provided in subsection 2, a practitioner who dispenses drugs and who personally furnishes his own patients with such drugs as are necessary in the treatment of the condition for which he attends a patient shall not do so without writing a prescription unless the drugs so furnished are:
(a) Not charged for, either separately or together with charges for other professional services, and the practitioner keeps accurate records, as required by NRS 454.286, of all drugs so furnished;
(b) Clearly labeled with the date, the name and address of the furnisher, the name of the patient, the directions for use, the name and strength and the expiration date of the effectiveness of the drug, if that information is required on the original label of the manufacturer of that drug; and
(c) Not dispensed or furnished:
(1) By a nurse or attendant; or
(2) In violation of a regulation adopted by the Board.
2. A veterinarian may furnish multiple doses of drugs, necessary for the treatment of large animals, to ranchers or dealers in livestock for use solely in the treatment of livestock on the premises of the rancher or dealer, and when furnishing those drugs the veterinarian is not required to comply with the provisions of subsection 1, except for subparagraph (2) of paragraph (c).
(Added to NRS by 1973, 1199; A 1979, 1678; 1981, 749; 1987, 807; 1989, 1127)

NRS 454.306 Use of minor as agent; unlawful furnishing of dangerous drug to minor; penalty. A person who violates any provision of NRS 454.181 to 454.371, inclusive, by use of a minor as an agent or by unlawfully furnishing any dangerous drug to a minor is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, or by a fine of not more than $20,000, or by both fine and imprisonment.
(Added to NRS by 1973, 1200; A 1979, 1475; 1995, 1292)

NRS 454.311 Fraudulent possession of dangerous drug or prescription; false or altered prescription; penalty.
1. A person, other than a peace officer or inspector of the Board in the performance of his official duty, who knowingly or intentionally obtains or attempts to obtain possession of a dangerous drug or a prescription for a dangerous drug by misrepresentation, fraud, forgery, deception, subterfuge or alteration is guilty of a category E felony and shall be punished as provided in NRS 193.130.
2. A person who knowingly has in his possession any false, fictitious, forged or altered prescription for a dangerous drug is guilty of a category E felony and shall be punished as provided in NRS 193.130.
3. A person who knowingly:
(a) Receives any dangerous drug from, or has in his possession or under his control any dangerous drug obtained by, another person as a result of any forged, false, fictitious or altered prescription; or
(b) Fills a prescription which is not genuine,
Ê is guilty of a category E felony and shall be punished as provided in NRS 193.130.
(Added to NRS by 1973, 1200; A 1981, 1967; 1985, 153, 888; 1995, 1292)

NRS 454.316 Possession of dangerous drug without prescription unlawful; penalties; exceptions.
1. Except as otherwise provided in this section, a person who possesses a dangerous drug, except that furnished to him by a pharmacist pursuant to a legal prescription or by a practitioner, is guilty of a gross misdemeanor. A person who has been twice previously convicted of any offense:
(a) Described in this section; or
(b) Pursuant to any other law of the United States or this or any other state or district which if committed in this State would have been punishable as an offense under this section,
Ê is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A prescription is not required for possession of a dangerous drug by a person authorized by NRS 454.213, any other person or class of persons approved by the Board pursuant to regulation, jobbers, wholesalers, manufacturers or laboratories authorized by laws of this State to handle, possess and deal in dangerous drugs if the drugs are in stock containers properly labeled and have been procured from a manufacturer, wholesaler or pharmacy, or by a rancher who possesses a dangerous drug in a reasonable amount for use solely in the treatment of livestock on his own premises.

(Added to NRS by 1973, 1200; A 1979, 953, 1679; 1987, 2216; 1991, 795, 1958; 1995, 1035, 1293, 1340)

NRS 454.321 Unlawful dispensing or furnishing of dangerous drug; penalty. Any person who dispenses or furnishes or permits the dispensing or furnishing of any dangerous drug in violation of NRS 454.301 is guilty of a gross misdemeanor.

(Added to NRS by 1973, 1200; A 1985, 889)

NRS 454.323 Sale or distribution of product containing toluene to person less than 18 years of age.

1. Except as provided in subsection 3, any person who sells or gives aerosol paint, glue or cement containing toluene to a person who is less than 18 years of age is guilty of a gross misdemeanor.

2. The court shall suspend for a period of 1 year the business license of a person who knowingly violates any provision of this section after having been previously convicted of a violation of this section unless he can demonstrate that he attempted in good faith to comply with this section.

3. The provisions of this section do not apply to the sale of:

(a) Gasoline or other fuel for motor vehicles;

(b) Aerosol paint, glue or cement containing less than the minimum amount of toluene which is subject to the requirements for special labeling established pursuant to the Federal Hazardous Substances Act, 15 U.S.C. §§ 1261 et seq., as it exists on June 30, 1983; or

(c) Glue or cement which is included in a kit used for the construction of model airplanes, automobiles, boats or trains or which is used in connection with another hobby.

(Added to NRS by 1983, 242)

NRS 454.326 Misrepresentation by use of telephone to obtain dangerous drug; penalty. A person who, in order to obtain any dangerous drug, falsely represents himself in a telephone conversation with a pharmacist to be a physician or other person who can lawfully prescribe such drugs or to be acting on behalf of a person who can lawfully prescribe drugs:

1. For the first offense, is guilty of a misdemeanor.

2. For any subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

(Added to NRS by 1973, 1201; A 1979, 1476; 1995, 1293)

NRS 454.341 Unlawful possession or sale of nasal inhaler; exception. It is unlawful for any person within this State to possess, sell, offer to sell or hold for the purpose of sale or resale any nasal inhaler which contains any drug capable of causing stimulation to the central nervous system unless:

1. The product contains a denaturant in sufficient quantity to render it unfit for internal use; and

2. The product is among such products listed as approved for sale without restriction by the Board in the regulations officially adopted by the Board.

(Added to NRS by 1973, 1201)

NRS 454.346 Use or possession with intent to use drug, chemical, poison or organic solvent to induce euphoria or hallucinations unlawful; exception.

1. Any person who inhales, ingests, applies or otherwise uses or possesses with the intent to inhale, ingest, apply or otherwise use any drug, chemical, poison or organic solvent, or any compound or combination of any drug, chemical, poison or organic solvent, in any manner contrary to the directions for use, cautions or warnings appearing on the label thereof, in order to create or induce a condition of intoxication, euphoria, hallucination or elation, or to change, distort or disturb his eyesight, thinking processes, balance or coordination or to affect his central nervous system is guilty of a misdemeanor.

2. The provisions of this section do not apply to a person who uses or intends to use any drug, chemical, poison or organic solvent for medicinal purposes under the supervision of a physician, when the drug, chemical, poison or organic solvent is used or intended for use in keeping with the directions for use as given by the physician.

(Added to NRS by 1973, 75; A 1983, 242)

NRS 454.351 Drugs which may not be introduced into interstate commerce; penalty; exemptions.

1. Any person within this State who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. The provisions of this section do not apply:

(a) To physicians licensed to practice in this State who have been authorized by the Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the Food and Drug Administration.

(b) To any substance which has been licensed by the State Board of Health for manufacture in this State but has not been approved as a drug by the Food and Drug Administration. The exemption granted in this paragraph does not grant authority to transport such a substance out of this State.

(Added to NRS by 1973, 1201; A 1981, 749)

NRS 454.356 Penalty for violation. Except as otherwise specifically provided, every person who violates any provision of NRS 454.181 to 454.371, inclusive, is guilty of a misdemeanor.

(Added to NRS by 1973, 1201)

NRS 454.358 Fee for analysis of dangerous drug included in sentence; distribution of money collected; limitations on use of money.

1. When a defendant pleads guilty to or is found guilty of any violation of this chapter and an analysis of a dangerous drug was performed in relation to his case, the justice or judge shall include in the sentence the sum of $50 as a fee for the analysis of the dangerous drug.

2. The money collected for such an analysis must not be deducted from the fine imposed by the justice or judge, but must be taxed against the defendant in addition to the fine. The money collected for such an analysis must be stated separately on the court's docket and must be included in the amount posted for bail. If the defendant is found not guilty or the charges are dropped, the money deposited with the court must be returned to the defendant.

3. The money collected pursuant to subsection 1 in municipal court must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

4. The money collected pursuant to subsection 1 in Justice Courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

5. The board of county commissioners of each county shall by ordinance, before September 1, 1987, create in the county treasury a fund to be designated as the fund for forensic services. Upon receipt, the county treasurer shall deposit any fee for the analyses of dangerous drugs in the fund.

6. In counties which receive forensic services under a contract with the State, any money in the fund for forensic services must be paid monthly by the county treasurer to the State Treasurer for deposit in the State General Fund, after retaining 2 percent of the money to cover his administrative expenses.

7. In counties which do not receive forensic services under a contract with the State, money in the fund for forensic services must be expended, except as otherwise provided in this subsection:

(a) To pay for the analyses of dangerous drugs performed in connection with criminal investigations within the county;

(b) To purchase and maintain equipment to conduct these analyses; and

(c) For the training and continuing education of the employees who conduct these analyses.

Ê Money from the fund must not be expended to cover the costs of analyses conducted by, equipment used by or training for employees of an analytical laboratory not registered with the Drug Enforcement Administration of the United States Department of Justice.

(Added to NRS by 1987, 1398; A 1995, 2469; 2003, 1488)

NRS 454.361 Conviction for violation of provision concerning dangerous drugs constitutes grounds for suspension or revocation of professional license. A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638 or 639 of NRS.

(Added to NRS by 1973, 1201; A 1995, 1035)

NRS 454.366 Administration and enforcement by Board. The Board shall administer and enforce NRS 454.181 to 454.371, inclusive.

(Added to NRS by 1973, 1201)

NRS 454.371 Limitations on furnishing dangerous drug; adoption of regulations by Board; penalties.
1. If the Board finds any drug to be dangerous to the public health or safety, it may adopt a regulation not inconsistent with NRS 454.181 to 454.371, inclusive, limiting or restricting the furnishing or dispensing of the drug.
2. A violation of such a regulation must be punished in the same manner as provided in NRS 454.306 to 454.356, inclusive.
(Added to NRS by 1973, 1201; A 1977, 74; 1987, 807)

Hypodermic Devices

NRS 454.480 Requirements for sale with or without prescription.
1. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold by a pharmacist, or by a person in a pharmacy under the direction of a pharmacist, on the prescription of a physician, dentist or veterinarian, or of an advanced practitioner of nursing who is a practitioner. Those prescriptions must be filed as required by NRS 639.236, and may be refilled as authorized by the prescriber. Records of refilling must be maintained as required by NRS 639.2393 to 639.2397, inclusive.
2. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold without prescription for the following purposes:
(a) For use in the treatment of persons having asthma or diabetes.
(b) For use in injecting intramuscular or subcutaneous medications prescribed by a practitioner for the treatment of human beings.
(c) For use in an ambulance or by a fire-fighting agency for which a permit is held pursuant to NRS 450B.200 or 450B.210.
(d) For the injection of drugs in animals or poultry.
(e) For commercial or industrial use or use by jewelers or other merchants having need for those devices in the conduct of their business, or by hobbyists if the seller is satisfied that the device will be used for legitimate purposes.
(f) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.
(Added to NRS by 1967, 1639; A 1971, 2028; 1973, 1202; 1983, 454, 1221; 1985, 1702; 1991, 796; 1993, 1223; 1995, 302)

NRS 454.500 Regulation of sale of hypodermic devices other than hypodermic needles or syringes. The Board shall establish, by regulation, the type of devices other than hypodermic needles and syringes that must be sold in compliance with the provisions of NRS 454.480 to 454.530, inclusive.
(Added to NRS by 1967, 1640; A 1977, 74; 1993, 1224)

NRS 454.510 Unlawful possession of hypodermic device. It is unlawful for any person to have in his possession or under his control any hypodermic device unless he has acquired possession of such device in accordance with the provisions of NRS 454.480 to 454.530, inclusive.
(Added to NRS by 1967, 1640; A 1993, 1224)

NRS 454.520 Misuse of hypodermic device; penalty. Any person who has lawfully obtained a hypodermic device, as provided by NRS 454.480 to 454.530, inclusive, and uses, permits or causes, directly or indirectly, such a device to be used for any purpose other than that for which it was purchased is guilty of a misdemeanor.
(Added to NRS by 1967, 1640; A 1993, 1224)

NRS 454.530 Obtaining possession of hypodermic device by forged or fictitious name or fraudulent misrepresentation; penalty. Any person who obtains possession of any hypodermic device by a fraudulent representation, a forged or fictitious name, or in violation of the provisions of NRS 454.480 to 454.530, inclusive, is guilty of a gross misdemeanor.
(Added to NRS by 1967, 1640; A 1981, 1967; 1993, 1224)

Enforcement

NRS 454.534 Burden of proving exception or exemption. In any complaint, information or indictment and in any action or proceeding brought for the enforcement of any provision of NRS 454.181 to 454.530, inclusive, it is

not necessary to negate any exception, excuse, proviso or exemption contained in NRS 454.181 to 454.530, inclusive, and the burden of proof of any such exception, excuse, proviso or exemption is upon the defendant.
(Added to NRS by 1969, 283; A 1971, 2029; 1973, 1202; 1983, 243)

NRS 454.535 Amount of drug needed to sustain conviction for prohibited offense. The amount of a drug needed to sustain a conviction of a person for an offense prohibited by NRS 454.181 to 454.371, inclusive, is that amount necessary for identification as such drug by a witness qualified to make such identification for the prosecution and a witness qualified to make such identification for the defense.
(Added to NRS by 1971, 359; A 1973, 1202)

MISCELLANEOUS PROVISIONS

NRS 454.680 Applicability to certain products. This chapter does not apply to:
1. Except as otherwise provided in NRS 454.323, products subject to the provisions of the Federal Hazardous Substances Act, 15 U.S.C. §§ 1261 et seq.; and
2. Products registered under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq., Ê as the acts exist, respectively, on June 30, 1983.
(Added to NRS by 1967, 1631; A 1983, 243)

NRS 454.695 Prescriptions by advanced practitioners of nursing.
1. An advanced practitioner of nursing may prescribe poisons, dangerous drugs and devices for legitimate medical purposes in accordance with:
(a) The certificates he holds from the Board and the State Board of Nursing; and
(b) The protocol which is approved by the State Board of Nursing.
2. For the purposes of this section, “protocol” means the written agreement between a physician and an advanced practitioner of nursing which sets forth matters including the:
(a) Patients which the advanced practitioner of nursing may serve;
(b) Specific poisons, dangerous drugs and devices which the advanced practitioner of nursing may prescribe; and
(c) Conditions under which the advanced practitioner of nursing must directly refer the patient to the physician.
(Added to NRS by 1983, 1220; A 1991, 797)

NRS 454.710 Injunctions. The Board may bring an action to enjoin any act which would be in violation of the provisions of this chapter. Such action must be commenced in the district court for the county in which the act is to occur and must be in conformity with Rule 65 of the Nevada Rules of Civil Procedure, except that the Board is not required to allege facts necessary to show or tending to show lack of adequate remedy at law or irreparable damage or loss. The action must be brought in the name of the State of Nevada.
(Added to NRS by 1979, 1681)

CHAPTER 585 - FOOD, DRUGS AND COSMETICS: ADULTERATION; LABELS; BRANDS

GENERAL PROVISIONS

NRS 585.010 Short title.
NRS 585.020 Definitions.
NRS 585.030 "Advertisement" defined.
NRS 585.040 "Commissioner" defined.
NRS 585.050 "Contaminated with filth" defined.
NRS 585.060 "Cosmetic" defined.
NRS 585.070 "Device" defined.
NRS 585.080 "Drug" defined.
NRS 585.090 "Federal Act" defined.
NRS 585.100 "Food" defined.
NRS 585.110 "Immediate container" defined.
NRS 585.120 "Label" defined.
NRS 585.130 "Labeling" defined.
NRS 585.140 "New drug" defined.
NRS 585.150 "Official compendium" defined.
NRS 585.170 Factors to be considered in determining whether label or advertisement is misleading.
NRS 585.180 Construction of representation that drug is antiseptic.
NRS 585.190 Scope of provisions regulating sales.

ADMINISTRATION

NRS 585.200 Appointment of Commissioner of Food and Drugs.
NRS 585.210 Regulations.
NRS 585.220 Hearings.
NRS 585.230 Record of adulterated, mislabeled or misbranded foods, drugs, devices and cosmetics; biennial report of Commissioner; dissemination of information.
NRS 585.240 Inspection of factories and vehicles: Purposes; examination of samples.
NRS 585.245 Licensing of persons manufacturing, compounding, processing or packaging drugs, devices or cosmetics: Regulations; fees; inspection.
NRS 585.250 Tagging of articles believed to be dangerous to health: Contents of tag; unlawful sales.
NRS 585.260 Removal of tag or marking from detained or quarantined article; liability of person removing tag or other marking.
NRS 585.270 Petition for condemnation and destruction of adulterated or misbranded article.
NRS 585.280 Destruction of article found to be adulterated or misbranded.
NRS 585.290 Correction of defect by proper labeling or processing.

FOOD

NRS 585.300 Adulterated food: Poisonous or insanitary ingredients.
NRS 585.310 Adulterated food: Absence, substitution or addition of constituents.
NRS 585.320 Adulterated food: Standards of purity, quality or strength.
NRS 585.330 Adulterated food: Confectionery containing nonnutritive substance.
NRS 585.350 Misbranded food.

NRS 585.355 Use of "honey" in product label or designation restricted; "honey" defined.
NRS 585.360 Food containing filthy, decomposed or putrid substance declared nuisance; condemnation or destruction by Commissioner.

DRUGS AND DEVICES

NRS 585.370 Adulterated drugs and devices: Poisonous or insanitary ingredients.
NRS 585.380 Adulterated drugs and devices: Strength, quality or purity differing from official compendium.
NRS 585.390 Adulterated drugs and devices: Misrepresentation of strength, quality or purity if drug not in compendium.
NRS 585.400 Adulterated drugs and devices: Mixture with or substitution of another substance.
NRS 585.410 Misbranded drugs and devices: False or misleading label.
NRS 585.420 Misbranded drugs and devices: Contents of label on package.
NRS 585.430 Misbranded drugs and devices: Habit-forming substances.
NRS 585.440 Misbranded drugs and devices: Designation of drug by name not in compendium.
NRS 585.450 Misbranded drugs and devices: Directions for use and warnings on label.
NRS 585.460 Misbranded drugs and devices: Misleading container; imitation; offer for sale under another name.
NRS 585.470 Misbranded drugs and devices: Health-endangering when used as prescribed.
NRS 585.480 Misbranded drugs and devices: Drug containing amidopyrine, barbituric acid, cinchophen, dinitrophenol or sulfanilamide sold without prescription.
NRS 585.485 Restrictions on sale of dimethyl sulfoxide; penalty.
NRS 585.490 Introduction or delivery for introduction of new drug into intrastate commerce before application is effective prohibited.
NRS 585.495 Licensing of manufacture of amygdalin and procaine hydrochloride; duties and powers of Commissioner; injunctive relief.
NRS 585.497 Assessment on gross receipts from sale of amygdalin and procaine hydrochloride.

COSMETICS

NRS 585.500 Adulterated cosmetics.
NRS 585.510 Misbranded cosmetics.

PROHIBITED ACTS AND PENALTIES

NRS 585.520 Prohibited acts.
NRS 585.530 When advertisement deemed false.
NRS 585.535 Unlawful to sell or offer to sell beverage container opened by detaching metal ring or tab; exceptions; penalty.
NRS 585.540 Duties of Attorney General and district attorneys; hearing by Commissioner before institution of criminal proceedings.
NRS 585.550 Penalties.

GENERAL PROVISIONS

NRS 585.010 Short title. This chapter may be cited as the Nevada Food, Drug and Cosmetic Act.
[1:177:1939; 1931 NCL § 6206]

NRS 585.020 Definitions. For the purpose of this chapter, the words and terms defined in NRS 585.030 to 585.150, inclusive, have the meanings ascribed to them in those sections.
[Part 2:177:1939; 1931 NCL § 6206.01]—(NRS A 1985, 530)

NRS 585.030 "Advertisement" defined. "Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food, drugs, devices or cosmetics.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.040 "Commissioner" defined. "Commissioner" means the Commissioner of Food and Drugs.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.050 "Contaminated with filth" defined. "Contaminated with filth" applies to any food, drug, device or cosmetic not securely protected from dust, dirt and, as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.060 "Cosmetic" defined.
1. "Cosmetic" means:
(a) Articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance, including wigs, hairpieces and postiches; and
(b) Articles intended for use as a component of any such articles.
2. "Cosmetic" shall not include soap.
[Part 2:177:1939; 1931 NCL § 6206.01]—(NRS A 1969, 877)

NRS 585.070 "Device" defined. Except when used in NRS 585.170, "device" means instruments, apparatus and contrivances, including their components, parts and accessories, intended:
1. For use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; or
2. To affect the structure or any function of the body of man or other animals.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.080 "Drug" defined.
1. "Drug" means:
(a) Articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary, or any supplement to any of them;
(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
(c) Articles, other than food, intended to affect the structure or any function of the body of man or other animals; and
(d) Articles intended for use as a component of any article specified in paragraph (a), (b) or (c).
2. "Drug" does not include devices or their components, parts or accessories.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.090 "Federal Act" defined. "Federal Act" means the Federal Food, Drug, and Cosmetic Act, 21 U.S. C. §§ 301 et seq., as that act exists on June 30, 1983.
[Part 2:177:1939; 1931 NCL § 6206.01]—(NRS A 1983, 189)

NRS 585.100 "Food" defined. "Food" means:
1. Articles used for food or drink for man or other animals;
2. Chewing gum; and
3. Articles used for components of any such article.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.110 "Immediate container" defined. "Immediate container" does not include package liners.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.120 "Label" defined. "Label" means a display of written, printed or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this chapter that any word, statement or other information appear on the label shall not be considered to be complied with unless such word, statement or other information also appears on the outside container or wrapper, if there is any, of the retail package of such article, or is easily legible through the outside container or wrapper.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.130 "Labeling" defined. "Labeling" means all labels and other written, printed or graphic matter:
1. Upon an article or any of its containers or wrappers; or
2. Accompanying such article.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.140 "New drug" defined. "New drug" means any drug the composition of which is such that the drug:
1. Is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended or suggested in the labeling thereof; or
2. As a result of investigations to determine its safety and effectiveness for use under those conditions, has become so recognized, but which has not, other than in the investigations, been used to a material extent or for a material time under those conditions.
[Part 2:177:1939; 1931 NCL § 6206.01]—(NRS A 1983, 189)

NRS 585.150 "Official compendium" defined. "Official compendium" means the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary or any supplement to any of them.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.170 Factors to be considered in determining whether label or advertisement is misleading. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then, in determining whether the labeling or advertisement is misleading, there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, device, sound or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.180 Construction of representation that drug is antiseptic. The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.
[Part 2:177:1939; 1931 NCL § 6206.01]

NRS 585.190 Scope of provisions regulating sales.
1. The provisions of this chapter regarding the selling of foods, drugs, devices or cosmetics shall be considered to include:
(a) The manufacture, production, processing, packing, exposure, offer, possession and holding of any such article for sale;
(b) The sale, dispensing and giving of any such article; and
(c) The supplying or applying of any such articles in the conduct of any food, drug or cosmetic establishment.
2. The provisions of this chapter do not apply to the operation of any official establishment as defined in NRS 583.375.
[Part 2:177:1939; 1931 NCL § 6206.01]—(NRS A 1969, 991)

ADMINISTRATION

NRS 585.200 Appointment of Commissioner of Food and Drugs. The Administrator of the Health Division of the Department of Health and Human Services shall designate and appoint, for the enforcement of this chapter, a Commissioner and such other agents as he may deem necessary.

[14:177:1939; 1931 NCL § 6206.13]—(NRS A 1959, 616; 1963, 972; 1967, 1178; 1969, 616)

NRS 585.210 Regulations.

1. The authority to promulgate regulations for the efficient enforcement of this chapter is hereby vested in the Commissioner.

2. The Commissioner is hereby authorized to make the regulations promulgated under this chapter conform, insofar as practicable, with those promulgated under the Federal Act.

[Part 15:177:1939; 1931 NCL § 6206.14]

NRS 585.220 Hearings. Hearings authorized or required by this chapter shall be conducted by the Commissioner or such officer, agent or employee as the Commissioner may designate for the purpose.

[Part 15:177:1939; 1931 NCL § 6206.14]

NRS 585.230 Record of adulterated, mislabeled or misbranded foods, drugs, devices and cosmetics; biennial report of Commissioner; dissemination of information.

1. The Commissioner shall keep a record of adulterated, mislabeled or misbranded foods, drugs, devices and cosmetics, in which record shall be included a list of cases examined and violations found and a list of the articles found adulterated, mislabeled or misbranded and the names of the manufacturers, producers, jobbers and sellers.

2. The record, or any parts thereof, may, in the discretion of the Commissioner, be included in the biennial report which the Commissioner is authorized to make to the State Board of Health.

3. The Commissioner may also cause to be disseminated such information regarding foods, drugs, devices and cosmetics as he deems necessary in the interest of public health and the protection of the consumer against fraud.

[17:177:1939; 1931 NCL § 6206.16]—(NRS A 1959, 617)

NRS 585.240 Inspection of factories and vehicles: Purposes; examination of samples.

1. The Commissioner or his duly authorized agent is entitled to free access at all reasonable hours to any factory, warehouse or establishment in which foods are manufactured, processed, packed or held for introduction into commerce, or may enter any vehicle being used to transport or hold such foods in commerce, for the purpose of:

(a) Inspecting such factory, warehouse, establishment or vehicle to determine whether any of the provisions of this chapter is being violated; and

(b) Securing samples or specimens of any food after paying or offering to pay for such sample.

2. The Commissioner shall make, or cause to be made, examinations of samples secured under the provisions of this section to determine whether any provision of this chapter is being violated.

[16:177:1939; 1931 NCL § 6206.15]—(NRS A 1979, 1192)

NRS 585.245 Licensing of persons manufacturing, compounding, processing or packaging drugs, devices or cosmetics: Regulations; fees; inspection.

1. The Commissioner shall adopt regulations for the licensing of every person who manufactures, compounds, processes or packages drugs, devices or cosmetics in a factory, warehouse, laboratory or other location in this State. The regulations must set forth the requirements for issuance and renewal of a license. Only a person who complies with the requirements of this chapter is entitled to a license. A license is not transferable from person to person or from place to place. The regulations must prescribe the length of term for which a license is issued and must set forth grounds and procedures for the revocation, suspension or nonrenewal of a license.

2. A valid license is required for the manufacturing, compounding, processing or packaging of drugs, devices or cosmetics in any factory, warehouse, laboratory or other location in this State. Licensed pharmacies compounding or packaging prescriptions are exempt from this provision.

3. The Commissioner shall establish and collect fees for the purpose of paying the costs of inspecting, testing and other functions required under the provisions of this chapter with respect to any drug, device or cosmetic. Failure to pay any fee imposed pursuant to this subsection is a ground for revocation, suspension or nonrenewal of a license. All such fees collected by the Commissioner must be deposited with the State Treasurer for credit to the State General Fund.

4. As a condition for entertaining the application of any applicant for any license authorized under this chapter, and as a further condition for the issuance of any such license, the Commissioner or his authorized agent is entitled to free access at all reasonable hours to any factory, warehouse or other location in which drugs, devices or cosmetics are manufactured, compounded, processed or packaged or held for introduction into commerce, and may enter any vehicle being used to transport or hold such drugs, devices or cosmetics in commerce, for the purposes of:

(a) Inspecting the factory, warehouse, other location or vehicle to determine whether any of the provisions of this chapter is being violated; and

(b) Securing samples or specimens of any drug, device or cosmetic after paying or offering to pay therefor.

5. The Commissioner shall make, or cause to be made, examinations of samples and specimens secured under the provisions of this section to determine whether any of the provisions of this chapter is being violated.

(Added to NRS by 1979, 1191)

NRS 585.250 Tagging of articles believed to be dangerous to health: Contents of tag; unlawful sales.

1. Whenever the Commissioner, any of his authorized agents, or any member or inspector of the State Board of Pharmacy finds, or has probable cause to believe, that any food, drug, device or cosmetic is adulterated, or so misbranded as to be dangerous or fraudulent, within the meaning of this chapter, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated or misbranded and has been quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court.

2. It shall be unlawful for any person to remove or dispose of such quarantined article by sale or otherwise without such permission.

[Part 4:177:1939; 1931 NCL § 6206.03]—(NRS A 1967, 1665)

NRS 585.260 Removal of tag or marking from detained or quarantined article; liability of person removing tag or other marking.

1. When the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy has found that an article so quarantined is not adulterated or misbranded, he shall remove the tag or other marking.

2. In any proceeding against the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy because of such quarantine, the Commissioner, his authorized agent, or member or inspector of the State Board of Pharmacy shall not be held liable if the court shall find that there was probable cause for such quarantine.

[Part 4:177:1939; 1931 NCL § 6206.03]—(NRS A 1967, 1666)

NRS 585.270 Petition for condemnation and destruction of adulterated or misbranded article. When an article quarantined under NRS 585.250 has been found by the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy to be adulterated or misbranded, the Commissioner, his agent, or such member or inspector shall petition the judge of the district court in whose jurisdiction the article is quarantined for the condemnation and destruction of such article.

[Part 4:177:1939; 1931 NCL § 6206.03]—(NRS A 1967, 1666)

NRS 585.280 Destruction of article found to be adulterated or misbranded. If the court finds that a quarantined article is adulterated or misbranded, such article shall, after entry of the decree, be destroyed under the supervision of the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy.

[Part 4:177:1939; 1931 NCL § 6206.03]—(NRS A 1967, 1666)

NRS 585.290 Correction of defect by proper labeling or processing. When the adulteration or misbranding can be corrected by proper labeling or processing of the article to the satisfaction of the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy, the court, after entry of the decree, may by order direct that such article be delivered to the owner or defender thereof for such labeling or processing under the supervision of the Commissioner, his authorized agent, or a member or inspector of the State Board of Pharmacy.

[Part 4:177:1939; 1931 NCL § 6206.03]—(NRS A 1967, 1666)

FOOD

NRS 585.300 Adulterated food: Poisonous or insanitary ingredients. A food shall be deemed to be adulterated if:

1. It bears or contains any poisonous or deleterious substance which may render it injurious to health unless the substance is not an added substance and the quantity of the substance does not ordinarily render it injurious to health;

2. It consists in whole or in part of a diseased, contaminated, filthy or decomposed substance, or if it is otherwise unfit for food;

3. It has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or rendered diseased, unwholesome or injurious to health;

4. It is the product of an animal which was diseased, died otherwise than by slaughter or was fed upon the uncooked offal from a slaughterhouse;

5. Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the

contents injurious to health; or

6. It bears or contains any color additive which is unsafe within the meaning of the Federal Act.

[Part 6:177:1939; 1931 NCL § 6206.05]—(NRS A 1983, 190)

NRS 585.310 Adulterated food: Absence, substitution or addition of constituents. A food shall be deemed to be adulterated:

1. If any valuable constituent has been in whole or in part omitted or abstracted therefrom;
2. If any substance has been substituted wholly or in part therefor;
3. If damage or inferiority has been concealed in any manner; or
4. If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

[Part 6:177:1939; 1931 NCL § 6206.05]

NRS 585.320 Adulterated food: Standards of purity, quality or strength. A food shall be deemed to be adulterated if it falls below the standard of purity, quality or strength which it purports or is represented to possess.

[Part 6:177:1939; 1931 NCL § 6206.05]

NRS 585.330 Adulterated food: Confectionery containing nonnutritive substance.

1. A food shall be deemed to be adulterated if it is confectionery and it bears or contains any nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 percent, harmless natural wax not in excess of four-tenths of 1 percent, harmless natural gum and pectin.
2. This section does not apply to any confectionery by reason of its containing less than 4 percent alcohol by weight, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

[Part 6:177:1939; 1931 NCL § 6206.05]—(NRS A 1981, 908)

NRS 585.350 Misbranded food. A food shall be deemed to be misbranded:

1. If its labeling is false or misleading in any particular.
2. If it is offered for sale under the name of another food.
3. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "Imitation," and immediately thereafter the name of the food imitated.
4. If its container is so made, formed or filled as to be misleading.
5. If it is not labeled as required by NRS 583.045.
6. If in package form, unless it bears a label containing:

(a) The name and place of business of the manufacturer, packer or distributor.

(b) An accurate statement of the quantity of the contents in terms of weight, measure or numerical count; but under this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulation prescribed by the Commissioner.

7. If it purports to be or is represented as a food for which a definition and standard of identity, quality and fill of container has been prescribed, unless it conforms to such standards of identity, quality and fill.
8. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the Commissioner determines to be, and by regulations prescribes as, necessary in order to inform purchasers fully as to its value for such uses.
9. If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; but the provisions of this subsection with respect to artificial color shall not apply in the case of butter, cheese or ice cream.

[7:177:1939; 1931 NCL § 6206.06]—(NRS A 1965, 433)

NRS 585.355 Use of "honey" in product label or designation restricted; "honey" defined. A person shall not prepare, package, deliver for shipment, ship, transport or sell:

1. Any food product which is labeled or designated by the term "honey" alone if such food product consists partly or entirely of ingredients other than honey.
2. Any food product, except a honeydew melon, designated by any combination of words which include the word "honey" in the label or brand name unless such food product contains honey as an ingredient and the other ingredients are disclosed.
3. As used in this section, "honey" means the natural product of honeybees, drawn from the nectar of flowers, transformed by the bees and stored in a honeycomb and later marketed in the honeycomb or taken from it and marketed in a liquid, candied or granulated condition.

(Added to NRS by 1975, 813)

NRS 585.360 Food containing filthy, decomposed or putrid substance declared nuisance; condemnation or destruction by Commissioner. Whenever the Commissioner or any of his authorized agents shall find in any room, building or other structure, or vehicle of transportation, any meat, seafood, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the Commissioner or his authorized agents shall forthwith condemn or destroy the same, or in any other manner render the same unsalable as human food.

[Part 4:177:1939; 1931 NCL § 6206.03]

DRUGS AND DEVICES

NRS 585.370 Adulterated drugs and devices: Poisonous or insanitary ingredients. A drug or device shall be deemed to be adulterated if:

1. It consists in whole or in part of any filthy or decomposed substance;
2. It has been produced, prepared, packed or held under insanitary conditions whereby it may have been rendered injurious to health;
3. It is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
4. It is a drug and it bears or contains, for coloring only, a color additive which is unsafe within the meaning of the Federal Act.

[Part 8:177:1939; 1931 NCL § 6206.07]—(NRS A 1983, 190)

NRS 585.380 Adulterated drugs and devices: Strength, quality or purity differing from official compendium.

1. A drug shall be deemed to be adulterated if it is represented as a drug, the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in the compendium. The determination as to strength, quality or purity must be made in accordance with the tests or methods of assay set forth in the compendium or, in the absence of or inadequacy of those tests or methods of assay, those prescribed pursuant to the Federal Act.
2. A drug which is defined in an official compendium shall not be deemed to be adulterated under this section because it differs from the standard of strength, quality or purity set forth in the compendium if that difference is plainly stated on its label.

[Part 8:177:1939; 1931 NCL § 6206.07]—(NRS A 1983, 190)

NRS 585.390 Adulterated drugs and devices: Misrepresentation of strength, quality or purity if drug not in compendium. A drug or device shall be deemed to be adulterated if it is not subject to the provisions of NRS 585.380 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess.

[Part 8:177:1939; 1931 NCL § 6206.07]

NRS 585.400 Adulterated drugs and devices: Mixture with or substitution of another substance. A drug or device shall be deemed to be adulterated if it is a drug and any substance has been:

1. Mixed or packed therewith so as to reduce its quality or strength; or
2. Substituted wholly or in part therefor.

[Part 8:177:1939; 1931 NCL § 6206.07]

NRS 585.410 Misbranded drugs and devices: False or misleading label. A drug or device shall be deemed to be misbranded if its labeling is false or misleading in any particular.

[Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.420 Misbranded drugs and devices: Contents of label on package.

1. Except as provided in subsections 2 and 3, a drug or device shall be deemed to be misbranded if in package form unless it bears a label containing:
   (a) The name and place of business of the manufacturer, packer or distributor; and
   (b) An accurate statement of the quantity of the contents in terms of weight, measure or numerical count.
2. The label affixed to a container which contains a prescription drug intended for use by a human being shall include:

(a) The name and place of business of the manufacturer; and
(b) If different, the name and place of business of the packer or distributor,
Ê of the drug in its final dosage form.
3. A label affixed to a container by a pharmacist is not required to include the name and place of business of the manufacturer, packer or distributor.
4. Under paragraph (b) of subsection 1, reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Commissioner.
[Part 9:177:1939; 1931 NCL § 6206.08]—(NRS A 1977, 632)

NRS 585.430 Misbranded drugs and devices: Habit-forming substances. A drug or device shall be deemed to be misbranded if it is for use by man and contains any quantity of narcotic or hypnotic substances or any chemical derivative thereof, unless its label bears the name and quantity or proportion of such substance or derivative and, in juxtaposition therewith, the statement "Warning—May be habit forming."
[Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.440 Misbranded drugs and devices: Designation of drug by name not in compendium.
1. A drug or device shall be deemed to be misbranded if it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears:
(a) The common or usual name of the drug, if such there be; and
(b) In case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromide, ether, chloroform, acetanilid, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances contained therein.
2. To the extent that compliance with the requirements of paragraph (b) of subsection 1 is impracticable, exemptions shall be established by regulations promulgated by the Commissioner.
[Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.450 Misbranded drugs and devices: Directions for use and warnings on label.
1. A drug or device shall be deemed to be misbranded unless its label bears:
(a) Adequate directions for use; and
(b) Such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration or administration or application, in such manner and form as are necessary for the protection of users.
2. Where any requirement of paragraph (a) of subsection 1, as applied to any drug or device, is not necessary for the protection of the public health, the Commissioner shall promulgate regulations exempting such drug or device from such requirements.
[Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.460 Misbranded drugs and devices: Misleading container; imitation; offer for sale under another name. A drug or device shall be deemed to be misbranded:
1. If it is a drug and its container is so made, formed or filled as to be misleading;
2. If it is an imitation of another drug; or
3. If it is offered for sale under the name of another drug.
[Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.470 Misbranded drugs and devices: Health-endangering when used as prescribed. A drug or device shall be deemed to be misbranded if it is dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended or suggested in the labeling thereof.
[Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.480 Misbranded drugs and devices: Drug containing amidopyrine, barbituric acid, cinchophen, dinitrophenol or sulfanilamide sold without prescription. A drug or device shall be deemed to be misbranded if it is a drug sold at retail for use by man, and contains any quantity of amidopyrine, barbituric acid, cinchophen, dinitrophenol or sulfanilamide, unless it is sold on a written prescription signed by a member of the medical, dental or veterinary profession who is licensed by law to administer such drug, and its label bears the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession.

[Part 9:177:1939; 1931 NCL § 6206.08]

NRS 585.485 Restrictions on sale of dimethyl sulfoxide; penalty.

1. Dimethyl sulfoxide may be sold, whether by wholesalers or retailers, in quantities of 1 gallon or more.

2. Dimethyl sulfoxide may be sold, prescribed or dispensed in quantities of less than 1 gallon only:

(a) Pursuant to prescription by a dentist, podiatric physician or veterinarian licensed to practice his profession in this State or by a licensed physician; or

(b) To a purchaser who gives his affidavit declaring that the dimethyl sulfoxide being purchased:

(1) Will not be used for medicinal treatment of any human being; or

(2) Will not be resold and will be used for industrial or commercial purposes in a laboratory or business which is licensed by the state or a local government.

3. A prescription for dimethyl sulfoxide may be filled only with a grade and quality of that substance which meets the requirements of the United States Food and Drug Administration.

4. Any person who gives a false affidavit for the purpose of obtaining dimethyl sulfoxide pursuant to paragraph (b) of subsection 2 is guilty of a misdemeanor.

(Added to NRS by 1981, 1696; A 1993, 2237)

NRS 585.490 Introduction or delivery for introduction of new drug into intrastate commerce before application is effective prohibited. No person shall introduce or deliver for introduction into intrastate commerce any new drug which is subject to section 505 of the Federal Act (21 U.S.C. § 355), unless an application with respect to such drug has become effective thereunder.

[10:177:1939; 1931 NCL § 6206.09]

NRS 585.495 Licensing of manufacture of amygdalin and procaine hydrochloride; duties and powers of Commissioner; injunctive relief.

1. State Board of Health shall license amygdalin (laetrile) and procaine hydrochloride with preservatives and stabilizers (Gerovital H3) for manufacture in this state. Such licensing is not a representation that either substance has any therapeutic effect.

2. The Commissioner shall:

(a) Adopt regulations which prescribe minimum standards for manufacturers in preparing, compounding, processing and packaging each substance.

(b) Make periodic tests and inspections of both the facilities for manufacture and samples of the substances to ascertain the purity, quality and identity of the substance and to determine that the substance meets the standards prescribed pursuant to paragraph (a).

(c) Before acting upon an application for a license, collect the fees necessary to pay the cost of investigating the applicant. A license shall not be issued until the applicant has paid all actual costs for the initial testing, inspection, investigation and hearings.

3. The Commissioner may, after notice and hearing, revoke, suspend or refuse to renew the license of any person who:

(a) Fails to maintain the standards required by paragraph (b) of subsection 2.

(b) Violates any regulation adopted by the Commissioner.

(c) Fails to pay any assessment prescribed in paragraph (c) of subsection 2 within a reasonable time.

4. The Attorney General shall, at the request of the Commissioner seek injunctive relief for any violation of the regulations adopted by the Commissioner.

(Added to NRS by 1977, 1646; A 1979, 1193; 1983, 224)

NRS 585.497 Assessment on gross receipts from sale of amygdalin and procaine hydrochloride.

1. An assessment of 10 percent, payable quarterly to the Department of Taxation, is imposed upon the gross receipts of a manufacturer from the sale of each substance licensed for manufacture pursuant to NRS 585.495.

2. The Nevada Tax Commission shall prescribe by regulation appropriate forms for reporting such gross receipts, and shall when appropriate recompute the assessment and collect any deficiency in the manner provided for taxes required to be paid pursuant to title 32 of NRS. Each manufacturer shall report his sales and pay the assessment during the months of January, April, July and October for the respective preceding calendar quarters.

3. As used in this section:

(a) “Gross receipts” means the total amount of the sale of each substance, valued in money, whether received in money or otherwise, without deduction for any of the following:

(1) The cost of the substance sold.

(2) The cost of the materials used, labor or service, any interest paid or any losses or other expense.

(3) The cost of marketing the substance.
(4) The cost of transporting the substance before its sale to the purchaser.
(b) “Sale” includes any transfer of title or possession, exchange or barter, whether conditional or otherwise, of a substance for a consideration.
(c) “Total amount of the sale” includes:
(1) Any services that are a part of the sale; and
(2) All receipts, cash, credits and property of any kind.
(Added to NRS by 1983, 223)

COSMETICS

NRS 585.500 Adulterated cosmetics. A cosmetic shall be deemed to be adulterated:
1. If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling or advertisement thereof, or under such conditions of use as are customary or usual; but this provision shall not apply to coal tar hair dye, the label of which bears the following legend conspicuously displayed thereon: “Caution—This product contains ingredients which may cause irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness.”, and the labeling of which bears adequate directions for such preliminary testing. For the purposes of this subsection and subsection 5 the term “hair dye” shall not include eyelash or eyebrow dyes.
2. If it consists in whole or in part of any filthy, putrid or decomposed substance.
3. If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.
4. If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.
5. If it is not a hair dye and it bears or contains a coal tar color other than one from a batch which has been certified by the United States Department of Agriculture.
[11:177:1939; 1931 NCL § 6206.10]

NRS 585.510 Misbranded cosmetics. A cosmetic shall be deemed to be misbranded:
1. If its labeling is false or misleading in any particular.
2. If in package form unless it bears a label containing:
(a) The name and place of business of the manufacturer, packer or distributor; and
(b) An accurate statement of the quantity of the contents in terms of weight, measure or numerical count. Under this paragraph, reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the Commissioner.
3. If its container is so made, formed or filled as to be misleading.
[12:177:1939; 1931 NCL § 6206.11]

PROHIBITED ACTS AND PENALTIES

NRS 585.520 Prohibited acts. The following acts and the causing thereof within the State of Nevada are hereby prohibited:
1. The manufacture, sale or delivery, holding or offering for sale of any food, drug, device or cosmetic that is adulterated or misbranded.
2. The adulteration or misbranding of any food, drug, device or cosmetic.
3. The sale, delivery for sale, holding for sale or offering for sale of any article in violation of NRS 585.490.
4. The dissemination of any false advertisement.
5. The refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by NRS 585.240 or 585.245.
6. The giving of a guaranty or undertaking, which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by and containing the name and address of the person residing in the State of Nevada from whom he received in good faith the food, drug, device or cosmetic.
7. The removal or disposal of a detained or embargoed article in violation of NRS 585.250.
8. The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of or the doing of any other act with respect to a food, drug, device or cosmetic, if such act is done while such article is held for sale and results in such article being misbranded.

[3:177:1939; 1931 NCL § 6206.02]—(NRS A 1979, 1193)

NRS 585.530 When advertisement deemed false. An advertisement of a food, drug, device or cosmetic shall be deemed to be false if it is false or misleading in any particular.
[13:177:1939; 1931 NCL § 6206.12]

NRS 585.535 Unlawful to sell or offer to sell beverage container opened by detaching metal ring or tab; exceptions; penalty.
1. Except as otherwise provided in subsection 2, it is unlawful for a person to sell or offer for sale at retail a metal beverage container so designed and constructed that it is opened by detaching a metal ring or tab.
2. This section does not prohibit the sale of a beverage container which:
(a) Is sealed with laminated tape, foil or other soft material that is detachable; or
(b) Contains milk-based, soy-based or similar products which require heat and pressure in the canning process.
3. A person who violates the provisions of subsection 1 shall be punished by a fine of not more than $500 for each violation. Each day of violation constitutes a separate offense.
(Added to NRS by 1989, 277)

NRS 585.540 Duties of Attorney General and district attorneys; hearing by Commissioner before institution of criminal proceedings.
1. The Attorney General or any district attorney to whom the Commissioner or any of his authorized agents shall report any violation of this chapter shall cause appropriate proceedings to be instituted in the proper court without delay and to be prosecuted in the manner required by law.
2. Before any violation of this chapter is reported to the Attorney General or a district attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views before the Commissioner or his designated agent, either orally or in writing, in person or by attorney, with regard to such contemplated proceeding.
[5:177:1939; 1931 NCL § 6206.04]

NRS 585.550 Penalties.
1. A person who manufactures, compounds, processes or packages any drug in a factory, warehouse, laboratory or other location in this state without a license required by NRS 585.245 is guilty of a category D felony and shall be punished as provided in NRS 193.130.
2. A person who violates any other provision of this chapter is guilty of a gross misdemeanor.
[18:177:1939; 1931 NCL § 6206.17]—(NRS A 1967, 619; 1979, 1194; 1995, 1306)

CHAPTER 639 - PHARMACISTS AND PHARMACY

GENERAL PROVISIONS

NRS 639.001 **Definitions.**
NRS 639.0015 **"Advanced practitioner of nursing" defined.**
NRS 639.002 **"Board" defined.**
NRS 639.003 **"Certificate" defined.**
NRS 639.004 **"Chart order" defined.**
NRS 639.005 **"Chemical" defined.**
NRS 639.0053 **"Compound" and "compounding" defined.**
NRS 639.006 **"Conviction" defined.**
NRS 639.0065 **"Dispense" defined.**
NRS 639.007 **"Drug" and "medicine" defined.**
NRS 639.0071 **"Drug sample" defined.**
NRS 639.0073 **"Fill" defined.**
NRS 639.0074 **"Hospital" defined.**
NRS 639.008 **"Hypodermics" defined.**
NRS 639.0085 **"Institutional pharmacy" defined.**
NRS 639.0086 **"Intern pharmacist" defined.**
NRS 639.00865 **"Internet pharmacy" defined.**
NRS 639.0087 **"Managing pharmacist" defined.**
NRS 639.009 **"Manufacturer" defined.**
NRS 639.0095 **"Nuclear pharmacist" defined.**
NRS 639.0097 **"Nuclear pharmacy" defined.**
NRS 639.0105 **"Parenteral solutions" and "parenterals" defined.**
NRS 639.0113 **"Pharmaceutical technician" defined.**
NRS 639.0115 **"Pharmaceutical technician in training" defined.**
NRS 639.012 **"Pharmacy" defined.**
NRS 639.0123 **"Pharmacy in a correctional institution" defined.**
NRS 639.0124 **"Practice of pharmacy" defined.**
NRS 639.0125 **"Practitioner" defined.**
NRS 639.013 **"Prescription" defined.**
NRS 639.0143 **"Radiopharmaceutical" defined.**
NRS 639.0145 **"Refill" defined.**
NRS 639.015 **"Registered pharmacist" defined.**
NRS 639.0155 **"Wholesale distribution" defined.**
NRS 639.016 **"Wholesaler" defined.**

STATE BOARD OF PHARMACY

NRS 639.020 **Creation; number and appointment of members.**
NRS 639.030 **Qualification and terms of members; oath; vacancies; grounds for removal from office.**
NRS 639.040 **Officers of Board: Election of President and Treasurer; employment, duties and compensation of Executive Secretary.**
NRS 639.050 **Meetings; quorum; compensation of members and employees.**
NRS 639.060 **Biennial report to Governor.**
NRS 639.063 **Annual report concerning drugs returned or transferred to pharmacies from certain facilities and institutions and reissued to fill other prescriptions.**

NRS 639.065 Annual report concerning immunizations administered by pharmacists.
NRS 639.067 Posting of information relating to pharmaceutical manufacturers on website.
NRS 639.070 General powers.
NRS 639.071 Regulations: Institutional pharmacies.
NRS 639.072 Regulations: Correctional institutions.
NRS 639.0725 Regulations: Internet pharmacies.
NRS 639.073 Regulations: Restricting sale of drugs except under supervision of registered pharmacist.
NRS 639.074 Regulations: Registered nurses who participate in certain public health programs or provide certain mental health services.
NRS 639.0745 Regulations: Transfer, security and exchange of information relating to prescriptions.
NRS 639.075 Fiscal year.
NRS 639.081 Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney's fees and costs of investigation.
NRS 639.090 Enforcement of chapter.
NRS 639.093 Communication with other public agencies; immunity.
NRS 639.095 Board to furnish free copies of law and regulations.
NRS 639.097 Injunctive relief available to Board.

CERTIFICATES, LICENSES AND PERMITS

NRS 639.100 Unlawful to manufacture, engage in wholesale distribution, compound, sell or dispense drug, poison, medicine or chemical; exceptions; application for license.
NRS 639.120 Qualifications of applicants to become registered pharmacists.
NRS 639.127 Application for registration as pharmacist; payment of fee; proof of qualifications; period of validity; issuance of certificate of registration.
NRS 639.128 Application to include social security number of applicant. [Repealed.]
NRS 639.129 Payment of child support: Submission of certain information by applicant; grounds for denial of certificate or license; duty of Board. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 639.129 Payment of child support: Submission of certain information by applicant; grounds for denial of certificate or license; duty of Board. [Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings and expires by limitation 2 years after that date.]
NRS 639.130 Reexamination.
NRS 639.134 Registration of pharmacist without examination; reciprocity.
NRS 639.137 Registration of intern pharmacists: Qualifications; application; issuance of certificate of registration; period of validity of certificate; authorized activities; grounds for suspension, termination or revocation.
NRS 639.1371 Pharmaceutical technicians: Number permitted; qualifications and registration; authorized activities; regulations.
NRS 639.1373 Physician assistant and osteopathic physician's assistant: Authority regarding possession, administration, prescription and dispensing of controlled substances, poisons, dangerous drugs and devices; registration; regulations.
NRS 639.1375 Advanced practitioners of nursing: Authority to dispense controlled substances, poisons, dangerous drugs and devices; registration; regulations.
NRS 639.138 Denial of application: Notice.
NRS 639.139 Denial of application: Procedure for reconsideration.
NRS 639.150 Display of certificates, licenses and permits.
NRS 639.160 Notice of new place of practice.
NRS 639.170 Schedule of fees.

NRS 639.180 Expiration of certificates, licenses and permits; procedure for renewal; automatic forfeiture for failure to comply with procedure.
NRS 639.190 Issuance of certificate of registration after forfeiture.
NRS 639.200 Issuance of duplicate certificates and receipts for renewal.
NRS 639.210 Grounds for suspension or revocation of certificate, license, registration or permit or denial of application.
NRS 639.2107 Surrender, revocation or suspension by licensing board or Drug Enforcement Administration: Immediate suspension of certificate, license or registration.
NRS 639.211 Mental illness: Immediate suspension of right to practice.
NRS 639.212 Mental illness: Reinstatement of suspended certificate, license, registration or permit; procedure for reinstatement.
NRS 639.2121 Conviction of certain felonies: Immediate suspension of certificate, license, registration or permit; reinstatement.
NRS 639.2122 Corporations: Denial, suspension and revocation of certificates, licenses and permits.

PROFESSIONAL CONDUCT

NRS 639.213 Legislative declaration.
NRS 639.215 Rules.

CONTINUING PROFESSIONAL EDUCATION

NRS 639.2171 Legislative findings and declaration.
NRS 639.2172 Definitions.
NRS 639.2174 Completion of program prerequisite to renewal of certificate.
NRS 639.2176 Regulations.

PHARMACIES

NRS 639.220 Registered pharmacist to be in charge of pharmacy; exceptions; managing pharmacists.
NRS 639.230 Licenses: Operation without license prohibited; conditions and limitations on issuance of license; duties upon change of partners or corporate officers; additional requirement for renewal; grounds for suspension or revocation; certain Canadian pharmacies not prohibited from providing prescription drugs through mail order service.
NRS 639.231 Application for and issuance of license.
NRS 639.232 Limitations on issuance of licenses.
NRS 639.2321 Nuclear pharmacy: Direct supervision of preparation and distribution of radiopharmaceuticals required; qualifications of managing pharmacist; nuclear pharmacist required on premises.
NRS 639.2322 Nuclear pharmacy: Oral orders; prohibition on refill of prescription for radiopharmaceutical.
NRS 639.2324 Institutional pharmacies: Requirements for operation.
NRS 639.2326 Pharmacies in correctional institutions: Supervision by prescribing practitioner or licensed pharmacy; security; records.
NRS 639.2327 Maintenance of stocks of drugs by certain facilities.
NRS 639.23275 Delivery of controlled substance or dangerous drug to hospital, facility for intermediate care or facility for skilled nursing which does not have pharmacy on premises.
NRS 639.23279 "Pharmacy located outside Nevada that provides mail order service to a resident of Nevada" defined.
NRS 639.2328 Pharmacy located outside Nevada: Licensing; requirements; notice of licensing of Canadian pharmacy; recommendation that licensed Canadian pharmacy be included on website.
NRS 639.23282 Pharmacy located outside Nevada: Considerations required by Board before issuing license.

NRS 639.23284 Pharmacy located outside Nevada: Requirements to provide mail order service; restrictions on Canadian pharmacies.
NRS 639.23286 Pharmacy located outside Nevada: Substitution of drug; toll-free telephone service.
NRS 639.23288 Internet pharmacy: Certification required; regulations; list of approved Internet pharmacies.

LICENSING OF PERSONS ENGAGED IN BUSINESS OF FURNISHING DRUGS, DEVICES OR APPLIANCES

NRS 639.233 License required.
NRS 639.234 Records: Consent to inspection; copying and removal; duty to furnish copies upon demand; designation of out-of-state representative of Board; administrative penalties.
NRS 639.2345 Sale of veterinary drugs: Permit required; regulations; exemption.

PRESCRIPTIONS

NRS 639.235 Persons authorized to prescribe and write prescriptions; procedure for filling certain prescriptions written by persons not licensed in this State.
NRS 639.23505 Conditions and limitations on practitioner dispensing controlled substances or dangerous drugs.
NRS 639.2351 Prescription by advanced practitioner of nursing; certification by State Board of Pharmacy.
NRS 639.2353 Transmission of prescription to pharmacist; contents of written prescription; specific directions for use; requirements for written prescription; authentication of prescription given by electronic transmission.
NRS 639.2355 Practitioner liable for prescription transmitted by agent.
NRS 639.2357 Transfer of prescription to another pharmacist upon request of patient.
NRS 639.236 Numbering and filing of prescriptions; inspection of files.
NRS 639.238 Prescriptions not public records; pharmacists not to divulge contents; exceptions; procedure for providing copy of prescription to authorized persons and other pharmacists.
NRS 639.239 Removal of original prescriptions from file; substitution of copies.

REFILLING OF PRESCRIPTIONS

NRS 639.2392 Controlled substance or dangerous drug: Records.
NRS 639.2393 Controlled substance or dangerous drug: Limitations.
NRS 639.2394 Controlled substance or dangerous drug: Exercise of judgment by pharmacist.
NRS 639.2396 Specific authorization.
NRS 639.2397 Rescission of authorization.

ADMINISTRATIVE PROCEEDINGS

NRS 639.241 Accusation: Form, contents and signature.
NRS 639.242 Service on respondent of copies of accusation, statement and forms for Notice of Defense.
NRS 639.243 Statement to Respondent: Contents.
NRS 639.244 Notice of Defense: Form; effect of failure to file.
NRS 639.2445 Physical or mental examination of holder of certificate believed to be incompetent; competency hearing; probation for use of alcohol or drugs.
NRS 639.245 Notice of hearing.
NRS 639.246 Subpoenas.
NRS 639.247 Hearing: Procedure.

NRS 639.248 Hearing: Use of hearsay evidence.
NRS 639.2485 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; disclosure of certain information relating to dangerous drugs and controlled substances; duties of Board upon request or subpoena for records or information.
NRS 639.249 Contempt.
NRS 639.251 Decision; order.
NRS 639.252 Rehearing.
NRS 639.253 Order following rehearing.
NRS 639.2535 Judicial review.
NRS 639.255 Authorized disciplinary action; judicial review of such action; fines; private reprimands prohibited; orders imposing discipline deemed public records.
NRS 639.2555 Suspension of certificate or license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate or license. [Expires by limitation 2 years after the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 639.256 Automatic restoration of suspended certificate, license or permit.
NRS 639.2565 Reinstatement of certificate suspended for incompetency.
NRS 639.257 Reinstatement of revoked certificate, license or permit.
NRS 639.2575 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.
NRS 639.2576 Immunity from civil action for assisting administrative proceeding.

REGULATION OF TRADE PRACTICES

Substitution of Generic Drugs for Drugs Prescribed by Brand Name

NRS 639.2583 General requirements governing substitution; procedure; limitations; applicability.
NRS 639.2587 Name of manufacturer, packer or distributor to be noted on prescription.
NRS 639.2588 Manufacturer's product identification code to be on certain dispensed tablets and capsules.
NRS 639.2589 Form for prescription; substitution in certain facilities; prescriptions ordered on patient's chart.
NRS 639.259 When pharmacist not required to dispense specific generic drug.
NRS 639.2595 Liability of pharmacist or practitioner.
NRS 639.2597 Use of list of biologically equivalent drugs.

Transactions Involving Wholesalers

NRS 639.2615 General requirements for wholesaler to sell or purchase prescription drug; Board prohibited from limiting quantities in certain transactions involving wholesaler. [Replaced in revision by NRS 639.595.]

Miscellaneous Provisions

NRS 639.263 False or misleading advertising.
NRS 639.264 Rebates, refunds and commissions.
NRS 639.265 Pharmacists may trade or exchange drugs if necessary for business.
NRS 639.2655 Use of computerized mechanical equipment to perform act required to be performed by pharmacist.
NRS 639.266 Communication of information to patient or person caring for him.
NRS 639.267 Return of unused drugs packaged in unit doses.
NRS 639.2675 Return of unused drugs dispensed by pharmacy to offender in correctional institution.

NRS 639.268 Purchase of controlled substances, poisons, dangerous drugs and devices by practitioner; sale of controlled substances or dangerous drugs to persons or agencies which provide emergency care; records; regulations.
NRS 639.270 Sales by grocers and dealers.
NRS 639.275 Computer or other electronic device provided to practitioner by pharmacy or insurer.
NRS 639.2801 Requirements for labeling containers for prescribed drugs.
NRS 639.2802 Availability of information concerning prices of prescriptions.
NRS 639.28025 Notice of availability of list of prices for drugs and professional services to be posted.
NRS 639.2803 Dispensing specific drugs when choice of drugs available.
NRS 639.2804 Filling prescriptions for amygdalin and procaine hydrochloride.
NRS 639.2805 Substances licensed for manufacture in Nevada: Filling prescriptions; labeling of containers.
NRS 639.2806 Parenteral solutions: Limitation on sale and dispensing.
NRS 639.2807 Parenteral solutions: Compounding; regulation by Board.

UNLAWFUL ACTS AND PENALTIES

NRS 639.281 False representations.
NRS 639.2813 False representation as practitioner or agent; unauthorized transmission of order for prescription by agent.
NRS 639.2815 Fraudulent or excessive charge or claim under program of public assistance; penalty.
NRS 639.282 Unlawful possession or sale of certain pharmaceutical preparations, drugs or chemicals; destruction.
NRS 639.2825 Unlawful to dispense or fit contact lens; exception.
NRS 639.283 Use of intoxicating liquor, depressant drug or controlled substance while on duty prohibited; penalty.
NRS 639.284 Unlawful dispensing and sales.
NRS 639.2845 Selling or dispensing of procaine hydrochloride.
NRS 639.285 Unlawful sales by unlicensed persons.
NRS 639.286 Violation of Board's regulations.
NRS 639.287 Failure to furnish information concerning employees; false information; penalty.
NRS 639.288 Unlawful sales by wholesalers and manufacturers.
NRS 639.300 Recovery of penalties; conduct of actions and prosecutions by district attorney.
NRS 639.310 Penalty.

WHOLESALERS AND WHOLESALE DISTRIBUTION

Additional Licensing Requirements

NRS 639.500 Submission of fingerprints and information concerning certain persons associated with wholesaler; issuance of provisional license; prohibitions.
NRS 639.505 Submission of updated information concerning certain persons associated with wholesaler; submission of additional fingerprints; prohibitions.
NRS 639.510 Protection of certain information obtained by Board.
NRS 639.515 Bond or other form of security required; exceptions.

Statement of Prior Sales

NRS 639.535 "Statement of prior sales" or "statement" defined.
NRS 639.540 Duties of Board; requirements concerning use, form and contents of statement.
NRS 639.545 Prohibited transactions.
NRS 639.550 Unlawful acts.

NRS 639.555 Additional unlawful acts.

Business Practices

NRS 639.575 Information regarding other wholesalers.
NRS 639.580 Evidence regarding due diligence; prohibited business relationships.
NRS 639.585 On-site inspections; agreements with other wholesalers.
NRS 639.590 Certification regarding other wholesalers.
NRS 639.595 Transactions involving prescription drugs.

GENERAL PROVISIONS

NRS 639.001 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by 1967, 1651; A 1975, 422; 1977, 191; 1979, 1683; 1983, 1505; 1985, 868, 876; 1987, 948, 1649; 1989, 1751; 1991, 368, 791, 1157; 1993, 630, 2154; 1995, 289; 2001, 1067; 2003, 2279)

NRS 639.0015 "Advanced practitioner of nursing" defined. "Advanced practitioner of nursing" means a registered nurse who holds a valid certificate of recognition as an advanced practitioner of nursing issued by the State Board of Nursing.
(Added to NRS by 1991, 791)

NRS 639.002 "Board" defined. "Board" means the State Board of Pharmacy.
(Added to NRS by 1967, 1651)

NRS 639.003 "Certificate" defined. "Certificate," unless otherwise indicated, means a certificate of registration as a pharmacist in this State.
(Added to NRS by 1967, 1651)

NRS 639.004 "Chart order" defined. "Chart order" means an order entered on the chart of a patient in a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department of Health and Human Services or on the chart of a patient under emergency treatment in a hospital by a practitioner or on the written or oral order of a practitioner authorizing the administration of a drug to the patient.
(Added to NRS by 1967, 1651; A 1971, 683; 1973, 774; 1979, 1683; 1985, 1768)

NRS 639.005 "Chemical" defined. "Chemical" means all chemicals intended, designed and labeled for use in the cure, treatment, mitigation or prevention of disease in man or other animals.
(Added to NRS by 1967, 1651)

NRS 639.0053 "Compound" and "compounding" defined. "Compound" or "compounding" means to form or make up a composite product by combining two or more different ingredients.
(Added to NRS by 1979, 1696)

NRS 639.006 "Conviction" defined. "Conviction" means a plea or verdict of guilty or a conviction following a plea of nolo contendere to a charge of a felony, any offense involving moral turpitude or any violation of the provisions of this chapter or chapter 453 or 454 of NRS.
(Added to NRS by 1967, 1651; A 1971, 2039; 1995, 2477; 2003, 1499)

NRS 639.0065 "Dispense" defined.
1. "Dispense" means to deliver a controlled substance or dangerous drug to an ultimate user, patient or subject of research by or pursuant to the lawful order of a practitioner, including the prescribing by a practitioner, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.
2. The term does not include the furnishing of a controlled substance by a hospital pharmacy for inpatients.
(Added to NRS by 1995, 287)

NRS 639.007 "Drug" and "medicine" defined. "Drug" and "medicine" mean:

1. Articles recognized in the official United States Pharmacopoeia, the official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;
2. Articles and devices intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
3. Articles, other than food, aspirin and effervescent saline analgesics, intended to affect the structure or any function of the body of man or other animals;
4. Articles intended for use as a component of any article specified in subsection 1, 2 or 3 of this section; and
5. Any controlled substance.

(Added to NRS by 1967, 1651; A 1971, 2039; 1983, 1505; 1987, 1566)

NRS 639.0071 "Drug sample" defined. "Drug sample" means a unit of a drug that is not to be sold and is used to promote the sale of the drug.

(Added to NRS by 1991, 1155)

NRS 639.0073 "Fill" defined. "Fill" means the counting, measuring, compounding, pouring, packaging and labeling required to prepare a drug for either direct or indirect delivery to a patient.

(Added to NRS by 1979, 1696)

NRS 639.0074 "Hospital" defined. "Hospital" means any facility which is licensed by the Department of Health and Human Services as a hospital and which provides care and treatment for human illness or other abnormal physical or mental conditions on an inpatient basis, including any such facility operated by this State or a political subdivision of this State.

(Added to NRS by 1987, 948)

NRS 639.008 "Hypodermics" defined. "Hypodermics" means any syringe, needle, instrument, device or implement intended or capable of being adapted for the purpose of administering drugs by subcutaneous, intramuscular or intravenous injection.

(Added to NRS by 1967, 1651)

NRS 639.0085 "Institutional pharmacy" defined. "Institutional pharmacy" means a pharmacy or other storage place as defined by regulations adopted by the Board which is a part of or is operated in conjunction with a medical facility as that term is defined in NRS 449.0151. The term includes:

1. A pharmacy on the premises of the medical facility which provides a system of distributing and supplying medication to the facility, whether or not operated by the facility; and
2. A pharmacy off the premises of the medical facility which provides services only to the patients of the facility and provides a system of distributing medication based upon chart orders from the medical facility.

(Added to NRS by 1983, 1504; A 1987, 1649; 1993, 1989)

NRS 639.0086 "Intern pharmacist" defined. "Intern pharmacist" means a person registered with and issued a certificate of registration by the Board as an intern pharmacist pursuant to NRS 639.137.

(Added to NRS by 1993, 630; A 1999, 239)

NRS 639.00865 "Internet pharmacy" defined.

1. "Internet pharmacy" means a person located within or outside this State who knowingly:

(a) Uses or attempts to use the Internet, in whole or in part, to communicate with or obtain information from another person; and

(b) Uses or attempts to use such communication or information, in whole or in part, to fill or refill a prescription or otherwise engage in the practice of pharmacy.

2. As used in this section, "Internet" has the meaning ascribed to it in NRS 453.3625.

(Added to NRS by 2001, 1066)

NRS 639.0087 "Managing pharmacist" defined. "Managing pharmacist" means a registered pharmacist who is responsible for the operation of a pharmacy.

(Added to NRS by 1985, 875)

NRS 639.009 "Manufacturer" defined. "Manufacturer" means a person who:
1. Derives, produces, prepares, compounds, mixes, cultivates, grows or processes any drug or medicine;
2. Repackages any drug or medicine for the purposes of resale; or
3. Produces or makes any devices or appliances that are restricted by federal law to sale by or on the order of a physician.
(Added to NRS by 1967, 1651; A 1993, 630, 1219)

NRS 639.0095 "Nuclear pharmacist" defined. "Nuclear pharmacist" means a pharmacist who:
1. Is licensed to practice in this State; and
2. Meets the requirements of training and experience concerning the handling of radioactive materials pursuant to the regulations adopted by the Nuclear Regulatory Commission or the Health Division of the Department of Health and Human Services.
(Added to NRS by 1989, 1750)

NRS 639.0097 "Nuclear pharmacy" defined. "Nuclear pharmacy" means a pharmacy:
1. Where radiopharmaceuticals are stored, compounded or dispensed; and
2. Which is licensed by the Nuclear Regulatory Commission or the Health Division of the Department of Health and Human Services to handle radioactive materials.
(Added to NRS by 1989, 1750)

NRS 639.0105 "Parenteral solutions" and "parenterals" defined. "Parenteral solutions" or "parenterals" means those drugs which are administered into the human body by injection under or through one or more layers of skin or mucous membrane.
(Added to NRS by 1985, 867; A 1991, 1157)

NRS 639.0113 "Pharmaceutical technician" defined. "Pharmaceutical technician" means a person who performs technical services in a pharmacy under the direct supervision of a pharmacist and is registered with the Board.
(Added to NRS by 2003, 2278)

NRS 639.0115 "Pharmaceutical technician in training" defined. "Pharmaceutical technician in training" means a person who is:
1. Registered with the Board in order to obtain the training and experience required to be a pharmaceutical technician; or
2. Enrolled in a program of training for pharmaceutical technicians that is approved by the Board.
(Added to NRS by 2003, 2278)

NRS 639.012 "Pharmacy" defined.
1. "Pharmacy" means every store or shop licensed by the Board where drugs, controlled substances, poisons, medicines or chemicals are stored or possessed, or dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded or dispensed.
2. "Pharmacy" includes:
(a) Pharmacies owned or operated by the State of Nevada and political subdivisions and municipal corporations therein.
(b) Institutional pharmacies.
(c) Pharmacies in correctional institutions.
(d) Nuclear pharmacies.
(e) Internet pharmacies.
(Added to NRS by 1967, 1652; A 1973, 774; 1979, 1683; 1983, 1505; 1987, 1649; 1989, 1751; 2001, 1067)

NRS 639.0123 "Pharmacy in a correctional institution" defined. "Pharmacy in a correctional institution" means a pharmacy or other storage place for medicines, controlled substances and dangerous drugs which is a part of or is operated in conjunction with a correctional institution or facility, including a jail and facilities for the detention of juveniles.
(Added to NRS by 1987, 1649)

NRS 639.0124 "Practice of pharmacy" defined. "Practice of pharmacy" includes, but is not limited to, the:

1. Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.
2. Interpretation and evaluation of prescriptions or orders for medicine.
3. Participation in drug evaluation and drug research.
4. Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.
5. Selection of the source, storage and distribution of a drug.
6. Maintenance of proper documentation of the source, storage and distribution of a drug.
7. Interpretation of clinical data contained in a person's record of medication.
8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility and authorize the implementation, monitoring and modification of drug therapy. The written guidelines and protocols may authorize a pharmacist to order and use the findings of laboratory tests and examinations.
9. Implementation and modification of drug therapy in accordance with the authorization of the prescribing practitioner for a patient in a pharmacy in which drugs, controlled substances, poisons, medicines or chemicals are sold at retail.

Ê The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583.

(Added to NRS by 1991, 367; A 2003, 2279)

NRS 639.0125 "Practitioner" defined. "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this State;
2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;
3. An advanced practitioner of nursing who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;
4. A physician assistant who:
(a) Holds a license issued by the Board of Medical Examiners; and
(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;
5. An osteopathic physician's assistant who:
(a) Holds a certificate issued by the State Board of Osteopathic Medicine; and
(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or
6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

(Added to NRS by 1979, 1696; A 1985, 876; 1989, 1121; 1991, 791; 1993, 2224; 1995, 1711; 1997, 687; 2001, 408, 775, 1631, 1635)

NRS 639.013 "Prescription" defined.

1. "Prescription" means:
(a) An order given individually for the person for whom prescribed, directly from the practitioner to a pharmacist or indirectly by means of an order signed by the practitioner or by an electronic transmission from the practitioner to a pharmacist.
(b) A chart order written for an inpatient specifying drugs which he is to take home upon discharge.
2. The term does not include a chart order written for an inpatient for use while he is an inpatient.

(Added to NRS by 1967, 1652; A 1973, 774; 1979, 343, 1684; 1987, 1650; 1991, 1948)

NRS 639.0143 "Radiopharmaceutical" defined. "Radiopharmaceutical" means any substance defined as a drug in 21 U.S.C. § 321(g)(1) which:

1. Exhibits spontaneous disintegration of unstable nuclei which emit nuclear particles or photons; or
2. Is intended to be made radioactive.

Ê The term includes nonradioactive reagent kits and nuclide generators which are used in the preparation of any substance. The term does not include drugs containing compounds of carbon or potassium or salts containing potassium which contain trace quantities of naturally occurring radionuclides.

(Added to NRS by 1989, 1750)

NRS 639.0145 "Refill" defined. "Refill" means to fill again.
(Added to NRS by 1979, 1696)

NRS 639.015 "Registered pharmacist" defined. "Registered pharmacist" means:
1. A person registered in this State as such on July 1, 1947;
2. A person registered in this State as such in compliance with the provisions of paragraph (c) of section 3 of chapter 195, Statutes of Nevada 1951; or
3. A person who has complied with the provisions of NRS 639.120 and whose name has been entered in the registry of pharmacists of this State by the Executive Secretary of the Board and to whom a valid certificate as a registered pharmacist or valid renewal thereof has been issued by the Board.
(Added to NRS by 1967, 1652; A 2003, 2280)

NRS 639.0155 "Wholesale distribution" defined. "Wholesale distribution" means the distribution of drugs to persons other than consumers or patients, but does not include:
1. Sales within a company.
2. The purchase or other acquisition of a drug by a health care facility or a pharmacy that is a member of a purchasing organization.
3. The sale, purchase or trade of a drug or an offer to sell, purchase or trade a drug:
(a) By a charitable organization, as defined by section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. § 501(c)(3)), to a nonprofit affiliate of the organization.
(b) Between health care facilities or pharmacies that are under common control.
(c) For emergency medical reasons.
(d) Pursuant to a prescription.
4. A transfer of drugs, in an amount not to exceed 5 percent of the total annual sales, by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage.
5. The distribution of drug samples by a representative of the manufacturer or distributor.
6. The sale, purchase or exchange of blood or blood components for transfusions.
Ê As used in this section, "health care facility" has the meaning ascribed to it in NRS 449.800.
(Added to NRS by 1991, 1155)

NRS 639.016 "Wholesaler" defined. "Wholesaler" means a wholesale distributor as defined by 21 C.F.R. § 205.3(g) who supplies or distributes drugs, medicines or chemicals or devices or appliances that are restricted by federal law to sale by or on the order of a physician to a person other than the consumer or patient. The term includes a person who derives, produces, prepares or repackages drugs, medicines or chemicals or devices or appliances that are restricted by federal law to sale by or on the order of a physician on sales orders for resale. The term does not include a nonprofit cooperative agricultural organization which supplies or distributes veterinary drugs and medicines only to its own members.
(Added to NRS by 1967, 1652; A 1991, 1157; 1993, 1220)

STATE BOARD OF PHARMACY

NRS 639.020 Creation; number and appointment of members. The State Board of Pharmacy, consisting of seven members appointed by the Governor, is hereby created.
[Part 5:286:1913; A 1947, 667; 1943 NCL § 5044]—(NRS A 1965, 307; 1973, 811; 1977, 1256; 1989, 2036)

NRS 639.030 Qualification and terms of members; oath; vacancies; grounds for removal from office.
1. The Governor shall appoint:
(a) Six members who are registered pharmacists in the State of Nevada, are actively engaged in the practice of pharmacy in the State of Nevada and have had at least 5 years' experience as registered pharmacists preceding the appointment.
(b) One member who is a representative of the general public and is not related to a pharmacist registered in the State of Nevada by consanguinity or affinity within the third degree.
2. Appointments of registered pharmacists must be representative of the practice of pharmacy.
3. Within 30 days after his appointment, each member of the Board shall take and subscribe an oath to discharge faithfully and impartially the duties prescribed by this chapter.

4. After the initial terms, the members of the Board must be appointed to terms of 3 years. A person may not serve as a member of the Board for more than three consecutive terms. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace that member for the remainder of the unexpired term.

5. The Governor shall remove from the Board any member, after a hearing, for neglect of duty or other just cause.

[Part 5:286:1913; A 1947, 667; 1943 NCL § 5044]—(NRS A 1963, 474; 1975, 1307; 1977, 1256; 1987, 1817; 1989, 2036)

NRS 639.040 Officers of Board: Election of President and Treasurer; employment, duties and compensation of Executive Secretary.

1. The Board shall elect a President and a Treasurer from among its members.

2. The Board shall employ an Executive Secretary, who is not a member of the Board. The Executive Secretary must have experience as a licensed pharmacist in this State or in another state with comparable licensing requirements. The Executive Secretary shall keep a complete record of all proceedings of the Board and of all certificates issued, and shall perform such other duties as the Board may require, for which services he is entitled to receive a salary to be determined by the Board.

[Part 5:286:1913; A 1947, 667; 1943 NCL § 5044] + [Part 6:286:1913; A 1947, 667; 1943 NCL § 5045]—(NRS A 1987, 1818; 1989, 1701, 2036; 1999, 239; 2003, 2280; 2005, 1615)

NRS 639.050 Meetings; quorum; compensation of members and employees.

1. The Board shall hold a meeting at least once in every 6 months.

2. Four members of the Board constitute a quorum.

3. Meetings of the Board which are held to deliberate on the decision in an administrative action or to prepare, grade or administer examinations are closed to the public.

4. Each member of the Board is entitled to receive:

(a) A salary of not more than $80 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

[Part 6:286:1913; A 1947, 667; 1943 NCL § 5045] + [Part 7:286:1913; A 1951, 290; 1953, 588]—(NRS A 1963, 156; 1967, 1643; 1975, 1307; 1979, 1684; 1981, 1994; 1987, 948; 1989, 1702, 2037)

NRS 639.060 Biennial report to Governor. Before September 1 of each even-numbered year, for the biennium ending June 30 of that year, the Board shall report to the Governor upon the condition of pharmacy in the State of Nevada. The report must contain:

1. A summary of the proceedings of the Board for the year.

2. The names of all pharmacists registered under this chapter.

3. A complete statement of all fees received.

[Part 7:286:1913; A 1951, 290; 1953, 588]—(NRS A 1965, 62; 1967, 1643; 1969, 1459; 1983, 1505)

NRS 639.063 Annual report concerning drugs returned or transferred to pharmacies from certain facilities and institutions and reissued to fill other prescriptions.

1. The Board shall prepare an annual report concerning drugs that are returned or transferred to pharmacies pursuant to NRS 433.801, 449.2485 and 639.2675 and are reissued to fill other prescriptions. The report must include, without limitation:

(a) The number of drugs that are returned to dispensing pharmacies.

(b) The number of drugs that are reissued to fill other prescriptions.

(c) An estimate of the amount of money saved by reissuing such drugs to fill other prescriptions.

(d) Any other information that the Board deems necessary.

2. The report must be:

(a) Available for public inspection during regular business hours at the office of the Board; and

(b) Posted on a website or other Internet site that is operated or administered by or on behalf of the Board.

(Added to NRS by 2003, 1373)

NRS 639.065 Annual report concerning immunizations administered by pharmacists. The Board shall

prepare an annual report concerning immunizations administered by pharmacists that includes, without limitation, the number of immunizations which were administered by pharmacists during the previous year, any problems or complaints reported to the Board concerning immunizations administered by pharmacists and any other information that the Board determines would be useful in determining whether pharmacists should continue to administer immunizations in this State. The report must be available for public inspection during regular business hours at the office of the Board.

(Added to NRS by 1999, 2722)

NRS 639.067 Posting of information relating to pharmaceutical manufacturers on website. The Board shall post on a website or other Internet site that is operated or administered by or on behalf of the Board:

1. A general description of the basic elements of the *Compliance Program Guidance for Pharmaceutical Manufacturers* that is published by the Office of Inspector General of the United States Department of Health and Human Services, or links to websites or other Internet sites that are operated or administered by or on behalf of the Office of Inspector General where such information may be obtained;

2. A general description of the process for reporting unlawful or unethical conduct by pharmaceutical manufacturers to the Office of Inspector General, or links to websites or other Internet sites that are operated or administered by or on behalf of the Office of Inspector General where such information may be obtained; and

3. A current telephone number for the Office of Inspector General.

(Added to NRS by 2003, 1213)

NRS 639.070 General powers.

1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for its services, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

[Part 7:286:1913; A 1951, 290; 1953, 588]—(NRS A 1961, 755; 1963, 156, 474; 1967, 1643; 1971, 2039; 1973, 259; 1975, 202, 1307, 1315; 1979, 1684; 1983, 1506; 1987, 804, 1650; 1991, 1157; 1993, 630; 1995, 290; 2001,

1067; 2003, 563, 2280)

NRS 639.071 Regulations: Institutional pharmacies. The Board may adopt such regulations as are necessary for the safe and efficient operation of institutional pharmacies.
(Added to NRS by 1987, 1649)

NRS 639.072 Regulations: Correctional institutions. The Board shall adopt regulations concerning the safe and efficient operation of pharmacies in correctional institutions.
(Added to NRS by 1987, 1649)

NRS 639.0725 Regulations: Internet pharmacies.
1. The Board shall adopt such regulations as are necessary for the safe and efficient operation of pharmacies and wholesalers that offer their services to persons in this State via the Internet.
2. For the purposes of this section, "pharmacy" includes any person who sells or offers to sell drugs to persons in this State via the Internet.
(Added to NRS by 2001, 1631)

NRS 639.073 Regulations: Restricting sale of drugs except under supervision of registered pharmacist.
1. If the public interest would best be served, the Board may adopt regulations restricting the sale of drugs to sale by or under the direct supervision of a registered pharmacist.
2. Any regulation adopted pursuant to the provisions of this section shall also include the conditions under which such drugs shall be stored in a pharmacy and the circumstances under which such drugs may be sold.
(Added to NRS by 1967, 1652; A 1973, 774; 1979, 1685)

NRS 639.074 Regulations: Registered nurses who participate in certain public health programs or provide certain mental health services. The Board may adopt such regulations as may be necessary to ensure that proper and adequate safeguards, including dispensing procedures, are followed to protect a registered nurse who:
1. Participates in a public health program approved by the Board; or
2. Provides mental health services to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Mental Health and Developmental Services of the Department of Health and Human Services.
(Added to NRS by 1977, 939; A 2003, 1018)

NRS 639.0745 Regulations: Transfer, security and exchange of information relating to prescriptions.
1. The Board may adopt regulations concerning the transfer of information between pharmacies relating to prescriptions.
2. The Board shall adopt regulations concerning the electronic transmission and the transmission by a facsimile machine of a prescription from a practitioner to a pharmacist for the dispensing of a drug. The regulations must establish procedures to:
(a) Ensure the security and confidentiality of the data that is transmitted between:
(1) The practitioner and the pharmacy;
(2) The practitioner and an insurer of the person for whom the prescription is issued; and
(3) The pharmacy and an insurer of the person for whom the prescription is issued.
(b) Protect the identity of the practitioner to prevent misuse of the identity of the practitioner or other fraudulent conduct related to the electronic transmission of a prescription.
(c) Verify the authenticity of a signature that is produced:
(1) By the computer or other electronic device; or
(2) Manually by the practitioner.
3. The Board shall adopt regulations governing the exchange of information between pharmacists and practitioners relating to prescriptions filled by the pharmacists for persons who are suspected of:
(a) Misusing prescriptions to obtain excessive amounts of drugs.
(b) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person.
Ê The pharmacists and practitioners shall maintain the confidentiality of the information exchanged pursuant to this subsection.
(Added to NRS by 1991, 1948; A 1993, 493; 1995, 291; 1997, 687; 2001, 834, 1635; 2003, 67)

NRS 639.075 Fiscal year. The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.
(Added to NRS by 1963, 156)

NRS 639.081 Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney's fees and costs of investigation.
1. Except as otherwise provided in subsection 3, all money coming into the possession of the Board must be kept or deposited by the Executive Secretary of the Board in banks, credit unions or savings and loan associations in the State of Nevada, or invested in United States treasury bills or notes, to be expended for payment of compensation and expenses of members of the Board and for other necessary or proper purposes in the administration of this chapter.
2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.
3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.
(Added to NRS by 1975, 1306; A 1983, 1540; 1999, 1535; 2003, 2281)

NRS 639.090 Enforcement of chapter. The members of the Board, its inspectors and investigators are designated and constituted agents for the enforcement and carrying out of the provisions of this chapter, and for this purpose they are entitled to have free access at all times during business hours to all places where drugs, medicines or poisons or devices or appliances that are restricted by federal law to sale by or on the order of a physician are held or offered for sale and to all records of sale and disposition of drugs, medicines or poisons or devices or appliances that are restricted by federal law to sale by or on the order of a physician.
[20:286:1913; A 1947, 667; 1943 NCL § 5059]—(NRS A 1967, 1643; 1993, 1220)

NRS 639.093 Communication with other public agencies; immunity. The Board may communicate the results of its deliberations or investigations to other public agencies, and the Board or its members, agents, servants, employees or attorneys shall not incur any liability as a result of such communications.
(Added to NRS by 1967, 1652)

NRS 639.095 Board to furnish free copies of law and regulations. The Board shall furnish each applicant for registration and each resident registered pharmacist with a free copy of chapters 453, 454, 585 and 639 of NRS and the regulations of the Board. Free copies must be provided nonresident pharmacists registered in Nevada upon request.
(Added to NRS by 1967, 1652; A 1975, 1308; 1977, 90; 1979, 1685)

NRS 639.097 Injunctive relief available to Board. The Board may bring an action to enjoin any act which would be in violation of the provisions of this chapter. Such action shall be commenced in the district court in and for the county in which the act is to occur and shall be in conformity with Rule 65 of the Nevada Rules of Civil Procedure, except that the Board shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or irreparable damage or loss. The action shall be brought in the name of the State of Nevada.
(Added to NRS by 1967, 1653)

CERTIFICATES, LICENSES AND PERMITS

NRS 639.100 Unlawful to manufacture, engage in wholesale distribution, compound, sell or dispense drug, poison, medicine or chemical; exceptions; application for license.
1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless he:
(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and
(b) Complies with the regulations adopted by the Board.
2. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public

and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless he has obtained a license from the Board.

3. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until he has obtained a license from the Board.

4. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

[Part 1:286:1913; A 1947, 667; 1949, 554; 1951, 290; 1953, 588; 1955, 307]—(NRS A 1960, 182; 1967, 1644; 1969, 909; 1971, 2040; 1975, 1308; 1979, 1685; 1983, 1506; 1987, 804, 1566; 1991, 1158; 1997, 1258; 1999, 239)

NRS 639.120 Qualifications of applicants to become registered pharmacists.

1. An applicant to become a registered pharmacist in this State must:

(a) Be of good moral character.

(b) Be a graduate of a college of pharmacy or department of pharmacy of a university accredited by the American Council on Pharmaceutical Education or Canadian Council for Accreditation of Pharmacy Programs and approved by the Board or a graduate of a foreign school who has passed an examination for foreign graduates approved by the Board to demonstrate that his education is equivalent.

(c) Pass an examination approved and given by the Board with a grade of at least 75 on the examination as a whole and a grade of at least 75 on the examination on law. An applicant for registration by reciprocity must pass the examination on law with at least a grade of 75.

(d) Complete not less than 1,500 hours of practical pharmaceutical experience as an intern pharmacist under the direct and immediate supervision of a registered pharmacist.

2. The practical pharmaceutical experience required pursuant to paragraph (d) of subsection 1 must relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions and keeping records and preparing reports required by state and federal statutes.

3. The Board may accept evidence of compliance with the requirements set forth in paragraph (d) of subsection 1 from boards of pharmacy of other states in which the experience requirement is equivalent to the requirements in this State.

[2:286:1913; A 1947, 667; 1951, 290]—(NRS A 1961, 472; 1963, 475; 1965, 543; 1967, 1644; 1973, 775; 1975, 1309; 1985, 876; 1999, 240; 2003, 2282)

NRS 639.127 Application for registration as pharmacist; payment of fee; proof of qualifications; period of validity; issuance of certificate of registration.

1. An applicant for registration as a pharmacist in this State must submit an application to the Executive Secretary of the Board on a form furnished by the Board and must pay the fee fixed by the Board. The fee must be paid at the time the application is submitted and is compensation to the Board for the investigation and the examination of the applicant. Under no circumstances may the fee be refunded.

2. Proof of the qualifications of any applicant must be made to the satisfaction of the Board and must be substantiated by affidavits, records or such other evidence as the Board may require.

3. An application is only valid for 1 year after the date it is received by the Board unless the Board extends its period of validity.

4. A certificate of registration as a pharmacist must be issued to each person who the Board determines is qualified pursuant to the provisions of NRS 639.120 and 639.134. The certificate entitles the person to whom it is issued to practice pharmacy in this State.

(Added to NRS by 1967, 1653; A 1979, 1686; 1983, 178; 1985, 877; 1999, 240; 2003, 2282)

NRS 639.128 Application to include social security number of applicant. Repealed. (See chapter 501, Statutes of Nevada 2005, at page 2818.)

NRS 639.129 Payment of child support: Submission of certain information by applicant; grounds for denial of certificate or license; duty of Board. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating

to paternity or child support proceedings.]

1. In addition to any other requirements set forth in this chapter:

(a) A natural person who applies for the issuance of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 shall include the social security number of the applicant in the application submitted to the Board.

(b) A natural person who applies for the issuance or renewal of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

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

(b) A separate form prescribed by the Board.

3. A certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 may not be issued or renewed by the Board if the applicant is a natural person who:

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

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

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

(Added to NRS by 1997, 2147; A 2003, 2283; 2005, 2747, 2807, 2816)

NRS 639.129 Payment of child support: Submission of certain information by applicant; grounds for denial of certificate or license; duty of Board. [Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings and expires by limitation 2 years after that date.]

1. In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

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

(b) A separate form prescribed by the Board.

3. A certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 may not be issued or renewed by the Board if the applicant is a natural person who:

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

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

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

(Added to NRS by 1997, 2147; A 2003, 2283; 2005, 2747, 2807, 2816, effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional,

occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

NRS 639.130 Reexamination.

1. An applicant for a certificate as a registered pharmacist who has failed to pass the Board's examination for the certificate is not eligible for reexamination until the next regularly scheduled examination conducted by the Board.

2. No subsequent examination may be given to any applicant until he has filed a new application and paid a fee therefor.

[Part 8:286:1913; A 1951, 290; 1953, 588; 1955, 307]—(NRS A 1967, 1645; 1975, 1309; 1983, 178; 1985, 877)

NRS 639.134 Registration of pharmacist without examination; reciprocity.

1. The Board may, without an examination, register as a pharmacist any person who:

(a) Is registered as a pharmacist in another jurisdiction if he was required to pass an examination in order to be registered in that jurisdiction;

(b) Produces evidence satisfactory to the Board that he has the required secondary and professional education and training and, if a graduate of a foreign school, produces evidence that, before taking the examination for registration in that jurisdiction, he passed an examination for foreign graduates offered in that jurisdiction which is comparable to the examination required pursuant to paragraph (b) of subsection 1 of NRS 639.120; and

(c) Is of good moral character.

2. The provisions of this section apply only if pharmacists registered in this State are granted similar privileges by the state in which the applicant is registered.

(Added to NRS by 1973, 783; A 1985, 878; 1999, 241)

NRS 639.137 Registration of intern pharmacists: Qualifications; application; issuance of certificate of registration; period of validity of certificate; authorized activities; grounds for suspension, termination or revocation.

1. Any person who is not a registered pharmacist, but who is employed in this State for the purpose of fulfilling the requirements of paragraph (d) of subsection 1 of NRS 639.120 to become eligible for registration as a pharmacist, shall register with the Board as an intern pharmacist. An applicant, to be eligible for registration as an intern pharmacist, must be enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board or be a graduate of a foreign school and pass an examination for foreign graduates approved by the Board. The application must be made on a form furnished by the Board.

2. The Executive Secretary of the Board, upon approval of the application, shall issue a certificate of registration authorizing the applicant to undergo practical pharmaceutical training under the direct and immediate supervision of a registered pharmacist. The period of validity of the certificate of registration, including any renewal, must not exceed 4 years after the date of issue. The certificate of registration authorizes the holder, if acting under the direct and immediate supervision of a registered pharmacist, to perform:

(a) The duties of a registered pharmacist as authorized by regulation of the Board; and

(b) Other activities as authorized by regulation of the Board.

3. The certificate of registration must be posted as required by NRS 639.150.

4. Any certificate of registration issued pursuant to the provisions of this section may be suspended, terminated or revoked by the Board for:

(a) Any reason set forth in this chapter as grounds for the suspension or revocation of any certificate, license or permit; or

(b) The failure of the registered pharmacist whose name appears on the certificate of registration to provide adequate training and supervision for the intern pharmacist in compliance with regulations adopted by the Board.

(Added to NRS by 1967, 1655; A 1971, 683; 1973, 776; 1991, 1948; 1993, 631; 1999, 241; 2001, 835; 2003, 2283)

NRS 639.1371 Pharmaceutical technicians: Number permitted; qualifications and registration; authorized activities; regulations.

1. The ratio of pharmaceutical technicians to pharmacists must not allow more than one pharmaceutical technician to each pharmacist unless the Board by regulation expands the ratio.

2. The Board shall adopt regulations concerning pharmaceutical technicians, including requirements for:

(a) The qualifications, registration and supervision of pharmaceutical technicians; and

(b) The services which may be performed by pharmaceutical technicians,

Ê to ensure the protection and safety of the public in the provision of pharmaceutical care.

3. The regulations adopted by the Board pursuant to this section which prescribe:

(a) The qualifications for pharmaceutical technicians must include:

(1) The successful completion of a program for pharmaceutical technicians which is approved by the Board;

(2) The completion of at least 1,500 hours of experience in carrying out the duties of a pharmaceutical technician; or

(3) Any other experience or education deemed equivalent by the Board.

(b) An expanded ratio of pharmaceutical technicians to pharmacists must be appropriate and necessary for a particular category of pharmacy at any time.

(c) The services which may be performed by pharmaceutical technicians must include, without limitation, the:

(1) Removal of drugs from stock;

(2) Counting, pouring or mixing of drugs;

(3) Placing of drugs in containers;

(4) Affixing of labels to containers; and

(5) Packaging and repackaging of drugs.

4. For the purposes of this chapter, and chapters 453 and 454 of NRS, pharmaceutical technicians may perform acts required to be performed by pharmacists, but only to the extent provided in regulations.

(Added to NRS by 1993, 2153; A 1999, 242; 2003, 2284)

NRS 639.1373 Physician assistant and osteopathic physician's assistant: Authority regarding possession, administration, prescription and dispensing of controlled substances, poisons, dangerous drugs and devices; registration; regulations.

1. A physician assistant or an osteopathic physician's assistant may, if authorized by the Board, possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices in or out of the presence of his supervising physician only to the extent and subject to the limitations specified in the registration certificate issued to the physician assistant or osteopathic physician's assistant, as appropriate, by the Board pursuant to this section.

2. Each physician assistant and osteopathic physician's assistant who is authorized by his physician assistant's license issued by the Board of medical examiners or certificate issued by the State Board of Osteopathic Medicine to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices must apply for and obtain a registration certificate from the Board, pay a fee to be set by regulations adopted by the Board and pass an examination administered by the Board on the law relating to pharmacy before he can possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices.

3. The Board shall consider each application separately and may, even though the physician assistant's license issued by the Board of Medical Examiners or the osteopathic physician's assistant's certificate issued by the State Board of Osteopathic Medicine authorizes the physician assistant or osteopathic physician's assistant, as appropriate, to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs and devices:

(a) Refuse to issue a registration certificate;

(b) Issue a registration certificate limiting the authority of the physician assistant or osteopathic physician's assistant, as appropriate, to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices, the area in which the physician assistant or osteopathic physician's assistant may possess controlled substances, poisons, dangerous drugs and devices, or the kind and amount of controlled substances, poisons, dangerous drugs and devices; or

(c) Issue a registration certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. If the registration of the physician assistant or osteopathic physician's assistant is suspended or revoked, the physician's controlled substance registration may also be suspended or revoked.

5. The Board shall adopt regulations controlling the maximum amount to be administered, possessed and dispensed, and the storage, security, recordkeeping and transportation of controlled substances and the maximum amount to be administered, possessed, prescribed and dispensed and the storage, security, recordkeeping and transportation of poisons, dangerous drugs and devices by physician assistants and osteopathic physicians' assistants. In the adoption of those regulations, the Board shall consider, but is not limited to, the following:

(a) The area in which the physician assistant or osteopathic physician's assistant is to operate;

(b) The population of that area;

(c) The experience and training of the physician assistant or osteopathic physician's assistant;

(d) The distance to the nearest hospital and physician; and

(e) The effect on the health, safety and welfare of the public.

6. For the purposes of this section, the term "supervising physician" includes an employing osteopathic physician as defined in chapter 633 of NRS.

(Added to NRS by 1977, 671; A 1979, 1686; 1981, 574; 1987, 729; 1989, 1995; 1991, 2016; 1995, 1712; 1997, 687; 2001, 775)

NRS 639.1375 Advanced practitioners of nursing: Authority to dispense controlled substances, poisons, dangerous drugs and devices; registration; regulations.

1. An advanced practitioner of nursing may dispense controlled substances, poisons, dangerous drugs and devices if he:

(a) Passes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy and submits to the State Board of Pharmacy evidence of passing that examination;

(b) Is authorized to do so by the State Board of Nursing in a certificate issued by that Board; and

(c) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board. The Board may set a single fee for the collective certification of advanced practitioners of nursing in the employ of a public or nonprofit agency and a different fee for the individual certification of other advanced practitioners of nursing.

2. The State Board of Pharmacy shall consider each application from an advanced practitioner of nursing separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the advanced practitioner of nursing to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the advanced practitioner of nursing may dispense;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the advanced practitioner of nursing to dispense; and

(4) The practice of the advanced practitioner of nursing which involves controlled substances, poisons, dangerous drugs and devices in any manner which the Board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the certificate issued by the State Board of Nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the certificate issued by the State Board of Nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the Board may also suspend or revoke the registration of the physician for and with whom the advanced practitioner of nursing is in practice to dispense controlled substances.

4. The Board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which an advanced practitioner of nursing who holds a certificate from the Board may dispense, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the Board shall consider:

(a) The areas in which an advanced practitioner of nursing who holds a certificate from the Board can be expected to practice and the populations of those areas;

(b) The experience and training of the nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) Effects on the health, safety and welfare of the public; and

(e) Other factors which the Board considers important to the regulation of the practice of advanced practitioners of nursing who hold certificates from the Board.

(Added to NRS by 1979, 592; A 1983, 1218; 1991, 791, 2017)

NRS 639.138 Denial of application: Notice. If the Board, after an investigation, denies any application for a certificate, license or permit, the Executive Secretary of the Board shall notify the applicant, within 10 days after the denial is approved by the Board and entered in the official minutes, by registered or certified mail, of the denial of the application and the reasons therefor. The notice must inform the applicant of his right to petition the Board for reconsideration and his right to submit evidence to controvert the alleged violations on which the denial was based.

(Added to NRS by 1967, 1654; A 1973, 776; 1985, 878; 2003, 2285)

NRS 639.139 Denial of application: Procedure for reconsideration.

1. At any time within 30 days after receipt of the notice of denial of his application, an applicant may petition the Board for reconsideration of the application. The petition must set forth a denial, in whole or in part, of the violations

alleged and a statement that the applicant is prepared to submit evidence in support of his denial of the allegations.

2. Within 30 days after the petition is received by the Board, the Executive Secretary of the Board shall notify the petitioner, by registered or certified mail, of the Board's decision to grant or deny the petition for reconsideration. If the petition is granted, the notice must include the time and place set for reconsideration of the application by the Board.

(Added to NRS by 1967, 1655; A 1977, 90; 2003, 2285)

NRS 639.150 Display of certificates, licenses and permits.

1. The holder of a certificate of registration, a license or a permit granted pursuant to the provisions of this chapter shall display the certificate, license or permit, and the current renewal receipt thereof, in the pharmacy conducted by him or in which he is employed in a place where it may be clearly read by the public.

2. A registered pharmacist who is employed or who practices in more than one pharmacy shall post his original certificate of registration and the current renewal receipt in the pharmacy in which he is primarily employed, in compliance with the provisions of subsection 1, and shall post an 8-inch by 10-inch photocopy of his certificate of registration and the current renewal receipt in every other pharmacy in which he practices on either a part-time or temporary basis.

3. An institutional pharmacy that serves a majority of inpatients shall display certificates, licenses and permits in accordance with regulations adopted by the Board.

[11:286:1913; 1919 RL p. 3151; NCL § 5050]—(NRS A 1967, 1645; 1971, 684; 1991, 1949; 1993, 632; 1999, 242)

NRS 639.160 Notice of new place of practice. Every registered pharmacist shall, within 10 days after changing his place of practice as designated on the books of the Executive Secretary of the Board, notify the Executive Secretary of the change and of his new place of practice. Upon receipt of the notification, the Executive Secretary shall make the necessary change in his register.

[14:286:1913; A 1951, 290]—(NRS A 1967, 1645; 2003, 2285)

NRS 639.170 Schedule of fees.

1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a ..... pharmacist.....	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist	$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy	600
For the biennial renewal of a license to conduct a retail pharmacy.....	500
For the investigation or issuance of an original license to conduct an institutional pharmacy	600
For the biennial renewal of a license to conduct an institutional pharmacy	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist	50
For the biennial renewal of registration as a registered pharmacist.....	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse)	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the investigation or registration of an intern pharmacist.....	50
For the biennial renewal of registration as an intern pharmacist.....	40
For investigation or issuance of an original license to a manufacturer or wholesaler	500
For the biennial renewal of a license for a manufacturer or wholesaler.....	500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon.....	100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both	300

For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both..... 300

2. If a person requests a special service from the Board or requests the Board to convene a special meeting, he must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

3. All fees are payable in advance and are not refundable.

4. The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

[Part 8:286:1913; A 1951, 290; 1953, 588; 1955, 307]—(NRS A 1960, 183; 1967, 1645; 1971, 684; 1973, 777; 1975, 194, 422; 1979, 1687; 1985, 878; 1987, 805, 1651; 1989, 895; 1993, 1220, 2154; 2003, 2285)

NRS 639.180 Expiration of certificates, licenses and permits; procedure for renewal; automatic forfeiture for failure to comply with procedure.

1. Except as otherwise provided in this subsection, a certificate, license or permit issued by the Board pursuant to this chapter expires on October 31 of each even-numbered year. A certificate of registration as a pharmacist expires on October 31 of each odd-numbered year.

2. Except as otherwise provided by NRS 639.137, 639.230 and 639.2328, each person to whom a certificate, license or permit has been issued may, if the certificate, license or permit has not been revoked, renew the certificate, license or permit biennially by:

(a) Filing an application for renewal;

(b) Paying the fee for renewal;

(c) Complying with the requirement of continuing professional education, if applicable;

(d) If applicable, filing with the Board satisfactory evidence that his surety bond or other security required by NRS 639.515 is in full force; and

(e) Submitting all information required to complete the renewal.

3. The application for renewal, together with the fee for renewal, all required information and the evidence of compliance with NRS 639.515 must be delivered to the Executive Secretary of the Board on or before the expiration date of the certificate, license or permit, or the current renewal receipt thereof.

4. If a certificate, license or permit is renewed, it must be delivered to the applicant within a reasonable time after receipt of the application for renewal and the fee for renewal.

5. The Board may refuse to renew a certificate, license or permit if the applicant has committed any act proscribed by NRS 639.210.

6. If the application for renewal, the fee for renewal, all required information and the evidence of compliance with NRS 639.515 are not postmarked on or before the expiration date of the certificate, license or permit, or the current renewal receipt thereof, the registration is automatically forfeited.

[10:286:1913; A 1947, 667; 1951, 290; 1953, 588]—(NRS A 1967, 1646; 1973, 777, 977; 1975, 204, 1311; 1979, 1688; 1985, 880; 1989, 896; 1991, 1949; 1997, 2148; 1999, 243; 2003, 2286; 2005, 1615, 1616, 2748, 2807)

NRS 639.190 Issuance of certificate of registration after forfeiture. If a certificate of registration as a pharmacist is forfeited by a person as provided in NRS 639.180, the Board may, within 5 years thereafter, issue a certificate of registration to the person if the Board determines that he:

1. Has not committed any act listed in NRS 639.210 other than the failure to renew his certificate by not submitting the application for renewal or the fee for renewal; and

2. Is capable and qualified by education or experience, or both, to practice the profession of pharmacy in this State.

[Part 8:286:1913; A 1951, 290; 1953, 588; 1955, 307]—(NRS A 1967, 1647; 1979, 1689; 1983, 1507; 1991, 1950; 1999, 243)

NRS 639.200 Issuance of duplicate certificates and receipts for renewal. The Board shall have the power to issue duplicate certificates of registration and duplicate renewal receipts upon:

1. Written application therefor signed by the applicant;

2. Proof to the satisfaction of the Board that good cause exists for the issuance of the certificate or renewal receipt; and

3. The payment of the proper fees for the issuance thereof.
[Part 16:286:1913; A 1951, 290; 1953, 588]—(NRS A 1967, 1647)

NRS 639.210 Grounds for suspension or revocation of certificate, license, registration or permit or denial of application. The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

1. Is not of good moral character;
2. Is guilty of habitual intemperance;
3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a lawfully issued prescription, while on duty in any establishment licensed by the Board;
4. Is guilty of unprofessional conduct or conduct contrary to the public interest;
5. Is addicted to the use of any controlled substance;
6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;
7. Has been convicted of:
(a) A felony relating to holding a certificate, license, registration or permit pursuant to this chapter;
(b) A felony pursuant to NRS 639.550 or 639.555; or
(c) Other crime involving moral turpitude, dishonesty or corruption;
8. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
9. Has willfully made to the Board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;
10. Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;
11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;
12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;
13. Has failed to renew his certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;
14. Has had his certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this State;
15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his supervision;
16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him;
17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS; or
18. Has failed to file or maintain a bond or other security if required by NRS 639.515.

[Part 16:286:1913; A 1951, 290; 1953, 588]—(NRS A 1967, 1647; 1971, 685, 2040; 1973, 778; 1975, 1311; 1979, 1689; 1981, 272, 597; 1983, 1507; 1985, 880; 1987, 670, 1567, 1578; 1991, 1159; 1993, 793; 1995, 1713; 2003, 2713; 2005, 1616)

NRS 639.2107 Surrender, revocation or suspension by licensing board or Drug Enforcement Administration: Immediate suspension of certificate, license or registration. The surrender, revocation or a suspension that has not been stayed of any certificate, license or registration of a practitioner, as defined in NRS 639.0125, 453.126 or 454.00958, by a licensing board or the Drug Enforcement Administration operates as an immediate suspension of a certificate, license, registration or permit issued by the Board pursuant to this chapter or chapter 453 or 454 of NRS to possess, administer, prescribe or dispense drugs.

(Added to NRS by 1991, 1948)

NRS 639.211 Mental illness: Immediate suspension of right to practice. The adjudication of insanity or mental illness, or the voluntary commitment or admission to any hospital for a mental illness of any certificate holder, shall operate as an immediate suspension of the right of the certificate holder to practice pharmacy in this State, and such suspension shall continue until restoration to or declaration of sanity or mental competence.
(Added to NRS by 1967, 1655)

NRS 639.212 Mental illness: Reinstatement of suspended certificate, license, registration or permit; procedure for reinstatement.
1. A person whose certificate, license, registration or permit has been suspended by the Board in accordance with NRS 639.211 may petition the Board for reinstatement of the certificate, license, registration or permit after restoration or declaration of sanity or mental competence.
2. The Board shall not restore any suspended certificate, license, registration or permit until it has found, in a hearing held for that purpose, that with due regard for the public interest the petitioner's right to practice, or to perform the duties and conduct the business covered by the certificate, license, registration or permit, may be safely reinstated.
3. In any such hearing the Board may consider the results of its own investigation as well as evidence pertaining to the petitioner's restoration to sanity or mental competence. The affirmative vote of a majority of board members is necessary to restore the certificate, license, registration or permit. The Board may require, before reinstatement, the petitioner to pass an examination, either oral or written, to determine his present fitness to resume his practice or conduct his business in the public interest.
4. In any hearing, conducted for the purpose of reinstating any certificate, license, registration or permit, the Board may employ expert witnesses considered necessary in order to determine the competency and ability of the petitioner.
5. The Board may grant or deny, without a hearing or argument, any petition for reinstatement filed pursuant to this section, where the petitioner has been afforded a hearing upon any petition filed pursuant to this section within a period of 2 years immediately preceding the filing of the new petition.
(Added to NRS by 1967, 1656; A 1983, 1509)

NRS 639.2121 Conviction of certain felonies: Immediate suspension of certificate, license, registration or permit; reinstatement. The conviction of any person who holds a certificate, license, registration or permit issued pursuant to this chapter of a felony for a violation of any federal law or law of any state concerning drugs or chemicals operates as an immediate suspension of the certificate, license, registration or permit. The person so convicted may apply to the Board for reinstatement at any time.
(Added to NRS by 1967, 1656; A 1971, 2041; 1983, 1510)

NRS 639.2122 Corporations: Denial, suspension and revocation of certificates, licenses and permits. The Board may suspend, revoke or deny any certificate, license, permit or registration of a corporation where conditions exist in relation to any person holding 10 percent or more of the corporate stock of such corporation or to any officer or director of such corporation which would constitute grounds for disciplinary action against such person if he were a licensee.
(Added to NRS by 1967, 1658)

PROFESSIONAL CONDUCT

NRS 639.213 Legislative declaration. The Legislature hereby declares the practice of pharmacy to be a learned profession, affecting public safety and welfare and charged with the public interest, and is therefore subject to protection and regulation by the State.
(Added to NRS by 1963, 474; A 1989, 308)

NRS 639.215 Rules.
1. The Board may by regulation adopt, amend or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession.
2. Every registered pharmacist shall be governed by the rules of professional conduct adopted by the Board.
3. The rules of professional conduct adopted by the Board shall be furnished to each pharmacist holding a currently valid certificate to practice in this State and to each person to whom a certificate is thereafter issued. Upon receipt of a copy of the rules of professional conduct, each registered pharmacist shall subscribe thereto.
4. Nothing contained in NRS 639.213 and this section shall be construed as authorizing the Board to adopt rules of professional conduct relating to the issuance of trading stamps to the general public.

(Added to NRS by 1963, 474; A 1965, 544; 1967, 1648)

CONTINUING PROFESSIONAL EDUCATION

NRS 639.2171 Legislative findings and declaration. The Legislature finds and declares that:

1. The practice of the profession of pharmacy is directly related to the public health and welfare of the citizens of this State and is subject to regulation and control in the public interest.
2. Because of the continuous introduction of new medicinal agents and the changing concepts of the practice of pharmacy, it is essential that a pharmacist undertake a program of continuing education to maintain and improve his professional competency.
3. To ensure the continued competency of the pharmacist and to maintain uniform qualifications for the licensing of pharmacists to protect the health and welfare of its citizens, the Legislature deems it in the public interest to adopt a program of continuing professional education.
4. NRS 639.2171 to 639.2176, inclusive, must be liberally construed to carry out their stated purposes.

(Added to NRS by 1973, 976; A 1985, 882; 1995, 291)

NRS 639.2172 Definitions. As used in NRS 639.2171 to 639.2176, inclusive, the words and terms defined in this section have the meanings ascribed to them in this section unless the context otherwise requires:

1. "Accredited program" means those seminars, classes, meetings, work projects, home-study courses and other educational programs in pharmacy approved by the Board for purposes of continuing professional education.
2. "Continuing professional education" means professional, pharmaceutical postgraduate education in the general areas of the socioeconomic and legal aspects of medical care, the properties and actions of drugs and dosage forms, and the etiology, characteristics and therapeutics of the diseased organism.
3. "Continuing education unit" means the unit of measurement of credits for courses and programs of continuing education.

(Added to NRS by 1973, 976; A 1985, 882; 1995, 291)

NRS 639.2174 Completion of program prerequisite to renewal of certificate. The Board shall not renew the certificate of any registered pharmacist until the applicant has submitted proof to the Board of the receipt of the required number of continuing education units, obtained through the satisfactory completion of an accredited program of continuing professional education during the period for which the certificate was issued.

(Added to NRS by 1973, 976; A 1975, 1312; 2003, 2287)

NRS 639.2176 Regulations. The Board shall adopt regulations necessary to carry out the purposes of NRS 639.2171 to 639.2176, inclusive, which must include the methods of determining accredited programs, the number of hours of continuing professional education necessary to constitute a continuing education unit, the number of units required of each pharmacist during the period for which a certificate is issued and such other regulations consistent with NRS 639.2171 to 639.2176, inclusive, as the Board may determine to be necessary.

(Added to NRS by 1973, 976; A 1975, 1312; 1979, 1690; 1985, 882; 1995, 291)

PHARMACIES

NRS 639.220 Registered pharmacist to be in charge of pharmacy; exceptions; managing pharmacists.

1. Except as otherwise provided in NRS 639.2324, 639.2326 and 639.2327, each pharmacy must be managed by a registered pharmacist, approved by the Board, who is responsible for compliance by the pharmacy and its personnel with all state and federal laws and regulations relating to the operation of the pharmacy and the practice of pharmacy.
2. Except as otherwise provided in NRS 639.2321, if the managing pharmacist is the only registered pharmacist employed in the pharmacy, the Board may authorize his absence each day for a total period of not to exceed 2 hours for the purpose of taking meals if:

(a) A registered pharmacist is on call during his absence;

(b) A sign, as prescribed by regulations of the Board, is posted for public view in the pharmacy indicating the absence of the pharmacist and the hours of his absence; and

(c) All drugs, poisons, chemical and restricted devices are kept safe in a manner prescribed by regulations of the Board.

Ê The authorization required from the Board must be in writing and be retained in the pharmacy and available for inspection.

3. Except as otherwise provided in this subsection:

(a) A person shall not act as a managing pharmacist for more than one licensed pharmacy.

(b) Each managing pharmacist shall be on duty in the pharmacy and active in the management of the pharmacy full-time, but he need not be present during the time the pharmacy is open for business if he designates another pharmacist employed in the pharmacy to assume his duties in his absence.

(c) The managing pharmacist is responsible for the activities of his designee.

Ê A waiver from the limitation set forth in paragraph (a) may be granted by the Board to the managing pharmacist of a pharmacy located in a hospital with fewer than 100 beds or in a correctional institution housing fewer than 1,500 inmates.

4. The Board must be notified before there is a change in the managing pharmacist.

[Part 1:286:1913; A 1947, 667; 1949, 554; 1951, 290; 1953, 588; 1955, 307]—(NRS A 1963, 475; 1967, 1649; 1971, 686; 1975, 1313; 1977, 1280; 1983, 1509; 1985, 883; 1989, 1751; 1993, 632)

NRS 639.230 Licenses: Operation without license prohibited; conditions and limitations on issuance of license; duties upon change of partners or corporate officers; additional requirement for renewal; grounds for suspension or revocation; certain Canadian pharmacies not prohibited from providing prescription drugs through mail order service.

1. A person operating a business in this State shall not use the letters “Rx” or “RX” or the word “drug” or “drugs,” “prescription” or “pharmacy,” or similar words or words of similar import, without first having secured a license from the Board.

2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must be displayed on the licensed premises as provided in NRS 639.150. The original license and the fee required for reissuance of a license must be submitted to the Board before the reissuance of the license.

3. If the owner of a pharmacy is a partnership or corporation, any change of partners or corporate officers must be reported to the Board at such a time as is required by a regulation of the Board.

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

5. Any violation of any of the provisions of this chapter by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.

6. The provisions of this section do not prohibit a Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive.

[24:286:1913; added 1947, 667; A 1951, 290]—(NRS A 1967, 1649; 1973, 779; 1979, 1691; 1985, 883; 1991, 1950; 1993, 633; 1999, 244; 2001, 1632; 2003, 2287; 2005, 22nd Special Session, 153)

NRS 639.231 Application for and issuance of license.

1. An application to conduct a pharmacy must be made on a form furnished by the Board and must state the name, address, usual occupation and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application must state such information as to each person beneficially interested therein.

2. As used in subsection 1, and subject to the provisions of subsection 3, the term “person beneficially interested” means:

(a) If the applicant is a partnership or other unincorporated association, each partner or member.

(b) If the applicant is a corporation, each of its officers, directors and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

3. If the applicant is a partnership, unincorporated association or corporation and the number of partners, members or stockholders, as the case may be, exceeds four, the application must so state, and must list each of the four partners, members or stockholders who own the four largest interests in the applicant entity and state their percentages of interest. Upon request of the Executive Secretary of the Board, the applicant shall furnish the Board with information as to partners, members or stockholders not named in the application or shall refer the Board to an appropriate source of such information.

4. The completed application form must be returned to the Board with the fee prescribed by the Board, which may not be refunded. Any application which is not complete as required by the provisions of this section may not be presented to the Board for consideration.

5. Upon compliance with all the provisions of this section and upon approval of the application by the Board, the Executive Secretary shall issue a license to the applicant to conduct a pharmacy. Any other provision of law

notwithstanding, such a license authorizes the holder to conduct a pharmacy and to sell and dispense drugs and poisons and devices and appliances that are restricted by federal law to sale by or on the order of a physician.
(Added to NRS by 1967, 1656; A 1979, 1692; 1993, 1221; 2003, 2288)

NRS 639.232 Limitations on issuance of licenses.
1. The Board shall not issue a license to conduct a pharmacy:
(a) To any practitioner; or
(b) To any partnership, corporation or association in which a practitioner has a controlling interest or owns more than 10 percent of the available stock.
2. This section does not:
(a) Apply to a hospital pharmacy or a health maintenance organization which holds a certificate of authority under chapter 695C of NRS.
(b) Prohibit ownership by a practitioner of a building in which a pharmacy is located, if space for the pharmacy is rented at the prevailing rate.
(Added to NRS by 1967, 1656; A 1969, 909; 1979, 1692; 1985, 884)

NRS 639.2321 Nuclear pharmacy: Direct supervision of preparation and distribution of radiopharmaceuticals required; qualifications of managing pharmacist; nuclear pharmacist required on premises.
1. Any person who prepares or distributes radiopharmaceuticals must be under the direct supervision of a nuclear pharmacist.
2. The managing pharmacist of a nuclear pharmacy must be a nuclear pharmacist.
3. A nuclear pharmacist must be on the premises during the hours a nuclear pharmacy is open for business.
(Added to NRS by 1989, 1750; A 1995, 292)

NRS 639.2322 Nuclear pharmacy: Oral orders; prohibition on refill of prescription for radiopharmaceutical.
1. Except as otherwise provided in subsection 2, a managing pharmacist of a nuclear pharmacy may delegate to any person, under his direct supervision, the authority to accept oral orders from a practitioner or his designated agent.
2. An oral order may be used for a radiopharmaceutical which is not prescribed for a specific patient. An oral order which is designated for a specific patient must be accepted only by a nuclear pharmacist or registered intern acting under the direct supervision of a nuclear pharmacist.
3. A prescription for a radiopharmaceutical must not be refilled.
4. As used in this section, “designated agent” means a person who is authorized to communicate a practitioner’s instructions to a nuclear pharmacy.
(Added to NRS by 1989, 1750)

NRS 639.2324 Institutional pharmacies: Requirements for operation.
1. The operation of an institutional pharmacy must meet the following requirements:
(a) In a hospital with 100 or more beds, the pharmacy must be under the continuous supervision of a pharmacist during the time it is open for pharmaceutical services.
(b) In a hospital with less than 100 beds, the services of a pharmacist may be on less than a full-time basis, depending upon the needs of the institution, and pursuant to the regulations and recommendations of the State Board of Pharmacy and the person charged with the administration and control of the institution.
(c) In the absence of a pharmacist from the pharmacy, a nurse or practitioner designated by the pharmacist may obtain from the pharmacy such necessary quantities of drugs to administer to a patient until the pharmacy reopens as are ordered by a medical practitioner and needed by a patient in an emergency.
2. The pharmacist in charge of the institutional pharmacy shall initiate procedures to provide for administration and technical guidance in all matters pertaining to the acquiring, stocking, recordkeeping and dispensing of drugs and devices.
(Added to NRS by 1973, 811; A 1977, 1281; 1987, 1652; 1991, 1951)

NRS 639.2326 Pharmacies in correctional institutions: Supervision by prescribing practitioner or licensed pharmacy; security; records.
1. Except as otherwise provided in NRS 639.2327, a pharmacy in a correctional institution which is used mainly for storage and from which controlled substances and dangerous drugs and devices are administered must be supervised by a prescribing practitioner or a licensed pharmacy.

2. The practitioner or a registered pharmacist need not be present at the times the pharmacy is open, but is responsible for the security of the pharmacy and shall maintain the records required by the Board. In any case, the name of the prescribing practitioner must be recorded when any controlled substance, dangerous drug or device is administered or ordered for stock.

(Added to NRS by 1983, 1504; A 1987, 1652)

NRS 639.2327 Maintenance of stocks of drugs by certain facilities. A facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department of Health and Human Services and is registered with the Board pursuant to this chapter may maintain a stock of drugs for emergency treatment of inpatients, subject to the following conditions:

1. The Board shall by regulation determine the specific drugs and the quantities thereof which may be maintained.

2. The emergency stock of drugs must be maintained at all times in a solid, sealed container and the seal must remain intact except when the drugs are needed for emergency treatment of a patient in the facility. The sealed container must be stored at all times in a locked compartment on the premises of the facility.

3. All drugs delivered to a facility must be signed for by the nurse or other person in charge. An inventory of the stock of drugs must be appended to the sealed container. Immediately after the drugs are needed, the physician or registered nurse who breaks the seal shall enter on the inventory sheet the following information:

(a) The date and time the sealed container is opened;

(b) The name of the patient for whom the drugs are to be used;

(c) The name of the patient's physician or the physician who directs the administration of the drugs, if different;

(d) An itemization of the drugs removed; and

(e) The signature of the person who opened the sealed container.

4. When the drugs have been removed and the information required by subsection 3 has been entered on the inventory, the physician or registered nurse shall immediately replace the container in a locked compartment and shall notify the pharmaceutical consultant, as soon as it is practical to do so, that the container has been opened.

5. The sealed container and its contents at all times remain the responsibility of the pharmaceutical consultant. Upon being notified that the sealed container has been opened, or on the next business day if notification is not received during business hours, but in no event more than 48 hours following receipt of the notification, the pharmaceutical consultant shall:

(a) Examine the inventory sheet;

(b) Replace the drugs removed;

(c) Secure a written prescription for the drugs replaced, if one is required by law;

(d) Enter the name and quantity of the drugs so replaced on the inventory sheet, together with the date and time of replacement;

(e) Reseal the container; and

(f) Sign the inventory sheet.

6. No person other than a licensed physician or registered nurse may open the container or remove any drugs from the container.

7. The Board, its agents and inspectors may at all times have access to the premises of the facility to determine compliance with this section.

(Added to NRS by 1973, 633, 1406; A 1975, 1313; 1985, 1768)

NRS 639.23275 Delivery of controlled substance or dangerous drug to hospital, facility for intermediate care or facility for skilled nursing which does not have pharmacy on premises.

1. Except as otherwise provided in NRS 453.256, no pharmacy may deliver a controlled substance or dangerous drug for a specific patient to a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department of Health and Human Services which does not have a pharmacy on the premises except pursuant to a prescription given:

(a) Directly from the prescribing practitioner to a pharmacist;

(b) Indirectly by means of an order signed by the prescribing practitioner; or

(c) By an oral order transmitted by an agent of the prescribing practitioner.

2. If an order for entry on a chart is given by a prescribing practitioner, the chart order must be signed by the practitioner who authorized the administration of the drug within 48 hours after the order is given by that practitioner.

(Added to NRS by 1995, 287)

NRS 639.23279 "Pharmacy located outside Nevada that provides mail order service to a resident of Nevada" defined. For the purposes of NRS 639.23279 to 639.23286, inclusive, a "pharmacy located outside

Nevada that provides mail order service to a resident of Nevada" includes any person who sells or offers to sell drugs to persons in this State via the Internet.

(Added to NRS by 2001, 1631)

NRS 639.2328 Pharmacy located outside Nevada: Licensing; requirements; notice of licensing of Canadian pharmacy; recommendation that licensed Canadian pharmacy be included on website.

1. Every pharmacy located outside Nevada that provides mail order service to or solicits or advertises for orders for drugs available with a prescription from a resident of Nevada must be licensed by the Board.

2. To be licensed or to renew a license, such a pharmacy must:

(a) Be licensed as a pharmacy, or the equivalent, by the state or country in which its dispensing facilities are located.

(b) Comply with all applicable federal laws, regulations and standards.

(c) Submit an application in the form furnished by the Board.

(d) Provide the following information to the Board:

(1) The name and address of the owner;

(2) The location of the pharmacy;

(3) The name of the pharmacist who is the managing pharmacist; and

(4) Any other information the Board deems necessary.

(e) Pay the fee required by regulation of the Board.

(f) Submit evidence satisfactory to the Board that the facility, records and operation of the pharmacy comply with the laws and regulations of the state or country in which the pharmacy is located.

(g) Submit certification satisfactory to the Board that the pharmacy complies with all lawful requests and directions from the regulatory board or licensing authority of the state or country in which the pharmacy is located relating to the shipment, mailing or delivery of drugs.

(h) Be certified by the Board pursuant to NRS 639.23288 if the pharmacy operates an Internet pharmacy.

3. In addition to the requirements of subsection 2, the Board may require such a pharmacy to be inspected by the Board.

4. The Board shall notify the Office for Consumer Health Assistance each time the Board licenses a Canadian pharmacy pursuant to this section and recommend that the Office for Consumer Health Assistance include each such pharmacy on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560.

(Added to NRS by 1991, 1156; A 2001, 1068, 1632; 2003, 19; 2005, 22nd Special Session, 154)

NRS 639.23282 Pharmacy located outside Nevada: Considerations required by Board before issuing license. Before issuing a license to a pharmacy located outside Nevada that provides mail order service to a resident of Nevada, the Board shall consider:

1. The qualifications and credentials of the applicant; and

2. Any suspension or revocation of a license or restriction on a license held by the applicant.

(Added to NRS by 1991, 1156; A 2001, 1633)

NRS 639.23284 Pharmacy located outside Nevada: Requirements to provide mail order service; restrictions on Canadian pharmacies.

1. Every pharmacy located outside Nevada that provides mail order service to a resident of Nevada:

(a) Shall report to the Board any change of information that appears on its license and pay the fee required by regulation of the Board.

(b) Shall make available for inspection all pertinent records, reports, documents or other material or information required by the Board.

(c) As required by the Board, must be inspected by the Board or:

(1) The regulatory board or licensing authority of the state or country in which the pharmacy is located; or

(2) The Drug Enforcement Administration.

(d) As required by the Board, shall provide the following information concerning each prescription for a drug that is shipped, mailed or delivered to a resident of Nevada:

(1) The name of the patient;

(2) The name of the prescriber;

(3) The number of the prescription;

(4) The date of the prescription;

(5) The name of the drug; and

(6) The strength and quantity of the dose.

2. In addition to complying with the requirements of subsection 1, every Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 that provides mail order service to a resident of Nevada shall not sell, distribute or furnish to a resident of this State:

(a) A controlled substance;

(b) A prescription drug that has not been approved by the Federal Food and Drug Administration;

(c) A generic prescription drug that has not been approved by the Federal Food and Drug Administration;

(d) A prescription drug for which the Federal Food and Drug Administration has withdrawn or suspended its approval; or

(e) A quantity of prescription drugs at one time that includes more drugs than are prescribed to the patient as a 3-month supply of the drugs.

(Added to NRS by 1991, 1156; A 2001, 1633; 2005, 22nd Special Session, 154)

NRS 639.23286 Pharmacy located outside Nevada: Substitution of drug; toll-free telephone service. A pharmacy located outside Nevada that provides mail order service to a resident of Nevada:

1. May substitute a drug if the substitution is made in accordance with the provisions of the laws and regulations of the state or country in which the pharmacy is located.

2. Shall provide a toll-free telephone service for its customers to a pharmacist who has access to the records of the customers from Nevada. The telephone service must be available for not less than 5 days per week and for at least 40 hours per week. The telephone number must be disclosed on the label attached to each container of drugs dispensed to a resident of Nevada.

(Added to NRS by 1991, 1157; A 1995, 292; 2001, 1633)

NRS 639.23288 Internet pharmacy: Certification required; regulations; list of approved Internet pharmacies.

1. In addition to the requirements set forth in this chapter and any other specific statute, an Internet pharmacy located:

(a) Within this State, shall not fill or refill a prescription or otherwise engage in the practice of pharmacy for a person located within or outside this State unless the Internet pharmacy is certified by the Board.

(b) Outside this State, shall not fill or refill a prescription or otherwise engage in the practice of pharmacy for a person located within this State unless the Internet pharmacy is certified by the Board.

2. The Board shall adopt regulations prescribing standards for certifying an Internet pharmacy. The standards adopted by the Board may be based upon standards adopted by the National Association of Boards of Pharmacy or some other association or organization that provides standards for certifying an Internet pharmacy.

3. The Board shall post on a website or other Internet site that is operated or administered by or on behalf of the Board:

(a) A list of Internet pharmacies certified by the Board; and

(b) Any other information relating to Internet pharmacies that the Board deems relevant.

(Added to NRS by 2001, 1067)

LICENSING OF PERSONS ENGAGED IN BUSINESS OF FURNISHING DRUGS, DEVICES OR APPLIANCES

NRS 639.233 License required.

1. Any person, including a wholesaler or manufacturer, who engages in the business of wholesale distribution or furnishing controlled substances, poisons, drugs, devices or appliances that are restricted by federal law to sale by or on the order of a physician to any person located within this State shall obtain a license pursuant to the provisions of this chapter.

2. For the purpose of this section, a person is “engaged in the business of furnishing” if he:

(a) Solicits or accepts orders for drugs or devices whose sale in this State is restricted by this chapter or chapter 453 or 454 of NRS; or

(b) Receives, stores or ships such drugs or devices.

(Added to NRS by 1967, 1657; A 1971, 2041; 1973, 780; 1979, 1693; 1991, 1160; 1993, 1222; 2003, 2288)

NRS 639.234 Records: Consent to inspection; copying and removal; duty to furnish copies upon demand; designation of out-of-state representative of Board; administrative penalties.

1. The acceptance of a license issued pursuant to NRS 639.233 constitutes a consent by the licensee to the inspection, copying and removal for copying of his records maintained inside and outside this state by any authorized representative of the Board.

2. If such a licensee is not a resident of this state and does not maintain records within this state of his shipments of controlled substances, poisons or drugs or devices or appliances that are restricted by federal law to sale by or on the order of a physician to persons in this state he shall, on receipt of a written demand from the Executive Secretary of the Board, furnish a true copy of the records to the Board.

3. The Board may authorize as its representative any member or representative of the board of pharmacy or similar agency of the state in which the records are located.

4. The failure to furnish a true copy of the required records or the refusal to permit their inspection is a ground for suspension of and disciplinary action relating to any license issued pursuant to NRS 639.233.

(Added to NRS by 1967, 1657; A 1971, 2042; 1973, 780; 1983, 1510; 1993, 1222; 2003, 2289)

NRS 639.2345 Sale of veterinary drugs: Permit required; regulations; exemption.

1. Any person who engages in the sale of veterinary prescription or nonprescription drugs must obtain a permit from the Board. The Board shall adopt regulations specifying the fee for the permit, requirements for the refrigeration and storage of drugs and other matters relating to the permit.

2. The provisions of subsection 1 do not apply to a registered pharmacist or any person licensed to practice veterinary medicine in this state.

(Added to NRS by 1977, 1355; A 1991, 1951)

PRESCRIPTIONS

NRS 639.235 Persons authorized to prescribe and write prescriptions; procedure for filling certain prescriptions written by persons not licensed in this State.

1. No person other than a practitioner holding a license to practice his profession in this State may prescribe or write a prescription, except that a prescription written by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, shall be deemed to be a legal prescription unless the person prescribed or wrote the prescription in violation of the provisions of NRS 453.3611 to 453.3648, inclusive.

2. If a prescription that is prescribed by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, calls for a controlled substance listed in:

(a) Schedule II, the registered pharmacist who is to fill the prescription shall establish and document that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written.

(b) Schedule III or IV, the registered pharmacist who is to fill the prescription shall establish that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written. This paragraph does not require the registered pharmacist to inquire into such a relationship upon the receipt of a similar prescription subsequently issued for that patient.

3. A pharmacist who fills a prescription described in subsection 2 shall record on the prescription or in the prescription record in the pharmacy's computer:

(a) The name of the person with whom he spoke concerning the prescription;

(b) The date and time of the conversation; and

(c) The date and time the patient was physically examined by the person prescribing the controlled substance for which the prescription was issued.

4. For the purposes of subsection 2, a bona fide relationship between the patient and the person prescribing the controlled substance shall be deemed to exist if the patient was physically examined by the person prescribing the controlled substances within the 6 months immediately preceding the date the prescription was issued.

(Added to NRS by 1967, 1661; A 1969, 910; 1971, 2042; 1975, 1314; 1979, 1693; 1987, 1568; 1993, 634; 1995, 292; 2001, 1069; 2003, 563, 2289)

NRS 639.23505 Conditions and limitations on practitioner dispensing controlled substances or dangerous drugs. A practitioner shall not dispense for human consumption any controlled substance or dangerous drug if he charges a patient for that substance or drug, either separately or together with charges for other professional services:

1. Unless the practitioner first applies for and obtains a certificate from the Board and pays the required fee; and

2. Issues a written prescription.

(Added to NRS by 1987, 803; A 1989, 1121; 1991, 1952; 1999, 244)

NRS 639.2351 Prescription by advanced practitioner of nursing; certification by State Board of Pharmacy.

1. An advanced practitioner of nursing may prescribe, in accordance with NRS 454.695 and 632.237, controlled substances, poisons, dangerous drugs and devices if he:

(a) Is authorized to do so by the State Board of Nursing in a certificate issued by that Board; and

(b) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board.

2. The State Board of Pharmacy shall consider each application from an advanced practitioner of nursing separately, and may:

(a) Issue a certificate of registration; or

(b) Refuse to issue a certificate of registration, regardless of the provisions of the certificate issued by the State Board of Nursing.

(Added to NRS by 1983, 1218; A 1987, 949; 1991, 792, 1952; 2001, 408)

NRS 639.2353 Transmission of prescription to pharmacist; contents of written prescription; specific directions for use; requirements for written prescription; authentication of prescription given by electronic transmission. Except as otherwise provided in a regulation adopted pursuant to NRS 453.385 or 639.2357:

1. A prescription must be given:

(a) Directly from the practitioner to a pharmacist;

(b) Indirectly by means of an order signed by the practitioner;

(c) By an oral order transmitted by an agent of the practitioner; or

(d) Except as otherwise provided in subsection 5, by electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.

2. A written prescription must contain:

(a) Except as otherwise provided in this section, the name and signature of the practitioner, and his address if not immediately available to the pharmacist;

(b) The classification of his license;

(c) The name of the patient, and his address if not immediately available to the pharmacist;

(d) The name, strength and quantity of the drug prescribed;

(e) Directions for use; and

(f) The date of issue.

3. The directions for use must be specific in that they indicate the portion of the body to which the medication is to be applied or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

4. Each written prescription must be written in such a manner that any registered pharmacist would be able to dispense it. A prescription must be written in Latin or English and may include any character, figure, cipher or abbreviation which is generally used by pharmacists and practitioners in the writing of prescriptions.

5. A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless authorized by federal law.

6. A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:

(a) It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner; or

(b) A voice recognition system, biometric identification technique or other security system approved by the Board is used to identify the practitioner.

(Added to NRS by 1979, 342; A 1979, 1696; 1983, 1510; 1985, 885; 1993, 634; 1995, 292; 1997, 688; 2001, 836, 1633; 2005, 181, 2749)

NRS 639.2355 Practitioner liable for prescription transmitted by agent. A practitioner is liable for any order for a prescription which his agent orally transmits to a pharmacist.

(Added to NRS by 1979, 342; A 1979, 1696; 1983, 1104)

NRS 639.2357 Transfer of prescription to another pharmacist upon request of patient.

1. Upon the request of a patient, a registered pharmacist shall transfer a prescription for the patient to another registered pharmacist.

2. A registered pharmacist who transfers a prescription pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.

3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription in violation of:
(a) Any law or regulation of this State;
(b) Federal law or regulation; or
(c) A contract for payment by a third party if the patient is a party to that contract.
(Added to NRS by 2005, 180, 2746)

NRS 639.236 Numbering and filing of prescriptions; inspection of files.
1. All prescriptions filled by a practitioner must be serially numbered and filed in the manner prescribed by regulation of the Board. Prescriptions for controlled substances listed in schedule II must be filed separately from other prescriptions or in a readily retrievable manner as the Board may provide by regulation. All prescriptions must be retained on file for at least 2 years.
2. Each prescription on file must bear the date on which it was originally filled and be personally signed or initialed by the registered pharmacist or practitioner who filled it.
3. Files of prescriptions are open to inspection by members, inspectors and investigators of the Board and by inspectors of the Food and Drug Administration and agents of the Investigation Division of the Department of Public Safety.
(Added to NRS by 1967, 1662; A 1971, 2042; 1973, 781; 1975, 1315; 1979, 343; 1981, 2014; 1983, 226; 1985, 1998; 1987, 1568; 1989, 611, 1121; 2001, 2633)

NRS 639.238 Prescriptions not public records; pharmacists not to divulge contents; exceptions; procedure for providing copy of prescription to authorized persons and other pharmacists.
1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 639.2357, a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:
(a) The patient for whom the original prescription was issued;
(b) The practitioner who originally issued the prescription;
(c) A practitioner who is then treating the patient;
(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;
(e) An agency of state government charged with the responsibility of providing medical care for the patient;
(f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;
(g) Any person authorized by an order of a district court;
(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;
(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:
(1) Misusing prescriptions to obtain excessive amounts of drugs; or
(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person; or
(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:
(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or
(2) To carry out a search warrant or subpoena issued pursuant to a court order.
(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:
(1) Identifying a deceased person;
(2) Determining a cause of death; or
(3) Performing other duties authorized by law.
2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:
(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or
(b) The deceased person whose cause of death is being determined.
3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a

copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.100.

(Added to NRS by 1967, 1662; A 1971, 2043; 1973, 781; 1977, 1281; 1979, 1693; 1981, 2015; 1985, 1998; 1987, 1568; 1993, 493; 1995, 293; 2001, 2633; 2003, 2290; 2005, 181, 1064, 2750)

NRS 639.239 Removal of original prescriptions from file; substitution of copies. Members, inspectors and investigators of the Board, inspectors of the Food and Drug Administration, agents of the Investigation Division of the Department of Public Safety and peace officers described in paragraph (j) of subsection 1 of NRS 639.238 may remove any record required to be retained by state or federal law or regulation, including any prescription contained in the files of a practitioner, if the record in question will be used as evidence in a criminal action, civil action or an administrative proceeding, or contemplated action or proceeding. The person who removes a record pursuant to this section shall:

1. Affix the name and address of the practitioner to the back of the record;

2. Affix his initials, cause an agent of the practitioner to affix his initials and note the date of the removal of the record on the back of the record;

3. Affix the name of the agency for which he is removing the record to the back of the record;

4. Provide the practitioner with a receipt for the record; and

5. Return a photostatic copy of both sides of the record to the practitioner within 15 working days after the record is removed.

(Added to NRS by 1967, 1663; A 1971, 2043; 1973, 782; 1981, 2015; 1985, 1999; 1995, 294; 2001, 2634; 2003, 2291)

REFILLING OF PRESCRIPTIONS

NRS 639.2392 Controlled substance or dangerous drug: Records.

1. A record of each refill of any prescription for a controlled substance or dangerous drug or any authorization to refill such a prescription must be kept:

(a) On the back of the original prescription; or

(b) In a bound book or separate file.

2. The record must include:

(a) The date of each refill or authorization;

(b) The number of dosage units; and

(c) The signature or initials of the pharmacist who refilled the prescription or obtained the authorization to refill.

(Added to NRS by 1995, 288)

NRS 639.2393 Controlled substance or dangerous drug: Limitations.

1. Any prescription for a controlled substance, regardless of the authorization to refill given by the prescribing practitioner, must not be refilled more than five times or after 6 months have elapsed from the date it was originally issued and may be refilled only in keeping with the number of doses ordered and the directions for use.

2. Any prescription for a dangerous drug, regardless of the authorization to refill given by the prescribing practitioner, must not be refilled after 1 year has elapsed from the date it was originally issued and may be refilled only in keeping with the number of doses ordered and the directions for use.

3. If no authorization to refill is given by the prescribing practitioner, or if the prescription is refillable and has been refilled for the number of times or for the period set forth in subsection 1 or 2, the original prescription is invalid and a new prescription must be obtained and placed in the prescription file.

(Added to NRS by 1995, 289)

NRS 639.2394 Controlled substance or dangerous drug: Exercise of judgment by pharmacist. In the absence of specific authorization to refill, when the refilling of a prescription calling for a controlled substance or dangerous drug needed for the continuation of a treatment of a chronic or continuing illness is considered necessary

and the pharmacist is unable to communicate with the prescribing practitioner, the pharmacist may, if in his professional judgment he feels that the controlled substance or dangerous drug should be provided for the patient, furnish a sufficient supply of the medication to provide for the continuation of treatment until such time as he can communicate with the prescribing practitioner personally.
(Added to NRS by 1995, 289)

NRS 639.2396 Specific authorization. A prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.
(Added to NRS by 1995, 289)

NRS 639.2397 Rescission of authorization. Any authorization to refill a prescription issued pursuant to the provisions of NRS 639.2393 to 639.2397, inclusive, may be rescinded at any time after that authorization is given, by the original practitioner or by another practitioner acting in his behalf or by another practitioner who is caring for the patient for whom the original prescription was issued, by notifying the pharmacy in which the prescription was filled orally or in writing.
(Added to NRS by 1995, 289)

ADMINISTRATIVE PROCEEDINGS

NRS 639.241 Accusation: Form, contents and signature.
1. A hearing to determine whether the rights and privileges granted by any certificate, certification, license or permit issued by the Board should be revoked, suspended, limited or conditioned must be initiated by the filing of an accusation by the Board. The action must be entitled: The Nevada State Board of Pharmacy v. (insert the name of the party whose certificate, license or permit is involved), who must be designated “Respondent.”
2. The accusation is a written statement of the charges alleged and must set forth in ordinary and concise language the acts or omissions with which the respondent is charged to the end that the respondent will be able to prepare his defense. The accusation must specify the statutes and regulations which the respondent is alleged to have violated, but must not consist merely of charges phrased in language of the statute or regulation. The accusation must be signed by the Executive Secretary of the Board acting in his official capacity.
(Added to NRS by 1967, 1658; A 1979, 1694; 2003, 2291)

NRS 639.242 Service on respondent of copies of accusation, statement and forms for Notice of Defense.
1. After filing the accusation, the Executive Secretary of the Board shall cause a copy thereof, together with one copy of the Statement to Respondent and three copies of the form of the Notice of Defense, to be served on the respondent.
2. Service may be by personal service or by first-class registered or certified mail addressed to the respondent at his last address of record, or by mail to his attorney of record. Proof of service must be retained and made a part of the case record.
(Added to NRS by 1967, 1658; A 2003, 2291)

NRS 639.243 Statement to Respondent: Contents. The statement, entitled Statement to the Respondent, shall be worded so as to inform the respondent:
1. That an accusation has been filed.
2. Of his right to a hearing before the Board to answer to the alleged violations and to submit evidence in his own behalf if requested by the filing of two copies of the Notice of Defense within 15 days after receipt of the accusation.
(Added to NRS by 1967, 1658)

NRS 639.244 Notice of Defense: Form; effect of failure to file.
1. The form for the Notice of Defense must be prepared and furnished by the Board and permit the respondent, by completing and signing the notice, to:
(a) Object to the accusation as being incomplete and failing to set forth clearly the charges; and
(b) Deny or admit, in part or in whole, the violations alleged.
2. The Notice of Defense must be signed by the respondent or his attorney under penalty of perjury. Failure to

file a Notice of Defense constitutes a waiver of the respondent's right to a hearing, but the Board may grant a hearing.
(Added to NRS by 1967, 1658; A 2003, 2292)

NRS 639.2445 Physical or mental examination of holder of certificate believed to be incompetent; competency hearing; probation for use of alcohol or drugs.

1. Whenever the Board believes that a holder of a certificate is or has become incompetent to practice pharmacy by reason of any physical or mental injury, illness or disability or by reason of chronic or excessive use of alcohol or drugs, the Board may order that the holder of the certificate submit to a physical or psychiatric examination, or both, at the expense of the Board.
2. The Board shall designate a physician or a psychiatrist or both, as the case may be, to conduct the examination or examinations of the holder of the certificate and furnish the Board and the holder of the certificate with a report of the findings. If the holder of the certificate is dissatisfied with the findings, he may obtain an independent examination and report at his own expense, not later than 10 days following receipt of the initial report.
3. Upon receipt of the findings the Board shall conduct a hearing to determine whether the holder of the certificate is competent to practice pharmacy. Except as provided in subsection 4, if the Board finds that he is not competent to practice pharmacy, it shall order an immediate suspension of his right to practice pharmacy, and the suspension remains in effect until the Board determines that a certificate may be reinstated.
4. The Board may place on probation a holder of a certificate who is not competent to practice pharmacy by reason of chronic or excessive use of alcohol or drugs if he voluntarily enters and completes a program of treatment approved by the Board and complies with any other conditions imposed by the Board.

(Added to NRS by 1975, 1306; A 1987, 949)

NRS 639.245 Notice of hearing. Whenever a hearing has been granted by the Board, the Executive Secretary of the Board shall serve notice on the respondent of the time and place set for the hearing on the accusation. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report. Service may be effected in the same manner as provided in NRS 639.242.
(Added to NRS by 1967, 1659; A 1993, 794; 2003, 2292)

NRS 639.246 Subpoenas.

1. The Executive Secretary of the Board shall issue subpoenas for the production of witnesses, documents or papers, in accordance with statutory provisions, at the request of any party to a hearing or for purposes of an investigation or other matter under inquiry by the Board.
2. Witnesses appearing pursuant to a subpoena must receive expenses and witness fees in the amounts and under the same circumstances as prescribed by law for witnesses in civil actions. The expenses and fees must be paid in full by the party at whose request the witness is subpoenaed.
3. Subpoenas must be served in the same manner as prescribed by law for the service of subpoenas in civil actions. If any person fails to comply with a subpoena within 10 days after its issuance, the President of the Board, or the Executive Secretary of the Board at the direction of the President, may petition the district court for an order of the court compelling compliance with the subpoena.
4. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there to show cause why he has not complied with the subpoena. A certified copy of the order must be served upon the person.
5. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena. Failure to obey the order constitutes contempt of court.

(Added to NRS by 1967, 1659; A 1993, 634; 2003, 2292)

NRS 639.247 Hearing: Procedure.

1. Any hearing held for the purpose of suspending or revoking any certificate, certification, license or permit must be conducted publicly by the Board. The hearing must be presided over by a member of the Board or his designee and three members constitute a quorum. Any decision by the Board requires the concurrence of at least three members. The proceedings of the hearing must be reported or recorded by an electronic recording device, an official court reporter or another qualified person.
2. The member of the Board or his designee presiding at the hearing or the Executive Secretary of the Board may administer oaths or affirmations. Continuances and adjournments may be ordered, or may be granted, by the member or his designee presiding, for cause shown and by orally notifying those persons present of the time and place at which the hearing will be continued.

(Added to NRS by 1967, 1659; A 1973, 782; 1977, 1282; 1981, 101; 1987, 950; 2003, 2292)

NRS 639.248 Hearing: Use of hearsay evidence. Hearsay evidence may be admitted for the purpose of supplementing or explaining any direct evidence but is not sufficient in itself to support a finding.
(Added to NRS by 1967, 1659; A 1977, 91)

NRS 639.2485 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; disclosure of certain information relating to dangerous drugs and controlled substances; duties of Board upon request or subpoena for records or information.
1. Except as otherwise provided in this section, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.
2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.
3. The Board may disclose to a practitioner and a law enforcement agency information concerning a person who procures or attempts to procure any dangerous drug or controlled substance in violation of NRS 453.391 or 454.311.
4. If the Board receives a request or subpoena for records or information obtained during an investigation by the Board and the records or information is not made public pursuant to subsection 2, the Board shall notify the person regarding whom the investigation was made of the request or subpoena. If that person does not consent in writing to the release of the records or information, the Board may release the records or information only upon the order of a court of competent jurisdiction.
(Added to NRS by 1989, 1568; A 1991, 1952; 1995, 294; 2003, 3454)

NRS 639.249 Contempt. If any person in proceedings before the Board disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceeding, the Board shall certify the facts to the district court of the county where the proceeding is being conducted. The court shall thereupon issue an order directing the person to appear before the court and show cause why he should not be punished as for contempt. The order and a copy of the certified statement shall be served on the person. Thereafter the court shall have jurisdiction of the matter. The same proceedings shall be had, the same penalties may be imposed and the person charged may purge himself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action.
(Added to NRS by 1967, 1660)

NRS 639.251 Decision; order. Upon conclusion of the hearing or as soon as practicable thereafter and, in any event, within 30 days, the Board shall make, enter and file its decision and shall make, enter and file its order based thereon. A copy of the order shall promptly be served on the respondent and his attorney of record, either personally or by registered or certified mail. The order shall not become effective until at least 30 days after receipt by the respondent unless otherwise ordered by the Board.
(Added to NRS by 1967, 1660)

NRS 639.252 Rehearing.
1. If the respondent wishes to contest or appeal the decision of the Board, the order or any part thereof, he may, not later than 10 days after the time the order becomes effective, apply in writing to the Board for a rehearing. The application must set forth with particularity the part or parts of the decision or order to which the respondent objects and the basis of the objection.
2. The Executive Secretary of the Board shall, within 10 days after receipt of a written application for rehearing, notify the respondent and his attorney of record in writing, by registered or certified mail, of his action, either granting or denying the application. If the application is granted, the notice must contain the date, time and place of the rehearing. The rehearing must be held at the next regularly scheduled meeting of the Board. Granting of the application by the Executive Secretary does not serve as an automatic stay of execution of the order pending conclusion of the rehearing.
(Added to NRS by 1967, 1660; A 2003, 2293)

NRS 639.253 Order following rehearing.
1. On conclusion of the rehearing the Board may reaffirm the order previously adopted, or if new evidence is presented which controverts, in whole or in part, the allegations on which the accusation was based and if the Board considers that such action would be in the public interest, the Board may reset or reduce the penalty ordered at the

conclusion of the original hearing.

2. The Board shall make, enter and file its order at the conclusion of the rehearing, or as soon thereafter as practicable, and cause a copy thereof to be served on the respondent and his attorney of record within 30 days. The order shall not become effective until 30 days after receipt thereof by the respondent unless otherwise ordered by the Board.

(Added to NRS by 1967, 1660)

NRS 639.2535 Judicial review.

1. Every order of the Board which limits the practice of pharmacy or any privileges extended by any certificate, permit, registration or license is effective until the date the order is modified or reversed by a final judgment of the reviewing court.

2. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

(Added to NRS by 1985, 875; A 1989, 1658)

NRS 639.255 Authorized disciplinary action; judicial review of such action; fines; private reprimands prohibited; orders imposing discipline deemed public records.

1. The holder of any certificate, license or permit issued by the Board, whose default has been entered or who has been heard by the Board and found guilty of the violations alleged in the accusation, may be disciplined by the Board by one or more of the following methods:

(a) Suspending judgment;

(b) Placing the certificate, license or permit holder on probation;

(c) Suspending the right of a certificate holder to practice, or the right to use any license or permit, for a period to be determined by the Board;

(d) Revoking the certificate, license or permit;

(e) Public reprimand; or

(f) Imposition of a fine for each count of the accusation, in accordance with the schedule of fines established pursuant to subsection 3.

2. Such action by the Board is final, except that the propriety of such action is subject to review upon questions of law by a court of competent jurisdiction.

3. The Board shall, by regulation, establish a schedule of fines that may be imposed pursuant to paragraph (f) of subsection 1. Each fine must be commensurate with the severity of the applicable violation, but must not exceed $10,000 for each violation.

4. The Board shall not issue a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

(Added to NRS by 1967, 1661; A 1973, 782; 1979, 1694; 1993, 888; 2001, 836, 1634; 2003, 3455)

NRS 639.2555 Suspension of certificate or license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate or license. [Expires by limitation 2 years after the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233, the Board shall deem the certificate of registration or license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the certificate of registration or license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate of registration or license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate of registration or license was suspended stating that the person whose certificate of registration or license was suspended has complied with the subpoena or

warrant or has satisfied the arrearage pursuant to NRS 425.560.
(Added to NRS by 1997, 2148; A 2003, 2293; 2005, 2807)

NRS 639.256 Automatic restoration of suspended certificate, license or permit. A certificate, license or permit which has been suspended for a specified period of time must automatically be restored to good standing on the first day following the period of suspension. The Executive Secretary of the Board, when notifying the respondent of the penalty imposed by the Board, shall inform the respondent of the date on which the certificate, license or permit will be so restored.
(Added to NRS by 1967, 1661; A 2003, 2293)

NRS 639.2565 Reinstatement of certificate suspended for incompetency.
1. A person whose certificate has been suspended by the Board may petition the Board for reinstatement of the certificate.
2. After receipt of the petition, the Board shall conduct a hearing to determine whether the certificate should be reinstated.
3. If a hearing is held, the Board may consider the results of its own investigation and any evidence pertaining to the competence of the petitioner. An affirmative vote of a majority of Board members is necessary to reinstate a certificate. The Board may require, prior to reinstatement, that the petitioner pass an examination, either oral or written, to determine his present fitness to resume his practice.
4. In any hearing conducted under this section, the Board may employ any expert witnesses considered necessary to determine the competency and ability of the petitioner.
5. If the Board orders restoration of such certificate, it may waive the requirements of NRS 639.180, 639.190 and 639.2174.
(Added to NRS by 1975, 1306)

NRS 639.257 Reinstatement of revoked certificate, license or permit.
1. A person whose certificate, license or permit has been revoked may petition the Board for reinstatement after a period of not less than 1 year has lapsed since the date of revocation.
2. The petition shall state such facts as may be required by the Board and shall be heard by the Board at its next regular meeting held not earlier than 30 days after the petition is filed. Such petition may be considered by the Board while the petitioner is under sentence for any criminal offense, including any period during which he is on probation or parole, only if the Board members, by a majority vote, find that the public interest would best be served by such reinstatement.
3. In considering reinstatement the Board may investigate and consider all activities of the petitioner since the time his original certificate, license or permit was issued, his ability, character and reputation. The affirmative vote of at least three members is necessary for reinstatement of a certificate, license or permit with or without terms, conditions and restrictions.
(Added to NRS by 1967, 1661)

NRS 639.2575 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.
1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 639.081 is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.
2. A decision of the hearing officer or panel relating to the imposition of a fine is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel to place the holder of a certificate, license or permit on probation, reprimand him or revoke or suspend his certificate, license or permit may appeal that decision to the Board.
(Added to NRS by 1983, 1540)

NRS 639.2576 Immunity from civil action for assisting administrative proceeding. The Board or any other person who initiates or assists in any lawful investigation or administrative proceeding concerning the discipline of a pharmacist is immune from any civil action for that initiation or assistance or any consequential damages, if the person acted without malicious intent.
(Added to NRS by 1987, 948)

REGULATION OF TRADE PRACTICES

Substitution of Generic Drugs for Drugs Prescribed by Brand Name

NRS 639.2583 General requirements governing substitution; procedure; limitations; applicability.

1. Except as otherwise provided in this section, if a practitioner has prescribed a drug by brand name and the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited, the pharmacist who fills or refills the prescription shall dispense, in substitution, another drug which is available to him if the other drug:

(a) Is less expensive than the drug prescribed by brand name;

(b) Is biologically equivalent to the drug prescribed by brand name;

(c) Has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug prescribed by brand name; and

(d) Is of the same generic type as the drug prescribed by brand name.

2. If the pharmacist has available to him more than one drug that may be substituted for the drug prescribed by brand name, the pharmacist shall dispense, in substitution, the least expensive of the drugs that are available to him for substitution.

3. Before a pharmacist dispenses a drug in substitution for a drug prescribed by brand name, the pharmacist shall:

(a) Advise the person who presents the prescription that the pharmacist intends to dispense a drug in substitution; and

(b) Advise the person that he may refuse to accept the drug that the pharmacist intends to dispense in substitution, unless the pharmacist is being paid for the drug by a governmental agency.

4. If a person refuses to accept the drug that the pharmacist intends to dispense in substitution, the pharmacist shall dispense the drug prescribed by brand name, unless the pharmacist is being paid for the drug by a governmental agency, in which case the pharmacist shall dispense the drug in substitution.

5. A pharmacist shall not dispense a drug in substitution for a drug prescribed by brand name if the practitioner has indicated that a substitution is prohibited using one or more of the following methods:

(a) By oral communication to the pharmacist at any time before the drug is dispensed.

(b) By handwriting the words “Dispense as Written” on the form used for the prescription, including, without limitation, any form used for transmitting the prescription from a facsimile machine to another facsimile machine. The pharmacist shall disregard the words “Dispense as Written” if they have been placed on the form used for the prescription by preprinting or other mechanical process or by any method other than handwriting.

(c) By including the words “Dispense as Written” in any prescription that is given to the pharmacist by electronic transmission pursuant to the regulations of the Board, including, without limitation, an electronic transmission from a computer equipped with a facsimile modem to a facsimile machine or from a computer to another computer pursuant to the regulations of the Board.

6. The provisions of this section also apply to a prescription issued to a person by a practitioner from outside this State if the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited.

7. The provisions of this section do not apply to:

(a) A prescription drug that is dispensed to any inpatient of a hospital by an inpatient pharmacy which is associated with that hospital;

(b) A prescription drug that is dispensed to any person by mail order or other common carrier by an Internet pharmacy which is certified by the Board pursuant to NRS 639.23288 and authorized to provide service by mail order or other common carrier pursuant to the provisions of this chapter; or

(c) A prescription drug that is dispensed to any person by a pharmacist if the substitution:

(1) Would violate the terms of a health care plan that maintains a mandatory, exclusive or closed formulary for its coverage for prescription drugs; or

(2) Would otherwise make the transaction ineligible for reimbursement by a third party.

(Added to NRS by 1979, 1348; A 1981, 393, 1374; 1985, 2005; 2003, 1213)

NRS 639.2587 Name of manufacturer, packer or distributor to be noted on prescription. If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner:

1. Shall note the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

2. May indicate the substitution on the label by use of the words “substituted for” following the generic name and preceding the brand name of the drug.

(Added to NRS by 1979, 1348; A 1985, 885; 1989, 1122; 1991, 1953)

NRS 639.2588 Manufacturer’s product identification code to be on certain dispensed tablets and capsules. A pharmacist or practitioner shall not dispense by prescription any tablet or capsule, except one which is

hypodermic, sublingual or soluble, if it does not have the manufacturer's product identification code imprinted on it.
(Added to NRS by 1987, 1649; A 1989, 1122)

NRS 639.2589 Form for prescription; substitution in certain facilities; prescriptions ordered on patient's chart.
1. The form used for any prescription which is issued or intended to be filled in this state must contain a line for the signature of the practitioner.
2. Substitutions may be made in filling prescriptions contained in the orders of a physician, or of an advanced practitioner of nursing who is a practitioner, in a facility for skilled nursing or facility for intermediate care.
3. Substitutions may be made in filling prescriptions ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific generic substitutions.
(Added to NRS by 1979, 1348; A 1981, 393; 1983, 1511; 1985, 1769, 2005; 1991, 793; 2003, 1215)

NRS 639.259 When pharmacist not required to dispense specific generic drug. No employer of a pharmacist may require the pharmacist to dispense any specific generic drug in substitution for another drug if the:
1. Substitution is not permitted by the prescription as signed by a practitioner;
2. Substitution would be against the professional judgment of the pharmacist; or
3. Substitution would violate any provision of NRS 639.2583 to 639.2597, inclusive.
(Added to NRS by 1979, 1349; A 2003, 1215)

NRS 639.2595 Liability of pharmacist or practitioner. A pharmacist or practitioner who selects a drug for substitution assumes no greater civil liability than he assumes by filling the prescription with the drug under its brand name.
(Added to NRS by 1979, 1349; A 1989, 1122)

NRS 639.2597 Use of list of biologically equivalent drugs. A pharmacist or practitioner who proposes to make any substitution must have made use of a list of biologically equivalent drugs approved by the United States Food and Drug Administration.
(Added to NRS by 1979, 1349; A 1989, 1122; 1993, 635)

Transactions Involving Wholesalers

NRS 639.2615 General requirements for wholesaler to sell or purchase prescription drug; Board prohibited from limiting quantities in certain transactions involving wholesaler. [Replaced in revision by NRS 639.595.]

Miscellaneous Provisions

NRS 639.263 False or misleading advertising. No registered pharmacist or owner of any pharmacy licensed under the provisions of this chapter may make, disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or in any other manner or means whatever, any statement concerning prices or services, professional or otherwise, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be false or misleading.
(Added to NRS by 1967, 1663)

NRS 639.264 Rebates, refunds and commissions.
1. No registered pharmacist, or owner of any pharmacy licensed under the provisions of this chapter, may offer, deliver or pay any unearned rebate, refund, commission, preference, patronage dividend, discount or other unearned consideration to any person, whether in the form of money or otherwise, as compensation or inducement to such person for referring prescriptions, patients, clients or customers to such pharmacist or pharmacy, irrespective of any membership, proprietary interest or co-ownership in or with any person by whom such prescriptions, patients, clients or customers are referred.
2. The furnishing to a practitioner by a pharmacist or a pharmacy of prescription blanks bearing the name or name and address of any pharmacy is an unearned rebate and an inducement to refer patients to such pharmacist or pharmacy.
(Added to NRS by 1967, 1663; A 1979, 1695)

NRS 639.265 Pharmacists may trade or exchange drugs if necessary for business. A registered pharmacist may trade or exchange drugs with another such pharmacist when any such trade or exchange is necessary to the business of either such pharmacist.
(Added to NRS by 1969, 627)

NRS 639.2655 Use of computerized mechanical equipment to perform act required to be performed by pharmacist. For the purposes of this chapter and chapters 453 and 454 of NRS, any act which is required to be performed by a pharmacist may be performed with the use of computerized mechanical equipment in accordance with the regulations adopted by the Board.
(Added to NRS by 1995, 289)

NRS 639.266 Communication of information to patient or person caring for him.
1. Upon receipt of a prescription and after review of the patient's record, a pharmacist shall communicate matters which will enhance therapy through drugs with the patient or a person caring for him. The communication must include appropriate elements of counseling for the patient, as established in regulations adopted by the Board. The communication must be in person if practicable, or by telephone or in writing if the patient or the person caring for him is not present at the pharmacy.
2. Additional information may be used to supplement counseling when appropriate, including leaflets, pictogram labels, video programs and other such information.
3. Counseling is not required for inpatients of a hospital or a licensed health care facility where administration of drugs is provided.
(Added to NRS by 1993, 2154)

NRS 639.267 Return of unused drugs packaged in unit doses.
1. As used in this section, "unit dose" means that quantity of a drug which is packaged as a single dose.
2. A pharmacist who provides a regimen of drugs in unit doses to a patient in a facility for skilled nursing or facility for intermediate care as defined in chapter 449 of NRS may credit the person or agency which paid for the drug for any unused doses. The pharmacist may return the drugs to the dispensing pharmacy, which may reissue the drugs to fill other prescriptions in accordance with the provisions of NRS 449.2485.
3. Except schedule II drugs specified in or pursuant to chapter 453 of NRS and except as otherwise provided in NRS 433.801, 449.2485 and 639.2675, unit doses packaged in ampules or vials which do not require refrigeration may be returned to the pharmacy which dispensed them. The Board shall, by regulation, authorize the return of any other type or brand of drug which is packaged in unit doses if the Food and Drug Administration has approved the packaging for that purpose.
(Added to NRS by 1979, 981; A 1981, 840; 1985, 1769; 2003, 1374)

NRS 639.2675 Return of unused drugs dispensed by pharmacy to offender in correctional institution.
1. A prescription drug that is dispensed by a pharmacy to an offender incarcerated in a correctional institution, but will not be used by that offender, may be returned to that dispensing pharmacy for the purpose of reissuing the drug to fill other prescriptions for offenders incarcerated in that correctional institution if:
(a) The drug is not a schedule II drug specified in or pursuant to chapter 453 of NRS;
(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle that is sealed by the manufacturer of the drug;
(c) The drug is returned unopened and sealed in the original manufacturer's packaging or bottle;
(d) The usefulness of the drug has not expired;
(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and
(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the return of the drug.
2. A pharmacy to which a drug is returned pursuant to this section may reissue the drug to fill other prescriptions for offenders incarcerated in the same correctional institution if the registered pharmacist of the pharmacy determines that the drug is suitable for that purpose in accordance with standards adopted by the Board pursuant to subsection 5.
3. No drug that is returned to a dispensing pharmacy pursuant to this section may be used to fill other prescriptions more than one time.
4. The director of a correctional institution shall adopt written procedures for returning drugs to a dispensing pharmacy pursuant to this section. The procedures must:
(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted during

their return.

(b) Require the maintenance and retention of such records relating to the return of such drugs as are required by the Board.

(c) Be approved by the Board.

5. The Board shall adopt such regulations as are necessary to carry out the provisions of this section including, without limitation, requirements for:

(a) Returning and reissuing such drugs pursuant to the provisions of this section.

(b) Maintaining records relating to the return and the use of such drugs to fill other prescriptions.

6. As used in this section, "correctional institution" means an institution or facility operated by the Department of Corrections.

(Added to NRS by 2003, 1373)

NRS 639.268 Purchase of controlled substances, poisons, dangerous drugs and devices by practitioner; sale of controlled substances or dangerous drugs to persons or agencies which provide emergency care; records; regulations.

1. A practitioner may purchase supplies of controlled substances, poisons, dangerous drugs and devices from a pharmacy by:

(a) Making an oral order to the pharmacy or transmitting an oral order through his agent, except an order for a controlled substance in schedule II; or

(b) If the order is for a controlled substance, presenting to the pharmacy a written order signed by him which contains his registration number issued by the Drug Enforcement Administration.

2. A hospital pharmacy or a pharmacy designated for this purpose by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the State Health Officer or his designated medical director of emergency medical services, may sell to a person or agency described in subsection 3 supplies of controlled substances to stock the ambulances or other authorized vehicles of such a person or agency or replenish the stock if:

(a) The person or agency is registered with the Drug Enforcement Administration pursuant to 21 C.F.R. Part 1301;

(b) The person in charge of the controlled substances is:

(1) An advanced emergency medical technician appropriately certified by the health authority;

(2) A registered nurse licensed by the State Board of Nursing; or

(3) A person who holds equivalent certification or licensure issued by another state; and

(c) Except as otherwise provided in this paragraph, the purchase order is countersigned by a physician or initiated by an oral order and may be made by the person or agency or transmitted by an agent of such a person or agency. An order for a controlled substance listed in schedule II must be made pursuant to NRS 453.251.

3. A pharmacy, institutional pharmacy or other person licensed by the Board to furnish controlled substances and dangerous drugs may sell to:

(a) The holder of a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210;

(b) The holder of a permit issued by another state which is substantially similar to a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210; and

(c) An agency of the Federal Government that provides emergency care or transportation and is registered with the Drug Enforcement Administration pursuant to 21 C.F.R. Part 1301.

4. A pharmacy, institutional pharmacy or other person licensed by the Board to furnish dangerous drugs who sells supplies pursuant to this section shall maintain a record of each sale which must contain:

(a) The date of sale;

(b) The name, address and signature of the purchaser or the person receiving the delivery;

(c) The name of the dispensing pharmacist;

(d) The name and address of the authorizing practitioner; and

(e) The name, strength and quantity of each drug sold.

5. A pharmacy, institutional pharmacy or other person licensed by the Board to furnish dangerous drugs who supplies the initial stock for an ambulance or other emergency vehicle shall comply with any applicable regulations adopted by the State Board of Health, or a district board of health, pursuant to NRS 450B.120.

6. The Board shall adopt regulations regarding the records a pharmacist shall keep of any purchase made pursuant to this section.

(Added to NRS by 1995, 287; A 2005, 2478)

NRS 639.270 Sales by grocers and dealers. Any drug, medicine, remedy, poison or chemical, the sale of

which is not otherwise restricted as provided by this chapter, and any patent or proprietary medicine, may be sold by grocers and dealers generally without restriction when prepared and sold in original and unbroken packages and, if poisonous, labeled with the official poison labels and sold in accordance with the requirements of the Federal Food, Drug and Cosmetic Act.

[Part 18:286:1913; A 1925, 236; 1947, 667; 1949, 554; 1951, 290; 1953, 588]—(NRS A 1967, 1650)

NRS 639.275 Computer or other electronic device provided to practitioner by pharmacy or insurer. A pharmacy or insurer may provide to a practitioner a computer or any other electronic device, including, without limitation, any software or equipment required for the computer or device if the computer or other electronic device is capable of transmitting data to any pharmacy in this state.

(Added to NRS by 2001, 834)

NRS 639.2801 Requirements for labeling containers for prescribed drugs. Unless specified to the contrary in writing on the prescription by the prescribing practitioner, all prescriptions filled by any practitioner must be dispensed in a container to which is affixed a label or other device which clearly shows:

1. The date.
2. The name, address and prescription serial number of the practitioner who filled the prescription.
3. The names of the prescribing practitioner and of the person for whom prescribed.
4. The number of dosage units.
5. Specific directions for use given by the prescribing practitioner.
6. The expiration date of the effectiveness of the drug or medicine dispensed, if that information is included on the original label of the manufacturer of that drug or medicine. If the expiration date specified by the manufacturer is not less than 1 year after the date of dispensing, the practitioner may use a date that is 1 year after the date of dispensing as the expiration date.
7. The proprietary or generic name of the drug or medicine as written by the prescribing practitioner.
8. The strength of the drug or medicine.

Ê The label must contain the warning:

Caution: Do not use with alcohol or nonprescribed drugs without consulting the prescribing practitioner.

(Added to NRS by 1973, 265; A 1975, 224; 1979, 1695; 1989, 1122; 1991, 1953; 2003, 452; 2005, 1619)

NRS 639.2802 Availability of information concerning prices of prescriptions. Prescription price information must be made available, upon request, by a pharmacist or practitioner who dispenses drugs.

(Added to NRS by 1973, 265; A 1989, 1123)

NRS 639.28025 Notice of availability of list of prices for drugs and professional services to be posted. Every practitioner who dispenses drugs shall post on the premises in a place conspicuous to customers and easily accessible and readable by customers a notice, provided by the Board, advising customers that a price list of drugs and professional services is available to them upon request.

(Added to NRS by 1979, 355; A 1989, 1123)

NRS 639.2803 Dispensing specific drugs when choice of drugs available. No person who owns a pharmacy licensed under this chapter may require a pharmacist in his employment to dispense a specific drug when a choice of drugs is available.

(Added to NRS by 1977, 632)

NRS 639.2804 Filling prescriptions for amygdalin and procaine hydrochloride.

1. A prescription for the substance having the trade name “laetrile” shall be considered as an order for the substance by its generic name, amygdalin. The prescription may be filled with “laetrile” or its generic equivalent.
2. A prescription for the substance having the trade name “Gerovital H3” shall be considered as an order for procaine hydrochloride with preservatives and stabilizers, and the order may be filled using similar products manufactured under other trade names.

(Added to NRS by 1977, 1647)

NRS 639.2805 Substances licensed for manufacture in Nevada: Filling prescriptions; labeling of containers.

1. A pharmacist or practitioner is not subject to any penalty for filling a prescription for a substance licensed for

manufacture in this state if the prescription is issued to a patient by his practitioner.

2. If a substance licensed for manufacture in this state has not been approved as a drug by the Food and Drug Administration, the label or other device affixed to its container must so state and the label must further state that the State of Nevada has not approved the substance.

(Added to NRS by 1977, 1647; A 1983, 151; 1989, 1123; 1991, 793)

NRS 639.2806 Parenteral solutions: Limitation on sale and dispensing. A parenteral solution which is used by a patient in his home or in a facility for the dependent or a medical facility, other than a hospital as defined in NRS 449.012, may only be sold or dispensed:

1. By a pharmacy licensed in this state or a practitioner;
2. If the date of expiration is on its label; and
3. If a practitioner, registered pharmacist and a registered nurse are available at all times for immediate assistance to the patient in case of any pharmaceutical problems encountered in its use.

(Added to NRS by 1985, 867; A 1995, 295)

NRS 639.2807 Parenteral solutions: Compounding; regulation by Board.

1. Any parenteral for use in a home or a facility for the dependent or a medical facility, other than a hospital as defined in NRS 449.012, must be compounded, packaged and labeled:

(a) By a registered pharmacist in a pharmacy or a practitioner licensed in this state. The practitioner shall ensure that the parenterals are delivered to the patient and are not available for use after the date of expiration.

(b) Pursuant to regulations adopted by the Board.

2. To maintain the stability of parenteral solutions, to prevent their contamination and that of the personnel of the practitioner and to ensure the quality and continuity of care for patients, the Board shall adopt regulations, to include:

(a) The procedures for the compounding, packaging, replacement and disposal of parenteral solutions;

(b) The conditions under which those solutions must be prepared, stored and delivered;

(c) The equipment required for the preparation, sterilization and storage of those solutions and the maintenance and cleaning of that equipment;

(d) The procedures for the proper disposal of any material used in the preparation of those solutions;

(e) The procedures for maintaining records and clinical monitoring of patients;

(f) The education and training of persons employed by practitioners; and

(g) The requirements for the education of patients relating to the use of parenterals.

(Added to NRS by 1985, 867; A 1989, 1123; 1995, 295)

UNLAWFUL ACTS AND PENALTIES

NRS 639.281 False representations.

1. Any person who secures or attempts to secure registration for himself or any other person by making, or causing to be made, any false representation or who fraudulently represents himself to be a registered pharmacist or practitioner is guilty of a misdemeanor.

2. Any certificate issued by the Board on information later found to be false or fraudulent must be automatically cancelled by the Board.

(Added to NRS by 1967, 1664; A 1989, 1124)

NRS 639.2813 False representation as practitioner or agent; unauthorized transmission of order for prescription by agent.

1. Except as provided in NRS 453.331 and 454.311, it is unlawful for any person falsely to represent himself as a practitioner entitled to write prescriptions in this state, or the agent of such a person, for the purpose of transmitting to a pharmacist an order for a prescription.

2. It is unlawful for the agent of a practitioner entitled to write prescriptions in this state willfully to transmit to a pharmacist an order for a prescription if the agent is not authorized by the practitioner to transmit such order.

(Added to NRS by 1979, 342; A 1979, 1697; 1981, 1968)

NRS 639.2815 Fraudulent or excessive charge or claim under program of public assistance; penalty. A pharmacist or practitioner who knowingly submits to the State or any of its political subdivisions or any agent thereof, a charge or claim for drugs or medical supplies furnished to or for a person receiving medical care under any program of public assistance, which is false or which is in excess of any amount established by law or regulations adopted by the Department of Health and Human Services or by the governing body of any political subdivision, as

the price or fee for the furnishing of those drugs or medical supplies, is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(Added to NRS by 1973, 783, 1406; A 1979, 1490; 1989, 1124; 1995, 1312)

NRS 639.282 Unlawful possession or sale of certain pharmaceutical preparations, drugs or chemicals; destruction.

1. Except as otherwise provided in NRS 433.801, 449.2485, 639.267 and 639.2675, it is unlawful for any person to have in his possession, or under his control, for the purpose of resale, or to sell or offer to sell or dispense or give away, any pharmaceutical preparation, drug or chemical which:

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

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

(c) Has been obtained through bankruptcy or foreclosure proceedings, or other court action, auction or other legal or administrative proceedings, except when the pharmaceutical preparation, drug or chemical is in the original sealed container;

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

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

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

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

4. As used in this section, “health care board” includes the State Board of Pharmacy, the State Board of Nursing, the Board of Medical Examiners and the Nevada State Board of Veterinary Medical Examiners.

(Added to NRS by 1967, 1664; A 1979, 982; 1989, 1124, 1450; 2003, 1374)

NRS 639.2825 Unlawful to dispense or fit contact lens; exception.

1. Except as otherwise provided in subsection 2, it is unlawful for the holder of a certificate of registration as a pharmacist, a certificate of registration as an intern pharmacist, a license or a permit granted pursuant to this chapter to sell, furnish or fit a contact lens.

2. A registered pharmacist may, pursuant to a prescription, sell or furnish a prepackaged contact lens that does not require any adjustment, modification or fitting, if:

(a) The prescription includes an expiration date and sets forth the number of refills that the person for whom the contact lens is prescribed may receive; and

(b) The contact lens is not sold or furnished with the intent that the initial use of the contact lens will occur after the expiration date of the prescription.

3. As used in this section, “contact lens” includes, without limitation, any cosmetic or therapeutic contact lens or any contact lens that is used to improve visual acuity.

(Added to NRS by 1985, 876; A 1997, 1259; 1999, 245)

NRS 639.283 Use of intoxicating liquor, depressant drug or controlled substance while on duty prohibited; penalty. Any person who sells, dispenses or compounds any prescription, or sells any drug or poison while under the influence of intoxicating liquor or any depressant drug or controlled substance, unless taken pursuant to a lawfully issued prescription, is guilty of a misdemeanor.

(Added to NRS by 1967, 1664; A 1971, 2043; 1973, 783; 1985, 886; 1989, 1125; 1995, 1714)

NRS 639.284 Unlawful dispensing and sales. Any person who:

1. Being the licensed proprietor of a pharmacy, fails to place a registered pharmacist in charge of such pharmacy, or permits the compounding or dispensing of drugs or prescriptions, or the selling of drugs, poisons or devices, the sale of which is restricted by the provisions of this chapter, by any person other than a registered pharmacist or an

intern pharmacist, is guilty of a misdemeanor.

2. Is not a registered pharmacist and who takes charge of or acts as manager of any pharmacy, compounds or dispenses any prescription, or sells any drug, poison or device, the sale of which is restricted by the provisions of this chapter, is guilty of a misdemeanor.

(Added to NRS by 1967, 1664; A 1975, 204)

NRS 639.2845 Selling or dispensing of procaine hydrochloride.

1. A pharmacist or practitioner is not subject to any penalty for dispensing or selling without a prescription oral doses of procaine hydrochloride with preservatives and stabilizers (Gerovital H3) manufactured in this state.

2. A pharmacist or practitioner who dispenses or sells procaine hydrochloride with preservatives and stabilizers (Gerovital H3) pursuant to this section without a prescription shall maintain a register of persons to whom it was dispensed or sold. The register must contain:

(a) The name and address of the person to whom it was sold or dispensed;

(b) The amount sold or dispensed and the date;

(c) The signature of the person to whom it was sold or dispensed; and

(d) The signature of the dispenser, who must be a registered pharmacist or a registered intern pharmacist acting under the direct and immediate supervision of a registered pharmacist or practitioner.

(Added to NRS by 1983, 337; A 1989, 1125)

NRS 639.285 Unlawful sales by unlicensed persons. Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to prescription only or by a registered pharmacist or under his direct and immediate supervision, is guilty of a misdemeanor.

(Added to NRS by 1967, 1665)

NRS 639.286 Violation of Board's regulations. Regulations officially adopted by the Board under the powers granted by NRS 454.110 and 639.073 as those regulations apply to the restricted sale of drugs and the sale or labeling of poisons apply to all persons alike. Violation of those regulations is a misdemeanor.

(Added to NRS by 1967, 1665; A 1971, 686; 1979, 1695; 1981, 750; 1985, 370)

NRS 639.287 Failure to furnish information concerning employees; false information; penalty.

1. When called upon by a member, inspector or investigator of the Board, the owner or manager of any premises on which drugs, medicines or poisons are sold at retail or a wholesaler or manufacturer of drugs shall furnish the member, inspector or investigator with the name of each owner, manager, partner, officer of the corporation and employee, together with a statement of the capacity in which each of those persons is employed or the extent to which each is engaged in the operation of the licensed establishment.

2. Any person who refuses to furnish that information or willfully furnishes false information is guilty of a misdemeanor.

(Added to NRS by 1967, 1665; A 1989, 1125)

NRS 639.288 Unlawful sales by wholesalers and manufacturers. It is unlawful for any wholesaler or manufacturer to furnish, sell, offer for sale, or deliver any drugs, poisons, chemicals or devices, other than those referred to in NRS 639.270, to any person not authorized by the laws of this state to handle, sell, possess or deal in such drugs, poisons, chemicals or devices.

(Added to NRS by 1967, 1665)

NRS 639.300 Recovery of penalties; conduct of actions and prosecutions by district attorney.

1. The several penalties prescribed in this chapter may be recovered in any court having jurisdictions, by a civil action instituted by the Board, in the name of the State of Nevada, or by criminal prosecution upon complaint being made.

2. The district attorney of the county wherein violations of the provisions of this chapter occur shall conduct all such actions and prosecutions at the request of the Board.

[21:286:1913; 1919 RL p. 3153; NCL § 5100]

NRS 639.310 Penalty. Unless a greater penalty is specified, any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

[15:286:1913; A 1951, 290]—(NRS A 1965, 544; 1967, 642, 1650; 1987, 1313)

WHOLESALERS AND WHOLESALE DISTRIBUTION

Additional Licensing Requirements

NRS 639.500 Submission of fingerprints and information concerning certain persons associated with wholesaler; issuance of provisional license; prohibitions.

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with his application a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

(a) Natural person, that person must submit his fingerprints.

(b) Partnership, each partner must submit his fingerprints.

(c) Corporation, each officer and director of the corporation must submit his fingerprints.

(d) Sole proprietorship, that sole proprietor must submit his fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with his application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of his fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit his fingerprints pursuant to subsection 2 to act in any capacity in which he exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of his fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that he has been convicted of, or entered a plea of guilty or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

(Added to NRS by 2005, 1608)

NRS 639.505 Submission of updated information concerning certain persons associated with wholesaler; submission of additional fingerprints; prohibitions.

1. On an annual basis, each licensed wholesaler shall submit to the Board an updated list of each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the wholesaler who is employed by or otherwise contracts with the wholesaler for the provision of services in connection with the operation of the licensee as a wholesaler. Any changes to the list must be submitted to the Board not later than 30 days after the change is made.

2. If a person identified on an updated list of the wholesaler is employed by or otherwise contracts with the wholesaler after the wholesaler is issued a license and that person did not submit his fingerprints pursuant to NRS 639.500, the Board may require that person to submit a complete set of his fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the licensee as a wholesaler. The fingerprints must be submitted within 30 days after being requested to do so by the Board and must include written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of a wholesaler who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. A wholesaler shall not allow a person who is required to submit his fingerprints pursuant to subsection 2 to act in any capacity in which he exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of his fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that he has been convicted of, or entered a plea of guilty or nolo contendere to, a felony or offense involving moral turpitude or related to qualifications, functions or duties of that person in connection with the operation of the wholesaler.

(Added to NRS by 2005, 1609)

NRS 639.510 Protection of certain information obtained by Board. The Board shall implement and maintain reasonable security measures to protect the information obtained by the Board pursuant to NRS 639.500 and all other information related to an application for a license to engage in wholesale distribution to protect the information from unauthorized access, acquisition, destruction, use, modification or disclosure. The provisions of this section do not prohibit the Board from disclosing and providing such information to other state and federal agencies involved in the regulation of prescription drugs to the extent deemed necessary by the Board.

(Added to NRS by 2005, 1609)

NRS 639.515 Bond or other form of security required; exceptions.

1. Except as otherwise provided in this subsection, before the Board issues a license to engage in the wholesale distribution of prescription drugs, the applicant shall file with the Board a bond in an amount not less than $25,000 and not more than $100,000, as determined by the Board, executed by the applicant as principal, and by a corporation qualified under the laws of this State as surety, payable to this State and conditioned upon the compliance with the requirements of this chapter applicable to wholesalers. An applicant that is a publicly traded corporation is not required to file a bond or other security pursuant to this section.

2. In lieu of the bond required pursuant to subsection 1, an applicant may deposit with the Board a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is not available for withdrawal except upon order of the Board.

3. The Board may, by agreement with a wholesaler who has been licensed with the Board for 5 consecutive years or more, allow a reduction in the amount of the bond or other security as provided in subsections 1 and 2, if the wholesaler has conducted business in accordance with the applicable provisions of this chapter for the immediately preceding 5 years, but no bond may be in an amount less than $5,000. The Board may at any time thereafter require the licensee to increase the amount of the bond or other security if evidence is presented to the Board supporting this requirement.

4. The purpose of the bond and other security required by this section is to secure payment of any fines imposed by the Board pursuant to NRS 639.255 and any costs incurred by the Board regarding the license of a wholesaler that are imposed pursuant to NRS 622.400 or 622.410 which the licensee fails to pay within 30 days after the fines or costs become due and payable. The Board may make a claim against a bond or other security pursuant to this subsection until 1 year after the license ceases to be valid or until 60 days after any administrative proceeding against the licensee conducted pursuant to NRS 639.241 to 639.2576, inclusive, is concluded.

5. Except as otherwise provided in this subsection, before renewing a license to engage in wholesale distribution, the Board shall require the licensee to file with the Board satisfactory evidence that his surety bond or other security is in full force. A licensee that is a publicly traded corporation is not required to maintain a bond or other security.

6. Failure of an applicant or licensee to file or maintain in full force the required bond or other security constitutes cause for the Board to deny, revoke, suspend or refuse to renew a license to engage in wholesale distribution.

7. All money received by the Board pursuant to this section must be deposited in accordance with NRS 639.081.

(Added to NRS by 2005, 1610)

Statement of Prior Sales

NRS 639.535 "Statement of prior sales" or "statement" defined. As used in NRS 639.535 to 639.555, inclusive, unless the context otherwise requires, "statement of prior sales" or "statement":

1. Means a statement of prior sales that must be used in a transaction involving the purchase or sale of a prescription drug by a wholesaler, if required; and

2. Is synonymous with the term "Statement Identifying Prior Sales of Prescription Drugs by Wholesalers

Required by the Prescription Drug Marketing Act."
(Added to NRS by 2005, 1611)

NRS 639.540 Duties of Board; requirements concerning use, form and contents of statement.
1. The Board shall ensure the safe and efficient operation of wholesalers and the integrity and propriety of transactions involving the purchase and sale of prescription drugs by wholesalers, including, without limitation, ensuring:
(a) The circumstances and conditions under which a wholesaler must prepare, deliver, acquire and maintain a statement of prior sales regarding a transaction involving the purchase or sale of a prescription drug;
(b) The form and contents of a statement of prior sales; and
(c) The process and procedures for verifying and certifying that the information contained in a statement of prior sales is complete and accurate.
2. In ensuring the circumstances and conditions under which a wholesaler must prepare, deliver, acquire and maintain a statement of prior sales regarding a transaction involving the purchase or sale of a prescription drug, the Board shall consider:
(a) The need for verification to ensure that the transaction is a bona fide transaction pursuant to NRS 639.595; and
(b) The level of risk the transaction poses to public health and safety, including, without limitation, the potential that the transaction may involve the sale or purchase of a prescription drug that is:
(1) Counterfeit;
(2) Deemed to be adulterated or misbranded in accordance with the provisions of chapter 585 of NRS;
(3) Mislabeled;
(4) Damaged or compromised by improper handling, storage or temperature control;
(5) From a foreign or unlawful source; or
(6) Manufactured, packaged, labeled or shipped in violation of any state or federal law relating to prescription drugs.
3. If a statement of prior sales is required for a transaction involving the purchase or sale of a prescription drug by a wholesaler, the statement:
(a) Must include the signature of the wholesaler or his designated representative certifying that the information contained in the statement is complete and accurate; and
(b) Except as otherwise provided in subsection 4, must be:
(1) In written or electronic form, if the transaction occurs before January 1, 2007; and
(2) In electronic form, if the transaction occurs on or after January 1, 2007.
4. The Board may extend the date for compliance with the requirement that the statement of prior sales must be in electronic form if the Board determines that the technology to provide such a statement in electronic form is not reasonably available or that the licensed wholesalers in this State otherwise require additional time to carry out the requirements of an electronic form. If the Board extends the deadline pursuant to this subsection, the Board shall ensure that all licensed wholesalers in this State are provided adequate notice of the extension.
(Added to NRS by 2005, 1611)

NRS 639.545 Prohibited transactions. If a statement of prior sales indicates that more than three prior sales of a prescription drug have occurred, including, without limitation, a sale involving an authorized distributor of record, a person who is licensed to engage in wholesale distribution pursuant to this chapter shall not sell that prescription drug to another wholesaler.
(Added to NRS by 2005, 1612)

NRS 639.550 Unlawful acts. A person who is licensed to engage in wholesale distribution pursuant to this chapter is guilty of a category C felony and shall be punished as provided in NRS 193.130 if, with the intent to defraud or deceive, he:
1. Fails to deliver to another person a complete and accurate statement of prior sales for a prescription drug, if such a statement is required, before selling or otherwise transferring the drug to that person.
2. Fails to acquire a complete and accurate statement of prior sales for a prescription drug, if such a statement is required, before obtaining the drug from another person.
3. Falsely swears or certifies that the information in a statement of prior sales is accurate and complete.
(Added to NRS by 2005, 1612)

NRS 639.555 Additional unlawful acts. A person who is licensed to engage in wholesale distribution pursuant to this chapter is guilty of a category C felony and shall be punished as provided in NRS 193.130 if he knowingly:

1. Destroys, alters, conceals or fails to maintain a complete and accurate statement of prior sales for each prescription drug in his possession for wholesale distribution if such a statement is required.
2. Fails to authenticate information contained in a statement of prior sales for a prescription drug, if such a statement is required, and distributes or attempts to distribute that prescription drug.
3. Forges, counterfeits or falsely creates a statement of prior sales.
4. Makes a false representation or assertion of any factual matter contained in a statement of prior sales.
5. Fails to record material information required to be recorded in a statement of prior sales.
(Added to NRS by 2005, 1612)

Business Practices

NRS 639.575 Information regarding other wholesalers. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall maintain the following information, updated annually, concerning each wholesaler from whom the licensee purchases a prescription drug or to whom the licensee sells a prescription drug:
1. A list that identifies each state in which the wholesaler is domiciled and each state into which the wholesaler ships prescription drugs.
2. Copies of each state and federal regulatory license and registration held by the wholesaler, including, without limitation, the numbers accompanying each license and registration.
3. Copies of formation documents, business licenses and other documents related to the company of the wholesaler and its operations.
4. Copies of the wholesaler's most recent site inspection report by state or federal agencies.
5. If the licensee receives a prescription drug from the wholesaler, a copy of the wholesaler's product liability insurance policy that includes the licensee as an additional insured for at least $1,000,000.
6. A list that includes the name and address of:
(a) If the wholesaler is a partnership, limited-liability partnership or limited-liability corporation, the partners or shareholders, as applicable.
(b) If the wholesaler is a private corporation, the officers, directors and shareholders.
(c) If the wholesaler is a public corporation, the officers and directors.
7. Evidence of due diligence in accordance with NRS 639.580.
8. A copy of the wholesaler's policy or procedure for internal operations, including, without limitation, the procedures related to handling counterfeit, misbranded or adulterated prescription drugs.
9. A listing of all manufacturers with whom the wholesaler claims status as an authorized distributor of record and the applicable account numbers.
(Added to NRS by 2005, 1613)

NRS 639.580 Evidence regarding due diligence; prohibited business relationships.
1. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall maintain the following evidence regarding due diligence concerning each wholesaler with whom the licensee does business in accordance with any applicable requirements of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.:
(a) A copy of the driver's license of:
(1) If the wholesaler is a sole proprietor, the owner.
(2) If the wholesaler is a partnership, limited-liability partnership or limited-liability corporation, each partner or shareholder, as applicable.
(3) If the wholesaler is a private corporation, each officer and director.
(b) Proof that the licensee has checked to determine if civil or criminal litigation or both exists against the company, its owners, partners, officers or directors and whether any disciplinary action has been taken or is pending against the company, its owners, partners, officers or directors by a state or federal agency.
2. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall not maintain a business relationship with any company if any of the owners, partners, officers or directors have been convicted of a felony related to the wholesale distribution of prescription drugs.
(Added to NRS by 2005, 1613)

NRS 639.585 On-site inspections; agreements with other wholesalers.
1. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall, within 30 days after beginning a business relationship with another wholesaler, conduct an on-site inspection of each facility of the wholesaler to verify that the wholesaler complies with federal requirements for the storage of prescription drugs and the operation of the facilities where prescription drugs are stored.

2. After the date of the inspection pursuant to subsection 1, the licensee shall conduct an on-site inspection biannually.

3. Each on-site inspection conducted pursuant to this section must include:

(a) An assessment of the authority, training and experience of persons who are responsible for receiving, inspecting, storing, handling and shipping prescription drugs at the facility;

(b) An assessment of the operational conditions of each facility of the wholesaler, including, without limitation, security, climate control and cleanliness;

(c) An assessment of compliance with:

(1) The Federal Prescription Drug Marketing Act;

(2) Appropriate recordkeeping measures;

(3) The Drug Enforcement Administration recordkeeping requirements if the wholesaler maintains a federal controlled substance registration; and

(4) Temperature monitoring and documentation requirements; and

(d) An assessment of the procedures of the wholesaler for detecting adulterated, misbranded or counterfeit prescription drugs.

4. For each inspection pursuant to this section, the licensee shall obtain and maintain the signature of the appropriate representative of the wholesaler verifying the accuracy of the inspection.

5. Each licensee shall enter into an agreement with each wholesaler with whom the licensee enters into a business relationship providing that the wholesaler will comply with all applicable federal and state laws and regulations relating to the purchase and sale of prescription drugs and requiring the wholesaler to notify the licensee of any material change regarding the integrity or legal status of prescription drugs received by the licensee or any other material change regarding the legal status of the wholesaler.

(Added to NRS by 2005, 1614)

NRS 639.590 Certification regarding other wholesalers. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall certify a claim by another wholesaler that the wholesaler is an authorized distributor of record from whom the licensee purchases a prescription drug. Such certification includes a statement signed by a representative of the wholesaler certifying the claim that the wholesaler is an authorized distributor of record for a specified manufacturer and:

1. A copy of the written agreement currently in effect with the manufacturer;

2. A copy of a letter from the manufacturer endorsing the wholesaler as an authorized distributor of record;

3. Copies of applicable invoices from the manufacturer demonstrating the purchase by the wholesaler of at least 1,000 sales units of prescription drugs from the manufacturer within the 12 months immediately preceding the current month;

4. Copies of applicable invoices from the manufacturer from each of the previous 12 months;

5. Copies of applicable invoices from the manufacturer specific to the given transaction; or

6. Verification from the manufacturer's website that the wholesaler is an authorized distributor of record.

(Added to NRS by 2005, 1614)

NRS 639.595 Transactions involving prescription drugs.

1. A wholesaler may sell a prescription drug only if the sale is a bona fide transaction.

2. A wholesaler may purchase a prescription drug only from:

(a) A manufacturer;

(b) A pharmacy or practitioner if that pharmacy or practitioner maintains a valid license in the State in which the pharmacy or practitioner is domiciled; or

(c) Another wholesaler if:

(1) The wholesaler who sells the drug is licensed by the Board; and

(2) The sale is a bona fide transaction.

3. A wholesaler may receive a prescription drug from a pharmacy or practitioner only if the wholesaler does not pay the pharmacy or practitioner an amount, either in cash or credit, that is more than the price for which the wholesaler sells such prescription drugs to other pharmacies or practitioners at the time of return and:

(a) The prescription drug was originally shipped to the pharmacy or practitioner by the wholesaler; or

(b) The prescription drug could not be returned by the pharmacy or practitioner to the original wholesaler.

Ê If a wholesaler receives a prescription drug pursuant to this subsection and the wholesaler subsequently sells the prescription drug to another wholesaler, the prescription drug must be accompanied by a statement of prior sales as defined in NRS 639.535.

4. The Board shall not limit the quantity of prescription drugs a wholesaler may purchase, sell, distribute or

otherwise provide to another wholesaler, distributor or manufacturer.

5. For the purposes of this section:

(a) A purchase shall be deemed a bona fide transaction if:

(1) The wholesaler purchased the drug:

(I) Directly from the manufacturer of the drug; or

(II) With a reasonable belief that the drug was originally purchased directly from the manufacturer of the drug;

(2) The circumstances of the purchase reasonably indicate that the drug was not purchased from a source prohibited by law;

(3) Unless the drug is purchased by the wholesaler from the manufacturer, before the wholesaler sells the drug to another wholesaler, the wholesaler who sells the drug conducts a reasonable visual examination of the drug to ensure that the drug is not:

(I) Counterfeit;

(II) Deemed to be adulterated or misbranded in accordance with the provisions of chapter 585 of NRS;

(III) Mislabeled;

(IV) Damaged or compromised by improper handling, storage or temperature control;

(V) From a foreign or unlawful source; or

(VI) Manufactured, packaged, labeled or shipped in violation of any state or federal law relating to prescription drugs;

(4) The drug is shipped directly from the wholesaler who sells the drug to the wholesaler who purchases the drug; and

(5) The documents of the shipping company concerning the shipping of the drug are attached to the invoice for the drug and are maintained in the records of the wholesaler.

(b) A sale shall be deemed a bona fide transaction if the wholesaler sells the prescription drug only to:

(1) A pharmacy or practitioner if that pharmacy or practitioner maintains a valid license in the state in which the pharmacy or practitioner is domiciled.

(2) Another wholesaler who maintains a valid license in the state in which he is domiciled if the wholesaler who sells the prescription drug has complied with NRS 639.575, 639.580 and 639.585.

(c) The purchase or sale of a prescription drug includes, without limitation, the distribution, transfer, trading, bartering or any other provision of a prescription drug to another person by a wholesaler. A transfer of a prescription drug from a wholesale facility of a wholesaler to another wholesale facility of the wholesaler shall not be deemed a purchase or sale of a prescription drug pursuant to this section if the wholesaler is a corporation whose securities are publicly traded and regulated by the Securities Exchange Act of 1934.

(Added to NRS by 2003, 2278; A 2005, 1618)—(Substituted in revision for NRS 639.2615)

CHAPTER 453 - CONTROLLED SUBSTANCES

GENERAL PROVISIONS
453.010 Definitions.
453.015 “Directions for use” interpreted.
453.020 “Facsimile machine” interpreted.
REGISTRATION
453.100 Exemption from registration.
453.110 Groups of activities involving controlled substances; separate registration required for each group; substances included.
453.120 Activities included in groups of activities involving controlled substances; separate registration not required.
453.130 Physical locations of activities.
453.140 Federally exempted officials engaged in private activities.
453.150 Waiver of registration: Drug enforcement officers and employees.
453.160 Waiver of registration: Civil defense and disaster relief organizations.
453.190 Payment of fees for registration.
453.210 Period for application; restriction on activities for which registration is required; expiration and renewal of registration.
453.220 Application forms for registration and reregistration.
453.230 Filing of application for registration.
453.240 Acceptance of application for registration.
453.250 Submission of documents with application for registration.
453.260 Amendment or withdrawal of application for registration.
453.270 Issuance and content of certificate of registration; display by registrant; issuance of duplicate certificate of registration.
453.280 Modification of registration.
453.290 Suspension or revocation of registration.
453.300 Inspections of premises.
CONTROL
453.400 Security of controlled substances.
453.410 Dispensing of controlled substances by practitioner.
453.420 Dispensing of schedule II controlled substance in emergency.
453.430 Restrictions on issuance of prescriptions; continuation of dependency on narcotic drug; transmission of prescription by facsimile machine.
453.440 Prescriptions: Form and contents; additions and changes.
453.450 Prescriptions for schedule II controlled substances.
453.460 Partial filling of prescription.
453.470 Information to be affixed to package for prescription.
453.475 Initial and biennial inventory of controlled substances by new managing pharmacist.
453.480 Maintenance of files of prescriptions.

453.485 Records to be maintained by pharmacist.
453.488 Lost or stolen order forms.
453.490 Dispensing of controlled substances which are not prescription drugs.
SCHEDULES OF CONTROLLED SUBSTANCES
453.510 Schedule I.
453.520 Schedule II.
453.530 Schedule III.
453.540 Schedule IV.
453.550 Schedule V.
PROGRAM TO RESEARCH THERAPEUTIC EFFECTS OF MARIJUANA
453.740 Protocols of research and treatment.

GENERAL PROVISIONS

NAC 453.010 Definitions. (NRS 453.221, 453.256, 639.070) As used in this chapter, unless the context otherwise requires:

1. "Board" means the State Board of Pharmacy.
2. "Emergency situation," within the meaning of subsection 2 of NRS 453.256 and these regulations, means a situation in which a prescribing practitioner determines that:

(a) Immediate administration of the controlled substance is necessary for the proper treatment of the patient;

(b) No appropriate alternative treatment is available, including administration of a drug which is not a controlled substance under schedule II of the Uniform Controlled Substances Act; and

(c) It is not reasonably possible for the prescribing practitioner to provide a written prescription to be presented to the person dispensing the substance before he dispenses it.

[Bd. of Pharmacy, § 453.010, eff. 6-26-80]

NAC 453.015 "Directions for use" interpreted. (NRS 453.221, 639.070) As the term is used in NRS 453.385, 639.2353 and 639.2801 and NAC 453.410, the Board interprets "directions for use" to require a prescription or label to specify the dosage, frequency and manner in which the prescribed controlled substance is to be taken or applied, unless the dosage, frequency and manner in which the prescribed controlled substance is to be taken or applied are specifically described on or in the manufacturer's individual packages or containers for the prescribed controlled substance. Use of the phrase "take as directed" or any phrase of similar import does not satisfy the requirements set forth in this section.

(Added to NAC by Bd. of Pharmacy, eff. 9-29-87)

NAC 453.020 "Facsimile machine" interpreted. (NRS 453.221, 453.256, 453.385, 639.070) As used in NRS 453.256 and 453.385, the Board will interpret the term "facsimile machine" to include, without limitation, a computer that has a facsimile modem through which documents can be sent and received.

(Added to NAC by Bd. of Pharmacy by R112-99, eff. 11-3-99)

REGISTRATION

NAC 453.100 Exemption from registration. (NRS 453.221, 453.226, 639.070) Any person

exempted from federal registration by federal laws or regulations is exempted from registration under this chapter. The burden of establishing entitlement to an exemption is upon the claimant.

[Bd. of Pharmacy, § 453.020, eff. 6-26-80]

NAC 453.110 Groups of activities involving controlled substances; separate registration required for each group; substances included. (NRS 453.221, 453.226, 639.070)

1. For the purpose of registration under this chapter, the following groups of activities are deemed to be independent of each other:

(a) Manufacturing any controlled substance;

(b) Distributing any controlled substance;

(c) Dispensing, prescribing, conducting research, except for the research described in paragraph (d), and conducting instructional activities with any controlled substance listed in schedules II through V, inclusive;

(d) Conducting research with any narcotic drug listed in schedules II to V, inclusive, for the purpose of continuing the dependence of a person on the drug in the course of conducting an authorized clinical investigation in the development of a program for rehabilitation of narcotic addicts pursuant to a Notice of Claimed Investigational Exemption for a New Drug approved by the Food and Drug Administration;

(e) Conducting research and instructional activities with any controlled substances listed in schedule I; and

(f) Conducting chemical analysis with a controlled substance listed in any schedule.

2. A person who engages in more than one group of independent activities must obtain a separate registration for each group of activities except as provided in NAC 453.120.

3. Except as provided in subsection 4, a single registration to engage in any group of independent activities may include one or more of the controlled substances listed in the schedules which are authorized for that group.

4. A person registered to conduct research with the controlled substances listed in schedule I may conduct research with any substance listed in schedule I for which he has filed and had approved a research protocol.

[Bd. of Pharmacy, § 453.030, eff. 6-26-80]

NAC 453.120 Activities included in groups of activities involving controlled substances; separate registration not required. (NRS 453.221, 453.226, 639.070) Any person who is registered to engage in any activity described in NAC 453.110 may engage in the following coincident activities without obtaining a registration to engage in the coincident activities if, unless specifically exempted, he complies with all the requirements and duties prescribed by law for persons registered to engage in the coincident activities:

1. A person registered to manufacture any controlled substance or basic class of controlled substances may distribute that substance or class but no substance or class which he is not registered to manufacture.

2. A person registered to manufacture a controlled substance listed in schedules II to V, inclusive, may conduct chemical analysis and preclinical research (including analysis for control of quality) with the controlled substances which he is authorized to manufacture.

3. A person registered to conduct research with a basic class of controlled substances listed in schedule I may:

(a) Manufacture the substances in the class, if and to the extent that the manufacture is described in his federal research protocol; and

(b) Distribute substances in the class to other persons registered to conduct research or

chemical analysis with the class.

4. A person registered to conduct chemical analysis with controlled substances may:

(a) Manufacture and import the substances for analytical or instructional purposes;

(b) Distribute the substances to other persons registered to conduct chemical analysis or instructional activities, to persons registered or authorized to conduct research with such substances and to persons exempted from registration;

(c) Export the substances to persons in other countries performing chemical analysis or enforcing laws relating to controlled substances or drugs in those countries; and

(d) Conduct instructional activities with controlled substances.

5. A person registered or authorized to conduct research, except for the research described in paragraph (d) of subsection 1 of NAC 453.110, with controlled substances listed in schedules II to V, inclusive, may:

(a) Conduct chemical analysis with the substances listed in those schedules for the purpose of research into the manufacture of the substances if and to the extent that the research into manufacture is set forth in a statement filed with the person's application for federal registration;

(b) Distribute the substances to other persons registered or authorized to conduct chemical analysis, instructional activities or research with the substances, and to persons exempted from registration; and

(c) Conduct instructional activities with the substances.

6. A person registered to prescribe, dispense, or except for the research described in paragraph (d) of subsection 1 of NAC 453.110, conduct research with the controlled substances listed in schedules II through V may also conduct instructional activities with those substances.

[Bd. of Pharmacy, § 453.030, eff. 6-26-80]

NAC 453.130 Physical locations of activities. (NRS 453.221**,** 453.226**,** 639.070**)** A separate registration is required for each principal place of business or professional practice at one general location where controlled substances are manufactured, distributed, used in research or scientific investigation, prescribed or dispensed. The following locations are not required to be registered:

1. A warehouse where controlled substances are stored by or on behalf of a registered person unless the substances are distributed directly:

(a) From the warehouse to registered locations other than the registered location from which the substances were delivered; or

(b) To persons who are exempt from registration by paragraph (b) of subsection 3 of NRS 453.226.

2. A sales office which:

(a) Is used by agents of a registrant for the solicitation and sale of controlled substances; and

(b) Does not contain controlled substances other than substances for display purposes or lawful distribution as samples only, and is not used as a distribution point for filling sales orders.

3. A practitioner's office:

(a) Which is used by a practitioner (who is registered at another location) to prescribe controlled substances but not to administer or otherwise dispense them as a regular part of his professional practice at that office; and

(b) Where no supplies of controlled substances are maintained.

[Bd. of Pharmacy, § 453.040, eff. 6-26-80]

NAC 453.140 Federally exempted officials engaged in private activities. (NRS 453.221**,** 453.226**,** 639.070**)** If any official exempted from federal registration by federal law also engages

as a private person in any activity or group of activities for which registration in this State is required, the official must obtain a registration pursuant to these regulations for the private activities.

[Bd. of Pharmacy, § 453.080, eff. 6-26-80]

NAC 453.150 Waiver of registration: Drug enforcement officers and employees. (NRS 453.221, 453.226, 639.070)

1. The requirement of registration is waived for:

(a) An officer or employee of:

(1) The United States Drug Enforcement Administration;

(2) The United States Bureau of Customs;

(3) The United States Food and Drug Administration; and

(4) Any other federal officer who is lawfully engaged in the enforcement of any federal law relating to controlled substances, drugs or customs and is authorized to possess controlled substances in the course of his official duties.

(b) An officer or employee of this State or any of its political subdivisions or agencies who is engaged in the enforcement of any state or local law relating to controlled substances and is authorized to possess controlled substances in the course of his official duties.

2. An official exempted by this regulation may:

(a) When acting in the course of his official duties, possess any controlled substance and distribute any such substance to any other official who is also exempted by this regulation and acting in the course of his official duties.

(b) Procure any controlled substance in the course of an inspection or in the course of any criminal investigation involving the person from whom the substance was procured.

3. A laboratory of a law enforcement agency which obtains and transfers controlled substances for use as standards in chemical analysis must annually obtain a registration to conduct chemical analysis. Such a laboratory is exempt from payment of a fee for the registration. Laboratory employees, when acting in the scope of their official duties, are deemed to be officials exempted by this regulation. For purposes of this subsection, laboratory activities do not include field or other preliminary chemical tests by officials exempted by this regulation.

[Bd. of Pharmacy, § 453.050, eff. 6-26-80]

NAC 453.160 Waiver of registration: Civil defense and disaster relief organizations. (NRS 453.221, 453.226, 639.070)

1. The requirement of registration is waived for any official of an organization for civil defense or disaster relief who, in the course of his official duties, is authorized to:

(a) Maintain, and distribute for maintenance, controlled substances for emergency use; or

(b) Procure controlled substances for the purpose of maintaining supplies for emergency use if the procurement is from the United States General Services Administration and in accordance with the rules of the United States Office of Emergency Preparedness.

2. The requirement of registration is waived for any official of an organization for civil defense or disaster relief during a state of emergency or disaster which is within his jurisdiction and has been so proclaimed by the President or by a concurrent resolution of Congress. In the course of his official duties during such an emergency or disaster, the official may:

(a) Dispense controlled substances; or

(b) Procure or distribute controlled substances if the procurement is on a special Civil Defense Emergency Order Form furnished by the United States Office of Emergency Preparedness.

3. A Civil Defense Emergency Order Form may be used and is valid only during a state of

emergency or disaster proclaimed by the President or by a concurrent resolution of Congress for the area in which the organization using the form has jurisdiction. The person who completes the form shall state the name of the organization for civil defense or disaster relief, his position and the nature and legal designation of the emergency or disaster. The form may be completed by any person registered under the Controlled Substances Act.

[Bd. of Pharmacy, § 453.060, eff. 6-26-80]

NAC 453.190 Payment of fees for registration. (NRS 453.221**,** 453.226**,** 639.070**)** The fee for registration or reregistration must be paid when the application for registration or reregistration is submitted for filing. The payment must be made by a personal, certified or cashier's check or a money order payable to the State Board of Pharmacy. Any attempted payment made in the form of stamps, foreign currency or an endorsed check of a third person will not be accepted. If the Board refuses to register an applicant, the payment will be refunded.

[Bd. of Pharmacy, § 453.100, eff. 6-26-80]

NAC 453.210 Period for application; restriction on activities for which registration is required; expiration and renewal of registration. (NRS 453.221**,** 453.226**,** 639.070**)**

1. A person who is required to be registered:

(a) May apply for registration at any time.

(b) Shall not engage in any activity for which registration is required until his application for registration is granted and a certificate of registration is issued to him by the Board.

2. A person who is registered may renew his registration biennially by submitting an application for renewal and paying the renewal fee.

3. All registrations expire on October 31 of each even-numbered year.

[Bd. of Pharmacy, § 453.120, eff. 6-26-80]—(NAC A 1-10-94)

NAC 453.220 Application forms for registration and reregistration. (NRS 453.221**,** 453.226**,** 639.070**)**

1. An application for registration or reregistration must be made on the form provided by the Board.

2. An application for registration or reregistration to:

(a) Conduct research with any of the controlled substances listed in schedule I must be accompanied by evidence of a current federal registration to conduct such research, together with a copy of the applicant's federal research protocol.

(b) Conduct instructional activities with controlled substances listed in schedule I must be accompanied by a copy of any statement filed in support of an application for federal registration. Each application must include each item of information required in the form. If an item is not applicable, this fact must be stated.

[Bd. of Pharmacy, § 453.130, eff. 6-26-80]

NAC 453.230 Filing of application for registration. (NRS 453.221**,** 453.226**,** 639.070**)**

1. All applications for registration must be submitted for filing to the Secretary of the Board. The appropriate registration fee and any required attachments must accompany the application.

2. Any person required to obtain more than one registration may submit all the applications together. Each application must be complete and must not refer to any accompanying application for required information.

[Bd. of Pharmacy, § 453.140, eff. 6-26-80]

NAC 453.240 Acceptance of application for registration. (NRS 453.221, 453.226, 639.070)

1. Each application submitted for filing will be dated upon receipt. If an application is complete, it will be accepted for filing, but any application which fails to comply with the requirements of these regulations will not be accepted for filing. If an application has a minor defect of incompleteness, the Secretary of the Board may accept it for filing and request the applicant to furnish additional information.

2. A defective application:

(a) Will be returned to the applicant within 10 days after its receipt and will be accompanied by a statement of the reason for its return.

(b) May be corrected and resubmitted for filing at any time and the Secretary of the Board will accept the resubmitted application for filing if the defect is corrected.

3. The Secretary's acceptance of an application for filing does not preclude any subsequent request for additional information, and has no bearing on whether the application will be granted.

[Bd. of Pharmacy, § 453.150, eff. 6-26-80]

NAC 453.250 Submission of documents with application for registration. (NRS 453.221, 453.226, 639.070) The Board may require an applicant to submit such documents or written statement of fact relevant to the application as it deems necessary to determine whether the application should be granted. The failure of the applicant to provide documents or statements within 30 days after being requested to do so shall be deemed to be a waiver by the applicant of an opportunity to present those documents or facts for consideration by the Board in granting or denying the application.

[Bd. of Pharmacy, § 453.160, eff. 6-26-80]

NAC 453.260 Amendment or withdrawal of application for registration. (NRS 453.221, 453.226, 639.070)

1. An application may be amended or withdrawn at any time with the permission of the Board if good cause is shown by the applicant or if the amendment or withdrawal is in the public interest.

2. After an application has been accepted for filing, the request by the applicant that it be returned, or the failure of the applicant to respond to official correspondence regarding the application when sent by registered or certified mail with return receipt requested, shall be deemed to be a withdrawal of the application.

[Bd. of Pharmacy, § 453.170, eff. 6-26-80]

NAC 453.270 Issuance and content of certificate of registration; display by registrant; issuance of duplicate certificate of registration. (NRS 453.221, 639.070)

1. The certificate of registration will set forth the name, address and registration number of the registrant, the activity authorized by the registration, the schedules of the controlled substances which the registrant is authorized to handle and the amount of the fee paid or a notation that the registrant is exempted from the fee.

2. The registrant shall prominently display the certificate of registration at the registered location.

3. Upon the request of a registrant, the Board will issue to the registrant a duplicate certificate of registration.

[Bd. of Pharmacy, § 453.190, eff. 6-26-80]—(NAC A 11-9-95; R114-98, 9-8-98)

NAC 453.280 Modification of registration. (NRS 453.221, 453.226, 639.070)

1. Any registrant may apply to have his registration modified to allow the handling of additional controlled substances. The application must be in the form of a letter of request and be submitted to the Secretary of the Board. The letter must contain the registrant's name, address, registration number and the substances or schedules to be added to his registration. The letter must be signed by the same person who signed the registrant's most recent application for registration or reregistration. If the registrant is seeking to handle additional controlled substances listed in schedule I for the purpose of research or instructional activities, he must attach one copy of a federally approved research protocol describing each research project involving the additional substances, or attach two copies of any statement which is filed in support of his application for federal registration and describes the nature, extent and duration of those instructional activities, as appropriate. The request for modification will be handled in the same manner as an application for registration.

2. A registration or any authority conferred thereby must not be assigned or otherwise transferred except upon such conditions as the Board may specifically designate and only pursuant to its written consent.

3. The registration of any person automatically terminates if the person dies, ceases legal existence, discontinues business or professional practice, or the person's name or address is changed from that shown on the certificate of registration. Any registrant who ceases legal existence, discontinues business or professional practice, or whose name or address is changed from that shown on the certificate of registration must notify the Secretary of the Board promptly of that fact. If a change in the name or address of a registrant is to occur, he must apply for a modification of his registration before the effective date of the change by filing an application with the Secretary of the Board.

4. A registrant is not required to pay a fee to modify his registration pursuant to this section.

[Bd. of Pharmacy, § 453.210, eff. 6-26-80]—(NAC A 11-9-95; 11-14-97)

NAC 453.290 Suspension or revocation of registration. (NRS 453.221, 639.070)

1. Upon service of an order suspending or revoking a registration, the registrant shall forthwith deliver his certificate of registration, together with all controlled substances in his possession, to the Board or its authorized agents.

2. If the revocation or suspension is limited to particular controlled substances, the registrant will be given a new certificate of registration for all substances not affected by the order. A fee is not required for issuance of the new certificate. The registrant shall deliver his old certificate, together with all controlled substances in his possession which are affected by the order, to the Board or its agent.

[Bd. of Pharmacy, § 453.200, eff. 6-26-80]

NAC 453.300 Inspections of premises. (NRS 453.221, 453.226, 639.070) The Board may inspect, or cause to be inspected, the premises of an applicant or registrant, and in conducting the inspection will review the application for registration and other information regarding the applicant in order to determine whether he has met the applicable standards of NRS 453.231.

[Bd. of Pharmacy, § 453.180, eff. 6-26-80]

CONTROL

NAC 453.400 Security of controlled substances. (NRS 453.221, 639.070) All applicants and registrants shall establish and maintain effective controls and procedures to prevent or guard

against theft and misuse of controlled substances.
[Bd. of Pharmacy, part § 453.220, eff. 6-26-80]

NAC 453.410 Dispensing of controlled substances by practitioner. (NRS 453.221, 453.246, 639.070)

1. A practitioner, as defined in subsections 1 and 2 of NRS 453.126, who is registered with the Board to possess and dispense controlled substances and dispenses the substances for use by his patients outside his presence, shall:

(a) Keep complete, accurate and readily retrievable records of all controlled substances so dispensed. Each written prescription must be serially numbered and kept in numerical order.

(b) Ensure that each record of a controlled substance which is dispensed contains the:

(1) Name of the patient and, if not readily available from the practitioner's records, the patient's address.

(2) Name, strength and quantity of the controlled substance dispensed.

(3) Date the controlled substance was dispensed.

(4) Name of the prescribing practitioner and the classification of his license.

(5) Practitioner's registration number issued by the Drug Enforcement Administration of the United States Department of Justice.

(6) Initials of the dispensing practitioner, if the dispensing practitioner did not prescribe the controlled substance.

(7) Directions for use.

(8) Signature of the prescribing practitioner.

Ê The practitioner shall provide this information to an agent of the Board upon request.

(c) Maintain a separate file for the records concerning the purchase of each controlled substance listed in schedule II and a separate file for the records concerning the dispensing of each controlled substance listed in schedule II. Each prescription for a controlled substance or dangerous drug must be maintained in a separate file pursuant to the requirements set forth in NAC 453.480.

(d) Keep all controlled substances and dangerous drugs in a locked storage area. Access to the storage area must be restricted to the persons described in NRS 453.375.

(e) Ensure that each package or container in which a controlled substance is dispensed, except samples in the manufacturer's packages, is clearly labeled pursuant to the requirements set forth in NRS 639.2801.

(f) Ensure that the package or container in which a controlled substance or dangerous drug is dispensed complies with all state and federal packaging requirements.

2. A practitioner may dispense dangerous drugs or controlled substances to a patient only after he has issued a written prescription that authorizes the patient to have it filled at another location of the patient's choosing or by the dispensing practitioner.

[Bd. of Pharmacy, § 453.230, eff. 6-26-80]—(NAC A 9-29-87; 8-31-88; 2-6-90; 8-27-96)

NAC 453.420 Dispensing of schedule II controlled substance in emergency. (NRS 453.221, 453.256, 453.385, 639.070)

1. In an emergency situation, a pharmacist may dispense a controlled substance listed in schedule II upon receiving the oral authorization of a prescribing individual practitioner, if:

(a) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period. Any dispensing beyond the emergency period must be pursuant to a written prescription signed by the prescribing practitioner.

(b) The pharmacist immediately reduces the prescription to writing and:

(1) The prescription contains all information required pursuant to NAC 453.440, except for the signature of the prescribing practitioner;

(2) He writes on its face "Authorization for Emergency Dispensing" and the date of the oral order; and

(3) He makes a reasonable effort to determine that the oral authorization came from a registered practitioner when the practitioner is not personally known to him, which may include, without limitation, a telephone call to the telephone number of the practitioner as listed in the telephone directory or other attempts in good faith to verify the identity of the practitioner.

2. The prescribing practitioner, within 72 hours after authorizing an emergency oral prescription, shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. The written prescription may be delivered to the pharmacist in person or by mail. If the written prescription is delivered by mail, it must be postmarked within the 72-hour period. Upon receipt, the dispensing pharmacist shall attach this prescription to the oral emergency prescription which had earlier been reduced to writing.

3. The pharmacist shall notify the Board if the prescribing practitioner fails to deliver a written prescription to him pursuant to this section. The failure of the pharmacist to so notify the Board voids his authority to dispense a controlled substance listed in schedule II without a written prescription of a prescribing practitioner pursuant to this section.

[Bd. of Pharmacy, § 453.270, eff. 6-26-80]—(NAC A by R020-98, 4-17-98; R111-99, 11-3-99)

NAC 453.430 Restrictions on issuance of prescriptions; continuation of dependency on narcotic drug; transmission of prescription by facsimile machine. (NRS 453.221**,** 453.256**,** 453.385**,** 639.070**)**

1. An individual practitioner may not issue a prescription in order to obtain controlled substances for the purpose of general dispensing to patients.

2. A prescription may not be issued for dispensing any narcotic drug to a person dependent on a narcotic drug for the purpose of continuing his dependence upon the drug except in the course of an authorized clinical investigation in the development of a program for rehabilitating narcotic addicts.

3. The administering or dispensing directly, but not the prescribing, of any narcotic drugs to a person dependent on a narcotic drug for the purpose of continuing his dependence upon the drug is permissible in the course of conducting a federally authorized clinical investigation in the development of a program for rehabilitating narcotic addicts if the activity is within the course of professional practice or research.

4. A prescription for a controlled substance listed in schedule III, IV or V may be transmitted by a practitioner or his agent by a facsimile machine to a pharmacy pursuant to the provisions of NAC 639.711.

[Bd. of Pharmacy, § 453.240, eff. 6-26-80]—(NAC A by R164-01, 12-17-2001)

NAC 453.440 Prescriptions: Form and contents; additions and changes. (NRS 453.221**,** 453.385**,** 639.070**)**

1. Except as otherwise provided in subsection 2, each prescription for a controlled substance, other than an oral or electronically transmitted prescription, must contain:

(a) The name of the prescribing practitioner;

(b) The address of the prescribing practitioner if not immediately available to the pharmacist;

(c) The handwritten signature of the prescribing practitioner in nonerasable ink;

(d) The date that the prescription was issued as expressed in the order of month, day and year;
(e) The full name of the patient;
(f) The address of the patient if not immediately available to the pharmacist;
(g) The name, strength and quantity of the drug or drugs prescribed;
(h) The directions for use;
(i) The classification of the license of the prescribing practitioner; and
(j) The registration number from the Drug Enforcement Administration of the prescribing practitioner.

2. A prescription issued by a person who is authorized to prescribe controlled substances in the course of his official duties and who is exempted from registration pursuant to 21 C.F.R. § 1301.23 may be filled if, in lieu of the requirements set forth in paragraphs (a) and (j) of subsection 1, it contains:
(a) The name of the person who issued the prescription stamped or printed on it;
(b) The branch of military service or the agency pursuant to which the person who issued the prescription is authorized to prescribe controlled substances in the course of his official duties; and
(c) The service identification number of the person who issued the prescription. Pursuant to 21 C.F.R. § 1301.23, the service identification number for an employee of the United States Public Health Service is his social security number.

3. Except as otherwise provided in subsection 2 and this subsection, if the registration number of the prescribing practitioner, the address of the prescribing practitioner or the address of the patient is not on the prescription, before filling the prescription, the pharmacist shall write the missing registration number, address or addresses, on the prescription. If the address or addresses are immediately available to the pharmacist by an alphabetical card file, computer, patient profile system or any other system approved by the Board the pharmacist need not write the address or addresses on the prescription. If the pharmacist writes the missing registration number, address or addresses on the prescription, he shall place his initials near the registration number, address or addresses. If the addresses are immediately available to the pharmacist, he shall place on the prescription his initials and a notation indicating the addresses are immediately available, including, without limitation, “RA,” “readily available,” “in files,” “on computer” or any other similar notation.

4. Except as otherwise provided in subsection 2, if the registration number of the prescribing practitioner, the address of the prescribing practitioner or the address of the patient is not on the prescription and the address of the prescribing practitioner or the address of the patient are not immediately available to the pharmacist, or if the registration number, address or addresses have been added by the patient or a person other than the practitioner, before dispensing the prescription the pharmacist shall:
(a) If the address of the patient is missing or added, obtain:
(1) Positive identification from the patient to verify his identity and address; or
(2) Verification from the practitioner or his agent of the identity and address of the patient.
(b) If the address of the practitioner is missing or added, obtain verification from the practitioner or his agent of the address of the practitioner.
(c) If the registration number of the prescribing practitioner is missing or added, obtain verification from:
(1) The practitioner or his agent; or
(2) The Board or its authorized agent.
Ê The pharmacist shall place his initials and a notation indicating the person who provided the identification or verification to the pharmacist on the prescription.

5. A pharmacist:

(a) May, after obtaining approval of the practitioner who issued the prescription, add or change the following information on a prescription for a controlled substance listed in schedule II:

(1) The strength of the drug prescribed;

(2) The quantity of the drug prescribed; and

(3) The directions for use.

(b) May not add or change the following information on a prescription for a controlled substance listed in schedule II:

(1) The name of the patient;

(2) The name of the controlled substance prescribed except that the pharmacist may change the name of the controlled substance to reflect the generic name of the controlled substance if the pharmacist substituted a generic controlled substance for the controlled substance prescribed;

(3) The signature of the prescribing practitioner; or

(4) The date that the prescription was issued.

(c) Shall:

(1) Initial any addition or change made pursuant to paragraph (a); and

(2) Make a notation on the prescription of:

(I) The date and time that the prescribing practitioner approved the addition or change; and

(II) The reason for the addition or change.

[Bd. of Pharmacy, § 453.250, eff. 6-26-80]—(NAC A 6-25-82; 2-6-90; 10-1-93; 1-10-94; R164-01, 12-17-2001)

NAC 453.450 Prescriptions for schedule II controlled substances. (NRS 453.221**,** 453.256**,** 453.385**,** 639.070**)**

1. A pharmacist may dispense a controlled substance listed in schedule II only pursuant to:

(a) A written prescription, including a written prescription described in subsection 1 of NAC 639.711 that is transmitted by a practitioner or his agent by a facsimile machine to a pharmacy; or

(b) An emergency oral prescription authorized by a prescribing practitioner pursuant to NAC 453.420.

2. If a prescription for a controlled substance listed in schedule II is written on the same prescription blank with a prescription for another drug, the pharmacy or dispensing practitioner shall maintain the original prescription blank in the file maintained pursuant to NAC 453.480 for controlled substances listed in schedule II. After the prescription for the controlled substance listed in schedule II is filled, the pharmacy or dispensing practitioner shall make a copy of the prescription blank for each of the other prescriptions written on that prescription blank and file the copy of the prescription blank in the appropriate file maintained pursuant to NAC 453.480. Each copy of the prescription blank filed must include a reference to the serial number of the prescription for a controlled substance listed in schedule II.

3. Each prescription for a controlled substance listed in schedule II must, immediately after filling, be conspicuously cancelled on its face. The cancellation must include the date on which it was filled and the signature and certificate number of the pharmacist who filled it.

4. A practitioner who wishes to issue a prescription for a controlled substance listed in schedule II on which it is indicated that the prescription may not be filled until a future date must use the phrase “Do not fill before (date)” or “Do not dispense until (date)” or other similar words on the prescription to indicate that the prescription may not be filled before the date indicated. The date indicated by the practitioner must be later than 14 days after the date on which the

prescription is written and not later than 6 months after the date on which the prescription is written. The date indicated by the practitioner is the date of issue for the purposes of subsection 4 of NRS 453.431.

[Bd. of Pharmacy, § 453.260, eff. 6-26-80]—(NAC A by R164-01, 12-17-2001; R039-04, 5-25-2004)

NAC 453.460 Partial filling of prescription. (NRS 453.221, 453.256, 453.385, 639.070)

1. A pharmacist may partially fill a prescription for a controlled substance listed in schedule II:

(a) If the pharmacist is unable to supply the full quantity called for in a written or emergency oral prescription and he makes a notation of the quantity supplied on the face of the written prescription or written record of the emergency oral prescription. The remaining portion of the prescription may be filled within 72 hours after the first partial filling. If the remaining portion is not or cannot be filled within the 72-hour period, the pharmacist shall notify the prescribing practitioner. No further quantity may be supplied beyond the 72-hour period without a new prescription.

(b) For a patient in a facility for long-term care or for a patient who has been diagnosed as having a terminal illness. The pharmacist shall record on the prescription that the patient is a "LTC patient" or "terminally ill." The date of the partial filling, the quantity of the medication that is dispensed, the remaining quantity which is authorized to be dispensed, and the signature or initials of the pharmacist must be recorded on the back of the prescription. The total quantity of the controlled substance that is dispensed in all partial fillings must not exceed the total quantity of the controlled substance that is prescribed. A prescription is valid for 60 days after the date of the prescription unless the prescription is terminated earlier by the discontinuance of medication.

2. A pharmacist may partially fill a prescription for a controlled substance listed in schedule III, IV or V if:

(a) Each partial filling is recorded in the same manner as a refilling;

(b) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed; and

(c) No such filling occurs more than 6 months after the date on which the prescription was issued.

3. As used in this section, "facility for long-term care" means a medical facility that provides 24-hour nursing services.

[Bd. of Pharmacy, § 453.280, eff. 6-26-80]—(NAC A 3-17-92; R021-98, 4-17-98; R019-01, 11-1-2001)

NAC 453.470 Information to be affixed to package for prescription. (NRS 453.221, 639.070) A person authorized by the Board to dispense controlled substances who fills a written prescription for a controlled substance listed in schedule II, III or IV, or an emergency oral prescription for a controlled substance listed in schedule II, shall affix to the package a label showing:

1. The name and address of the pharmacy;
2. The serial number and date of initial filling of the prescription;
3. The name of the patient;
4. The name of the prescribing practitioner; and
5. Any directions for use and cautionary statements contained in the prescription or required by law.

[Bd. of Pharmacy, § 453.290, eff. 6-26-80]—(NAC A 1-10-94)

NAC 453.475 Initial and biennial inventory of controlled substances by new managing pharmacist. (NRS 453.221, 453.246, 639.070)

1. A pharmacist who is hired or promoted to manage a pharmacy pursuant to the provisions of NRS 639.220 shall:

(a) Within 48 hours after he first reports for duty as the managing pharmacist, conduct an inventory of the controlled substances of the pharmacy with the pharmacist who preceded him as the managing pharmacist. The pharmacists shall sign the inventory.

(b) After the date on which the inventory required pursuant to paragraph (a) was taken, conduct an inventory of the controlled substances of the pharmacy at least once every 2 years during the course of his employment as managing pharmacist at the pharmacy. The managing pharmacist may conduct the biennial inventory on any date which is within 2 years of the date on which the previous biennial inventory was conducted.

2. An inventory required by subsection 1 must be:

(a) Conducted according to the method prescribed by the provisions of 21 C.F.R. Part 1304; and

(b) Placed in the records of the controlled substances of the pharmacy.

(Added to NAC by Bd. of Pharmacy, eff. 8-10-89; A 7-7-94; R022-98, 4-17-98; R015-01, 11-1-2001)

NAC 453.480 Maintenance of files of prescriptions. (NRS 453.221, 453.246, 639.070) In maintaining files of prescriptions, a pharmacy or dispensing practitioner must elect one of the following options:

1. To maintain two files:

(a) One file for substances in schedule II; and

(b) The other file for substances in schedules III, IV and V and for noncontrolled substances if the prescriptions for controlled substances are:

(1) Stamped in the lower right-hand corner with the letter “C” in red ink at least 1 inch in height; or

(2) Not stamped because the pharmacy uses a computerized system to record information concerning prescriptions that meets the requirements of 21 C.F.R. § 1304.04(h)(2).

2. To maintain two files:

(a) One file for substances in schedules II, III, IV and V if the prescriptions for substances in schedules III, IV and V are stamped with the red letter “C” or not stamped as set forth in paragraph (b) of subsection 1; and

(b) The other file for prescriptions for noncontrolled substances.

3. To maintain three files:

(a) One file for substances in schedule II;

(b) A second file for substances in schedules III, IV and V; and

(c) A third file for substances other than controlled substances.

[Bd. of Pharmacy, § 453.300, eff. 6-26-80]—(NAC A by R023-98, 4-17-98)

NAC 453.485 Records to be maintained by pharmacist. (NRS 453.221, 453.246, 639.070)

1. A pharmacist shall maintain the following records in connection with any sale of supplies of controlled substances to a practitioner:

(a) The form numbered 222 of the Drug Enforcement Administration or the order, if the drug is a schedule III, IV or V controlled substance, presented in connection with the purchase. The

form or order must contain the following information:

(1) The name of the practitioner, and his address if it is not immediately available to the pharmacist.

(2) The classification of the practitioner's license.

(3) The name, strength and quantity of the drug supplied.

(4) The date of issue.

(b) A certification, which may be placed on the written order or on a separate paper attached to the written order, signed by the pharmacist filling the order and the person receiving the order and specifying:

(1) The date the order was filled by the pharmacy; and

(2) Any deletion or change in the order.

2. A pharmacist shall maintain the following records in connection with any sale or replenishment of supplies of controlled substances to the holder of a permit for the operation of an ambulance, air ambulance or a vehicle of a fire-fighting agency at the scene of an emergency:

(a) The purchase order, which must contain the following information:

(1) The name of the patient.

(2) The date of the order.

(3) The name, strength and quantity of the drug.

(4) The number of the run of the specific vehicle, which references the record of transport or treatment of the patient.

(b) A certification, which may be placed on the purchase order or on a separate paper attached to the purchase order, signed by the pharmacist filling the order and the person receiving the order and specifying:

(1) The date the order was filled by the pharmacy;

(2) Any deletion or change in the controlled substances furnished pursuant to the order; and

(3) The number of the certificate or license of the practitioner, intermediate emergency medical technician, advanced emergency medical technician-ambulance or registered nurse in charge of the controlled substances on the ambulance, air ambulance or vehicle of a fire-fighting agency, if the number is not on file in the pharmacy.

(Added to NAC by Bd. of Pharmacy, eff. 10-17-86)

NAC 453.488 Lost or stolen order forms. (NRS 453.221**,** 453.246**,** 639.070**)** If an order form of the Drug Enforcement Administration (DEA 222) has been lost by or stolen from a pharmacy, a pharmacist employed by the pharmacy shall immediately upon discovery of the loss or theft report the loss or theft to the Diversion Office, Drug Enforcement Administration, 255 East Temple Street, 20th Floor, Los Angeles, California 90012, (888) 415-9822, in accordance with the provisions of 21 C.F.R. § 1305.12(b).

(Added to NAC by Bd. of Pharmacy by R029-98, eff. 4-17-98)

NAC 453.490 Dispensing of controlled substances which are not prescription drugs. (NRS 453.221**,** 453.246**,** 639.070**)**

1. Except as otherwise provided in subsection 3, a controlled substance listed in schedule V, and a controlled substance listed in schedule II, III or IV which is not a prescription drug as determined under the Federal Food, Drug and Cosmetic Act, may be dispensed by a pharmacist without a prescription to a purchaser at retail, if:

(a) The dispensing is only by a pharmacist;

(b) Not more than 60 cc (or 2 ounces) of the controlled substance is distributed to the same purchaser in any 48-hour period;

(c) The purchaser is at least 21 years of age;
(d) The pharmacist requires the purchaser who is not known to him to furnish suitable identification, including proof of age where appropriate;
(e) The pharmacist maintains a bound book to record the dispensing of controlled substances other than by prescription, and the book contains:
(1) The name and address of the purchaser;
(2) The name and quantity of controlled substance purchased;
(3) The date of each purchase; and
(4) The name or initials of the pharmacist who dispensed the substance to the purchaser; and
(f) A prescription for dispensing or the distribution of the substance is not required by any federal, state or local law.
2. Paregoric may be dispensed for treatment of the stomach or bowel if:
(a) It has been mixed with 3 ounces or more of a nonnarcotic medicinal preparation or combination of nonnarcotic medicinal preparations; and
(b) The resulting mixture contains not more than 1 ounce of paregoric.
3. A cough syrup containing a controlled substance listed in schedule V may only be dispensed for a valid and legitimate medical purpose, and the dispensing pharmacist shall ensure that a valid and legitimate medical purpose exists in every instance of such dispensing.
[Bd. of Pharmacy, § 453.310, eff. 6-26-80]—(NAC A 10-17-86)

SCHEDULES OF CONTROLLED SUBSTANCES

NAC 453.510 Schedule I. (NRS 453.146, 639.070)

1. Schedule I consists of the drugs and other substances listed in this section by whatever official, common, usual, chemical or trade name designated.
2. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including, without limitation, their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
Acetylmethadol;
Allylprodine;
Alphacetylmethadol (except levo-alphacetylmethadol, commonly referred to as levo-alpha-acetylmethadol, levomethadyl acetate or “LAAM”);
Alphameprodine;
Alphamethadol;
Alphamethylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
Benzethidine;
Betacetylmethadol;
Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-

piperidinyl]-N-phenylpropanamide);
Betameprodine;
Betamethadol;
Betaprodine;
Clonitazene;
Dextromoramide;
Diampromide;
Diethylthiambutene;
Difenoxin;
Dimenoxadol;
Dimepheptanol;
Dimethylthiambutene;
Dioxaphetyl butyrate;
Dipipanone;
Ethylmethylthiambutene;
Etonitazene;
Etoxeridine;
Furethidine;
Hydroxypethidine;
Ketobemidone;
Levomoramide;
Levophenacylmorphan;
3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
Morpheridine;
MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
Noracymethadol;
Norlevorphanol;
Normethadone;
Norpipanone;
Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);
PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
Phenadoxone;
Phenampromide;
Phenomorphan;
Phenoperidine;
Piritramide;
Proheptazine;
Properidine;
Propiram;
Racemoramide;
Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
Tilidine; or
Trimeperidine.

3. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, including, without limitation, their salts, isomers and salts of isomers,

whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;
Acetyldihydrocodeine;
Benzylmorphine;
Codeine methylbromide;
Codeine-N-Oxide;
Cyprenorphine;
Desomorphine;
Dihydromorphine;
Drotebanol;
Etorphine (except hydrochloride salt);
Heroin;
Hydromorphinol;
Methyldesorphine;
Methyldihydromorphine;
Morphine methylbromide;
Morphine methylsulfonate;
Morphine-N-Oxide;
Myrophine;
Nicocodeine;
Nicomorphine;
Normorphine;
Pholcodine; or
Thebacon.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, including, without limitation, their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Alpha-ethyltrytamine (some trade or other names: ET, Trip);

1,4-Butanediol (some trade or other names: 1,4-butyleneglycol, dihydroxybutane, tetramethylene glycol, butane 1,4-diol, SomatoPro, Soma Solutions, Zen);

4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);

4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: Nexus, 2C-B);

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

2,5-dimethoxy-4-ethylamphet-amine (some trade or other names: DOET);

2,5-dimethoxy-4-(n)-propylthiophenethylamine (some trade or other names: 2C-T-7);

4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; para-methoxyamphetamine; PMA);

5-methoxy-3,4-methylenedioxyamphetamine;

4-methyl-2,5-dimethoxyamphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; “DOM”; “STP”);

3,4-methylenedioxyamphetamine;

3,4-methylenedioxymethamphetamine (MDMA);

3,4-methylenedioxy-N-ethylamphetamine (commonly referred to as N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);

N-hydroxy-3,4-methylenedioxyamphetamine (commonly referred to as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-hydroxy MDA);

3,4,5-trimethoxyamphetamine;

Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethyl-aminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);

Diethyltryptamine (some trade or other names: DET; N,N-Diethyltryptamine);

Dimethyltryptamine (some trade or other names: DMT);

Gamma butylrolactone (some trade or other names: GBL, Gamma Buty Lactone, 4-butyrolactone, dihydro-2(3H)-furanone, tetrahydro-2-furanone, Gamma G, GH Gold);

Gamma hydroxybutyrate (some trade or other names: GHB);

Ibogaine (some trade or other names: 7-ethyl-6, 6 beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1’,2’:1,2) azepino (5,4-b) indole; *Tabernanthe iboga*);

Lysergic acid diethylamide;

Marijuana;

Mescaline;

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl);

Peyote (meaning all parts of the plant presently classified botanically as *Lophophora williamsii Lemaire*, whether growing or not, the seeds thereof, any extract from any part

of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts);

N-benzylpiperazine (some trade or other names: BZP, 1-benzylpiperazine);

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocyn;

Tetrahydrocannabinols (synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, sp. or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers,
Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers,
Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;
since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered);

Ethylamine analog of phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine; cyclohexamine; PCE);

Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP);

1-(1-(2-thienyl)-cyclohexyl)-pyrrolidine (some trade or other names: TCPy); or

Thiophene analog of phencyclidine (some trade or other names: 1-(1-(2-thienyl)-cyclohexyl)-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP).

For the purposes of this subsection, “isomer” includes, without limitation, the optical, position or geometric isomer.

5. All parts of the plant presently classified botanically as *Datura*, whether growing or not, the seeds thereof, any extract from any part of such plant or plants, and every compound, manufacture, salt derivative, mixture or preparation of such plant or plants, its seeds or extracts, unless substances consistent with those found in such plants are present in formulations that the Food and Drug Administration of the Department of Health and Human Services has approved for distribution.

6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of phencyclidine, mecloqualone or methaqualone having a depressant effect on the central nervous system, including, without limitation, their salts, isomers and salts of isomers, whenever the existence of such salts, isomers

and salts of isomers is possible within the specific chemical designation.

7. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including, without limitation, their salts, isomers and salts of isomers:

Aminorex;
Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; norephedrone);
Fenethylline;
Methamphetamine;
Methcathinone (some trade or other names: N-Methylcathinone, cat);
(±)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
N,N-dimethylamphetamine (commonly referred to as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine); or
N-ethylamphetamine.

8. Unless specifically listed in another schedule, coca leaves, cocaine base or free base, or a salt, compound, derivative, isomer or preparation thereof which is chemically equivalent or identical to such substances, and any quantity of material, compound, mixture or preparation which contains coca leaves, cocaine base or cocaine free base or its isomers or any of the salts of cocaine, except decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(Added to NAC by Bd. of Pharmacy, eff. 6-25-82; A 10-26-83; 9-29-87; 8-10-89; 9-11-91; 7-1-92; 1-10-94; R024-98, 4-17-98; R110-00, 10-25-2000; R001-01, 11-1-2001; R121-04, 8-25-2004)

NAC 453.520 Schedule II. (NRS 453.146, 639.070)

1. Schedule II consists of the drugs listed in this section, by whatever official, common, usual, chemical or trade name designated.

2. Unless specifically excepted or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis, is hereby enumerated in schedule II:

(a) Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts, but including:

Codeine;
Diprenorphine;
Ethylmorphine;
Etorphine hydrochloride;
Granulated opium;
Hydrocodone;
Hydromorphone;
Metopon;
Morphine;
Opium extracts;
Opium fluid;

Powdered opium;
Raw opium;
Oxycodone;
Oxymorphone;
Thebaine; and
Tincture of opium.

(b) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (a) if they do not include the isoquinoline alkaloids of opium.
(c) Opium poppy and poppy straw.
(d) Cocaine hydrochloride salt prepared by a registered chemical or pharmaceutical manufacturer of the Drug Enforcement Administration of the Department of Justice which is properly labeled, including lot numbers, and is available for medicinal purposes through a distribution system approved by the Drug Enforcement Administration.
(e) Benzolyecgonine or ecgonine.
(f) Concentrate of poppy straw (meaning the crude extract of poppy straw in either liquid, solid or powder form and containing the phenanthrene alkaloids of the opium poppy).
3. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation (dextrorphan and levopropoxyphene excepted), are hereby enumerated on schedule II:

Alfentanil;
Alphaprodine;
Anileridine;
Bezitramide;
Bulk dextropropoxyphene (in nondosage forms);
Carfentanil;
Dihydrocodeine;
Diphenoxylate;
Fentanyl;
Isomethadone;
Levo-alphacetylmethadol (some trade or other names: levo-alpha-acetylmethadol; levomethadyl acetate; LAAM);
Levomethorphan;
Levorphanol;
Metazocine;
Methadone;
Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
Pethidine (meperidine);
Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
Pethidine-Intermediate-B, ethyl-4-phenylpiperdine-4-carboxylate;
Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
Phenazocine;
Piminodine;

Racemethorphan;
Racemorphan;
Ramifentanil; or
Sufentanil.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system is hereby enumerated on schedule II:
(a) Amphetamine, its salts, optical isomers and salts of optical isomers;
(b) Phenmetrazine and its salts;
(c) Unless specifically excepted, any preparation which contains any quantity of methamphetamine, including its salts, isomers and salts of isomers, prepared by a registered chemical or pharmaceutical manufacturer of the Drug Enforcement Administration of the Department of Justice, which is properly labeled, including lot numbers, and is available for medicinal purposes through a distribution system approved by the Drug Enforcement Administration; or
(d) Methylphenidate.
5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation, is hereby enumerated on schedule II:

Amobarbital;
Glutethimide;
Pentobarbital; or
Secobarbital.

6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances is hereby enumerated on schedule II:
(a) Immediate precursors to phencyclidine (PCP):

1-Phenylcyclohexylamine; or
1-piperidinocyclohexanecarbonitrile (PCC).

(b) Immediate precursors to amphetamine and methamphetamine:

Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone).

7. Any material, compound, mixture or preparation which contains any quantity of Nabilone (commonly referred to as: (+)-trans-3-(1,1-dimethylheptyl)-6, 6a, 7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H- dibenzol[b,d]pyran-9-one) is hereby enumerated on schedule II.
(Added to NAC by Bd. of Pharmacy, eff. 6-25-83; A 10-26-83; 1-15-87; 9-29-87; 8-10-89; 9-11-91; 7-1-92; 1-10-94; R153-99, 3-1-2000; R002-01, 11-1-2001)

NAC 453.530 Schedule III. (NRS 453.146, 639.070)

1. Schedule III consists of the drugs and other substances listed in this section, by whatever official, common, usual, chemical or trade name designated.

2. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation, is hereby enumerated on schedule III, including:

(a) Those compounds, mixtures or preparations in dosage unit form containing any substance listed in schedule II which has a stimulant effect on the central nervous system, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under the regulations of the Drug Enforcement Administration of the Department of Justice, and any other drug of the same quantitative composition as a drug shown on the list or which is the same except that it contains a lesser quantity of controlled substances;

(b) Benzphetamine;

(c) Chlorphentermine;

(d) Clortermine; or

(e) Phendimetrazine.

Ê For the purposes of this subsection, “isomer” includes the optical, position or geometric isomer.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system is hereby enumerated on schedule III:

(a) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof;

(b) Chlorhexadol;

(c) Lysergic acid;

(d) Lysergic acid amide;

(e) Methyprylon;

(f) Sulfondiethylmethane;

(g) Sulfonethylmethane;

(h) Sulfonmethane;

(i) Any compound, mixture or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients, which are not listed in any schedule;

(j) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs approved by the Food and Drug Administration of the Department of Health and Human Services for marketing only as a suppository; or

(k) Tiletamine and zolazepam or any salt thereof. (Some trade or other names for a tiletamine-zolazepam combination product: Telzol. Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon).

4. Nalorphine is hereby enumerated on schedule III.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, calculated as the free anhydrous base or alkaloid, in quantities is hereby enumerated on schedule III:

(a) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or

(h) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

6. Except as otherwise provided in subsections 7 and 8, or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of:

(a) Ephedrine, pseudoephedrine or phenylpropanolamine, their optical isomers, salts and salts of optical isomers, other than an over-the-counter ephedrine, pseudoephedrine or phenylpropanolamine drug product;

(b) N-methylephedrine, its optical isomers, salts and salts of optical isomers;

(c) Hydriodic acid; or

(d) Hydrogen iodide gas,

Ê are, as immediate precursors, controlled, the control of which is necessary to prevent, curtail or limit the manufacture of the controlled substances methamphetamine and N, N-dimethylamphetamine.

7. Ephedrine sulfate injection, as a solution, in either single-dose or multiple-dose ampules or vials in the possession of a practitioner or other person licensed by the Board to possess drugs is not a controlled substance.

8. Mahuang or other botanical products of genus *Ephedra* used in their natural state as a preparation for human consumption are not controlled substances for the purposes of this section.

9. Except as otherwise provided in subsections 10 and 11, or specifically excepted or listed in another schedule, any material, compound, mixture or preparation containing any quantity of anabolic steroids, including their salts, isomers, esters and salts of isomers, whenever the existence of such salts of isomers is possible within the specific chemical designation, is hereby enumerated on schedule III:

(a) Androisoxazole;

(b) Androstenediol;

(c) Bolandiol;

(d) Bolasterone;

(e) Boldenone;

(f) Chlormethandienone;

(g) Clostebol;

(h) Chorionic gonadotropin (HGC);

(i) Dihydrochlormethyltestosterone;
(j) Dihydromesterone;
(k) Drostanolone;
(l) Ethylestrenol;
(m) Fluoxymesterone;
(n) Formebolone;
(o) Formyldienolone;
(p) 4-Hydroxy-19-nortestosterone;
(q) Mesterolone;
(r) Methandrenone;
(s) Methandriol;
(t) Methandrostenolone;
(u) Methenolone;
(v) 17-Methyltestosterone;
(w) Methyltrienolone;
(x) Mibolerone;
(y) Nandrolone;
(z) Norbolethone;
(aa) Norethandrolone;
(bb) Normethandrolone;
(cc) Oxandrolone;
(dd) Oxymesterone;
(ee) Oxymetholone;
(ff) Quinbolone;
(gg) Stanolone;
(hh) Stanozolol;
(ii) Stenbolone;
(jj) Testolactone;
(kk) Testosterone; or
(ll) Trenbolone.

10. Any anabolic steroid described in subsection 9 which is used solely for implantation in cattle or any other nonhuman species and is approved by the Food and Drug Administration for that use is not a controlled substance.

11. The following classifications are not controlled substances for the purposes of this section:
(a) Oral combinations containing therapeutic doses of estrogen and androgen;
(b) Parenteral preparations containing therapeutic doses of estrogen and androgen;
(c) Topical preparations containing androgens or combinations of androgen and estrogen; and
(d) Vaginal preparations.

12. Ketamine HCL is hereby enumerated on schedule III.

13. Synthetic Dronabinol in sesame oil encapsulated in a soft gelatin capsule in a drug product approved by the Food and Drug Administration (some trade or other names: (6aR-trans)-6a,7,8,10a-tetrahydro-6; 6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran- 1-ol; (-)-delta-9-(trans)-tetrahydrocannabinol; Marinol) is hereby enumerated on schedule III.

14. Gamma-hydroxybutyrate prepared by a registered pharmaceutical manufacturer of the Food and Drug Administration which is properly labeled, including lot numbers, and is available for medicinal purposes through a distribution system approved by the Food and Drug Administration is hereby enumerated on schedule III.

15. As used in this section, “over-the-counter ephedrine, pseudoephedrine or

phenylpropanolamine drug product" means a drug product that is sold in packages which contain not more than 3.0 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base and, if the drug product is not a liquid, packaged:

(a) In blister packs in which each blister contains not more than two dosage units; or

(b) If the use of blister packs is technically infeasible, in packets or pouches that contain not more than one dosage unit per packet or pouch.

(Added to NAC by Bd. of Pharmacy, eff. 6-25-82; A 10-26-83; 7-2-84; 8-10-89; 2-6-90; 9-11-91; 10-1-93; 1-10-94; 7-17-96; 11-14-97; R153-99, 3-1-2000; R003-01, 11-1-2001; R163-01, 12-17-2001; R141-03, 4-8-2004)

NAC 453.540 Schedule IV. (NRS 453.146, 639.070)

1. Schedule IV consists of the drugs and other substances listed in this section, by whatever official, common, usual, chemical or trade name designated.

2. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, including, without limitation, their salts, calculated as the free anhydrous base of alkaloid, is hereby enumerated on schedule IV, in quantities:

(a) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit; or

(b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxy-butane).

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including, without limitation, their salts, isomers and salts of isomers, is hereby enumerated on schedule IV, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Alprazolam;
Barbital;
Bromazepam;
Butorphanol;
Camazepam;
Carisoprodol;
Chloral betaine;
Chloral hydrate;
Chlordiazepoxide;
Clobazam;
Clonazepam;
Clorazepate;
Clotiazepam;
Cloxazolam;
Delorazepam;
Diazepam;
Dichloralphenazone;
Estazolam;
Ethchlorvynol;
Ethinamate;
Ethyl loflazepate;

Fludiazepam;
Flunitrazepam;
Flurazepam;
Halazepam;
Haloxazolam;
Ketazolam;
Loprazolam;
Lorazepam;
Lormetazepam;
Mebutamate;
Medazepam;
Meprobamate;
Methohexital;
Methylphenobarbital (mephobarbital);
Midazolam;
Nimetazepam;
Nitrazepam;
Nordiazepam;
Oxazepam;
Oxazolam;
Paraldehyde;
Petrichloral;
Phenobarbital;
Pinazepam;
Prazepam;
Quazepam;
Temazepam;
Tetrazepam;
Triazolam;
Zaleplon; or
Zolpidem.

4. Any material, compound, mixture or preparation which contains any quantity of fenfluramine, including, without limitation, its salts, isomers and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible, is hereby enumerated on schedule IV. For the purposes of this subsection, “isomer” includes, without limitation, the optical, position or geometric isomer.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including, without limitation, their salts, isomers and salts of isomers, is hereby enumerated on schedule IV:

Cathine ((+)-norpseudoephedrine);
Diethylpropion;
Fencamfamin;
Fenproporex;
Mazindol;
Mefenorex;

Modafinil;
Pemoline (including organometallic complexes and chelates thereof);
Phentermine;
Pipradrol;
Siputramine; or
SPA ((-)-dimethylamino-1,2,diphenylethane).

6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of pentazocine, including, without limitation, its salts, is hereby enumerated on schedule IV.

(Added to NAC by Bd. of Pharmacy, eff. 6-25-82; A 10-26-83; 9-11-91; 1-10-94; R025-98, 4-17-98; R201-99, 3-1-2000; R004-01, 11-1-2001; R188-01, 3-4-2002; R040-04, 7-13-2004)

NAC 453.550 Schedule V. (NRS 453.146, 639.070)

1. Schedule V consists of the drugs and other substances listed in this section, by whatever official, common, usual, chemical or trade name designated.

2. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing buprenorphine, including its salts.

3. Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base alkaloid, containing one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone, in quantities:

(a) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(b) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(c) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(d) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(e) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams; or

(f) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

4. Unless specifically excepted or excluded or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of pyrovalerone having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers.

(Added to NAC by Bd. of Pharmacy, eff. 6-25-82; A 10-26-83; 9-11-91; 1-10-94)

PROGRAM TO RESEARCH THERAPEUTIC EFFECTS OF MARIJUANA

NAC 453.740 Protocols of research and treatment. (NRS 439.200, 453.760)

1. The State Board of Health will:

(a) Approve protocols of research and treatment; and

(b) Approve changes in protocols of research and treatment,

Ê for the program to research the therapeutic effects of marijuana.

2. The program must be conducted in accordance with the most recent protocols approved by the State Board of Health.

[Bd. of Health, Therapeutic Effects of Marijuana, eff. 6-24-80]

CHAPTER 454 - POISONS, DANGEROUS DRUGS AND DEVICES

454.010	**"Board" defined.**
454.030	**Sale of nasal inhalers containing stimulants to the central nervous system.**
454.040	**Security of drugs, chemicals, poisons and restricted devices.**
454.050	**Records to be maintained by pharmacist.**
454.060	**Requirements for written prescriptions for dangerous drugs.**

NAC 454.010 "Board" defined. As used in this chapter, "Board" means the State Board of Pharmacy.

[Bd. of Pharmacy, § 454.010, eff. 6-26-80]

NAC 454.030 Sale of nasal inhalers containing stimulants to the central nervous system. Nasal inhalers and preparations designed and intended to be instilled or sprayed into the nostrils, which contain drugs capable of causing stimulation to the central nervous system, the sale of which is not restricted to prescription only, may be sold at retail only by a registered pharmacist when such sales are made in good faith for medicinal use in the treatment of human illness.

[Bd. of Pharmacy, § 454.030, eff. 6-26-80]

NAC 454.040 Security of drugs, chemicals, poisons and restricted devices. Restricted or prescription drugs, chemicals and poisons and restricted devices must be stored within the pharmacy in such a manner and place as will make them inaccessible to the public. The self-service display of any such drug, chemical, poison or device is prohibited.

[Bd. of Pharmacy, part § 453.220, eff. 6-26-80]

NAC 454.050 Records to be maintained by pharmacist.

1. A pharmacist shall maintain, in connection with any sale of supplies of dangerous drugs to a practitioner, the order presented in connection with the purchase which contains the following information:

(a) The name of the practitioner, and his address if it is not immediately available to the pharmacist.

(b) The classification of the practitioner's license.

(c) The name, strength and quantity of the drug or drugs supplied.

2. A pharmacist shall maintain the following records in connection with any sale or replenishment of supplies of dangerous drugs to the holder of a permit for the operation of an ambulance, air ambulance or a vehicle of a fire-fighting agency at the scene of an emergency:

(a) The purchase order, which must contain the following information:

(1) The name of the patient.

(2) The date of the order.

(3) The name, strength and quantity of the drug.

(4) The number of the run of the specific vehicle, which references the record of transport or treatment of the patient.

(b) A certification, which may be placed on the purchase order or on a separate paper attached to the purchase order, signed by the pharmacist filling the order and the person receiving the order and specifying:

(1) The date the order was filled by the pharmacy;

(2) Any deletion or change in the dangerous drug furnished pursuant to the order; and

(3) The number of the certificate or license of the practitioner, intermediate emergency medical technician, advanced emergency medical technician-ambulance or registered nurse in charge of the dangerous drug on the ambulance, air ambulance or vehicle of a fire-fighting agency, if the number is not on file in the pharmacy.

(Added to NAC by Bd. of Pharmacy, eff. 10-17-86)

NAC 454.060 Requirements for written prescriptions for dangerous drugs. In addition to the requirements of NRS 454.223, each written prescription for a dangerous drug must:

1. Contain the handwritten signature of the prescribing practitioner in nonerasable ink; and
2. Be submitted to the pharmacist in its original form.

(Added to NAC by Bd. of Pharmacy, eff. 1-10-94)

CHAPTER 639 - PHARMACISTS AND PHARMACY

GENERAL PROVISIONS
639.010 Definitions.
639.030 “Date” interpreted.
639.032 “Facsimile machine” interpreted.
639.050 Storage and destruction of certain controlled substances.
STATE BOARD OF PHARMACY
639.100 Seal of Board.
639.110 Inactive regulations: Duties of Executive Secretary.
639.120 Conduct of disciplinary hearings.
639.130 Representation by counsel at disciplinary hearings.
639.140 Petitions to adopt, amend or repeal regulations.
639.150 Declaratory orders and advisory opinions.
639.160 Required time for receipt of application.
639.170 Waiver of regulation upon declaration of emergency: Authority; required notices.
CERTIFICATES, LICENSES AND PERMITS
639.200 Temporary certificates, licenses and permits.
639.205 Application to register as pharmacist: Completion required within 1 year.
639.210 Educational qualifications: Approval of accredited programs of education in pharmacy.
639.212 Educational qualifications: Advanced degree in pharmacy.
639.214 Application for license to operate pharmacy: Information required.
639.215 Application for license to operate pharmacy: Appearance of applicant before Board; execution on behalf of partnership or corporation; payment of expenses for special meeting of Board.
639.219 Application for return to active status.
639.220 Schedule of fees; penalties; applicability.
639.225 Notice to Executive Secretary of change of address.
639.227 Application or written notice to Board concerning change in ownership of pharmacy required under certain circumstances; suspension of license.
639.230 Voluntary surrender of certificate, license or registration to practice pharmacy in another state pursuant to agreement relating to disciplinary matter.
PHARMACEUTICAL TECHNICIANS
639.240 Requirements for registration of pharmaceutical technicians.
639.242 Registration of pharmaceutical technician in training; affidavit of managing pharmacist.
639.245 Maintenance and availability of records regarding certain pharmaceutical personnel on duty; activities of pharmaceutical technicians.
639.247 Establishment and maintenance of policies and procedures for personnel; maintenance and availability of personnel records.
639.250 Restrictions on supervision.
639.252 Initialing of prescriptions, records and reports; responsibility for filled prescriptions.
639.254 Initial and biennial in-service training of pharmaceutical technicians working in or for pharmacy; substitution of continuing education for in-service training.
639.256 Approval of program of training for pharmaceutical technicians.
639.258 Participation in program of training for pharmaceutical technicians.

639.260 Disciplinary action against pharmacy.
INTERN PHARMACISTS
639.262 Application for registration; issuance of certificate of registration; maintenance of records relating to internship.
639.264 Employment at pharmacy as part of internship.
639.266 Supervision and training: Service as preceptor; duties; evaluation of internship.
639.268 Supervision and training: Responsibilities of registered pharmacist.
PHYSICIAN ASSISTANTS
639.269 “Physician assistant” defined.
639.270 Scope.
639.272 Requirements for registration certificate.
639.277 Change in location of practice or supervising physician.
639.280 Scope of authority to prescribe and dispense.
639.283 Prescriptions: Orders on charts of hospitalized patients.
639.285 Security and storage of controlled substances and drugs.
639.290 Substitution in case of illness or absence.
639.295 Grounds for denial of application or suspension or revocation of registration.
IMMUNIZATION BY PHARMACISTS AND INTERN PHARMACISTS
639.297 “Immunization” defined.
639.2971 Authorization; contents of and deviation from written protocol.
639.2972 Duties of authorizing physician.
639.2973 Training and certification to administer immunizations.
639.2974 Certification in basic cardiac life support; continuing education.
639.2975 Legal possession and control of drugs administered as immunizations; drugs to counteract adverse reactions.
639.2976 Notification of immunizations.
639.2977 Maintenance of records.
639.2978 Confidentiality of records.
CONTINUING PROFESSIONAL EDUCATION
639.300 Definitions.
639.305 “Acceptable materials” defined.
639.310 “Accredited material” defined.
639.315 “Continuing education unit” defined.
639.320 “Provider” defined.
639.330 Registration and reregistration: Continuing education required; submission of proof.
639.333 Registration and reregistration: Acceptance of certificate issued by another state as proof of compliance with requirements for continuing education.
639.335 Registration and reregistration: Exceptions to requirement of continuing education.
639.340 Providers of continuing education: Request for recognition; grant, denial or withdrawal of recognition.
639.345 Providers of continuing education: Records required; issuance of certificates of completion.
639.350 Providers of continuing education: List of participants; reference to accreditation; information to be transmitted to Board.
639.360 Accreditation of material, course or program.
639.365 Advertising, announcements and other promotional material.
639.370 Materials for continuing education: Formats of programs; subject matter.
639.380 Advisory Committee on Continuing Education: Creation; number of members.
639.385 Advisory Committee on Continuing Education: Composition; powers and duties; quorum; review of materials for continuing education.

639.390 Certificate of completion: Retention by pharmacist; copy to be submitted to Board upon request.
INTERNET PHARMACIES
General Provisions
639.420 Definitions.
639.422 “Certified Internet pharmacy” defined.
639.424 “Internet pharmacy” defined.
Certification
639.426 Requirements for approval of application.
639.428 Access to premises and records; suspension for noncompliance.
MEDICAL FACILITIES AND CORRECTIONAL INSTITUTIONS
General Provisions
639.440 Definitions.
639.441 “Administer” defined.
639.442 “Chart order” defined.
639.445 “Compound” and “compounding” defined.
639.446 “Consultant pharmacist” defined.
639.4465 “Correctional institution” defined.
639.447 “Deliver” and “delivery” defined.
639.448 “Device” defined.
639.449 “Direct copy” defined.
639.450 “Dispense” defined.
639.451 “Distribute” defined.
639.452 “Floor stock” defined.
639.453 “Formulary” defined.
639.455 “Investigational drug” defined.
639.456 “IV admixture” defined.
639.457 “Medical facility” defined.
639.4575 “Pharmacy” defined.
639.458 “Prescription” defined.
639.459 “Unit dose” defined.
639.460 “Unit of use” defined.
639.461 Licensing.
639.462 Biennial registration.
639.463 Change of ownership.
Standards of Operation
639.464 Scope of services in hospital or correctional institution.
639.4645 Maintenance of registration certificates required.
639.465 Managing pharmacist.
639.466 Consultant pharmacist.
639.467 Staff pharmacists.
639.468 Establishment of policies, procedures and systems.
639.4685 Handling of medications in correctional institutions without pharmacies.
639.469 Standards for premises.
639.470 Security of premises.
639.472 Maintenance of reference library.
639.473 Procurement and storage of drugs.

639.474 Development and use of formulary.
639.475 Preparation and labeling of admixtures.
639.476 Prepackaging of drugs.
639.477 Policies and procedures for distribution of drugs.
639.478 Limitations on distribution of drugs.
639.479 Withdrawal of drugs when full-time pharmacist is absent.
639.480 Withdrawal of drugs when part-time or consultant pharmacist is absent.
639.481 Withdrawal of drugs when facility uses floor stock and pharmacy is closed.
Records
639.482 Maintenance and availability of records.
639.483 Statutes applicable to maintenance of records.
639.484 Contents and maintenance of chart orders.
639.485 Maintenance of records for controlled substances.
639.486 Maintenance of records of controlled substances administered from floor stock.
639.487 Maintenance of additional records.
639.488 Maintenance of records for distribution of controlled substances to another pharmacy or practitioner.
639.489 Separation of certain records.
639.490 Permission to use centralized system for keeping records.
Use and Operation of Off-Site Pharmaceutical Service Providers
639.491 Definitions.
639.4911 “Chart order” defined.
639.4912 “Correctional institution” defined.
639.4913 “Off-site pharmaceutical service provider” defined.
639.4914 “Remote chart order processing services” defined.
639.4915 Satisfaction of requirement for full-time managing pharmacist.
639.4916 Provision of remote chart order processing services by pharmacist.
639.4917 Policies and procedures of provider.
FACILITIES FOR INTERMEDIATE CARE AND FACILITIES FOR SKILLED NURSING
639.492 Definitions.
639.494 Prescriptions for controlled substances: Accountability record; handling of unused portions.
639.496 Maintenance of accountability record; examination of chart orders; issuance of receipt for controlled substances delivered to coroner.
639.498 Destruction of certain controlled substances: Requirement; procedure.
SURGICAL CENTERS FOR AMBULATORY PATIENTS
639.4992 Dispensing of controlled substances: Registration and licensing required.
639.4996 Establishment and periodic review of policies and procedures; duties of pharmacist.
PHARMACIES IN GENERAL
639.500 Ownership of pharmacies; application to conduct a pharmacy.
639.5005 Representative of pharmacy: Designation requirement; exceptions; qualifications; presence required to operate.
639.5007 Issuance of license to conduct pharmacy for applicant required to designate representative: Restricted and unrestricted licenses.
639.501 Inspections; provision of self-assessment form.
639.5012 Confidentiality and use of self-assessment and accompanying documentation.
639.5014 Completion of self-assessment form before annual inspections; suggestions relating to compliance by or improvement of pharmacy.
639.5016 Annual inspections: Review of self-assessment form; notes regarding discrepancies or deficiencies;

correction of discrepancies or deficiencies.
639.5018 Protection of employee providing answers, information or suggestions on self-assessment form or during inspections.
639.5019 Annual review by Board of provisions of NAC 639.501 to 639.5019, inclusive.
639.503 Maintenance in pharmacy of current statutes, regulations and reference material.
639.505 Maintenance in pharmacy of reports of inspection, warning notices and special bulletins.
639.510 Maintenance and storage of pharmaceutical stock.
639.512 Class A and B packaging: Label; expiration date; log.
639.513 Class C packaging: Expiration date.
639.515 Stock of drugs in facility for skilled nursing or intermediate care.
639.517 Nurse employed by medical facility or agency to provide nursing in the home may maintain stock of certain drugs.
639.520 Security of prescription departments.
639.523 Physical address for delivery of drugs.
639.525 Minimum requirements for work area and equipment.
639.526 Drive-through facilities.
639.528 Preparation and storage of food in prescription department of pharmacy.
639.530 Sanitation; required washbasins; exception.
639.535 Remodeling or relocation of pharmacy or prescription department.
639.540 Notice of employment and termination of employment of certain pharmaceutical professionals.
639.542 Identification of persons employed by pharmacy.
639.556 Meal periods and rest periods for employees of pharmacy.
639.570 Involuntary closure of pharmacy.
639.575 Voluntary closure of pharmacy.
639.580 Permanent closure of pharmacy.

NUCLEAR PHARMACIES

639.5802 Definitions.
639.5804 “Agreement state” defined.
639.5806 “Authentication of product history” defined.
639.5808 “Procedures to assure the quality of radiopharmaceuticals” defined.
639.581 “Qualified nuclear pharmacist” defined.
639.5812 “Radiopharmaceutical services” defined.
639.5814 “Testing to control the quality of radiopharmaceutical” defined.
639.5816 “Radiopharmaceutical” interpreted.
639.5818 Nuclear pharmacist: Certification; training and instruction; affidavit of experience and training.
639.582 Permit to operate.
639.5822 Space and equipment requirements; floor plan.
639.5824 Security.
639.5826 Records.
639.5828 Quality assurance procedures for radiopharmaceuticals.
639.583 Dispensing or transferring radiopharmaceuticals.
639.5832 Oral order for radiopharmaceutical: Requirement to keep record; contents of record.
639.5834 Outer shield of radiopharmaceutical container: Label required; contents of label.
639.5836 Inner label of radiopharmaceutical container; contents.
639.5838 Records of nuclear pharmacy when radiopharmaceutical is dispensed pursuant to investigational new drug application: Contents.

639.584 Required equipment.
WHOLESALERS
639.585 Definitions.
639.587 “Facility” defined.
639.588 “Manufacturer” defined.
639.589 “Ongoing relationship” defined.
639.5895 “Purchaser” defined.
639.5897 “Purchasing wholesaler” defined.
639.5905 “Supplier” defined.
639.592 “Wholesaler” defined.
639.593 Licensing.
639.5935 Representative of wholesaler: Designation requirement; exceptions; qualifications; presence required to operate.
639.594 Establishment of ongoing relationship.
639.595 Qualifications of employees.
639.596 Facilities: General requirements; maintenance of stock.
639.597 Facilities: Security.
639.5975 Prescription drugs: Restrictions on purchase and receipt; disposal of certain drugs.
639.5977 Prescription drugs: Sale to purchasing wholesaler.
639.598 Prescription drugs: Storage.
639.599 Prescription drugs: Examination of shipments; actions upon determination of certain conditions.
639.601 Prescription drugs: Separation and disposal of certain drugs.
639.6015 Prescription drugs: Destruction.
639.602 Prescription drugs: Records.
639.603 Prescription drugs: Statements identifying prior sales by wholesalers.
639.604 Maintenance and availability of list of wholesalers with whom manufacturer has ongoing relationship.
639.605 Establishment and maintenance of policies and procedures regarding prescription drugs.
639.606 Establishment and maintenance of lists regarding certain personnel.
639.607 Inspections; examination of records and procedures; copies of documents.
MANUFACTURERS
639.610 Minimum standards for premises.
639.615 Equipment and requirements for operation; employees.
WAREHOUSES
639.620 Definitions.
639.621 “Authorized person” defined.
639.622 “Authorized warehouse” defined.
639.623 “Chain warehouse” defined.
639.624 “Facility” defined.
639.625 “Goods” defined.
639.626 “Manufacturer” defined.
639.627 “Pharmacy” defined.
639.629 “Wholesaler” defined.
639.631 Licensing: General requirements.
639.633 Contracts authorizing receipt, storage and shipment of prescription drugs and goods.
639.634 Enforcement of statutory liens.
639.635 Cessation of operation.

639.636 Change in legal ownership of facility resulting from legal proceeding.
639.637 Facilities: General requirements.
639.638 Facilities: Security.
639.639 Prescription drugs: Storage.
639.640 Prescription drugs: Shipment.
639.641 Prescription drugs: Records.
639.642 Establishment of policies and procedures regarding prescription drugs.
639.643 Inspections; examination of records and procedures.
639.644 Enforcement.
VETERINARY DRUGS
639.650 Permit; duties and prohibitions.
639.660 Rabies vaccine.
COMPOUNDING AND DISPENSING PARENTERAL SOLUTIONS
639.661 Definitions.
639.663 “Cytotoxic” defined.
639.665 “Medical facility” defined.
639.667 “Nursing personnel” defined.
639.670 Adoption of materials by reference.
639.672 Reference materials required to be located in or immediately available to pharmacy.
639.674 Designated work area; equipment.
639.678 Preparation of cytotoxic agent: Certified vertical laminar airflow hood required.
639.680 Labeling of parenteral solution.
639.682 Record for each patient.
639.683 Delivery, storage and recordation of delivery of parenteral solution.
639.684 Program to ensure clean and sanitary environment for preparation of sterile products.
639.686 Written policies and procedures for disposal of infectious materials and materials containing cytotoxic residues.
639.688 Written policies and procedures regarding provision of services related to parenteral therapy.
639.690 Pharmacist: Consultation with patient; proper training in safe handling, compounding and therapy related to parenteral solutions.
PROVIDERS AND WHOLESALERS OF MEDICAL PRODUCTS
General Provisions
639.693 Definitions.
639.6931 “Assistive equipment” defined.
639.6932 “Consumer” defined.
639.6933 “Health professional” defined.
639.6934 “Life-sustaining equipment” defined.
639.6935 “Medical products” defined.
639.6936 “Medical products provider” defined.
639.6937 “Medical products wholesaler” defined.
639.6938 “Respiratory equipment” defined.
639.694 Administrator required.
639.6941 Unprofessional conduct; responsibility of owner for acts of others.
Licensing and Fees
639.6942 Application for license; license required for each location; notification of change in information; license nontransferable; expiration.
639.6943 Licensing of practicing health professionals.

639.6944 Licensing of applicants located outside of State.
639.6945 Waiver of license fee.
Medical Products Providers
639.6946 Duties of providers; repair and maintenance of medical products; hours of operation; consumer complaints.
639.6947 Change in controlling interest.
639.6948 Compliance with provisions by person or business who is not medical products provider.
639.6949 Provision of medical products to consumer with or without bona fide order or prescription; tracking requirements.
639.695 Maintenance of records.
639.6951 Communications and advisement of options and use of medical products; written record.
639.6952 Communications concerning use of medical products provided by written or oral order or prescription; written record.
639.6953 Assistive equipment.
639.6954 Medical gases and associated equipment or respiratory equipment.
639.6955 Life-sustaining equipment.
639.6956 Parenteral and enteral services and equipment.
Medical Products Wholesalers
639.6957 Duties of wholesalers; repair and maintenance of medical products; hours of operation; consumer complaints.
Disciplinary Action
639.6958 Summary suspension of license.
TRADE PRACTICES
639.700 Performance of certain acts by pharmacists and pharmaceutical interns only.
639.701 Acts not required to be performed by pharmaceutical professionals.
639.702 Responsibility for acts and omissions of personnel who are not pharmacists.
639.704 Check of license or certification required before employment by pharmacy or wholesaler.
639.706 Marking of prescriptions with serial numbers; maintenance of files of prescriptions.
639.707 Counseling of patients: Duties of pharmacist or intern pharmacist; documentation.
639.708 Counseling of patients: Duties of pharmacy.
639.709 Persons to whom pharmacy may furnish certain restricted products.
639.710 Delivery of prescription drugs.
639.7102 Use of computer system for issuance and transmission of prescription.
639.7105 Electronic transmission of prescription.
639.711 Transmission of prescription by facsimile machine.
639.712 Transcribing prescription transmitted by oral order.
639.7125 Use of fulfillment pharmacy by dispensing pharmacy.
639.713 Transfer of information between pharmacies: Conditions; prohibitions.
639.714 Transfer of information between pharmacies: Procedure for oral transfers.
639.7145 Transfer of information between pharmacies: Requirements for transfer by facsimile machine.
639.715 Mechanical devices: Restrictions on use.
639.720 Mechanical devices: Use to furnish drugs and medicines for administration to registered patients in medical facility.
639.725 Use of mechanical counting device for dispensing medication to be taken orally.
639.730 Inspection of damaged pharmaceuticals.
639.740 Container for dispensing prescribed medicine.
639.742 Dispensing of controlled substances or dangerous drugs: Application by practitioner for certificate of registration; application by facility required under certain circumstances; duties of dispensing practitioner and facility relating to drugs; authority of dispensing practitioner and technician.

639.7425 Dispensing technician: Requirements; application and fee for and issuance of certificate of registration; provisional registration.
639.743 Dispensing technician: Access to drugs; performance of functions.
639.7435 Dispensing technician: Registration not transferable; expiration of registration; notification to Board of change of address; termination of registration; subsequent employment.
639.744 Dispensing practitioner: Fee for initial registration and renewal; registration of multiple dispensing technicians.
639.7445 Dispensing practitioner: Disciplinary action for violation of NAC 639.742 to 639.7445, inclusive.
639.745 Dispensing practitioner: Duties concerning dispensing of controlled substances and dangerous drugs.
639.748 Identification of person to whom controlled substance is dispensed.
639.750 Dispensing of medication at certain locations when local retail pharmacy is closed.
639.752 Restrictions on filling or dispensing certain prescriptions.
639.755 Sale of preparations for treatment of asthma.
639.757 Preparation and sale of compounded drugs by pharmacy or pharmacist: License as manufacturer not required under certain circumstances; unsafe or ineffective drug; restrictions on sale.
639.760 Return of unused drugs packaged in unit doses.
639.765 Disclosure by practitioner of certain ownership interests in pharmacy.
ADVANCED PRACTITIONERS OF NURSING
General Provisions
639.841 “Collaborating physician” defined.
639.846 Change in location of practice or collaborating physician.
Prescribing
639.850 Certificate of registration: Application; appearance before Board; collaborating physician.
639.854 Scope of authority to prescribe.
639.858 Authorization to write prescription in form of chart order or physician’s order.
Dispensing
639.870 Certificate of registration: Application; fee; period of validity; appearance before Board; collaborating physician; late renewal.
639.879 Scope of authority to dispense.
639.892 Use of child-proof container.
639.898 Security and storage of controlled substances and drugs.
Disciplinary Action
639.900 Grounds for denial of application or suspension or revocation of registration.
COMPUTERIZED SYSTEMS
Recording of Information
639.910 Information to be provided by system; procedure to ensure information not lost or destroyed.
639.912 Requirements for use of system; maintenance of physical records.
639.914 Maintenance and availability of information relating to operation; entrance of each prescription into system required; issuance of consecutive numbers for prescriptions.
639.918 Written record of refills.
639.924 Computerized system to record prescriptions required for pharmacies licensed on or after August 27, 1996.
639.926 Transmission of information regarding dispensing of controlled substances to certain persons.
639.930 Safeguards against access to and modification or manipulation of information.
639.935 Printed record of contents.
639.938 Auxiliary procedure to document prescriptions when system not functioning.
Automated Dispensing Systems
639.940 “Computerized system to fill prescriptions” defined.

639.9405 Authority to use system.
639.941 Written policies and procedures of operation.
639.9415 Written program for quality assurance.
639.942 Written plan for recovery.
639.9425 Written program for preventative maintenance of system.
639.943 Required security of drugs and records.
DISCIPLINARY ACTION
639.945 Unprofessional conduct; owner responsible for acts of employees.
639.951 Violations by employees of pharmacy concerning controlled substances or other drugs; screening tests.
639.955 Imposition of fines; authority to take disciplinary action.

GENERAL PROVISIONS

NAC 639.010 Definitions. (NRS 639.070) As used in this chapter, unless the context otherwise requires:

1. "Board" means the State Board of Pharmacy.
2. "Controlled substances" has the meaning ascribed to it in NRS 0.031.
3. "Dangerous drug" has the meaning ascribed to it in NRS 454.201.
4. "Direct supervision" means the direction given by a supervising pharmacist who is:

(a) On the premises of the pharmacy at all times when the persons he is supervising are working at the pharmacy; and

(b) Aware of the activities of those persons related to the preparation of medications, including the maintenance of appropriate records.

5. "Executive Secretary" means the Executive Secretary employed by the Board pursuant to NRS 639.040.
6. "Pharmaceutical technician" means a person who performs technical services in a pharmacy under the direct supervision of a pharmacist and is registered with the Board pursuant to NAC 639.240.
7. "Pharmaceutical technician in training" means a person who is registered with the Board pursuant to NAC 639.242 in order to obtain the training and experience required to be a pharmaceutical technician pursuant to subparagraph (4) of paragraph (e) of subsection 2 of NAC 639.240, or who is enrolled in a program of training for pharmaceutical technicians that is approved by the Board.
8. "Practitioner" has the meaning ascribed to it in NRS 639.0125.
9. "Prescription drug" means a drug or medicine as defined in NRS 639.007 which:

(a) May be dispensed only upon a prescription order that is issued by a practitioner; and

(b) Is labeled with the symbol "Rx only" pursuant to federal law or regulation.

10. "Public or nonprofit agency" means a health center as defined in 42 U.S.C. § 254b(a) which:

(a) Provides health care primarily to medically underserved persons in a community;

(b) Is receiving a grant issued pursuant to 42 U.S.C. § 254b or, although qualified to receive such a grant directly from the Federal Government, is receiving money from such a grant under a contract with the recipient of that grant; and

(c) Is not a medical facility as defined in NRS 449.0151.

11. "Surgical center for ambulatory patients" has the meaning ascribed to it in NRS 449.019.

[Bd. of Pharmacy, § 639.010, 6-26-80]—(NAC A 3-27-90; 6-14-90; 10-1-93; 11-15-93; 5-22-96; 10-24-97; R014-99, 11-3-99; R019-03, 10-21-2003; R041-04, 5-25-2004)

NAC 639.030 "Date" interpreted. (NRS 639.070, 639.2801) The Board interprets the term "date" as used in subsection 1 of NRS 639.2801 to mean the most recent date on which the drug was dispensed

or the prescription was refilled.
(Added to NAC by Bd. of Pharmacy, eff. 6-16-86)

NAC 639.032 "Facsimile machine" interpreted. (NRS 639.070, 639.0745, 639.2353) As used in NRS 639.0745 and 639.2353, the Board will interpret the term "facsimile machine" to include, without limitation, a computer that has a facsimile modem through which documents can be sent and received.
(Added to NAC by Bd. of Pharmacy by R112-99, eff. 11-3-99)

NAC 639.050 Storage and destruction of certain controlled substances. (NRS 639.070)
1. Upon the discontinuance of a controlled substance, a controlled substance becoming outdated or the demise of a patient at a facility for skilled nursing or facility for intermediate care which is licensed by the Health Division, any remaining controlled substance dispensed to the patient must be placed in a secured locked compartment. The controlled substance must be secured in the locked container until destroyed in the manner prescribed in NAC 639.498.
2. Each practitioner or pharmacy shall physically separate each controlled substance which is outdated, damaged, deteriorated, misbranded or adulterated from the balance of its stock medications. The controlled substances must be held for destruction by an agent of the Board. The agent shall provide the practitioner or pharmacy with a copy of the Controlled Substance Enforcement Administration form 41 ("Registrants Inventory of Controlled Substances Surrendered") acknowledging destruction of the controlled substances. The controlled substances must be destroyed at least once each year.
3. This section does not apply to controlled substances packaged in manufacturer's unit-dose packages which are governed by the provisions of NRS 639.267.
(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 7-1-92)

STATE BOARD OF PHARMACY

NAC 639.100 Seal of Board. (NRS 639.070) The Board hereby adopts a seal for its own use. The seal has imprinted thereon the words and figures "Nevada State Board of Pharmacy-Organized May 6, 1901." The care and custody of the seal is in the hands of the Executive Secretary.
[Bd. of Pharmacy, § 639.015, eff. 6-26-80]

NAC 639.110 Inactive regulations: Duties of Executive Secretary. (NRS 639.070) When any regulation adopted by the Board and filed with the Secretary of State expires by its own terms, is repealed or is declared unconstitutional by a court of competent jurisdiction, the Executive Secretary shall so inform the Secretary of State and request that it be placed in an inactive file.
[Bd. of Pharmacy, § 639.030, eff. 6-26-80]

NAC 639.120 Conduct of disciplinary hearings. (NRS 639.070, 639.247)
1. The Board will convene a disciplinary hearing at the time and place specified in the notice of hearing. The person presiding at the hearing may grant a continuance only upon:
(a) A joint stipulation of the parties;
(b) The existence of an emergency condition; or
(c) A written request by a party filed at least 5 days before the date of the hearing and actually served upon the other parties at least 1 day before the date of the hearing.
Ê A continuance based on a written request pursuant to paragraph (c) may be granted only upon a showing of good cause which term must be narrowly construed. A party requesting a continuance must appear on the date of the hearing and be prepared to proceed unless the request has been made pursuant to a joint stipulation.
2. The hearing must then proceed in the following manner unless the Board for good cause or to prevent manifest injustice orders otherwise:
(a) An opening statement may be made on behalf of the Board or waived.

(b) An opening statement on behalf of respondent may be made, reserved until the close of the Board's case, or waived.
(c) The presentation of the Board's case is followed by cross-examination.
(d) The presentation of the respondent's case is followed by cross-examination.
(e) Any rebuttal is limited to issues previously raised. No new matter may be presented upon rebuttal unless the Board for good cause so permits.
(f) Argument on behalf of the Board is presented unless waived.
(g) Argument on behalf of the respondent is presented unless waived.
(h) The matter is submitted to the Board for decision.
3. After the matter is submitted, the Board will render a decision and its order.
[Bd. of Pharmacy, § 639.065, eff. 6-26-80]—(NAC A 12-3-84)

NAC 639.130 Representation by counsel at disciplinary hearings. (NRS 639.070, 639.247) No respondent may be represented by counsel in a disciplinary hearing unless the counsel is admitted to practice before the highest court of:
1. The State of Nevada; or
2. Another state and appears in association with counsel who has been admitted to practice in this State and maintains an office in this State.
[Bd. of Pharmacy, § 639.060, eff. 6-26-80]

NAC 639.140 Petitions to adopt, amend or repeal regulations. (NRS 639.070)
1. A petition requesting the Board to adopt, file, amend or repeal any regulation must be in writing and signed by the petitioner. The petition must be accompanied by a draft of the proposed regulation in a form suitable for submission to the Legislative Counsel.
2. The original and six legible copies of the petition and the original and seven legible copies of the proposed regulation must be filed with the Executive Secretary.
3. A petition filed other than in conformity with this section will be rejected.
[Bd. of Pharmacy, § 639.025, eff. 6-26-80]

NAC 639.150 Declaratory orders and advisory opinions. (NRS 639.070) A petition requesting a declaratory order or advisory opinion, pursuant to NRS 233B.120, must be in writing and signed by the petitioner. An original and six legible copies of the petition must be filed with the Executive Secretary. The petition will be considered by the Board at its next regularly scheduled meeting. Within 30 days thereafter the Board will issue the declaratory order or advisory opinion requested.
[Bd. of Pharmacy, § 639.055, eff. 6-26-80]

NAC 639.160 Required time for receipt of application. (NRS 639.070) Any application required to be submitted to the Board must be received in one of the offices of the Board at least 15 days before the meeting of the Board at which action on the application will be taken. An application which is not submitted by the time required may still be considered by the Board for good cause.
(Added to NAC by Bd. of Pharmacy, eff. 6-16-86; A 6-14-90)

NAC 639.170 Waiver of regulation upon declaration of emergency: Authority; required notices. (NRS 639.070)
1. The President, Executive Secretary or General Counsel of the Board may waive any of the requirements set forth in any regulation adopted by the Board governing the practice of pharmacy if a federal, state or local official authorized to issue a declaration of emergency concerning the health and welfare of the general public submits a notice of such declaration of emergency to the Board.
2. If the President, Executive Secretary or General Counsel of the Board issues a waiver pursuant to subsection 1, he shall:
(a) Provide written notification of the waiver, identifying the requirements of the applicable

regulations that have been waived, any conditions of the waiver and the period of the waiver, to each pharmacy, pharmacist or other person to whom the Board deems necessary to effectuate the waiver; and

(b) Provide written notification of the termination of the waiver, by the most accessible and efficient means, to the same persons that were provided a written notification of the waiver pursuant to paragraph (a).

(Added to NAC by Bd. of Pharmacy by R189-01, eff. 3-4-2002)

CERTIFICATES, LICENSES AND PERMITS

NAC 639.200 Temporary certificates, licenses and permits. (NRS 639.070)

1. Except as otherwise provided in subsection 2, the Executive Secretary may issue a temporary certificate, license or permit required by chapter 453, 454 or 639 of NRS to a qualified person for a period of effectiveness which ends not more than 6 months after the next regular meeting of the Board following issuance, except for a temporary certificate of reciprocal registration of a pharmacist, which may not be effective for a period of more than 6 months after issuance.

2. The Executive Secretary may issue a temporary license to operate a pharmacy to a licensed pharmacy which, because of a change of location of the pharmacy, requires a new license before the next meeting of the Board. Before such a temporary license is issued, a satisfactory examination of the premises of the pharmacy must be conducted by the staff of the Board. At the next regular meeting of the Board following the issuance of the temporary license, the Board will consider an application for a permanent license for that pharmacy.

[Bd. of Pharmacy, § 639.020, eff. 6-26-80]—(NAC A 10-1-93; 11-9-95)

NAC 639.205 Application to register as pharmacist: Completion required within 1 year. (NRS 639.070, 639.127) An applicant for a certificate as a registered pharmacist must provide all information and make all appearances required by the Board within 1 year after having successfully passed the North American Pharmacist Licensure Examination prepared by the National Association of Boards of Pharmacy. An applicant who does not provide all information and make all appearances required by the Board within 1 year after having successfully passed the North American Pharmacist Licensure Examination must submit a new application.

[Bd. of Pharmacy, § 639.040, eff. 6-26-80]—(NAC A by R115-98, 9-9-98)

NAC 639.210 Educational qualifications: Approval of accredited programs of education in pharmacy. (NRS 639.070, 639.120) For the purpose of determining the educational qualifications of applicants to become registered pharmacists, the Board hereby approves all colleges of pharmacy and departments of pharmacy of universities which are accredited by the American Council on Pharmaceutical Education.

[Bd. of Pharmacy, § 639.035, eff. 6-26-80]

NAC 639.212 Educational qualifications: Advanced degree in pharmacy. (NRS 639.070, 639.120) In considering the educational qualifications of an applicant to become a registered pharmacist, the Board will not accept an advanced degree in pharmacy, gained through a university's graduate program, as evidencing sufficient qualifications unless the applicant as an undergraduate earned all the required credits for a degree of bachelor of science in pharmacy or for a pharmaceutical doctorate at a college or department of pharmacy of a university accredited by the American Council on Pharmaceutical Education and was awarded the degree by that university.

(Added to NAC by Bd. of Pharmacy, eff. 10-26-83)

NAC 639.214 Application for license to operate pharmacy: Information required. (NRS 639.070, 639.231) In addition to any information required by NRS 639.231, each application to conduct a pharmacy must, if the applicant or any person having an ownership interest in the applicant is:

1. A joint venture, identify each member of the joint venture.
2. A partnership other than a limited partnership, identify each partner.
3. A limited partnership, identify each:
(a) General partner;
(b) Limited partner who holds 10 percent or more of the interest in the profits of the limited partnership; and
(c) General partner and limited partner who is a practitioner.
4. A corporation, none of whose shares are registered under the Securities Exchange Act of 1934, as amended (15 U.S.C. §§ 78a et seq.), identify each:
(a) Officer of the corporation;
(b) Shareholder who holds 10 percent or more of the shares of the corporation; and
(c) Shareholder who is a practitioner.
5. A corporation, any of whose shares are registered under the Securities Exchange Act of 1934, as amended (15 U.S.C. §§ 78a et seq.), identify:
(a) Each officer of the corporation; and
(b) Regarding each class of its shares registered under the Securities Exchange Act of 1934, as amended:
(1) The date of that registration;
(2) The number assigned to that registration by the Securities and Exchange Commission; and
(3) The securities exchange upon which those shares are listed.
(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.215 Application for license to operate pharmacy: Appearance of applicant before Board; execution on behalf of partnership or corporation; payment of expenses for special meeting of Board. (NRS 639.070, 639.231)

1. An applicant for a license to operate a pharmacy in the State of Nevada must appear before the Board in support of the application and must receive instructions relative to the pharmacy laws if the applicant:
(a) Is applying for a license to operate a pharmacy in this State for the first time;
(b) Responded affirmatively to any of the questions on the application regarding his character or competency;
(c) Is applying for the licensure of a pharmacy located outside the State that will be shipping compounded parenteral products into this State; or
(d) Is requested to do so by the Board.
2. If an applicant who is required to appear before the Board is:
(a) A partnership, all partners must appear.
(b) A corporation, a designated representative of the corporation must appear. If the designated representative is not an officer of the corporation, a letter authorizing him to appear on behalf of the corporation that is signed by an officer of the corporation must be submitted with the application. Documentation of the status of the person signing the letter of authorization must be submitted with the application.
3. If the applicant is a partnership or corporation, the application must be signed by a partner or by an officer of the corporation. Documentation of the status of the person signing the application must be submitted with the application.
4. A special meeting of the Board will not be called for the purpose of considering an application for a license to operate a pharmacy until the applicant has paid the Executive Secretary sufficient money to defray all expenses of the meeting.
[Bd. of Pharmacy, § 639.045, eff. 6-26-80]—(NAC A 3-17-92; 10-1-93)

NAC 639.219 Application for return to active status. (NRS 639.070)

1. An application for return to active status must be made on a form provided by the Board.

2. The Board will grant an application if:

(a) The applicant submits proof of completion of 30 units of continuing professional education within the 2 years immediately preceding the date on which the application for return to active status is filed;

(b) The applicant passes the examination on law; and

(c) An applicant who was granted inactive status because of a medical disability submits proof satisfactory to the Board that he is physically capable of resuming the practice of pharmacy. Unless the proof submitted by the applicant is otherwise satisfactory, the Board will require the applicant to submit to a medical examination to be conducted by a physician chosen by the Board. The applicant shall pay for the cost of the examination.

(Added to NAC by Bd. of Pharmacy, eff. 6-16-86)

NAC 639.220 Schedule of fees; penalties; applicability. (NRS 639.070, 639.170)

1. The Board hereby adopts the following schedule of fees:

For the examination of an applicant for registration as a pharmacist.....	..... Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist...	..... $150
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity.....	 150
For the investigation or issuance of an original license to conduct a retail pharmacy.....	 500
For the biennial renewal of a license to conduct a retail pharmacy.....	 500
For the investigation or issuance of an original license to conduct an institutional pharmacy.....	 500
For the biennial renewal of a license to conduct an institutional pharmacy.....	 500
For the investigation or issuance of an original license to conduct a pharmacy in a correctional institution.....	 500
For the biennial renewal of a license to conduct a pharmacy in a correctional institution.....	 500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist.....	 50
For the biennial renewal of registration as a registered pharmacist.....	 150
For the reinstatement of a lapsed registration (in addition to the fees for	.....

renewal for the period of lapse).....	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training.....	40
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training.....	40
For the investigation or registration of an intern pharmacist.....	15
For the biennial renewal of registration as an intern pharmacist.....	15
For the investigation or registration of an advanced practitioner of nursing or a physician assistant to prescribe drugs that are not controlled substances.....	80
For the biennial renewal of registration of an advanced practitioner of nursing or a physician assistant to prescribe drugs that are not controlled substances.....	80
For authorization of a physician, advanced practitioner of nursing, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances.....	80
For the biennial renewal of authorization of a physician, advanced practitioner of nursing, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances..	80
For the investigation or issuance of an original license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler.....	300
For the biennial renewal of a license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler.....	300
For the investigation or issuance of an original license to a manufacturer or wholesaler.....	500
For the biennial renewal of a license for a manufacturer or wholesaler.....	500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon.....	50
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or both.....	300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or both	300

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection 4 of NRS 639.170, is 50 percent of the renewal fee for each period of delinquency in addition to the renewal fee for each period of delinquency.

3. Any person who has been registered as a pharmacist in this State for at least 50 years is not required to pay the fee for the biennial renewal of a certificate of registration as a registered pharmacist.

4. The provisions of this section concerning the fee for the biennial renewal of the authorization to dispense controlled substances or dangerous drugs do not apply to an advanced practitioner of nursing who is required to pay a fee pursuant to NAC 639.870.

5. A health center:

(a) Which is a federally qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B), as that section existed on March 1, 2000, that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in NRS 449.0151,

Ê is not required to pay the fee for the collective certification of advanced practitioners of nursing in the employ of a public or nonprofit agency as set forth in subsection 1.

[Bd. of Pharmacy, § 639.050, eff. 6-26-80]—(NAC A 6-25-82; 6-16-86; 2-18-88; 4-28-88; 8-10-89; 9-11-91; 10-17-91; 11-15-93; 1-10-94; 7-7-94; 11-9-95; 5-22-96; R155-99, 3-1-2000; R011-01, 11-1-2001; R012-02, 5-31-2002; R081-04, 8-25-2004)

NAC 639.225 Notice to Executive Secretary of change of address. (NRS 639.070) Every registered pharmacist, pharmaceutical intern and pharmaceutical technician shall, within 10 days after changing his residence or place of practice, give written notice of the change to the Executive Secretary.

[Bd. of Pharmacy, § 639.185, eff. 6-26-80]—(NAC A 11-15-93)

NAC 639.227 Application or written notice to Board concerning change in ownership of pharmacy required under certain circumstances; suspension of license. (NRS 639.070, 639.230)

1. Not less than 15 business days before a change of 50 percent or more of the beneficial interest of a pharmacy as indicated on the application filed pursuant to NRS 639.231, the person to whom the license to operate the pharmacy was issued shall file with the Board an application for change of ownership.

2. If the person to whom the license to operate the pharmacy was issued is not a corporation whose securities are publicly traded, then not more than 5 calendar days after a change of less than 50 percent of the beneficial interest in a pharmacy as indicated on the application filed pursuant to NRS 639.231, the person to whom the license to operate the pharmacy was issued shall file with the Board written notice of the change.

3. If an application or notice required by this section is not filed, the Board may initiate proceedings, pursuant to NRS 639.241 to 639.2576, inclusive, to suspend the license to operate the pharmacy.

(Added to NAC by Bd. of Pharmacy by R011-99, eff. 11-3-99)

NAC 639.230 Voluntary surrender of certificate, license or registration to practice pharmacy in another state pursuant to agreement relating to disciplinary matter. (NRS 639.070) If a pharmacist voluntarily surrenders his certificate, license or registration to practice pharmacy in another state pursuant to an agreement entered into by the pharmacist and the authorizing agency of that state relating to a disciplinary matter, the Board will initiate proceedings, pursuant to NRS 639.241 to 639.2576, inclusive, to revoke the certificate of registration of the pharmacist to practice pharmacy in the State of Nevada.

(Added to NAC by Bd. of Pharmacy by R010-99, eff. 11-3-99)

PHARMACEUTICAL TECHNICIANS

NAC 639.240 Requirements for registration of pharmaceutical technicians. (NRS 639.070, 639.1371)

1. No person may perform the duties of a pharmaceutical technician until he has been issued a certificate of registration.

2. An applicant for registration as a pharmaceutical technician must:
(a) Be 18 years of age or older;
(b) Be a high school graduate or the equivalent;
(c) Not have been convicted of any felony or a misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs;
(d) Have no history of drug abuse; and
(e) Have complied with one of the following requirements:
(1) The successful completion of a program of training for pharmaceutical technicians that is approved by the Board, including, but not limited to, a program of training offered by a postsecondary school that is located outside this State, if the program is approved by the Board or agency which governs the practice of pharmacy in the state where the program is offered.
(2) The successful completion of at least 1,500 hours of experience as a registered hospital pharmaceutical technician.
(3) Registration in another state as a pharmaceutical technician if the requirements for registration in that state are equivalent to the requirements of this State.
(4) If the state in which the applicant has been employed does not offer registration, licensure or certification as a pharmaceutical technician:
(I) The successful completion of at least 1,500 hours of experience in a pharmacy in that state performing the duties set forth in paragraph (c) of subsection 3 of NRS 639.1371 during the 3 years immediately preceding the date on which his application was submitted;
(II) The successful completion of at least 350 hours of employment in a pharmacy in this State; and
(III) The acquisition of a written statement to the Board from the managing pharmacist of the pharmacy referred to in sub-subparagraph (II) stating that the applicant, during his employment, demonstrated competence to perform the tasks assigned to him.
Ê Such an applicant may register as a pharmaceutical technician in training before he completes the requirements of sub-subparagraph (II).
(5) The successful completion of at least 1,500 hours of training and experience as a pharmaceutical technician in training. A pharmaceutical technician in training may accumulate certified hours of training from each place of employment.
3. An applicant who attended a school outside the United States must submit to an organization which evaluates educational credentials a copy of the transcript of his academic record from that school for a determination of whether the grades the applicant received are substantially equivalent to the grades required for an applicant who attended a school in the United States. The applicant must ensure that a copy of the organization's evaluation of the transcript is submitted to the Board.
4. Upon receipt of an application and the required fee, the Executive Secretary shall, unless he has good cause to deny the registration, issue a certificate of registration to the pharmaceutical technician.
[Bd. of Pharmacy, § 639.200, eff. 6-26-80]—(NAC A 12-3-84; 3-27-90; 11-15-93; 11-9-95; 7-17-96; R012-01, 11-1-2001; R041-04, 5-25-2004)

NAC 639.242 Registration of pharmaceutical technician in training; affidavit of managing pharmacist. (NRS 639.070, 639.1371)
1. An applicant for registration as a pharmaceutical technician in training must:
(a) Be 18 years of age or older;
(b) Be a high school graduate or the equivalent;
(c) Not have been convicted of any felony or a misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs;
(d) Have no history of drug abuse; and
(e) Participate in training while on the job and acquire experience that is commensurate with the duties of his employment.
2. A person may perform the duties of a pharmaceutical technician while he is receiving the training

and experience required by paragraph (e) of subsection 1 if he is registered with the Board.

3. Upon receipt of an application and the required fee, the Executive Secretary shall, unless he has good cause to deny the registration, issue a registration certificate for a pharmaceutical technician in training to the managing pharmacist of the pharmacy where the trainee will be employed.

4. Registration as a pharmaceutical technician in training is effective for 24 months after the date of issuance unless an extension is granted by the Board.

5. The registration certificate of a pharmaceutical technician in training who is receiving the training and experience required by paragraph (e) of subsection 1 will specify the pharmacy where he will be employed. Termination of that employment voids the registration, and the trainee must reapply for registration before his services may be used by another pharmacy. This subsection does not prohibit a trainee from accumulating certified hours of training from each place of employment.

6. The managing pharmacist of the pharmacy where a pharmaceutical technician in training is employed to receive the training and experience required by paragraph (e) of subsection 1 shall file with the Board a signed affidavit certifying:

(a) The number of hours of training and experience the trainee has successfully completed;

(b) The specific training and experience the trainee has completed; and

(c) That the trainee is competent to perform the duties of a pharmaceutical technician.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93; A 11-9-95; 7-17-96)

NAC 639.245 Maintenance and availability of records regarding certain pharmaceutical personnel on duty; activities of pharmaceutical technicians. (NRS 639.070**,** 639.1371**)**

1. A written record must be kept available for inspection showing the pharmacists, pharmaceutical technicians and pharmaceutical technicians in training on duty during the hours of business. This record must be:

(a) Readily retrievable within 48 hours after a request therefor.

(b) Retained for 2 years.

2. A pharmaceutical technician under the direct supervision of a pharmacist may:

(a) Prepackage and label unit dose and unit of use, and repackage drugs if a pharmacist:

(1) Inspects the final products; and

(2) Affixes his initials to the appropriate records for controlling quality.

(b) Prepare, package, compound and label prescription drugs pursuant to prescriptions or orders for medication, if a pharmacist inspects the preparations.

(c) Mix drugs with parenteral fluids, if a pharmacist:

(1) Inspects the final product; and

(2) Affixes his initials to the appropriate records for controlling quality.

(d) Prepare bulk compounds if a pharmacist:

(1) Inspects the final product; and

(2) Affixes his initials to the appropriate records for controlling quality.

(e) Distribute routine orders and stock medications and supplies in the pharmacy or areas where care is provided to patients.

(f) Maintain inventories of supplies of drugs.

(g) Maintain pharmaceutical records.

(h) Request authorization to refill a prescription from the prescribing practitioner.

(i) Transfer a prescription through a computer network if the:

(1) Pharmaceutical technician is employed by a pharmacy that:

(I) Has more than one location; and

(II) Maintains a computer network which provides information between its pharmacies; and

(2) Prescription is transferred to one of the pharmacies within its computer network.

3. A pharmaceutical technician may not:

(a) Perform any action requiring a judgmental decision regarding a drug, the interpretation of a prescription or the instructions for the preparation of a prescription.

(b) Take new prescription or chart orders by telephone.

(c) Distribute medications pursuant to a chart order or dispense a prescription unless the order or prescription has been verified by a pharmacist.

4. A pharmaceutical technician shall prepare and distribute drugs only pursuant to written procedures and guidelines established by the pharmacy in which he performs his duties.

[Bd. of Pharmacy, § 639.205, eff. 6-26-80]—(NAC A 12-3-84; 6-16-86; 3-27-90; 11-15-93; R214-99, 3-13-2000)

NAC 639.247 Establishment and maintenance of policies and procedures for personnel; maintenance and availability of personnel records. (NRS 639.070, 639.1371)

1. A pharmacy that uses the services of a pharmaceutical technician shall:

(a) Establish and maintain written policies and procedures that include:

(1) Job descriptions for all personnel.

(2) Procedures to ensure the quality and safety of pharmaceutical services.

(3) The duties that may be performed only by registered pharmacists.

(4) The minimum qualifications for supportive personnel, including the minimum educational and training requirements that must be completed by supportive personnel.

(5) Procedures for processing prescriptions and compounding medications.

(b) Maintain a written record that includes:

(1) Documentation of the completion of the orientation and training required for each pharmaceutical technician that demonstrates his competency to perform the tasks assigned to him.

(2) Evidence that each pharmaceutical technician has read and is familiar with the written policies of the pharmacy and state and federal laws relating to the practice of pharmacy.

2. The written record maintained pursuant to paragraph (b) of subsection 1 must be available for inspection upon the request of any person authorized to inspect the record for a period of at least 2 years.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93)

NAC 639.250 Restrictions on supervision. (NRS 639.070, 639.1371) Except as otherwise provided in NAC 639.258:

1. In a hospital, a pharmacist who is dispensing prescriptions may not supervise more than two pharmaceutical technicians at one time. A pharmacist who is supervising distributive functions may not supervise more than one pharmaceutical technician in training and one pharmaceutical technician while the trainee is performing technician functions in on-the-job training.

2. In any pharmacy, other than a hospital pharmacy, a pharmacist may not supervise more than two pharmaceutical technicians or two pharmaceutical technicians in training at one time.

[Bd. of Pharmacy, § 639.215, eff. 6-26-80]—(NAC A 12-3-84; 2-18-88; 3-27-90; 11-15-93; 12-13-96; R016-99, 11-3-99)

NAC 639.252 Initialing of prescriptions, records and reports; responsibility for filled prescriptions. (NRS 639.070, 639.1371)

1. A prescription and any record or report prepared by a pharmaceutical technician must bear the legible initials of the pharmaceutical technician and the pharmacist who is supervising him.

2. If a pharmaceutical technician performs one or more of the functions necessary to prepare a prescription, the pharmacist supervising the pharmaceutical technician is responsible for the filled prescription, including, but not limited to, verifying:

(a) The selection and strength of the drug;

(b) The dosage form; and

(c) The labeling of the prescription.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93)

NAC 639.254 Initial and biennial in-service training of pharmaceutical technicians working in or for pharmacy; substitution of continuing education for in-service training. (NRS 639.070,

639.1371)

1. The owner and managing pharmacist of a pharmacy shall provide training for pharmaceutical technicians working in or for the pharmacy that ensures the continuing competency of those technicians. Except as otherwise provided in this section, the training must consist of initial training upon employment and at least 12 hours of in-service training during the 2-year period immediately preceding the renewal of the registration of the pharmaceutical technician.

2. The managing pharmacist shall maintain a written record of the initial training and the annual training completed by each pharmaceutical technician working in or for the pharmacy that contains:

(a) The name and signature of the person receiving the training;

(b) The date or dates on which the training was received;

(c) The number of hours of training received;

(d) A general description of the topics covered; and

(e) The name of the person or provider conducting the training.

3. A pharmaceutical technician may substitute the completion of the continuing education necessary for recertification by the Pharmacy Technician Certification Board for the biennial in-service training required by subsection 1.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93; A by R033-02, 5-31-2002)

NAC 639.256 Approval of program of training for pharmaceutical technicians. (NRS 639.070**,** 639.1371**)**

1. A program of training for pharmaceutical technicians must be a nationally accredited program approved by the Board or another program of training that is approved by the Board before it is provided in this State. A request for approval must be filed with the Board.

2. The Board may approve such a program if it determines that:

(a) The person requesting the approval is competent to provide the program; and

(b) The program includes an orientation to the practice of pharmacy and instruction in the following topics, as appropriate for the practice:

(1) Terminology used in the practice of pharmacy and basic pharmaceutics;

(2) State and federal laws relating to the practice of pharmacy;

(3) Pharmaceutical calculations;

(4) Processing prescription or chart orders;

(5) Procedures for communicating on the telephone;

(6) Pharmaceutical compounding;

(7) Intravenous admixture; and

(8) The use of computer systems for pharmacies.

3. The Board may deny a request for approval to provide a program of training for pharmaceutical technicians or may withdraw its approval of a program at any time for good cause shown.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93)

NAC 639.258 Participation in program of training for pharmaceutical technicians. (NRS 639.070**,** 639.1371**)**

1. A pharmaceutical technician in training who is registered with the Board may perform the duties of a pharmaceutical technician while he is participating in a program of training for pharmaceutical technicians that is approved by the Board. The registration of such a pharmaceutical technician in training:

(a) Will specify the program of training in which he is participating; and

(b) Expires when the enrollment of the pharmaceutical technician in the program terminates.

2. A person who is participating in a program of training for pharmaceutical technicians may be trained in more than one pharmacy as a part of the program.

3. A pharmacist who is acting as an instructor for a program of training for pharmaceutical technicians that is approved by the Board may, while acting as an instructor, supervise one

pharmaceutical technician in training, in addition to the persons that he may supervise pursuant to NAC 639.250, if the additional pharmaceutical technician in training:

(a) Has completed at least 9 months of academic training that includes instruction in the topics set forth in paragraph (b) of subsection 2 of NAC 639.256; and

(b) Has not yet successfully completed 240 hours of practical training.

4. A pharmacist shall not supervise an additional pharmaceutical technician in training pursuant to subsection 3 after that pharmaceutical technician in training has successfully completed 240 hours of practical training.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93; A 12-13-96)

NAC 639.260 Disciplinary action against pharmacy. (NRS 639.070, 639.1371, 639.210) A pharmacy that requires or allows a pharmacist to use the services of a pharmaceutical technician in violation of any provision of this chapter or chapter 639 of NRS is subject to the disciplinary actions set forth in NRS 639.210.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93)

INTERN PHARMACISTS

NAC 639.262 Application for registration; issuance of certificate of registration; maintenance of records relating to internship. (NRS 639.070, 639.137)

1. As required by NRS 639.137, an application for registration as an intern pharmacist must be made on a form furnished by the Board. If the applicant is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board, the application must include the name, telephone number and mailing address of the person at the college of pharmacy or the department of pharmacy of the university who will be making and maintaining the records relating to the internship of the applicant.

2. Upon approval of the application, the Executive Secretary shall issue a certificate of registration as required by NRS 639.137.

3. Except as otherwise provided in subsection 4, if an applicant is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board, the college of pharmacy or the department of pharmacy of the university at which the applicant is enrolled shall prepare and maintain records relating to the participation of the applicant in his internship as an intern pharmacist. The records must include, without limitation, a copy of the documentation provided to the college of pharmacy or the department of pharmacy of the university pursuant to subsection 5 of NAC 639.266, if any.

4. If an applicant participates in an internship after he has graduated from a college of pharmacy, a department of pharmacy of a university or a foreign school, the applicant shall prepare and maintain records relating to his participation in the internship. The records must include, without limitation, a copy of the documentation provided to the applicant pursuant to subsection 5 of NAC 639.266, if any.

(Added to NAC by Bd. of Pharmacy by R019-03, eff. 10-21-2003)

NAC 639.264 Employment at pharmacy as part of internship. (NRS 639.070, 639.137) A pharmacy for which an intern pharmacist works as part of an internship to fulfill the requirements of paragraph (d) of subsection 1 of NRS 639.120 may:

1. Allow the intern pharmacist to work at the pharmacy without pay if the intern pharmacist is receiving credit for the internship from the college of pharmacy or the department of pharmacy of the university approved by the Board at which the intern pharmacist is enrolled; or

2. Employ the intern pharmacist with pay if the intern pharmacist:

(a) Has graduated from a college of pharmacy, a department of pharmacy of a university or a foreign school; or

(b) Is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board and is working for the pharmacy during a break from his attendance at the college of pharmacy or

the department of pharmacy of the university, including, without limitation, the summer vacation months or a holiday break.

(Added to NAC by Bd. of Pharmacy by R019-03, eff. 10-21-2003)

NAC 639.266 Supervision and training: Service as preceptor; duties; evaluation of internship. (NRS 639.070, 639.137)

1. Except as otherwise prohibited by law or by an order of the Board, any registered pharmacist may serve as preceptor to an intern pharmacist.

2. If an intern pharmacist is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board, the college of pharmacy or the department of pharmacy of the university at which the intern pharmacist is enrolled shall establish a scope of duties that may be engaged in by the intern pharmacist during his internship and shall provide the scope of duties to the intern pharmacist before his internship begins. The scope of duties must be based upon the courses that the intern pharmacist has completed. The intern pharmacist shall, before his internship begins, provide the scope of duties established for him by the college of pharmacy or the department of pharmacy of the university to any preceptor responsible for his supervision and training.

3. Except as otherwise provided in subsection 4, a preceptor shall allow an intern pharmacist under his supervision to perform duties to the fullest extent practicable that are primarily related to:

(a) The selling of controlled substances, poisons, dangerous drugs and devices;

(b) The compounding of prescription drugs;

(c) The filling of prescriptions and the dispensing of prescription drugs;

(d) Preparing and maintaining such records and reports as are required by state and federal law;

(e) Counseling patients as required by NAC 639.707 concerning prescription drugs dispensed to the patients; and

(f) The practice of pharmacy as that term is defined in NRS 639.0124.

4. A preceptor shall not allow an intern pharmacist under his supervision to perform any duties that:

(a) Are outside of the scope of duties established for the intern pharmacist pursuant to subsection 2; or

(b) In the professional judgment of the preceptor, the intern pharmacist is not able to perform safely and professionally.

5. A preceptor shall:

(a) Document the number of hours worked by each intern pharmacist under his supervision;

(b) Maintain that documentation; and

(c) Provide a copy of that documentation to:

(1) The college of pharmacy or the department of pharmacy of the university at which the intern pharmacist is enrolled if the intern pharmacist is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board; or

(2) The intern pharmacist if the intern pharmacist has graduated from a college of pharmacy, a department of pharmacy of a university or a foreign school.

6. If the intern pharmacist is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board, the preceptor supervising the intern pharmacist shall provide written notice to the college of pharmacy or the department of pharmacy of the university at which the intern pharmacist is enrolled if the preceptor or the pharmacy for which the preceptor works terminates the internship of the intern pharmacist. The notice must state with specificity the reasons for the termination of the internship.

7. In addition to the notice provided pursuant to subsection 6, a preceptor supervising an intern pharmacist who is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board shall provide written notice to the Board if the internship of the intern pharmacist is terminated because the intern pharmacist:

(a) Was arrested for, charged with or convicted of a crime that was alleged to have been committed by the intern pharmacist while participating in his internship at the pharmacy;

(b) Committed an act that, in the judgment of the preceptor, was a violation of one or more provisions

of Nevada or federal law relating to the practice of pharmacy; or

(c) Committed an act that, in the judgment of the preceptor, was a violation of one or more of the policies or procedures of the pharmacy at which the intern pharmacist was participating in his internship. Ê The notice must state with specificity the reasons for the termination of the internship.

8. Except as otherwise provided in subsection 9, the college of pharmacy or the department of pharmacy of the university at which any intern pharmacist is enrolled shall provide the intern pharmacist with a form to evaluate the quality of his internship at a pharmacy upon completion of the internship at the pharmacy. If a representative of the college of pharmacy or the department of pharmacy of the university discusses any of the comments made on the evaluation form with a preceptor who supervised the intern pharmacist or with any representative of the pharmacy at which the intern pharmacist was participating in his internship, the representative of the college of pharmacy or the department of pharmacy of the university shall not attribute any of the comments made on the evaluation to the intern pharmacist.

9. A college of pharmacy or a department of pharmacy of a university is not required to provide an intern pharmacist who participates in an internship after he has graduated from the college of pharmacy or the department of pharmacy of the university with a form to evaluate the quality of his internship at a pharmacy.

10. As used in this section, “preceptor” means a registered pharmacist who:

(a) Has accepted responsibility for the supervision and training of an intern pharmacist; and

(b) Provides direct and immediate supervision to the intern pharmacist.

(Added to NAC by Bd. of Pharmacy by R019-03, eff. 10-21-2003)

NAC 639.268 Supervision and training: Responsibilities of registered pharmacist. (NRS 639.070**,** 639.137**)** A registered pharmacist who has accepted responsibility for the supervision and training of an intern pharmacist is responsible for all acts performed by the intern pharmacist working under his supervision. All prescriptions compounded, dispensed or filled by an intern pharmacist and all records and reports prepared by an intern pharmacist must bear the legible initials of both the intern and the registered pharmacist who is supervising him.

[Bd. of Pharmacy, § 639.195, eff. 6-26-80]—(Substituted in revision for NAC 639.705)

PHYSICIAN ASSISTANTS

NAC 639.269 “Physician assistant” defined. (NRS 639.070**)** As used in NAC 639.269 to 639.295, inclusive, unless the context otherwise requires, “physician assistant” includes an osteopathic physician’s assistant.

(Added to NAC by Bd. of Pharmacy by R015-03, eff. 10-21-2003)

NAC 639.270 Scope. (NRS 639.070**,** 639.1373**)** The provisions of NAC 639.269 to 639.295, inclusive:

1. Regulate the issuance of registration certificates to physician assistants;
2. Control the prescribing and dispensing of controlled substances, poisons, dangerous drugs and devices by physician assistants;
3. Set registration fees; and
4. Establish grounds for the suspension or revocation of registration certificates of physician assistants.

[Bd. of Pharmacy, § 639.350, eff. 6-26-80]—(NAC A 2-6-90; 9-10-90; 10-24-97)

NAC 639.272 Requirements for registration certificate. (NRS 639.070**,** 639.1373**)**

1. The application of a physician assistant for:

(a) A registration certificate to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices; or

(b) A registration certificate to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices,
Ê must be in writing and filed with the Executive Secretary.

2. Each application for a registration certificate to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices must include:

(a) The name, address, social security number and telephone number of the applicant;

(b) A copy of the license issued by the Board of Medical Examiners or certificate issued by the State Board of Osteopathic Medicine that authorizes the applicant to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices;

(c) The name, address and telephone number of the applicant's supervising physician; and

(d) Any other information requested by the Board.

3. Each application for a registration certificate to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices must include:

(a) The name, address, social security number and telephone number of the applicant;

(b) A copy of the license issued by the Board of Medical Examiners or certificate issued by the State Board of Osteopathic Medicine that authorizes the applicant to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices;

(c) The name, address and telephone number of the applicant's supervising physician; and

(d) Any other information requested by the Board.

4. Each physician assistant who applies for a registration certificate pursuant to subsection 3 must:

(a) Personally appear before the Board for determination and assignment of the specific authority to be granted to the physician assistant if the physician assistant:

(1) Responded affirmatively to any of the questions on the application regarding his character or competency; or

(2) Is requested to do so by the Board;

(b) Submit a statement, signed by the applicant and a pharmacist who is registered with the Board, indicating that the pharmacist is available to the applicant as a consultant concerning the dispensing of controlled substances, poisons, dangerous drugs and devices; and

(c) Pass an examination administered by the Board on the law relating to pharmacy.

5. Each physician assistant to whom a registration certificate is issued must be registered to a supervising physician.

(Added to NAC by Bd. of Pharmacy, eff. 10-26-83; A 2-6-90; 9-10-90; 10-17-91; 10-1-93; 10-24-97; R006-01, 11-1-2001)

NAC 639.277 Change in location of practice or supervising physician. (NRS 639.070**)** A physician assistant shall notify the Board in writing of a change in the location of his practice or a change of his supervising physician not later than 10 days after the change occurs.

(Added to NAC by Bd. of Pharmacy, eff. 2-6-90; A 9-10-90; 10-24-97)

NAC 639.280 Scope of authority to prescribe and dispense. (NRS 639.070**,** 639.1373**)**

1. Except as otherwise provided in subsections 2 and 3, a physician assistant who is authorized to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices may prescribe and dispense a controlled substance, poison, dangerous drug and device or a poison, dangerous drug and device, as applicable, only:

(a) For a legitimate medical purpose; and

(b) In such amounts as are authorized by his supervising physician except that the amounts must not exceed a 365-day supply.

2. A physician assistant who is authorized to prescribe and dispense dangerous drugs may dispense any method of birth control in any quantity ordered by prescription.

3. The limitation set forth in paragraph (b) of subsection 1 does not apply to any method of birth control prescribed or dispensed by a physician assistant.

4. A physician assistant who prescribes or dispenses drugs to a patient under the direction of a supervising physician or pursuant to NRS 454.00958 shall do so by a written prescription, unless the prescription is issued as an oral order to a pharmacy.

[Bd. of Pharmacy, § 639.360, eff. 6-26-80]—(NAC A 10-17-86; 2-6-90; 9-10-90; 5-22-96; 10-24-97; R015-03, 10-21-2003)

NAC 639.283 Prescriptions: Orders on charts of hospitalized patients. (NRS 639.070, 639.1373) A physician assistant shall not write a prescription in the form of an order on the chart of a patient in a hospital unless he is authorized by the hospital's rules and has filed a copy of his form for prescriptions with the pharmacy of the hospital. The form must be approved by the Board.

(Added to NAC by Bd. of Pharmacy, eff. 2-6-90)

NAC 639.285 Security and storage of controlled substances and drugs. (NRS 639.070, 639.1373)

1. All controlled substances and dangerous drugs which are in the possession of a physician assistant must be kept in a locked storage area. Access to the storage area must be restricted to the persons described in NRS 453.375.

2. Physician assistants working intermittently at satellite facilities, such as clinics, must transport the drugs on each trip to and from those locations unless authorized by the Board to store them at those locations.

3. Biologicals and other drugs must be refrigerated if that requirement is stated on the manufacturer's label.

[Bd. of Pharmacy, § 639.370, eff. 6-26-80]—(NAC A 2-6-90)

NAC 639.290 Substitution in case of illness or absence. (NRS 639.070, 639.1373) When a physician assistant possessing a registration certificate to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices is ill or absent from his duties, another physician assistant possessing such a registration certificate may perform the duties of the absent physician assistant with the consent and under the supervision of the supervising physician of the absent physician assistant. An inventory of drugs must be taken before the substitute begins his duties and again taken when the returning physician assistant resumes his duties. The inventories must be attested to by the signature of the supervising physician and copies submitted to the Executive Secretary upon the request of the Board.

[Bd. of Pharmacy, § 639.365, eff. 6-26-80]—(NAC A 2-6-90; 9-10-90; 10-24-97)

NAC 639.295 Grounds for denial of application or suspension or revocation of registration. (NRS 639.070, 639.1373, 639.210) The Board may deny the application of any physician assistant or suspend or revoke his registration if he:

1. Is not of good moral character;
2. Is guilty of habitual intemperance;
3. Becomes or is under the influence of liquor, any depressant drug or a controlled substance while on duty, unless the drug or substance has been taken pursuant to a physician's prescription;
4. Is guilty of unprofessional conduct or conduct contrary to the public interest;
5. Is addicted to the use of any controlled substance;
6. Has been convicted of a violation of any federal law or law of any other state relating to controlled substances;
7. Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;
8. Has willfully made to the Board or its authorized representative any false written statement which is material to the administration or enforcement of any provision of chapter 453, 454 or 639 of NRS;
9. Has obtained registration by filing any application, record or affidavit, or any information in

support thereof, which is false or fraudulent;

10. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other state or federal law or regulation relating to prescription drugs;

11. Has violated, attempted to violate, assisted or abetted in the violation of, or conspired to violate any law or regulation relating to the practice of pharmacy;

12. Has failed to renew his registration by failing to pay the renewal fee;

13. Has failed to maintain the security of his drug supply;

14. Has violated, attempted to violate, assisted or abetted in the violation of, or conspired to violate any provision of this regulation;

15. Has supplied patients with prescriptions that are presigned in blank by the physician; or

16. Has violated any provision of chapter 453, 454, 585 or 639 of NRS.

[Bd. of Pharmacy, § 639.375, eff. 6-26-80]—(NAC A 2-6-90)

IMMUNIZATION BY PHARMACISTS AND INTERN PHARMACISTS

NAC 639.297 "Immunization" defined. (NRS 639.070) As used in NAC 639.297 to 639.2978, inclusive, unless the context otherwise requires, "immunization" means the act of inducing antibody formation through the introduction of a drug into the human body.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001)

NAC 639.2971 Authorization; contents of and deviation from written protocol. (NRS 454.213, 639.070, 639.137)

1. A pharmacist may administer immunizations by an intranasal, intramuscular or subcutaneous injection in compliance with a written protocol from a physician that authorizes a pharmacist to administer such an immunization. Such a protocol must contain:

(a) The name of the physician who is authorizing the administration of immunizations by a pharmacist;

(b) The name of the pharmacist authorized to administer immunizations;

(c) The location or locations at which the pharmacist may administer immunizations;

(d) The immunizations that may be administered by the pharmacist;

(e) Detailed policies and procedures that the pharmacist must follow while administering immunizations, including, without limitation, procedures to follow in the case of adverse reactions or emergencies following administration;

(f) A procedure requiring the pharmacist to report the administration of immunizations to the physician issuing the written protocol, including, without limitation:

(1) A specification of the time within which such reporting must occur; and

(2) A requirement that the pharmacist submit a periodic status report concerning any problems, complications or emergencies encountered while administering immunizations;

(g) A procedure for the review of the protocol and its operation by the pharmacist and the physician at least once annually, and the making and keeping of a record of the review;

(h) A restriction that the pharmacist may not administer any immunization to a patient who is less than 14 years of age;

(i) Except as otherwise provided in subsection 2, a restriction that the pharmacist may not delegate his authority to administer an immunization;

(j) A restriction that the pharmacist may not administer an immunization except at the authorized location, which location may not be the home of the patient, unless the patient resides in a licensed facility for long-term care or in a hospital;

(k) A requirement that the immunizations will be administered according to all applicable federal, state and local laws;

(l) A restriction that the pharmacist, the pharmacy or the business at which the immunizations will be administered is prohibited from paying, offering or otherwise giving any remuneration to the physician

for providing a written protocol or authorizing the administration of an immunization to any patient; and

(m) The signature of the physician authorizing the administration of the immunizations and the effective dates of the written protocol.

2. An intern pharmacist may administer immunizations by an intranasal, intramuscular or subcutaneous injection under the direct and immediate supervision of a pharmacist who has received a written protocol from a physician that authorizes the pharmacist to administer such an immunization.

3. If a physician orders a deviation from the written protocol with a pharmacist for the benefit of a specific patient, the physician shall note the deviations from the written protocol in the record of the patient.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R142-03, 4-8-2004; R180-05, 12-29-2005)

NAC 639.2972 Duties of authorizing physician. (NRS 454.213**,** 639.070**,** 639.137**)** A physician who has authorized a pharmacist to administer immunizations pursuant to a written protocol shall supervise the implementation of the protocol by the pharmacist or an intern pharmacist acting under the direct and immediate supervision of the pharmacist by:

1. Retaining responsibility for the quality of care rendered by the pharmacist or intern pharmacist;

2. Being readily accessible to the pharmacist or intern pharmacist or the patient when the pharmacist is authorized to administer the immunizations for consultation, assistance and direction; and

3. Reviewing a periodic status report from the pharmacist or intern pharmacist concerning any problems, complications or emergencies encountered while administering immunizations.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R180-05, 12-29-2005)

NAC 639.2973 Training and certification to administer immunizations. (NRS 454.213**,** 639.070**,** 639.137**)**

1. Before a pharmacist may enter into a written protocol with a physician to administer immunizations or before an intern pharmacist acting under the direct and immediate supervision of a pharmacist may administer immunizations, the pharmacist or intern pharmacist must be trained and certified to administer immunizations by completing a course provided by the Office of Pharmacy Education, the University of Nevada School of Medicine or a provider approved by the American Council on Pharmaceutical Education that includes:

(a) Certification in life-saving techniques pursuant to the American Heart Association's Basic Cardiac Life Support for Health Care Providers or its equivalent;

(b) Education and practical training, including, without limitation, written study materials regarding techniques for administering immunizations;

(c) Evaluation of the knowledge and technique of the pharmacist or intern pharmacist in administering immunizations;

(d) Instruction consistent with the current training guidelines of the Centers for Disease Control and Prevention; and

(e) Except as otherwise provided in subsection 2, a minimum of 20 hours of instruction and practical training concerning:

(1) The standards for pediatric, adolescent and adult immunization practices recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices;

(2) Basic immunology, and vaccine and immunization protection;

(3) Diseases that are preventable through vaccination and immunization;

(4) Recommended immunization schedules;

(5) Vaccine and immunization storage and management;

(6) Informed consent;

(7) Physiology and techniques for administration of immunizations;

(8) Preimmunization and postimmunization assessment and counseling;

(9) Immunization reporting and records management; and

(10) Identification, response, documentation and reporting of adverse events.

2. In lieu of complying with the requirements of paragraph (e) of subsection 1, a pharmacist or an intern pharmacist who administers immunizations consisting exclusively of live attenuated influenza vaccine through the nasal passages of a person may complete a program of less than 20 hours of instruction which is accredited by the American Council on Pharmaceutical Education and includes instruction relating to:

(a) The epidemiology of influenza;

(b) The pathophysiology, clinical presentation, diagnosis, prevention and treatment of influenza;

(c) The administration, storage and handling of influenza vaccines; and

(d) The counseling of patients who will be immunized with the vaccine.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R187-03, 4-8-2004; R180-05, 12-29-2005)

NAC 639.2974 Certification in basic cardiac life support; continuing education. (NRS 454.213**,** 639.070**,** 639.137**)** A pharmacist who administers immunizations or an intern pharmacist acting under the direct and immediate supervision of a pharmacist who administers immunizations shall:

1. Maintain certification in basic cardiac life support from the American Heart Association; and

2. On or before October 31 of each year, complete:

(a) At least 2 hours of continuing education in a course or courses that address the life cycle of diseases, drugs and administration of immunizations; or

(b) A course provided by the Centers for Disease Control and Prevention regarding epidemiology and prevention of diseases which are preventable through immunization.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R180-05, 12-29-2005)

NAC 639.2975 Legal possession and control of drugs administered as immunizations; drugs to counteract adverse reactions. (NRS 454.213**,** 639.070**,** 639.137**)**

1. The drugs administered as immunizations by a pharmacist or an intern pharmacist acting under the direct and immediate supervision of a pharmacist must be in the legal possession of:

(a) The pharmacy that employs the pharmacist or intern pharmacist who will be administering the immunizations, which pharmacy is responsible for the drugs and the maintenance of records of administration of the immunizations; or

(b) The physician who has authorized the pharmacist to administer the immunizations, which physician is responsible for the drugs and the maintenance of records of administration of the immunizations.

2. The drugs used for immunizations must be transported and stored at the proper temperatures indicated for the drugs by the manufacturer.

3. While engaged in the administration of immunizations, a pharmacist or an intern pharmacist acting under the direct and immediate supervision of a pharmacist may have in his custody and control the drugs for immunization that are identified in the written protocol and any other dangerous drugs listed in the written protocol to treat an adverse reaction.

4. If a pharmacist or an intern pharmacist acting under the direct and immediate supervision of a pharmacist administers immunizations at a location other than a pharmacy, the pharmacist or intern pharmacist must return all unused drugs to the pharmacy or physician responsible for the drugs.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R180-05, 12-29-2005)

NAC 639.2976 Notification of immunizations. (NRS 454.213**,** 639.070**,** 639.137**)**

1. A pharmacist or an intern pharmacist acting under the direct and immediate supervision of a pharmacist who administers immunizations shall notify:

(a) The physician who issued the written protocol within 14 days after administering the immunizations;

(b) The primary care physician of the patient, as provided by the patient or agent of the patient, within

14 days after administering the immunizations;

(c) The county health department of the county where the immunization was administered and the State of Nevada as required by statute, regulation, ordinance or rule; and

(d) The statewide immunization registry maintained by the Health Division of the Department of Health and Human Services.

2. The notifications required pursuant to subsection 1:

(a) Must include the name and address of the patient; and

(b) May include:

(1) The name of the primary care physician of the patient as provided by the patient or the agent of the patient;

(2) The name, manufacturer and lot number of the drug administered;

(3) The amount of the drug administered;

(4) The date the immunization was administered;

(5) The place on the body of the patient where the immunization was administered;

(6) The route of administration of the immunization;

(7) The name, address and title of the person administering the immunization;

(8) Any adverse reactions suffered by the patient as a result of the immunization; and

(9) Any other information required by federal, state or local law.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R180-05, 12-29-2005)

NAC 639.2977 Maintenance of records. (NRS 454.213, 639.070, 639.137)

1. Each record required to be made pursuant to NAC 639.297 to 639.2978, inclusive, must be kept for at least 2 years by the pharmacist or intern pharmacist administering the immunization and the pharmacy or physician who possessed the drugs administered. Such records must be available for inspection and copying by the Board or its representative, or any other authorized federal, state or local law enforcement or regulatory agency.

2. Records required pursuant to this section may be maintained in an alternative data retention system, including, without limitation, a computer data processing system or direct imaging system, if:

(a) The records maintained in the alternative system contain all the information required for a written record; and

(b) The data processing system is capable of producing a printed copy of the record upon the request of the Board, its representative or any other authorized federal, state or local law enforcement or regulatory agency.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R180-05, 12-29-2005)

NAC 639.2978 Confidentiality of records. (NRS 454.213, 639.070, 639.137)

1. A pharmacist or an intern pharmacist acting under the direct and immediate supervision of a pharmacist shall provide adequate security to prevent unauthorized access to confidential records of immunizations. If confidential health information is not transmitted directly between a pharmacy and a physician, but is transmitted through a data communication device, the confidential health information must not be viewed or used by the operator of the data communication device unless the operator is specifically authorized to obtain confidential information pursuant to this subsection.

2. Except as otherwise provided in NRS 49.245, the confidential records of immunizations are privileged and may be released only to:

(a) The patient or the authorized agent of the patient;

(b) Physicians and other pharmacists or intern pharmacists acting under the direct and immediate supervision of pharmacists when, in the professional judgment of the pharmacist or intern pharmacist, such release is necessary to protect the health and well-being of the patient;

(c) The Board or other federal, state or local agencies authorized by law to receive such information;

(d) A law enforcement agency engaged in the investigation of a suspected violation involving a controlled substance or dangerous drug;

(e) A person employed by any state agency that licenses a physician if such a person is engaged in the performance of his official duties; or

(f) An insurance carrier or other third party payor authorized by a patient to receive such information.

3. The provisions of this section must not be construed to affect or alter the provisions of NRS 49.215 to 49.245, inclusive, relating to the confidentiality of communications between a doctor and a patient.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R180-05, 12-29-2005)

CONTINUING PROFESSIONAL EDUCATION

NAC 639.300 Definitions. (NRS 639.070, 639.2176) As used in NAC 639.300 to 639.390, inclusive, unless the context otherwise requires, the words and terms defined in NAC 639.305 to 639.320, inclusive, have the meanings ascribed to them in those sections.

[Bd. of Pharmacy, § 639.070, eff. 6-26-80]—(NAC A 10-17-86)

NAC 639.305 "Acceptable materials" defined. (NRS 639.070, 639.2176) "Acceptable materials" means material for continuing education which:

1. Complies with the statutory limits regarding the scope of continuing education; and
2. Is offered by a provider although the material is not endorsed by the Board, or has been submitted to and endorsed by the Board.

[Bd. of Pharmacy, § 639.075, eff. 6-26-80]—(NAC A 10-17-86)

NAC 639.310 "Accredited material" defined. (NRS 639.070, 639.2176) "Accredited material" means material for continuing education which has been endorsed by the Board after review by the Board, by its advisory committee on continuing education, by the American Council on Pharmaceutical Education or by a board of pharmacy of another state.

[Bd. of Pharmacy, § 639.080, eff. 6-26-80]—(NAC A 10-17-86)

NAC 639.315 "Continuing education unit" defined. (NRS 639.070, 639.2176) "Continuing education unit" means 1 full hour devoted to approved continuing education, consisting of accredited or acceptable material.

[Bd. of Pharmacy, § 639.085, eff. 6-26-80]—(NAC A 10-17-86)

NAC 639.320 "Provider" defined. (NRS 639.070, 639.2176) "Provider" means any person recognized by the Board as responsible and competent to provide material for continuing education which is accredited or acceptable.

[Bd. of Pharmacy, § 639.090, eff. 6-26-80]—(NAC A 10-17-86)

NAC 639.330 Registration and reregistration: Continuing education required; submission of proof. (NRS 639.070, 639.2176)

1. Except as otherwise provided in NAC 639.335, the Board will not issue a certificate as a registered pharmacist to any person pursuant to NRS 639.133, or renew the certificate of any registered pharmacist, until the applicant submits proof to the Board of receipt of 30 continuing education units within the biennium immediately preceding the current renewal period. The continuing education units must include not less than:

(a) Fifteen continuing education units in accredited programs; and

(b) One continuing education unit earned:

(1) In a jurisprudence program approved or presented by the Board relating to the practice of pharmacy or the law relating to pharmacy in this State; or

(2) By attending any meeting of the Board for not less than 4 hours.

2. No applicant may carry over any excess continuing education units earned in a previous biennium for purposes of compliance with the requirements of this section.

3. Work-related experience acquired in fields other than the practice of pharmacy is not acceptable as credit toward the requirements of continuing education established by NRS 639.2171 to 639.2176, inclusive, and NAC 639.300 to 639.390, inclusive.

[Bd. of Pharmacy, § 639.100, eff. 6-26-80]—(NAC A 10-17-91; R068-02, 8-6-2002)

NAC 639.333 Registration and reregistration: Acceptance of certificate issued by another state as proof of compliance with requirements for continuing education. (NRS 639.070, 639.2176) The Board will accept a certificate of registration issued by another state as proof of compliance with the requirements for continuing professional education if:

1. The certificate of registration is valid for no more than 2 years;

2. The requirements for continuing professional education in the state which issued the certificate of registration are equal to or exceed the requirements for continuing professional education in this State; and

3. The pharmacist is registered in Nevada but does not currently practice in Nevada.

(Added to NAC by Bd. of Pharmacy, eff. 6-16-86)

NAC 639.335 Registration and reregistration: Exceptions to requirement of continuing education. (NRS 639.070, 639.2176)

1. Applicants within the following categories are excused from full compliance with NAC 639.330:

(a) An applicant for certification or renewal is exempt for 2 years after receipt of a degree in pharmacy conferred by an accredited school or college of pharmacy.

(b) An applicant who is registered pursuant to NRS 639.134 need complete only a number of continuing education units proportional to the number of months remaining until the next date for biennial renewal following his registration. Proration will be made at the rate of 1 1/4 units per month.

(c) An applicant who is residing and practicing outside of this State is exempt from the requirement of one continuing education unit in a jurisprudence program.

2. An applicant may earn all his required continuing education units in acceptable programs which are not accredited if he is:

(a) A student of a health profession and has attended at least 15 hours of classroom instruction during a calendar year;

(b) On active duty in the Armed Forces and stationed outside of this State; or

(c) Residing and practicing outside of this State.

[Bd. of Pharmacy, § 639.105, eff. 6-26-80]—(NAC A 10-17-86; 10-17-91)

NAC 639.340 Providers of continuing education: Request for recognition; grant, denial or withdrawal of recognition. (NRS 639.070, 639.2176) Any person seeking recognition as a provider must notify the Board of his intent to provide material or programs for continuing education and request recognition by the Board. The request will be granted if the Board finds that the person applying for recognition is competent to provide material or programs for continuing education, and the Board will communicate its recognition by mail. Recognition may be denied or withdrawn if the Board finds that the person has:

1. Failed to furnish material as advertised;

2. Engaged in any misleading or deceptive practice;

3. Failed to furnish material as required by law or NAC 639.300 to 639.390, inclusive;

4. Failed to comply with the laws or regulations governing continuing professional education in this State; or

5. If the material or programs are not accredited by the American Council on Pharmaceutical Education, failed to submit the material or programs to the Board at least 60 days before providing the material or programs.

[Bd. of Pharmacy, § 639.110, eff. 6-26-80]—(NAC A 10-17-86; R130-05, 11-17-2005)

NAC 639.345 Providers of continuing education: Records required; issuance of certificates of completion. (NRS 639.070, 639.2176) Each provider shall:

1. Keep records sufficient to document:
(a) The participation of each pharmacist;
(b) The course or program in which the pharmacist participated;
(c) Whether the pharmacist completed the program or course; and
(d) The number of continuing education units awarded to the pharmacist.
Ê Such records must be maintained for a period of 4 years after completion of the course or program.
2. Furnish to each participant who completes a course or program a certificate of completion which contains the following information:
(a) The name of the participant.
(b) The name of the provider of the course or program.
(c) A description of the course or program.
(d) The number of continuing education units completed.
(e) The date of completion.
(f) The course designation, either accredited or acceptable.
[Bd. of Pharmacy, § 639.115, eff. 6-26-80]—(NAC A 10-17-86)

NAC 639.350 Providers of continuing education: List of participants; reference to accreditation; information to be transmitted to Board. (NRS 639.070, 639.2176)

1. Each provider of material:
(a) Shall maintain a list of all participants in the program for 4 years; and
(b) May use only the wording authorized in NAC 639.365 with reference to his accreditation in this State.
2. In the case of any material, course or program intended to be presented at a specific time and place, the provider shall, within 60 days after completion of the course or program, transmit to the Board the following information:
(a) The names and the number of participants in the program or course.
(b) Any material changes in the program or course made since notice of accreditation was issued by the Board.
(c) The date, time and location of the presentation.
(d) The number of hours awarded for continuing education units.
(e) A brief description of the program, including the principal objective of the presentation.
[Bd. of Pharmacy, § 639.120, eff. 6-26-80]—(NAC A 10-17-86)

NAC 639.360 Accreditation of material, course or program. (NRS 639.070, 639.2176)

1. A provider who seeks accreditation for any material, course or program must submit it to the Board or its designee for review. The Board will notify the provider of the accreditation or denial thereof within 60 days after the submission of a completed application. In a notice of accreditation, the Board will designate the number of units of continuing education for which the course or program is accredited. Accreditation expires 2 years after issuance, unless sooner renewed.
2. In determining whether or not any submitted material, course or program should be accredited, the Board must be satisfied that:
(a) The material, course or program is presented by a provider;
(b) A certificate of completion will be issued to each participant who completes the course or program;
(c) The program includes some mechanism whereby each participant is allowed to evaluate the course with respect to the comprehensibility of the material;
(d) A complete syllabus is included;

(e) The material, course or program is accurate, applicable to pharmacy and of adequate technical quality; and

(f) If the material, course or program is not accredited by the American Council on Pharmaceutical Education, the material, course or program is submitted to the Board at least 60 days before the material, course or program is provided.

[Bd. of Pharmacy, § 639.130, eff. 6-26-80]—(NAC A 10-26-83; 10-17-86; 4-28-88; R130-05, 11-17-2005)

NAC 639.365 Advertising, announcements and other promotional material. (NRS 639.070, 639.2176)

1. A provider may hold himself out as a provider of the material, course or program for continuing education under NRS 639.2171 to 639.2176, inclusive.

2. A provider of any accredited material, course or program may state in advertising, announcements or other promotional materials:

> This course (or program) has been designated ACCREDITED by the State Board of Pharmacy for ..... continuing education units. This designation expires on ..... (date)

3. A provider of any acceptable material, course or program may state in announcements, advertising or other promotional materials:

> This course (or program) has been designated as ACCEPTABLE under the guidelines for continuing education of the State Board of Pharmacy and has been assigned ..... units of credit toward continuing education.

[Bd. of Pharmacy, § 639.135, eff. 6-26-80]—(NAC A 10-17-86)

NAC 639.370 Materials for continuing education: Formats of programs; subject matter. (NRS 639.070, 639.2176)

1. Approved programs for continuing education may consist of lectures, seminars, classes or correspondence courses. Presentations may be live or be given by audiotape or videotape. Material may be studied privately or in groups.

2. A provider of material for continuing education has primary responsibility for the format and presentation of the material and may designate or restrict the manner in which the material is presented.

3. Material for continuing education may cover any subject pertinent to the socioeconomic and legal aspects of health care, the properties and actions of drugs and dosage forms, and the etiology, characteristics and therapeutics of the disease state and may include:

(a) Pharmacology.
(b) Biochemistry.
(c) Physiology.
(d) Pharmaceutical chemistry.
(e) Pharmacy administration.
(f) Pharmacy jurisprudence.
(g) Public health and communicable diseases.
(h) Management of a professional practice.
(i) Anatomy.
(j) Histology.
(k) Other subject matter in the curricula of the accredited colleges and schools of pharmacy.

Ê Matter outside of these areas is subject to acceptance or rejection by the Board.

[Bd. of Pharmacy, § 639.140, eff. 6-26-80]

NAC 639.380 Advisory Committee on Continuing Education: Creation; number of members. (NRS 639.070, 639.2176) The Advisory Committee on Continuing Education is hereby created. The Committee consists of five members.

[Bd. of Pharmacy, § 639.150, eff. 6-26-80]—(NAC A 10-17-86)

NAC 639.385 Advisory Committee on Continuing Education: Composition; powers and duties; quorum; review of materials for continuing education. (NRS 639.070, 639.2176)

1. The composition of the Committee is as follows:

(a) A member of the Board, who is Chairman of the Committee.

(b) The Executive Secretary, who is Vice Chairman of the Committee.

(c) Three members appointed by the Chairman of the Committee and approved by the Board.

2. The Committee:

(a) May adopt internal administrative policies and procedures.

(b) With the approval of the Board, shall establish criteria for accrediting and evaluating any material, course or program for continuing education which is not already accredited by the American Council on Pharmaceutical Education.

(c) May select a panel of reviewers to assist in the evaluation of various categories of materials, courses and programs for continuing education.

(d) Shall evaluate the material, course or program based on the Committee's own criteria, together with any reports from reviewers, and recommend to the Board for its final decision the accreditation of programs and the number of units of continuing education to be awarded to the programs.

(e) May adopt such rules as are necessary for its operation.

(f) Shall advise the Board on all matters relating to continuing education.

(g) May collect from each provider of continuing education a fee sufficient to allow this function of the Board to be self-supporting.

3. A quorum of the Committee is three members, at least one of whom must be the Chairman or Vice Chairman.

4. A provider wishing to have any material, course or program accredited must submit to the Committee:

(a) All the printed or recorded material intended to be distributed to participants;

(b) Biographical information on the persons who are responsible for the content of the course;

(c) Outlines of specifications for and the overall objectives of the presentations, if a major portion of the course or program consists of oral presentations;

(d) A copy of the provider's statement of evaluation; and

(e) An estimate of the appropriate number of units of continuing education to be awarded for completing the course or program.

5. The material so submitted may be evaluated by the Committee or, where appropriate, may be transmitted to members of a panel for its evaluation.

[Bd. of Pharmacy, § 639.155, eff. 6-26-80]—(NAC A 10-26-83; 10-17-86)

NAC 639.390 Certificate of completion: Retention by pharmacist; copy to be submitted to Board upon request. (NRS 639.070, 639.2176) A certificate of completion awarded to a participating pharmacist must be retained by him for 4 years following his completion of the course or program of continuing education, but a copy of the certificate must be submitted to the Board upon its request for the purpose of verifying his completion of the course or program.

[Bd. of Pharmacy, § 639.160, eff. 6-26-80]—(NAC A 10-26-83)

INTERNET PHARMACIES

General Provisions

NAC 639.420 Definitions. (NRS 639.070, 639.0725, 639.23288) As used in NAC 639.420 to

639.428, inclusive, unless the context otherwise requires, the words and terms defined in NAC 639.422 and 639.424 have the meanings ascribed to them in those sections.
(Added to NAC by Bd. of Pharmacy by R165-01, eff. 12-17-2001)

NAC 639.422 "Certified Internet pharmacy" defined. (NRS 639.070, 639.0725, 639.23288) "Certified Internet pharmacy" means an Internet pharmacy that has been certified by the Board pursuant to NAC 639.426.
(Added to NAC by Bd. of Pharmacy by R165-01, eff. 12-17-2001)

NAC 639.424 "Internet pharmacy" defined. (NRS 639.070, 639.0725, 639.23288) "Internet pharmacy" has the meaning ascribed to it in NRS 639.00865.
(Added to NAC by Bd. of Pharmacy by R165-01, eff. 12-17-2001)

Certification

NAC 639.426 Requirements for approval of application. (NRS 639.070, 639.0725, 639.23288)
1. A licensed pharmacy may practice as an Internet pharmacy only if the pharmacy is certified by the Board pursuant to this section. To be certified by the Board pursuant to this section, a pharmacy must apply to the Board for certification on an application provided by the Board.
2. The Board will grant an application for certification as an Internet pharmacy pursuant to this section if:
(a) The pharmacy is certified by the Verified Internet Pharmacy Practice Sites Program of the National Association of Boards of Pharmacy; or
(b) The Board determines that the pharmacy satisfies the requirements of subsection 3.
3. The Board will grant an application for certification pursuant to paragraph (b) of subsection 2 if the Board determines that the pharmacy:
(a) Is licensed to practice pharmacy in each state in which the pharmacy will practice pharmacy;
(b) Maintains and enforces policies and procedures which ensure that:
(1) The pharmacy is able to establish the authenticity of a prescription which the pharmacy receives;
(2) The pharmacy will not fill any prescription which has been previously filled by another pharmacy, and if the pharmacy fills any prescription, that prescription will not also be filled by another pharmacy;
(3) The identity of the patient and the prescribing practitioner is verified to be authentic;
(4) A prescription is filled in compliance with all applicable federal and state laws;
(5) A patient or the caregiver of the patient may make a complaint to the pharmacy regarding the prescription of the patient, and if such a complaint is made, the complaint will be investigated thoroughly, the results of the investigation will be communicated to the patient or caregiver, and if the investigation reveals that the operations of the pharmacy resulted in an error in the processing or filling of the prescription, appropriate remedial action will be taken by the pharmacy;
(6) The pharmacy will communicate to a patient or a prescribing practitioner any delay that might jeopardize or alter the drug therapy of the patient with respect to delivering the prescribed drug or device; and
(7) The pharmacy will communicate to a patient information regarding recalls of drugs and the appropriate means to dispose of expired, damaged or unusable drugs or devices;
(c) Obtains and maintains patient information necessary to facilitate review of drug utilization and counseling of patients pursuant to any applicable statutes;
(d) Provides review of drug utilization and counseling of patients pursuant to the applicable statutes in the state in which the patient resides;
(e) Maintains controls of its computer system, information concerning patients and other such confidential information and documents to prevent unauthorized or unlawful access to all such

confidential information and documents;

(f) Complies with applicable federal and state laws regarding:

(1) The dispensing of prescription drugs;

(2) Recordkeeping related to the patients served by the pharmacy, the purchase of prescription drugs, and the sale and dispensing of prescription drugs; and

(3) The sale of over-the-counter products, including, without limitation, any special requirements related to products that have been identified as precursors to the manufacture or compounding of illegal drugs;

(g) Ships prescriptions to a patient using a secure and traceable means; and

(h) Ships prescriptions to a patient using packaging or devices which will ensure that the prescription is maintained within appropriate standards pertaining to temperature, light and humidity as described in the *United States Pharmacopeia*, 25th edition, 2002, which is hereby adopted by reference. A copy of the publication may be obtained from the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852, for the price of $589, plus $13 for shipping and handling.

(Added to NAC by Bd. of Pharmacy by R165-01, eff. 12-17-2001)

NAC 639.428 Access to premises and records; suspension for noncompliance. (NRS 639.070**,** 639.0725**,** 639.23288**)**

1. By applying for and being granted certification as a certified Internet pharmacy pursuant to NAC 639.426, a certified Internet pharmacy shall be deemed to have given its consent to:

(a) Allow free access, at all times during business hours, to all places where drugs, medicines, poisons, devices or appliances are kept and to all records regarding the purchase, sale, dispensing and shipping of, and all other dealings with, such drugs, medicines, poisons, devices or appliances, to members of the Board and its inspectors and investigators, investigators of the Investigation Division of the Department of Public Safety, inspectors for the Food and Drug Administration, and other persons authorized by the Board to inspect or investigate at the Board's direction and control.

(b) Provide records or copies of records by mail, electronic mail or other means, within a reasonable time as established by the person making the request for the records or copies of records, to members of the Board and its inspectors and investigators, investigators of the Investigation Division of the Department of Public Safety, inspectors for the Food and Drug Administration, and other persons authorized by the Board to inspect or investigate at the Board's direction and control.

2. If a certified Internet pharmacy fails to comply with any provision of this section, the Executive Secretary may summarily suspend the certification and license of the Internet pharmacy until proceedings can be initiated pursuant to NRS 639.241 to 639.2576, inclusive. The Executive Secretary may lift a summary suspension imposed under this subsection if the Executive Secretary determines that the Internet pharmacy has provided the requested access or records.

(Added to NAC by Bd. of Pharmacy by R165-01, eff. 12-17-2001)

MEDICAL FACILITIES AND CORRECTIONAL INSTITUTIONS

General Provisions

NAC 639.440 Definitions. (NRS 639.070**)** As used in NAC 639.440 to 639.490, inclusive, unless the context otherwise requires, the words and terms defined in NAC 639.441 to 639.460, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.441 "Administer" defined. (NRS 639.070**)** "Administer" means the direct application of a drug or medicine, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or the subject of research.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.442 "Chart order" defined. (NRS 639.070) "Chart order" means an order entered on the chart of an inpatient in a medical facility licensed by the Health Division of the Department of Health and Human Services or on the chart of a patient under emergency treatment in a hospital by a practitioner or on the written or oral order of a practitioner authorizing the administration of a drug to the patient.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.445 "Compound" and "compounding" defined. (NRS 639.070) "Compound" or "compounding" means to form or create a composite product by combining two or more different ingredients.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.446 "Consultant pharmacist" defined. (NRS 639.070) "Consultant pharmacist" means a pharmacist retained by a medical facility or correctional institution under contract to consult with the facility or institution in areas that relate to the practice of pharmacy.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.4465 "Correctional institution" defined. (NRS 639.070) "Correctional institution" means any penal facility used for confinement of persons or any facility used for detention of juveniles, which is operated by or under the supervision of a subdivision of the State. The term includes a jail.
(Added to NAC by Bd. of Pharmacy, eff. 9-12-91)

NAC 639.447 "Deliver" and "delivery" defined. (NRS 639.070) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a controlled substance or dangerous drug from one person to another, whether or not there is an agency relationship.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.448 "Device" defined. (NRS 639.070) "Device" means any instrument, apparatus or contrivance, including its components, parts and accessories, intended:
1. For use in the diagnosis, cure, mitigation, treatment or prevention of disease in persons or animals; or
2. To affect the structure of any function of the body of a person or an animal.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.449 "Direct copy" defined. (NRS 639.070) "Direct copy" includes an electronic or carbonized copy.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.450 "Dispense" defined. (NRS 639.070) "Dispense" means the furnishing of a controlled substance or dangerous drug in any amount greater than that necessary for the present and immediate needs of the ultimate user. The term does not include the furnishing of a controlled substance or dangerous drug by a pharmacy in a medical facility to an inpatient of the medical facility in which the pharmacy is located.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.451 "Distribute" defined. (NRS 639.070) "Distribute" means to deliver other than by administering or dispensing a controlled substance, dangerous drug or other drug.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.452 "Floor stock" defined. (NRS 639.070) "Floor stock" means drugs or devices not labeled for a specific patient and maintained at a nursing station or other department of a medical facility or correctional institution, excluding the pharmacy, for the purpose of administering to a patient of the facility or institution.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.453 "Formulary" defined. (NRS 639.070) "Formulary" means a list of drugs approved by an appropriate committee that evaluates, appraises and selects from among the various available drugs and drug products those drugs considered most useful in caring for patients.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.455 "Investigational drug" defined. (NRS 639.070) "Investigational drug" means a new drug intended for investigational use by experts qualified to evaluate the safety and effectiveness of the drug as authorized by the Food and Drug Administration.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.456 "IV admixture" defined. (NRS 639.070) "IV admixture" means the compounding of parenteral solutions by aseptic procedures.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.457 "Medical facility" defined. (NRS 639.070) "Medical facility" includes:
1. A surgical center for ambulatory patients;
2. An obstetric center;
3. An independent center for emergency medical care;
4. An agency to provide nursing in the home;
5. A facility for intermediate care;
6. A facility for skilled nursing;
7. A hospice;
8. A hospital;
9. A psychiatric hospital;
10. A facility for the treatment of irreversible renal disease; and
11. A rural clinic.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.4575 "Pharmacy" defined. (NRS 639.070) "Pharmacy" means an area in a medical facility or correctional institution where drugs are stored, compounded, delivered, dispensed and distributed to other areas or departments of the facility or institution or dispensed to an ultimate user.
(Added to NAC by Bd. of Pharmacy, eff. 9-12-91)

NAC 639.458 "Prescription" defined. (NRS 639.070)
1. "Prescription" means:
(a) An order given individually for the person for whom a drug is prescribed, directly from a practitioner, or his agent, to a pharmacist or indirectly by means of an order signed by the practitioner.
(b) A chart order written for an inpatient specifying drugs that he is to take home upon his discharge.
2. The term does not include a chart order written for an inpatient for use while he is an inpatient.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.459 "Unit dose" defined. (NRS 639.070) "Unit dose" means medication packaged in packages containing only a single unit of medication.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.460 "Unit of use" defined. (NRS 639.070) "Unit of use" means:
1. Medication intended to provide a specific dosage as a single dose; or
2. More than one dose of medication packaged as a single unit to provide a specific dosage.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90)

NAC 639.461 Licensing. (NRS 639.070, 639.071)
1. A separate license to conduct a pharmacy in a hospital must be obtained for each location of a hospital which is required to obtain a license from the Bureau of Regulatory Health Services of the Health Division of the Department of Health and Human Services. A hospital may apply for more than one license to conduct an institutional pharmacy at a location.
2. Retail, nuclear and other pharmaceutical functions may be performed within a hospital under the license to conduct a pharmacy. If a hospital is required to obtain only one license from the Bureau of Regulatory Health Services of the Health Division of the Department of Health and Human Services for a pharmacy, the pharmacy may serve inpatients in an institutional satellite operation without obtaining a separate license to conduct such a pharmacy. A pharmacy which serves outpatients in an institutional satellite operation is required to obtain a separate license to conduct such a pharmacy.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-11-91; 9-12-91)

NAC 639.462 Biennial registration. (NRS 639.070, 639.071, 639.072)
1. A pharmacy shall register biennially with the Board on a form provided by the Board. A list of each type of pharmaceutical service provided by the pharmacy that would otherwise be required to be licensed must be included.
2. For a pharmacy in a medical facility, the registration form must be signed by:
(a) The managing pharmacist of the pharmacy; and
(b) The chief executive officer of the hospital in which the pharmacy is located.
3. The chief executive officer must agree to comply with the regulations adopted by the Board governing pharmacies.
4. The registration form must state whether the pharmacy is a sole ownership and, if so, include the name of the owner. If the pharmacy is owned by a partnership, the registration form must include the names of the partners. If the pharmacy is owned by a corporation, the registration form must include the names of the corporate officers.
5. If the pharmacy is owned or operated by a management or consulting firm:
(a) The registration form must include the name of the firm or the operator; and
(b) The firm must be registered by the Drug Enforcement Administration, unless the firm:
(1) Enters into a contract with the hospital in which the pharmacy is located that assigns the responsibility for the controlled substances to the hospital; and
(2) The firm maintains dual responsibility for the controlled substances.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.463 Change of ownership. (NRS 639.070, 639.170)
1. If a pharmacy changes ownership, it must obtain a new and separate registration from the Board.
2. The fee established in NRS 639.170 will be charged for the issuance of a new certificate of registration.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

Standards of Operation

NAC 639.464 Scope of services in hospital or correctional institution. (NRS 639.070, 639.071, 639.072) In a hospital or correctional institution:
1. The scope of services provided by a pharmacy must be consistent with the needs of the patients for medication as determined by the medical staff, managing pharmacist and other health care professionals

involved in delivering or administering drugs in the hospital or correctional institution in which the pharmacy is located.

2. Pharmaceutical services may include, but are not limited to:

(a) Interpreting orders for prescriptions and medication.

(b) Compounding, dispensing, distributing, labeling and administering drugs and devices.

(c) Monitoring drug therapy.

(d) Therapeutic interchange.

(e) Participating in evaluations of the uses of drugs and the selection of drug products.

(f) Ensuring the proper and safe storage and distribution of drugs and devices, and the maintenance of proper records related thereto.

(g) Providing information related to drugs, including, but not limited to, the proper dosages, hazards and the optimal use of drugs and devices.

(h) Supervising pharmaceutical technicians and pharmaceutical technicians in training.

(i) Conducting research.

3. As used in this section, “therapeutic interchange” means the dispensing of one drug in place of another pursuant to guidelines approved by an appropriate committee of the medical staff.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91; 11-15-93)

NAC 639.4645 Maintenance of registration certificates required. (NRS 639.070**,** 639.071**)** If the primary function of a pharmacy in a hospital is the provision of inpatient services, the pharmacy shall maintain registration certificates and current renewal receipts thereof for all pharmacists, intern pharmacists and pharmaceutical technicians together in one location within the pharmacy. The certificates must be readily available for review upon the request of the Board.

(Added to NAC by Bd. of Pharmacy, eff. 10-17-91)

NAC 639.465 Managing pharmacist. (NRS 639.070**,** 639.071**,** 639.072**)**

1. Except as otherwise provided in NAC 639.4915, each pharmacy located in a:

(a) Hospital with 100 beds or more; or

(b) Correctional institution housing 1,500 inmates or more,

Ê must have one full-time managing pharmacist. That pharmacist may be a managing pharmacist for only one such pharmacy.

2. Each pharmacy located in a:

(a) Hospital with less than 100 beds; or

(b) Correctional facility housing less than 1,500 inmates,

Ê must have one managing pharmacist who is retained as a consultant, or who is employed part time or full time.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91; R015-05, 10-31-2005)

NAC 639.466 Consultant pharmacist. (NRS 639.070**,** 639.071**,** 639.072**)**

1. A consultant pharmacist may be the managing pharmacist of a pharmacy.

2. A consultant pharmacist and the medical facility or correctional institution that employs him must enter into a written employment contract. The contract must be made available to the Board upon request.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.467 Staff pharmacists. (NRS 639.070**,** 639.071**,** 639.072**)**

1. The managing pharmacist of a pharmacy must be assisted by a sufficient number of additional registered pharmacists as are required to operate the pharmacy competently and safely, and to meet adequately the needs of the hospital or correctional institution in which the pharmacy is located.

2. Staff pharmacists shall assist the managing pharmacist in carrying out the duties enumerated in NAC 639.468.

3. A staff pharmacist is responsible for any delegated act performed by pharmaceutical technicians

under his supervision.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.468 Establishment of policies, procedures and systems. (NRS 639.070**,** 639.071**,** 639.072**)** The managing pharmacist of a pharmacy shall establish policies, procedures and systems related to the following matters, without limitation:
1. Preparation of parenteral medications compounded within the pharmacy.
2. Supervision of the admixture of parenteral products and training of personnel in incompatible admixtures if they are not performed within the pharmacy.
3. Supervision of the bulk compounding of drugs.
4. Procurement and storage of all materials in the pharmacy, including drugs, chemicals and biologicals.
5. Participation in the development of a formulary for the medical facility or correctional institution in which the pharmacy is located, subject to the approval of the appropriate committee at the facility or institution.
6. Distribution of drugs to be administered to patients, pursuant to an original or a direct copy of a practitioner's order for medication.
7. Filling and labeling of all containers from which drugs are to be distributed or dispensed.
8. Maintenance and availability in the pharmacy, and in areas where care is provided to inpatients, of:
(a) A sufficient inventory of emergency drugs;
(b) The telephone numbers of poison control centers and other organizations for emergency assistance; and
(c) Such other materials and information as are considered necessary by the appropriate committee.
9. Recording of all transactions of the pharmacy required by applicable state and federal laws.
10. Participation in those aspects of the medical facility's program to evaluate care provided to patients that relate to the use and effectiveness of pharmaceutical materials.
11. Participation in teaching and research programs at the medical facility.
12. Carrying out the policies and decisions of the appropriate committee relating to pharmaceutical services of the medical facility.
13. Labeling, storage and distribution of investigational drugs, and maintenance of information in the pharmacy and nursing stations where such drugs are being administered concerning the dosage form, route of administration, strength, uses, side effects, interactions and symptoms of toxicity of those drugs.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.4685 Handling of medications in correctional institutions without pharmacies. (NRS 639.070**,** 639.072**)** A correctional institution that does not have a pharmacy may store medications to be dispensed to an ultimate user pursuant to the following requirements:
1. The responsible practitioner or authority shall develop written plans, establish procedures and provide space and accessories for the secure storage, control, administration and disposal of all such drugs in consultation with a pharmacist and the manager of the facility. Such plans, procedures, space or accessories must include:
(a) Cabinets, closets and refrigeration units that are lockable.
(b) Procedures for administration or delivery of medicines to inmates as prescribed.
(c) Procedures for confirming the fact that the inmate has ingested the medication.
(d) A procedure for recording the fact that prescribed medications have or have not been administered, by whom the medication was administered and, if the medication was not administered, the reason it was not administered.
(e) A policy prohibiting the administration, distribution, delivery or dispensing of drugs by inmates.
(f) A policy limiting the length of time medications may be administered without further medical evaluation.
(g) A requirement that the pharmacist prepare, at least annually, a written report on the status of

services by the pharmacy in the institution which must be delivered to the responsible practitioner or authority and the manager of the facility.

(h) Procedures describing the circumstances and methods for contacting the pharmacist.

2. Procedures related to the handling of medication and the classifications of personnel who are authorized to handle medication must include provisions for the:

(a) Procurement of medication;

(b) Storage of medication;

(c) Administration of medication;

(d) Disposal of medication; and

(e) Providing of medication to inmates upon their release.

(Added to NAC by Bd. of Pharmacy, eff. 9-12-91)

NAC 639.469 Standards for premises. (NRS 639.070, 639.071, 639.072)

1. A pharmacy shall have adequate space necessary for the storage, compounding, labeling, dispensing, distribution and sterile preparation of drugs prepared in the pharmacy.

2. The pharmacy must be kept clean and arranged in an orderly manner. All required equipment must be clean and in good operating condition.

3. A sink with hot and cold running water must be available to all personnel of the pharmacy and must be maintained in a sanitary condition at all times.

4. The pharmacy must be well lighted and ventilated.

5. The temperature of the pharmacy must be maintained within a range compatible with the proper storage of drugs. The temperature of the refrigerator must be maintained within a range compatible with the proper storage of drugs requiring refrigeration.

6. The pharmacy must have a locked storage area for controlled substances listed in schedule II and other controlled substances requiring additional security.

7. Flammable materials must be stored in a designated area. The area must meet the requirements of local and state fire laws.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.470 Security of premises. (NRS 639.070, 639.071, 639.072)

1. All areas occupied by a pharmacy must be able to be locked to prevent access by unauthorized personnel.

2. All personnel of the pharmacy, while on duty, are responsible for the security of the pharmacy and shall provide adequate safeguards against the theft or diversion of controlled substances and dangerous drugs and the records of those drugs.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.472 Maintenance of reference library. (NRS 639.070, 639.071, 639.072) A pharmacy must maintain a reference library that includes the following:

1. A current copy of:

(a) All state statutes and regulations relating to the practice of pharmacy and to the sale of drugs and controlled substances; and

(b) The Federal Controlled Substances Act (Title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242) and the regulations adopted pursuant thereto, or an official publication describing the requirements of that act and the regulations adopted pursuant thereto.

2. The American Hospital Formulary Service, with current supplements, or Facts and Comparisons, with current supplements.

3. At least one current text in one of the following subjects:

(a) Theoretical and practical pharmacy.

(b) Pharmacology.

(c) Therapeutics.

4. A current text relating to each of the following:
(a) Compatibility information, if parenteral admixture is performed by the pharmacy;
(b) Information concerning the interaction of drugs; and
(c) Information concerning antidotes.
5. Current copies of one of the following:
(a) *United States Pharmacopeia - National Formulary*;
(b) *United States Pharmacopeia - Drug Information*; or
(c) *Remington's Pharmaceutical Sciences*.
6. A current copy of the Food and Drug Administration Approved Drug Products.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.473 Procurement and storage of drugs. (NRS 639.070, 639.071, 639.072)
1. The managing pharmacist of a pharmacy is responsible for the procurement and storage of drugs in that pharmacy. The managing pharmacist shall determine the specifications of all drugs procured by the medical facility or correctional institution in which the pharmacy is located.
2. A drug may not be dispensed or distributed after the expiration date of the drug.
3. Outdated drugs must be removed from stock and identified and maintained separately from other stock until disposal.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.474 Development and use of formulary. (NRS 639.070, 639.071, 639.072) A formulary must be developed and available for use by the managing or consultant pharmacist of a pharmacy.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.475 Preparation and labeling of admixtures. (NRS 639.070, 639.071, 639.072)
1. The managing pharmacist shall provide written guidelines for preparing parenteral admixture products to ensure that all pharmaceutical requirements are met.
2. A label must be affixed to the container of any admixture. The label must include, but is not limited to:
(a) The name of the patient for whom the admixture was prepared and the facility's or institution's identification of that patient;
(b) The name and amount of the drugs added;
(c) The name of the basic solution;
(d) The name, initials or identifying code of the pharmacist who prepared or verified the admixture; and
(e) The expiration date of the solution.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.476 Prepackaging of drugs. (NRS 639.070, 639.071, 639.072)
1. A pharmacy may prepackage drugs in quantities suitable for distribution within the facility or institution. The prepackaging may be performed only by a pharmacist or a pharmaceutical technician.
2. The label of a prepackaged unit must include:
(a) The generic or trade name of the drug, its strength and the dosage form;
(b) The lot number;
(c) The expiration date of the drug; and
(d) The quantity of the drug if the unit dose does not equal the unit of use.
3. A record of a prepackaged drug must be maintained that includes:
(a) The generic or trade name of the drug, its strength and the dosage form;
(b) The pharmacy's lot number;
(c) The name of the manufacturer;
(d) The manufacturer's lot number;

(e) The manufacturer's expiration date for the drug;
(f) The quantity per package, if more than one tablet or capsule is in a unit dose package;
(g) The number of packages;
(h) The date it was packaged and the assigned expiration date; and
(i) The initials of the responsible pharmacist.
4. Stock packages, prepackaged units and control records must be inspected by the pharmacist before the drugs may be included in regular stock.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91; 11-15-93)

NAC 639.477 Policies and procedures for distribution of drugs. (NRS 639.070, 639.071, 639.072)
1. All medical facilities and correctional institutions shall develop and carry out written policies and procedures for the distribution of drugs in that facility or institution. The standards for accreditation of the American Correctional Association and the National Commission of Correctional Health Care must be used as a guideline for these policies and procedures by a correctional institution. The standards for accreditation of the American Correctional Association may be obtained by writing to the American Correctional Association, Division of Communications and Publications, 8025 Laurel Lakes Court, Laurel, Maryland 20707, or by calling (800) 825-2665. The standards of accreditation of the National Commission of Correctional Health Care may be obtained by writing to the National Commission of Correctional Health Care, 2000 North Racine Avenue, Suite 3500, Chicago, Illinois 60614.
2. The written policies and procedures must include procedures regarding:
(a) Controlled substances.
(b) Investigational drugs.
(c) Prepackaging and manufacturing.
(d) Stop orders.
(e) Orders for medication.
(f) Physicians' orders.
(g) Floor stocks.
(h) Reports of adverse reactions.
(i) Drugs brought into the facility by patients.
(j) Medications for furloughs.
(k) The self-administration of drugs.
(l) Emergency supplies of drugs.
(m) A formulary.
(n) Monthly inspections of nursing stations and storage areas for drugs.
(o) Samples of drugs.
(p) Reports of defects in drug products.
(q) The recall of drugs.
(r) Outdated drugs.
(s) The routine distribution of medication for inpatients.
(t) The preparation and distribution of IV admixtures.
(u) The handling of orders for medication if a pharmacist is not on duty.
(v) Requests for drugs that are not listed on the formulary.
(w) Administering medication.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.478 Limitations on distribution of drugs. (NRS 639.070, 639.071, 639.072)
1. A drug may be given to a patient in a medical facility or correctional institution only on the order of a practitioner or an agent of the practitioner.
2. A drug may be distributed in a medical facility or correctional institution only from the original or a direct copy of the practitioner's order for medication.
3. A controlled substance listed in schedule II may be distributed to outpatients only pursuant to a

written prescription.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.479 Withdrawal of drugs when full-time pharmacist is absent. (NRS 639.070**,** 639.071**,** 639.072**)** If a medical facility or correctional institution encompasses a pharmacy with a full-time pharmacist, and a practitioner orders a drug for administration to a patient of the facility or institution while the pharmacy is closed:
1. Prescription drugs and devices may be removed from the pharmacy only in sufficient quantities for immediate therapeutic needs.
2. Only a designated licensed nurse or practitioner may remove those drugs and devices.
3. The person authorized to make the withdrawal shall make a record at the time of the withdrawal containing:
(a) The name of the patient;
(b) The name of the device or drug withdrawn;
(c) If a drug is withdrawn, its strength and the dosage form;
(d) The dose prescribed;
(e) The quantity taken;
(f) The time and date of the withdrawal; and
(g) The signature of the person making the withdrawal.
4. The original or a direct copy of the order for the medication must be forwarded to the pharmacy.
5. The pharmacist shall verify the withdrawal as soon as practicable, but not later than:
(a) Seventy-two hours after the time of the withdrawal for a pharmacist in a medical facility; or
(b) Ninety-six hours after the time of the withdrawal for a pharmacist in a correctional institution.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.480 Withdrawal of drugs when part-time or consultant pharmacist is absent. (NRS 639.070**,** 639.071**,** 639.072**)** If a medical facility or correctional institution has a pharmacy with a part-time or consultant pharmacist, and a practitioner orders a drug for administration to a patient of the facility or institution while the pharmacist is not on duty or the pharmacy is closed:
1. Controlled substances, dangerous drugs and devices may be removed from the pharmacy only in sufficient quantities for therapeutic needs.
2. Only a designated licensed nurse or practitioner may remove those drugs and devices.
3. The person authorized to remove the drugs and devices shall make a record at the time of the withdrawal containing:
(a) The name of the patient;
(b) The name of the device or drug withdrawn;
(c) If a drug is withdrawn, its strength and the dosage form;
(d) The dose prescribed;
(e) The quantity taken;
(f) The time and date of the withdrawal; and
(g) The signature of the person making the withdrawal.
4. The original or a direct copy of the order for the medication must be forwarded to the pharmacy.
5. The pharmacist shall verify the withdrawal after a reasonable interval, but not later than 30 days after the withdrawal.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-11-91; 9-12-91)

NAC 639.481 Withdrawal of drugs when facility uses floor stock and pharmacy is closed. (NRS 639.070**,** 639.071**,** 639.072**)** If a medical facility or correctional institution uses a full or partial floor stock to distribute drugs and its pharmacy is closed:
1. Controlled substances, dangerous drugs and devices may be removed from the pharmacy only in the original manufacturer’s container or prepackaged container.

2. Only a designated licensed nurse or practitioner may remove those drugs and devices.
3. The person authorized to make the withdrawal shall make a record at the time of the withdrawal containing:
(a) The name of the device or drug withdrawn;
(b) If a drug is withdrawn, its strength and the dosage form;
(c) The quantity removed;
(d) The location of the floor stock;
(e) The date and the time of the withdrawal; and
(f) The signature of the person making the withdrawal.
4. A pharmacist shall verify the withdrawal pursuant to the following schedule:
(a) In a facility or institution with a full-time pharmacist, the withdrawal must be verified as soon as practicable, but not later than:
(1) Seventy-two hours after the time of the withdrawal for a pharmacist in a medical facility; or
(2) Ninety-six hours after the time of the withdrawal for a pharmacist in a correctional institution.
(b) In a facility or institution with a part-time or consultant pharmacist, the withdrawal must be verified after a reasonable interval, but not later than 30 days after the withdrawal.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-11-91; 9-12-91)

Records

NAC 639.482 Maintenance and availability of records. (NRS 639.070)
1. Each record required to be kept pursuant to NAC 639.483 to 639.489, inclusive, must be kept by a pharmacy for at least 2 years after the date of the record.
2. Records maintained by a pharmacy must be made available for inspection and copying upon the request of the Board, its representatives, or another authorized local, state or federal law enforcement agency.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.483 Statutes applicable to maintenance of records. (NRS 639.070) A pharmacy must maintain records for outpatients pursuant to the provisions of chapters 453, 454 and 639 of NRS governing retail pharmacies.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.484 Contents and maintenance of chart orders. (NRS 639.070)
1. Each original chart order must contain:
(a) The patient's name and the medical facility's or correctional institution's identification of that patient;
(b) The name of the drug, its strength and the route of administration;
(c) Directions for the use of the drug;
(d) The date; and
(e) The practitioner's signature. Any verbal order signed by a practitioner's agent must be cosigned by the practitioner.
2. An original chart order must be maintained in the medical records of the patient along with the record of the administration of the medication.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91; R190-01, 3-4-2002)

NAC 639.485 Maintenance of records for controlled substances. (NRS 639.070)
1. A pharmacy shall maintain records for controlled substances:
(a) In a readily retrievable manner.
(b) In a manner that establishes the receipt, distribution and destruction of all controlled substances handled by the pharmacy.

2. A pharmacy shall maintain a perpetual inventory of any controlled substance listed in schedule II.
3. Records of the distribution of controlled substances listed in schedule II, schedule III or schedule IV must include:
(a) The name of the drug, dosage form and strength.
(b) The name of the pharmacist distributing or authorizing the distribution of the controlled substance.
(c) The name of the authorized person receiving the controlled substance. This information may be included on the record of administration.
(d) The location to which the controlled substance is being distributed.
(e) Controlled substances returned to the pharmacy.
(f) A record of any waste of any prepared or partially administered dose of a controlled substance, which must be witnessed and cosigned by another person who is licensed to provide medical care.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91; R156-99, 3-1-2000)

NAC 639.486 Maintenance of records of controlled substances administered from floor stock. (NRS 639.070)
1. A pharmacy shall maintain records of controlled substances administered from floor stock. The records must include:
(a) The name of the patient to whom the controlled substance was administered.
(b) The name of the controlled substance, its dosage form and strength.
(c) The time and date on which the controlled substance was administered to the patient.
(d) The quantity of the controlled substance administered.
(e) The signature of the person removing the controlled substance.
(f) Controlled substances returned to the pharmacy.
(g) A record of any waste of a controlled substance which, except as otherwise provided in subsection 2, must be witnessed and cosigned by another person who is licensed to provide medical care.
2. A record of any waste of a controlled substance kept pursuant to subsection 1 is not required to be witnessed and cosigned as required by subsection 1 if:
(a) The record of waste is for a controlled substance which was administered by a practitioner authorized to administer anesthesia; and
(b) Other current, complete and accurate records for the controlled substance administered and wasted are created and maintained.
3. Records maintained pursuant to this section must be maintained separately from records of patients.
(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91; 5-22-96; R157-99, 3-1-2000; R042-04, 5-25-2004)

NAC 639.487 Maintenance of additional records. (NRS 639.070) In addition to any other requirements for keeping records, a pharmacy shall maintain the following records:
1. Copy 3 of the order form of the Drug Enforcement Administration (DEA 222C), properly dated, initialed and filed, copies of each unaccepted or defective order form, and any attached statements or other documents.
2. Suppliers' invoices of controlled substances and dangerous drugs. The pharmacist or other personnel of the pharmacy shall clearly record on each invoice the actual date on which the controlled substance or dangerous drug was received.
3. Suppliers' credit memos for controlled substances and dangerous drugs.
4. The biennial inventory of controlled substances required by the Drug Enforcement Administration.
5. Any reports of theft or significant loss of controlled substances submitted to the Drug Enforcement Administration.
6. Reports of the surrender or destruction of controlled substances or dangerous drugs, or both, to an appropriate state or federal agency.
7. A register book for nonprescription drugs listed in schedule V.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.488 Maintenance of records for distribution of controlled substances to another pharmacy or practitioner. (NRS 639.070)

1. If a pharmacy distributes controlled substances listed in schedule III, IV or V to another pharmacy or a practitioner, it shall maintain invoices showing:

(a) The actual date of distribution;

(b) The name, strength and quantity of controlled substances distributed;

(c) The distributing pharmacy's name, address and registration number given to it by the Drug Enforcement Administration; and

(d) The name, address and registration number of the pharmacy or practitioner to whom the controlled substances were distributed.

2. If a pharmacy distributes controlled substances listed in schedule I or II to another pharmacy or a practitioner, it shall maintain Copy 1 of the order form of the Drug Enforcement Administration (DEA 222C) furnished by the pharmacy or practitioner to whom the controlled substances were distributed. The form must show the quantity of controlled substances distributed and the actual date of distribution.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.489 Separation of certain records. (NRS 639.070)

1. Except for records of distributions from floor stock, records of controlled substances listed in schedules I and II must be maintained separately from other records maintained by a pharmacy.

2. Records of controlled substances listed in schedules III, IV and V may be maintained either separately from all other records maintained by the pharmacy or in such form that the records are readily retrievable.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

NAC 639.490 Permission to use centralized system for keeping records. (NRS 639.070) A pharmacy wishing to use a centralized system for keeping records must submit written notification to the Regional Director of the Drug Enforcement Administration by registered or certified mail. A copy of the notification must be submitted to the Board. Unless the pharmacy is informed by the Regional Director that permission to keep central records is denied, the pharmacy may begin to maintain such records 14 days after receipt of the notification by the Regional Director. A copy of the notification must be maintained by the pharmacy.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91)

Use and Operation of Off-Site Pharmaceutical Service Providers

NAC 639.491 Definitions. (NRS 639.070) As used in NAC 639.491 to 639.4917, inclusive, unless the context otherwise requires, the words and terms defined in NAC 639.4911 to 639.4914, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Pharmacy by R015-05, eff. 10-31-2005)

NAC 639.4911 "Chart order" defined. (NRS 639.070) "Chart order" has the meaning ascribed to it in NAC 639.442.

(Added to NAC by Bd. of Pharmacy by R015-05, eff. 10-31-2005)

NAC 639.4912 "Correctional institution" defined. (NRS 639.070) "Correctional institution" has the meaning ascribed to it in NAC 639.4465.

(Added to NAC by Bd. of Pharmacy by R015-05, eff. 10-31-2005)

NAC 639.4913 "Off-site pharmaceutical service provider" defined. (NRS 639.070) "Off-site

pharmaceutical service provider" means a pharmacy that provides remote chart order processing services to a hospital or correctional institution that is owned by the same entity as the pharmacy or with which the pharmacy has contracted to provide remote chart order processing services.

(Added to NAC by Bd. of Pharmacy by R015-05, eff. 10-31-2005)

NAC 639.4914 "Remote chart order processing services" defined. (NRS 639.070) "Remote chart order processing services" means nondispensary pharmaceutical services provided by an off-site pharmaceutical service provider in lieu of those services being provided by a pharmacy located in a hospital or correctional institution and includes, without limitation:

1. Receiving, interpreting and clarifying a chart order received from a hospital or correctional institution.
2. Entering information regarding a chart order into the computerized data system of a hospital or correctional institution.
3. Transferring information regarding a chart order from the off-site pharmaceutical service provider to members of the staff of the hospital or correctional institution that submitted the chart order.
4. Interpreting clinical data regarding a patient of a hospital or correctional institution.
5. Performing therapeutic interventions regarding a patient of a hospital or correctional institution.
6. Providing information to the appropriate staff of a hospital or correctional institution regarding a chart order submitted by the hospital or correctional institution.
7. Providing information regarding the treatment of a patient of a hospital or correctional institution.

(Added to NAC by Bd. of Pharmacy by R015-05, eff. 10-31-2005)

NAC 639.4915 Satisfaction of requirement for full-time managing pharmacist. (NRS 639.070, 639.071, 639.072) A pharmacy located within a hospital or correctional institution that is required to have a full-time managing pharmacist pursuant to NAC 639.465 may satisfy that requirement by:

1. Operating at all times; or
2. Employing a pharmacist who is on duty at all times that the pharmacy is operating and either:

(a) Employing a pharmacist who is available at all times that the pharmacy is not operating; or

(b) Contracting with an off-site pharmaceutical service provider that is available at all times that the pharmacy is not operating.

(Added to NAC by Bd. of Pharmacy by R015-05, eff. 10-31-2005)

NAC 639.4916 Provision of remote chart order processing services by pharmacist. (NRS 639.070, 639.071, 639.072)

1. A pharmacist who is employed by an off-site pharmaceutical service provider to provide remote chart order processing services to a hospital or correctional institution pursuant to NAC 639.4915 must:

(a) Be licensed to practice in Nevada;

(b) Be trained in the policies and procedures of the hospital or correctional institution regarding all policies and procedures of the hospital or correctional institution with which the pharmacist must comply, including, without limitation, the provision of pharmaceutical services, security and confidentiality of patient records;

(c) Except as otherwise provided in subsection 3, be provided with the same computerized system and access to data regarding a patient for whom a chart order has been submitted that would be available to a pharmacist employed by the pharmacy located within the hospital or correctional institution, including, without limitation:

(1) The height, weight and age of the patient and any allergies that the patient may have;

(2) The medical records regarding any medications prescribed to the patient;

(3) The results of any relevant laboratory tests, to the extent that those results are available in the computerized system of the hospital or correctional institution;

(4) The health history and notes regarding physical examinations, to the extent that the information is available in the computerized system of the hospital or correctional institution;

(5) Any notes provided by a physician, nurse or other medical staff of the institution, to the extent that those notes are available in the computerized system of the hospital or correctional institution;

(6) A legible copy of the chart order that is available through a scanned image in the computerized system of the hospital or correctional institution or by facsimile machine; and

(7) Any other information that is available in the computerized system of the hospital or correctional institution that is relevant or necessary for the pharmacist to provide pharmaceutical services; and

(d) Demonstrate to the off-site pharmaceutical service provider that the pharmacist is competent and knowledgeable in the use of the computerized system of the hospital or correctional institution and in providing pharmaceutical services in a hospital or correctional institution.

2. Before a pharmacist who is employed by an off-site pharmaceutical service provider provides remote chart order processing services to a hospital or correctional institution, the pharmacist must review any relevant information regarding the patient for whom a chart order has been submitted. The pharmacist must, before approving a chart order to be filled, evaluate:

(a) The overutilization or underutilization of a medication;

(b) Therapeutic duplication;

(c) The appropriateness of the prescribed dosage and route of administration;

(d) The appropriateness of the directions for use of the medication;

(e) The appropriateness of the duration of the treatment with the prescribed medication;

(f) Any contraindications of the medication and a particular disease, ailment or allergy of the patient;

(g) Any contraindications or interactions between multiple medications prescribed for the patient; and

(h) The potential abuse or misuse of a medication.

3. In an emergency, a pharmacist may render remote chart order processing services without being provided with all of the information required by paragraph (c) of subsection 1 if the pharmacist believes, in his professional judgment, that he has received sufficient information from the staff of the hospital or correctional institution to render the services.

4. A pharmacist who is employed by an off-site pharmaceutical service provider may refuse to approve the filling of a chart order if, in the judgment of the pharmacist, the chart order is not safe or reasonable for the patient. A pharmacist who refuses to approve the filling of a chart order pursuant to this subsection must notify the hospital or correctional institution as soon as practicable that he has refused to approve the filling of the chart order.

5. Each time that a pharmacist who is employed by an off-site pharmaceutical service provider provides remote chart order processing services pursuant to this section, the pharmacist shall make a notation in the computerized system of the hospital or correctional institution that indicates:

(a) The name or other identifier of the pharmacist;

(b) The date and time that the pharmacist provided the services and, if applicable, approved the filling of a chart order; and

(c) The specific services provided by the pharmacist.

6. The managing pharmacist of a pharmacy that has a contract with or is owned by the same entity as an off-site pharmaceutical service provider may limit the remote chart order processing services provided by a pharmacist employed by the off-site pharmaceutical service provider.

(Added to NAC by Bd. of Pharmacy by R015-05, eff. 10-31-2005)

NAC 639.4917 Policies and procedures of provider. (NRS 639.070**,** 639.071**,** 639.072**)** Each off-site pharmaceutical service provider shall establish and follow policies and procedures for:

1. Protecting the confidentiality and integrity of patient information;

2. Assuring that pharmacists employed by the off-site pharmaceutical service provider comply with the provisions of NAC 639.4916;

3. Complying with all applicable state and federal statutes, regulations and rules, including, without limitation, maintaining records;

4. Ensuring that its records are made readily accessible to members of the Board and employees,

agents and designees of the Board;

5. Conducting an ongoing program for the improvement of the provision of pharmaceutical services that is designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, improve patient care and resolve problems identified by the program;

6. Performing an annual review of the program conducted pursuant to subsection 5;

7. Assuring that the pharmacists employed by the off-site pharmaceutical service provider are able to communicate with identified employees of the hospital or correctional institution as necessary to provide pharmaceutical services, including, without limitation, communicating with pharmacists employed by the hospital or correctional institution; and

8. The provision of pharmaceutical services at times when the off-site pharmaceutical service provider temporarily or permanently cannot provide such services.

(Added to NAC by Bd. of Pharmacy by R015-05, eff. 10-31-2005)

FACILITIES FOR INTERMEDIATE CARE AND FACILITIES FOR SKILLED NURSING

NAC 639.492 Definitions. (NRS 639.070, 639.071) As used in NAC 639.492 to 639.498, inclusive, unless context otherwise requires:

1. "Director" means the director of nurses of a facility.

2. "Facility" means a facility for intermediate care as defined in NRS 449.0038 or a facility for skilled nursing as defined in NRS 449.0039.

(Added to NAC by Bd. of Pharmacy, eff. 7-1-92)

NAC 639.494 Prescriptions for controlled substances: Accountability record; handling of unused portions. (NRS 639.070, 639.071)

1. Each prescription for a controlled substance which is administered to a patient at a facility must be accompanied by the controlled substances accountability record. The record must include:

(a) The patient's name;

(b) The name of the controlled substance;

(c) The date the facility received the controlled substance from the pharmacy;

(d) The signature of the employee of the facility who received the controlled substance;

(e) The number of the prescription;

(f) The total dosage units of the controlled substance;

(g) The strength of the controlled substance;

(h) The date and time each dosage of the controlled substance is administered and the signature of the person administering the controlled substance; and

(i) The number of dosage units of the controlled substance which remain after the administration of the controlled substance is completed, including:

(1) The number of dosage units disposed;

(2) The date of the disposition of the dosage units;

(3) The signature of the director or a licensed nurse designated by him; and

(4) The signature of the licensed consulting pharmacist of the facility or a pharmacist designated by him.

2. Any unused portion of the controlled substance must be immediately delivered to the director for destruction pursuant to NAC 639.498. The director shall ensure the security of those controlled substances.

3. The director shall establish a procedure to ensure that the number of dosage units remaining in each unused portion of a controlled substance corresponds to the information contained in the controlled substances accountability record.

(Added to NAC by Bd. of Pharmacy, eff. 7-1-92)

NAC 639.496 Maintenance of accountability record; examination of chart orders; issuance of

receipt for controlled substances delivered to coroner. (NRS 639.070, 639.071)

1. The director shall keep each controlled substances accountability record which accompanies a prescription for a controlled substance in an alphabetical file by the patient's name. The record must be kept on the premises of the facility for at least 2 years after the controlled substance is destroyed.

2. The Board may examine the chart orders of a physician at the facility in conjunction with the controlled substances accountability records for the prescription of the controlled substances prescribed by him.

3. A coroner shall issue a receipt to the director for any controlled substance which the facility delivers to him. The receipt must include the information set forth in paragraphs (a), (b), (e) and (f) of subsection 1 of NAC 639.494.

(Added to NAC by Bd. of Pharmacy, eff. 7-1-92)

NAC 639.498 Destruction of certain controlled substances: Requirement; procedure. (NRS 639.070, 639.071)

1. Except as otherwise provided in subsection 2:

(a) At least once each month, the director or a licensed consulting pharmacist shall destroy, on the premises of the facility, the controlled substances described in subsection 1 of NAC 639.050.

(b) If the director destroys the controlled substances, the licensed consulting pharmacist shall witness the destruction of the controlled substances. If the licensed consulting pharmacist destroys the controlled substances, the director shall witness the destruction of the controlled substances.

2. The director may designate a nurse licensed pursuant to chapter 632 of NRS to carry out his duties pursuant to this section. The licensed consulting pharmacist may designate a pharmacist licensed pursuant to chapter 639 of NRS to carry out his duties pursuant to this section.

3. The controlled substances must be destroyed by:

(a) Flushing them down the toilet or hopper;

(b) If a container for waste disposal is used, placing the controlled substances in the water in the container for disposal; or

(c) If the controlled substance is stored in a vial, ampule or other glass container, breaking the container and placing its contents into a container for waste disposal.

(Added to NAC by Bd. of Pharmacy, eff. 7-1-92)

SURGICAL CENTERS FOR AMBULATORY PATIENTS

NAC 639.4992 Dispensing of controlled substances: Registration and licensing required. (NRS 639.070, 639.071) Each surgical center for ambulatory patients shall:

1. Register with the Board and the Drug Enforcement Administration of the United States Department of Justice to dispense controlled substances;

2. Ensure that each practitioner who dispenses controlled substances in the surgical center is registered with the Board and the Drug Enforcement Administration of the United States Department of Justice; and

3. Require each person employed to work in a pharmacy of the surgical center for ambulatory patients and any person with whom the surgical center for ambulatory patients has entered into a contract to provide pharmaceutical services to possess a current state license or certificate to provide such services.

(Added to NAC by Bd. of Pharmacy, eff. 10-24-97)

NAC 639.4996 Establishment and periodic review of policies and procedures; duties of pharmacist. (NRS 639.070, 639.071)

1. A surgical center for ambulatory patients shall employ or enter into a contract with a pharmacist to establish policies and procedures which are consistent with the policies and procedures developed

pursuant to NAC 639.477 for:

(a) The storage and dispensing of drugs to patients in the surgical center for ambulatory patients, including, without limitation, drugs that the patients take away from the surgical center for ambulatory patients; and

(b) The proper disposition or destruction of expired or contaminated drugs stored and dispensed at the surgical center for ambulatory patients.

2. The policies and procedures established pursuant to subsection 1 must be maintained, periodically reviewed and dated upon adoption and amendment.

3. The pharmacist employed pursuant to subsection 1 shall:

(a) Visit the surgical center for ambulatory patients at least once each quarter to evaluate the effectiveness of the policies and procedures established and to confirm that the surgical center for ambulatory patients is maintaining documentation of each transaction involving drugs;

(b) Maintain documentation of each visit that he makes pursuant to paragraph (a);

(c) Periodically audit the records of the surgical center for ambulatory patients that involve the dispensing of controlled substances to ensure that the surgical center for ambulatory patients is in compliance with all applicable state and federal laws; and

(d) Submit a report to the Board not later than 30 days after determining that the policies and procedures established pursuant to subsection 1 are ineffective, that the surgical center for ambulatory patients is not maintaining documentation of each transaction involving drugs or that the surgical center for ambulatory patients is not in compliance with any applicable state or federal law, explaining the basis for his determination.

(Added to NAC by Bd. of Pharmacy, eff. 10-24-97)

PHARMACIES IN GENERAL

NAC 639.500 Ownership of pharmacies; application to conduct a pharmacy. (NRS 639.070, 639.231)

1. A person, as that term is defined in NRS 0.039, or the State of Nevada or any of its political subdivisions, may own more than one pharmacy.

2. An applicant for a license to conduct a pharmacy in this State must submit to the Board a complete and accurate application on a form provided by the Board, along with the requisite fees. The staff of the Board shall return the application to the applicant if the application is incomplete or does not include the requisite fees.

[Bd. of Pharmacy, § 639.180, eff. 6-26-80]—(NAC A 1-26-94; R076-00, 9-5-2000)

NAC 639.5005 Representative of pharmacy: Designation requirement; exceptions; qualifications; presence required to operate. (NRS 639.070)

1. Except as otherwise provided in this subsection, an applicant for a license, or a licensee with a license, to conduct a pharmacy shall designate at least one natural person who will be the representative of the pharmacy. The Board will not issue a license to an applicant or renew the license of a licensee that is required to designate a representative of a pharmacy pursuant to this section unless the Board determines that the designated natural person meets the qualifications set forth in subsection 2 and approves that natural person to be the designated representative of the pharmacy. The requirement to designate a representative set forth in this subsection does not apply to:

(a) An applicant or a licensee that is a publicly traded corporation;

(b) An applicant or licensee whose pharmacy is determined by the Board to be located within a large retail store, including, without limitation, a grocery store, variety store or department store under common ownership; or

(c) An applicant or licensee in which a majority interest of the applicant or licensee is owned by a pharmacist who is:

(1) Licensed by the Board; and

(2) A resident of this State.

2. Except as otherwise provided in subsection 3, the Board will approve a natural person to be a representative of a pharmacy if the applicant for a license to conduct a pharmacy or the licensee presents proof satisfactory to the Board that the natural person:

(a) Has been employed for at least 6,000 hours in a pharmacy or with a wholesaler in a capacity related to the dispensing and distribution of, and recordkeeping relating to, prescription drugs;

(b) Has received a score of at least 75 percent on an examination given by the Board regarding federal and state laws and pharmacy practices; and

(c) Is at least 21 years of age.

3. The Board may, based upon any of the grounds set forth in NRS 639.210, refuse to approve a natural person for service as the representative of a pharmacy, regardless of whether the person is otherwise qualified.

4. A representative of a pharmacy designated pursuant to this section:

(a) Must be actively involved in and aware of the actual daily operation of the pharmacy;

(b) Must be employed full time in a managerial level position in the pharmacy;

(c) Must be physically present at the site of the pharmacy during regular business hours, except when the absence of the representative is authorized, including sick leaves, vacation leaves and other authorized absences; and

(d) May serve in this representative capacity for only one pharmacy at a time.

5. A pharmacy that is required to designate a natural person as its representative pursuant to this section shall not open or operate the pharmacy unless that representative is actually employed full time in the operation of the pharmacy and is physically present at the site of the pharmacy during regular working hours, not including sick leave, vacation leave and other authorized absences from work. If the natural person designated as the representative of a pharmacy leaves the employ of the pharmacy, thus leaving the pharmacy without a representative in violation of this section, the pharmacy shall:

(a) Immediately cease conducting business until another qualified natural person is approved by the Board to serve as the representative of the pharmacy; and

(b) Not later than 48 hours after that person leaves its employ, notify the Board that the person designated as the representative of the pharmacy has left the employ of the pharmacy.

6. Before a pharmacy that is in violation of this section because the natural person designated as the representative of the pharmacy left the employ of the pharmacy may continue conducting business:

(a) The pharmacy must designate, on a form provided by the Board, a new natural person to serve as the representative of the pharmacy; and

(b) The Board must approve the natural person so designated.

7. A pharmacy that operates without a representative in violation of this section is subject to the immediate suspension of its license until it employs a qualified natural person to be its representative. The Board will consider such a suspension to be an involuntary closure subject to the provisions of NAC 639.570, entitling the staff of the Board to close the pharmacy until it designates and employs a qualified natural person as its representative.

(Added to NAC by Bd. of Pharmacy by R076-00, eff. 9-5-2000; A by R010-11, 11-1-2001)

NAC 639.5007 Issuance of license to conduct pharmacy for applicant required to designate representative: Restricted and unrestricted licenses. (NRS 639.070)

1. If a license to conduct a pharmacy is issued for an applicant that is required to designate a natural person as a representative of the pharmacy pursuant to NAC 639.5005, the license is subject to the following restrictions:

(a) The license expires 90 days after the date the license is issued by the Board.

(b) The license entitles the pharmacy to purchase prescription drugs only to the extent necessary to fill prescriptions actually received by the pharmacy.

(c) The license prohibits the pharmacy from selling, transferring, distributing, dispensing or otherwise providing prescription drugs to anyone except to a patient who has a legal prescription.

2. A pharmacy subject to the provisions of this section may receive an unrestricted license after the pharmacy provides the Board with a copy of a fully executed contract with a long-term care facility, home care facility or other similar facility in which the pharmacy has contracted to be the primary provider of prescription drugs. The net proceeds for the pharmacy from such a contract must be at least 75 percent of the monthly payroll for the employees employed by or otherwise compensated by the pharmacy.

3. Before the Board issues an unrestricted license pursuant to this section, the Board will inspect the pharmacy and the records of the pharmacy to confirm that the pharmacy has complied with the requirements of this section and all other applicable laws.

4. If a restricted license expires, whether after the original period of 90 days or after any subsequent extension, because the pharmacy has not been able to comply with the requirements of this section:

(a) The Board will not issue an unrestricted license to the pharmacy; and

(b) The pharmacy is subject to involuntary closure pursuant to the provisions of NAC 639.570.

5. The owner of a pharmacy that has been involuntarily closed pursuant to subsection 4 and NAC 639.570 may not reapply for a pharmacy license sooner than 1 year after the date of the expiration of the restricted license.

6. A pharmacy that has been issued a restricted license pursuant to this section may apply for one extension of the license, which may not exceed 90 days. To apply for an extension of a restricted license, the pharmacy must:

(a) Apply in writing not later than 60 days after the date when the restricted license was issued on a form provided by the Board;

(b) Be in compliance with this section and all applicable laws; and

(c) Demonstrate that it has made a good faith effort to obtain a contract to provide pharmaceutical services.

(Added to NAC by Bd. of Pharmacy by R010-01, eff. 11-1-2001)

NAC 639.501 Inspections; provision of self-assessment form. (NRS 639.070)

1. Before the Board will issue a new license to operate a pharmacy to any person, a satisfactory inspection of the premises of the pharmacy must be conducted by a member of the staff of the Board.

2. A member of the staff of the Board shall inspect each licensed pharmacy annually and at any other time deemed necessary by the staff of the Board.

3. Before an annual inspection of a licensed pharmacy, the Board will provide a self-assessment form to the pharmacy that includes:

(a) A questionnaire concerning statutory and regulatory compliance pursuant to which the pharmacy must assess its physical plant and operations to assure that the pharmacy is in compliance with all applicable statutes and regulations; and

(b) An assessment of the workplace pursuant to which the pharmacy must assess its volume of work and prescriptions, personnel, workflow and technological devices that assist in the work of the pharmacy.

4. The managing pharmacist of a pharmacy or the designee of the owner of the pharmacy may obtain self-assessment forms from the Board in addition to the form provided pursuant to subsection 3 at any time for his own use.

(Added to NAC by Bd. of Pharmacy by R162-99, eff. 3-1-2000)

NAC 639.5012 Confidentiality and use of self-assessment and accompanying documentation. (NRS 639.070)

1. An assessment of the workplace completed by a pharmacy as part of the self-assessment, and all documentation accompanying the assessment, that are submitted to a member of the staff of the Board pursuant to NAC 639.5016 are confidential. The Board will destroy such an assessment of the workplace and all accompanying documentation within 6 months after the Board receives the assessment and documentation.

2. The staff of the Board may compile and analyze such data provided in assessments of the

workplace as the Board deems appropriate, except that the staff shall not provide to any member of the Board or otherwise publish any compilation or analysis completed by the staff unless the staff has redacted from the compilation or analysis all information by which an individual pharmacy could be identified. The Board will not use data provided in an assessment of the workplace against the pharmacy that completed the assessment for any disciplinary purpose.

(Added to NAC by Bd. of Pharmacy by R162-99, eff. 3-1-2000)

NAC 639.5014 Completion of self-assessment form before annual inspections; suggestions relating to compliance by or improvement of pharmacy. (NRS 639.070)

1. The managing pharmacist of a pharmacy or the designee of the owner of the pharmacy shall complete a self-assessment form before each annual inspection of the pharmacy by a member of the staff of the Board.

2. The managing pharmacist or the designee of the owner who completes a self-assessment form may make:

(a) Notes and comments on the self-assessment form to explain his answers; and

(b) Suggestions on the self-assessment form relating to the compliance by or improvement of the pharmacy.

3. If the managing pharmacist or the designee of the owner makes any suggestion on a self-assessment form of the pharmacy relating to the compliance by or improvement of the pharmacy, he shall submit, in accordance with any policies and procedures of the pharmacy, a copy of the self-assessment form to the senior management of the pharmacy. If the managing pharmacist or designee of the owner believes that his suggestions are necessary for the care of the patients of the pharmacy and that the senior management of the pharmacy has not responded appropriately, the managing pharmacist or the designee of the owner may contact the Board, which will take such action relating to the suggestion as the Board deems appropriate.

(Added to NAC by Bd. of Pharmacy by R162-99, eff. 3-1-2000)

NAC 639.5016 Annual inspections: Review of self-assessment form; notes regarding discrepancies or deficiencies; correction of discrepancies or deficiencies. (NRS 639.070)

1. Whenever a member of the staff of the Board conducts an annual inspection of a pharmacy, the managing pharmacist of the pharmacy or the designee of the owner of the pharmacy shall provide the member of the staff of the Board with a completed self-assessment form of the pharmacy. A member of the staff of the Board conducting an annual inspection of a pharmacy shall review a self-assessment form of the pharmacy with the managing pharmacist of the pharmacy or a pharmacist on duty in the pharmacy at the time of the inspection to verify that all the information contained in the self-assessment form of the pharmacy is true and complete.

2. If, during the annual inspection of a pharmacy, the member of the staff of the Board conducting the inspection finds any discrepancies between the information contained in the self-assessment form of the pharmacy and the actual state or condition of the pharmacy, or if the member of the staff of the Board finds any other deficiencies or conditions in the pharmacy or its operation that are not otherwise in compliance with the applicable statutes and regulations governing the operation of a pharmacy and dispensing of drugs, the member of the staff of the Board shall make a note of the discrepancy, deficiency or condition in his inspection.

3. A pharmacy shall correct a discrepancy, deficiency or condition noted by a member of the staff of the Board pursuant to subsection 2 within a reasonable time, as determined by the member of the staff of the Board who noted the discrepancy, deficiency or condition. Any failure by a managing pharmacist or an owner of a pharmacy, or both, to correct a discrepancy, deficiency or condition in a timely manner as required by this subsection constitutes unprofessional conduct pursuant to subsection 4 of NRS 639.210 and may serve as the basis for such disciplinary action against the managing pharmacist or owner of the pharmacy, or both, as the staff of the Board deems appropriate.

(Added to NAC by Bd. of Pharmacy by R162-99, eff. 3-1-2000)

NAC 639.5018 Protection of employee providing answers, information or suggestions on self-assessment form or during inspections. (NRS 639.070) A pharmacy shall not terminate, or otherwise negatively affect in any way, the employment of an employee of the pharmacy who:

1. In good faith, provides truthful answers, information or suggestions relating to the compliance by or improvement of the pharmacy in the preparation or completion of a self-assessment form for the pharmacy;
2. Transmits a copy of a self-assessment form to the senior management of the pharmacy or the Board pursuant to subsection 3 of NAC 639.5014; or
3. In good faith, provides truthful information to any member of the staff of the Board as part of an inspection of the pharmacy pursuant to NAC 639.5016.

(Added to NAC by Bd. of Pharmacy by R162-99, eff. 3-1-2000)

NAC 639.5019 Annual review by Board of provisions of NAC 639.501 to 639.5019, inclusive. (NRS 639.070) The Board will review the provisions of NAC 639.501 to 639.5019, inclusive, at its first regularly scheduled meeting following July 1 of each year to consider and suggest amendments to and deletions from the provisions of NAC 639.501 to 639.5019, inclusive, including the repeal of the sections.

(Added to NAC by Bd. of Pharmacy by R162-99, eff. 3-1-2000)

NAC 639.503 Maintenance in pharmacy of current statutes, regulations and reference material. (NRS 639.070) Except as otherwise provided in NAC 639.472:

1. All licensed pharmacies must maintain at all times and make available to pharmacists, intern pharmacists and other employees, copies of all current state statutes and regulations relating to the practice of pharmacy and to the sale of drugs and controlled substances.
2. Each licensed pharmacy must maintain in its prescription department reference materials in the form of the latest editions of pharmaceutical texts, or their equivalent which are on a computer program or disc. The reference materials must be readily retrievable as necessary to conduct the practice of pharmacy and must include, without limitation, information on:

(a) Preparation and compounding of prescriptions;
(b) Biological and therapeutical equivalencies of drugs;
(c) Pharmacology and pharmacokinetics;
(d) Indications and usage of drugs;
(e) Contraindications of, adverse reactions to and warnings about drugs;
(f) Dosage and administrations of drugs; and
(g) Overdosages of drugs.

(Added to NAC by Bd. of Pharmacy, eff. 6-25-82; A 3-27-90; R158-99, 3-1-2000)

NAC 639.505 Maintenance in pharmacy of reports of inspection, warning notices and special bulletins. (NRS 639.070) A copy of each report of inspection, issued by a member of the Board or its administrative staff, together with any warning notice or special bulletin issued by the Board, must be maintained on the premises of the pharmacy in such a manner as to make these documents readily available on request for 2 years after the date of issue unless earlier destruction is authorized.

[Bd. of Pharmacy, § 639.230, eff. 6-26-80]

NAC 639.510 Maintenance and storage of pharmaceutical stock. (NRS 639.070)

1. The owner, manager, operator, managing pharmacist or pharmacist in charge of a licensed pharmacy shall maintain in the pharmacy a representative stock of dangerous drugs, controlled substances, chemicals, biologicals and devices in sufficient quantity to provide adequate pharmaceutical services for the people of the community which the pharmacy serves.
2. The managing pharmacist of a pharmacy:

(a) Is responsible for, and must have knowledge and control of, the acquisition and disposition by the pharmacy of the stock of the pharmacy; and

(b) Shall ensure that the records relating to the acquisition or disposition of the stock of the pharmacy are maintained as required by law.

3. The dangerous drugs, controlled substances, chemicals, biologicals and devices kept in the stock of a pharmacy must meet all of such standards of purity and strength as established by current official compendia or as established on the appropriate labels, and must be properly stored. Any preparation which varies from such standards of purity and strength or becomes unfit for use from deterioration or other cause must not be carried in stock and must be destroyed in a manner provided by law when so ordered by an agent of the Board.

[Bd. of Pharmacy, § 639.225, eff. 6-26-80]—(NAC A by R159-99, 3-1-2000)

NAC 639.512 Class A and B packaging: Label; expiration date; log. (NRS 639.070)

1. This section only applies to Class A and B packaging as defined in the *United States Pharmacopoeia*.

2. Each unit dose of a controlled substance or dangerous drug packaged or repackaged by a pharmacy must contain a label which specifies:

(a) The generic or trade name;

(b) The strength;

(c) The expiration date; and

(d) Where applicable, an internal control number or the lot number of the bulk package.

3. A unit dose of a controlled substance or dangerous drug packaged or repackaged by a pharmacy, including a hospital pharmacy, must be dispensed before the expiration date thereof. For the purposes of this section, “expiration date” means the date 12 months after the date of the packaging or repackaging of the substance or dangerous drug. No expiration date may exceed the original manufacturer’s expiration date.

4. Each pharmacy must maintain a log containing, with respect to each controlled substance or dangerous drug packaged or repackaged by the pharmacy:

(a) The generic name, trade name and manufacturer;

(b) The strength;

(c) The manufacturer’s expiration date;

(d) Where applicable, an internal control number;

(e) The lot number of the bulk packaging;

(f) The date of packaging or repackaging;

(g) The number of doses packaged or repackaged; and

(h) The initials of the pharmacist.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A by R016-01, 11-1-2001)

NAC 639.513 Class C packaging: Expiration date. (NRS 639.070) Each controlled substance or dangerous drug packaged as Class C or below as defined in the *United States Pharmacopoeia* must have an expiration date of 60 days after the packaging or repackaging unless a stability study satisfactory to the Board has been performed on the controlled substance or dangerous drug.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-84)

NAC 639.515 Stock of drugs in facility for skilled nursing or intermediate care. (NRS 639.070, 639.2327)

1. A facility for skilled nursing or a facility for intermediate care may maintain a stock of the following drugs for emergency treatment for inpatients:

Analgesic-CII

Analgesic-non CII
Anesthetics, local
Antiarrhythmics
Antibiotics
    Orally
    Intravenous
Anticholinergic
Antidiarrheal
Antihistamine
Antihypertensive
Antinauseants
Antipsychotic
Bronchodilators
Calcium injectable
Dextrose injection
Diazepam
Digoxin
Diuretic injectable
Epinephrine
Glucagon
Heparin
Insulin
Intravenous solutions
Magnesium sulfate
Muscle relaxant
Naloxone
Nitroglycerin tablets
Normal saline
Phenobarbital
Phenytoin
Potassium chloride
Pressor amine
Protamine
Sodium bicarbonate
Steroids
Vitamin K
Water for injection

2. The Pharmacy and Therapeutic Committee, as defined by 405 C.F.R. § 1127, of the facility shall determine the quantity of each drug to be stocked, but quantities stocked must not exceed 20 units of each drug at each nursing station in the facility.

3. All drugs must be stored and maintained in unit dosages, if manufactured in that form.

[Bd. of Pharmacy, § 639.425, eff. 6-26-80]—(NAC A 12-3-84; 6-16-86; 2-18-88; 11-9-95)

NAC 639.517 Nurse employed by medical facility or agency to provide nursing in the home may maintain stock of certain drugs. (NRS 639.070)

1. A registered nurse employed by a medical facility or an agency to provide nursing in the home may, at the direction of the medical director of the facility or agency, maintain a stock of the following drugs for the emergency treatment of patients:

(a) Diphenhydramine;
(b) Epinephrine;
(c) Heparin;
(d) Normal saline;
(e) Thrombolytics; and
(f) Water for injection.

2. As used in this section:

(a) "Agency to provide nursing in the home" has the meaning ascribed to it in NRS 449.0015.
(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(Added to NAC by Bd. of Pharmacy by R015-99, eff. 11-3-99)

NAC 639.520 Security of prescription departments. (NRS 639.070)

1. The prescription department of every pharmacy must be separated from the merchandising or public areas of the premises by a barrier extending not less than 5 feet above the floor level and of sufficient width to make dangerous drugs, controlled substances, narcotics, poisons or restricted devices inaccessible to unauthorized persons. The barrier must be constructed of solid material and contain at least one gate or door permitting access by the pharmacist. Each gate or door must be secured by a dead-bolt lock that can be opened from the outside only by a key. The gate or door may be secured by a combination lock during the hours of business.

2. The registered pharmacist on duty:

(a) Shall maintain possession of the key to the prescription department. Any additional keys to the prescription department must be kept in a locked box which is:

(1) Operated with a key that is accessible to only licensed pharmacists within the pharmacy department; and

(2) Maintained in a secure place that is inaccessible to unauthorized persons.

(b) Is responsible for securing the prescription department at all times when he is not personally present in the department except when he is in the immediate area and can observe and exercise control over the prescription department.

(c) If the pharmacy is located within a store or business, shall ensure that all dangerous drugs, controlled substances, narcotics, poisons and restricted devices that are delivered onto the premises of the store or business are immediately placed and secured in the pharmacy department under the physical control of the pharmacist on duty.

3. The Executive Secretary may permit an alternative type of physical security if, in his opinion, the alternative type will be sufficient to make the drugs, controlled substances, narcotics, poisons and restricted devices inaccessible to any unauthorized person.

4. Except as otherwise provided by law or regulation, no person other than a registered pharmacist may enter the prescription department of a pharmacy unless he is on business directly concerning the operation, maintenance or repair of the prescription department and a pharmacist employed in the prescription department is physically present at the same time.

5. Except as otherwise provided in subsection 6 or 7, a pharmacy shall maintain on its premises an alarm system that is operational 24 hours a day and that is monitored by a central station for control which is approved by Underwriters Laboratories Inc.

6. Except as otherwise provided in subsection 7, a pharmacy that is located within a building in which at least one employee of the person who owns the building is present 24 hours a day may, in lieu of the alarm system required pursuant to subsection 5, maintain on the premises of the pharmacy an alarm system that is:

(a) Equipped with an audible alarm that is:
(1) Operational 24 hours a day;
(2) Of sufficient decibels to alert more than one person in the building that an unauthorized entry has been made into the pharmacy; and
(3) Devised in such a manner as to provide notification to the managing pharmacist or his designee when such an authorized entry has been made; and
(b) Not monitored by a central station for control.
7. A pharmacy in a hospital or correctional institution and any pharmacy that is staffed 24 hours a day is exempt from the provisions of subsections 5 and 6.
[Bd. of Pharmacy, § 639.245, eff. 6-26-80]—(NAC A 12-3-84; R116-98, 9-9-98; R160-99, 3-1-2000)

NAC 639.523 Physical address for delivery of drugs. (NRS 639.070)
1. A pharmacy which purchases drugs and which is required pursuant to NAC 639.5005 to designate a natural person as a representative of the pharmacy shall have the drugs shipped to the pharmacy and shall physically receive the drugs at the physical address for which the Board has issued the license of the pharmacy.
2. The drugs purchased by a pharmacy must not be drop-shipped to any address other than the physical address of the pharmacy to which the Board has issued the license of the pharmacy. As used in this subsection, “drop-shipped” means a direct shipment of drugs to any location other than the pharmacy by the manufacturer or wholesaler of the drugs.
3. A pharmacist employed by a pharmacy shall acknowledge on every invoice that the drugs listed in the invoice were physically received by the pharmacy at the physical address to which the Board has issued the license of the pharmacy.
(Added to NAC by Bd. of Pharmacy by R010-01, eff. 11-1-2001)

NAC 639.525 Minimum requirements for work area and equipment. (NRS 639.070) The prescription department in each licensed pharmacy must contain the following minimum work area and equipment for the compounding and dispensing of drugs:
1. A prescription counter on which to work, with a free working surface of not less than 3 feet in width and 2 feet in depth for each person who is compounding or dispensing drugs within the prescription department, including, without limitation, each registered pharmacist and pharmaceutical technician who is compounding or dispensing drugs within the prescription department. This working surface must be reserved for and restricted solely to the compounding and dispensing of drugs.
2. A free floor space behind the prescription counter that is not less than 8 feet in length and 4 feet in width.
3. A refrigerator that is equipped with a thermometer to ensure proper control of temperature, a sink that is suitable for cleaning the required pharmaceutical equipment and is supplied with hot and cold running water, soap and detergent, and a clean and sanitary disposal container for wastes.
4. If the pharmacy compounds prescriptions that require the measurement of weight, scales and balances for medium and light weighing, at least one of which must be sensitive to 1/2 grain, with weights, including, without limitation, apothecary and avoirdupois, from 1/2 grain to 4 ounces and from 0.02 gm to 100 gm.
5. If the pharmacy prepares sterile products, a laminar airflow hood that is certified at least annually.
6. Capsule and tablet counters and other devices and equipment necessary to compound and dispense drugs.
7. A facsimile machine that:
(a) Uses paper of such quality; and
(b) Prints in such a manner,
Ê that documents printed by the machine are usable and readable for at least 2 years. As used in this subsection, “facsimile machine” includes, without limitation, a computer that has a facsimile modem through which documents can be sent and received.

[Bd. of Pharmacy, § 639.220, eff. 6-26-80]—(NAC A 3-27-90; 8-27-96; 9-6-96; R117-98, 9-9-98; R013-99 & R112-99, 11-3-99)

NAC 639.526 Drive-through facilities. (NRS 639.070)

1. Except as otherwise provided in subsection 3, if a licensee provides pharmaceutical services by means of a drive-through facility, the drive-through facility must:

(a) Be constructed and maintained in a manner, and with materials, that secures the premises of the pharmacy from unlawful or unauthorized access.

(b) Be readily accessible to the personnel of the pharmacy who are authorized to be in the prescription department.

(c) Provide two-way visual and auditory communication between the personnel of the pharmacy and a patient receiving pharmaceutical services by means of the drive-through facility.

(d) Be equipped with a computer terminal that is part of the pharmacy's computerized system for recording information concerning prescriptions. The terminal must be so located within the prescription department that personnel of the pharmacy when providing pharmaceutical services to a patient by means of the drive-through facility can use the computer terminal without losing visual or auditory communication with the patient.

(e) Be so equipped that a pharmacist, or intern pharmacist under the supervision of a pharmacist, can provide a patient receiving pharmaceutical services by means of the drive-through facility with the counseling required in NAC 639.707 without losing visual or auditory communication with the patient.

2. A licensee shall not provide pharmaceutical services by means of a drive-through facility that does not include a window, or other opening, in the exterior wall of the pharmacy unless the licensee first applies for, and obtains, the approval of the Board.

3. The Board may, upon application, and for good cause shown, waive or modify any requirement set forth in this section.

4. As used in this section:

(a) "Drive-through facility" means any combination of structural, mechanical, electronic or other elements located within and without the prescription department of a licensed pharmacy that enables the personnel of the pharmacy to provide pharmaceutical services to a patient who drives a vehicle to the pharmacy without the personnel of the pharmacy leaving the prescription department or the patient leaving his vehicle. The term includes, without limitation, a window or other opening in the exterior wall of a prescription department of a licensed pharmacy, alone, or in conjunction with one or more mechanical, electronic or other devices.

(b) "Licensee" means a person licensed by the Board pursuant to NRS 639.231 to conduct a pharmacy.

(c) "Patient" includes a person caring for a patient.

(Added to NAC by Bd. of Pharmacy by R154-04, eff. 10-22-2004)

REVISER'S NOTE.

The regulation of the State Board of Pharmacy filed with the Secretary of State on October 22, 2004 (LCB File No. R154-04), the source of this section (section 1 of the regulation), became effective on that date and contains the following provisions not included in NAC:

"The requirements set forth in subsection 1 of section 1 of this regulation [NAC 639.526] do not apply to a drive-through facility that is in use on October 22, 2004, until:

1. The pharmacy or prescription department is remodeled and the remodeling is subject to the notification requirement of NAC 639.535;
2. The drive-through facility is remodeled, changed or altered in any way; or
3. December 31, 2007,

Ê whichever occurs first."

NAC 639.528 Preparation and storage of food in prescription department of pharmacy. (NRS 639.070) Food for consumption by the public must not be:

1. Prepared in the prescription department of a pharmacy; or
2. Stored in the refrigerator of the prescription department of a pharmacy.

Ê A pharmacist or a member of the staff of a pharmacy may prepare food in the prescription department

of the pharmacy or store food in the refrigerator of the prescription department of the pharmacy if the food is for his own personal consumption.

(Added to NAC by Bd. of Pharmacy by R117-98, eff. 9-9-98)

NAC 639.530 Sanitation; required washbasins; exception. (NRS 639.070)

1. Waste material must not be allowed to collect on the floors, counters or other portions of a pharmacy, and adequate waste receptacles must be provided.

2. All persons authorized to work within the prescription department must keep themselves and their apparel in a clean and sanitary condition.

3. Each pharmacy must have a washbasin which is supplied with hot and cold running water. The washbasin must be located within the pharmacy and be readily available to any person authorized by law to work in the prescription department.

4. In addition to the washbasin required pursuant to subsection 3, and except as otherwise provided in this subsection, a pharmacy that is built or remodeled after November 1, 1996, must contain a lavatory with a toilet and washbasin within or adjoining the pharmacy. A pharmacy that is remodeled after November 1, 1996, may ask the Board for an exception to this requirement and the Board will, if it deems it appropriate, grant the exception.

[Bd. of Pharmacy, § 639.235, eff. 6-26-80]—(NAC A 9-6-96)

NAC 639.535 Remodeling or relocation of pharmacy or prescription department. (NRS 639.070) Before undertaking a structural remodeling or relocation of a pharmacy or a prescription department within the premises of a licensed pharmacy, the licensee shall notify the Executive Secretary in writing and pay to the Board an inspection fee of $75.

[Bd. of Pharmacy, § 639.240, eff. 6-26-80]

NAC 639.540 Notice of employment and termination of employment of certain pharmaceutical professionals. (NRS 639.070) The owner, manager, operator or other person in charge of any pharmacy, as that term is defined in NRS 639.012, shall, within 10 days after the employment or termination of employment of a registered pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training, give written notice to the Executive Secretary of that employment or termination. The notice must include the name, residential address and certificate number of the employee or former employee.

[Bd. of Pharmacy, § 639.190, eff. 6-26-80]—(NAC A 11-15-93)

NAC 639.542 Identification of persons employed by pharmacy. (NRS 639.070) Each person employed by a pharmacy shall wear identification that clearly identifies him by name and the classification of his registration.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93)

NAC 639.556 Meal periods and rest periods for employees of pharmacy. (NRS 639.070, 639.220)

1. Except as otherwise provided in this section and NRS 639.220:

(a) The owner of a pharmacy shall permit each employee of the pharmacy to take meal periods and rest periods as required by NRS 608.019 or any applicable collective bargaining agreement; and

(b) A pharmacy may schedule a regular time during which a pharmacist employed by the pharmacy may take a meal period.

2. If there is more than one pharmacist on duty at the time that a pharmacist takes a meal period, the pharmacist who is taking the meal period may, at his discretion, remain on the premises of the pharmacy or leave the premises of the pharmacy.

3. Except as otherwise provided in NRS 639.220, if a pharmacist is the only pharmacist on duty at the time he takes a meal period, the pharmacist may, at his discretion, remain on the premises of the

pharmacy or leave the premises of the pharmacy. If the pharmacist chooses to remain on the premises of the pharmacy, the pharmacist may not be interrupted or disturbed to conduct his work as a pharmacist, unless the pharmacist has agreed to such an interruption. If the pharmacist chooses to leave the premises of the pharmacy, the pharmacist shall:

(a) Close and secure the pharmacy pursuant to NAC 639.520; and

(b) Post a sign that is visible to the public stating the time the pharmacist will return from the meal break.

4. A pharmacy that is closed and secured during the meal period of a pharmacist pursuant to subsection 3 may accept a prescription during the meal period if:

(a) The prescription is placed by the patient or the patient's agent or representative in a secure container or receptacle that ensures that the prescription cannot be seen, removed or damaged until it is retrieved by a pharmacist or other authorized employee of the pharmacy; or

(b) An authorized employee of the pharmacy personally accepts and secures the prescription from the patient or the patient's agent or representative outside the closed and secured premises of the pharmacy.

5. A pharmacy may require a pharmacist to remain on the premises of the pharmacy during a rest period, but may not require the pharmacist to serve the public during the rest period. The pharmacist may, at his discretion, agree to have his rest period interrupted.

6. The provisions of this section do not affect any other provision of law regarding the practice of pharmacy.

(Added to NAC by Bd. of Pharmacy by R152-05, eff. 12-29-2005)

NAC 639.570 Involuntary closure of pharmacy. (NRS 639.070)

1. Upon an involuntary closure of a pharmacy, the licensee shall immediately surrender to the Board all controlled substances and dangerous drugs, and all order forms therefor, which are owned or controlled by the licensee on the premises of the pharmacy. A member of the Board or one of its inspectors shall immediately take possession of and hold all such substances, drugs and forms.

2. The controlled substances, dangerous drugs and forms so surrendered will be held in trust by the Board for the licensee. The substances and drugs so held will forthwith be inventoried, packaged, sealed and stored at the expense of the licensee in a place determined by the Board to be appropriately secure.

3. A licensee has 60 days after the effective date of the involuntary closure to make arrangements for the lawful sale or other disposition of the controlled substances and dangerous drugs so inventoried and stored. If no such sale or disposition is made by the licensee within the 60-day period, the Board will make arrangements for the sale or other disposition of the substances and drugs for the benefit of the licensee, and will account for them to the licensee. Upon disposition of the substances and drugs, the order forms will be returned to the Drug Enforcement Administration.

4. The licensee shall cooperate with the Board to promote the efficient administration of this section.

5. As used in this section, "involuntary closure" of a pharmacy includes:

(a) Closure as a result of action by the Federal Government, the State of Nevada or the governing body of any county or city within the State of Nevada;

(b) The revocation or suspension of any license issued to a pharmacy by the Board; or

(c) Any other involuntary closure, including an involuntary adjudication of bankruptcy, an appointment of a receiver or an entry of an order of closure by a court of competent jurisdiction.

[Bd. of Pharmacy, § 639.275, eff. 6-26-80]

NAC 639.575 Voluntary closure of pharmacy. (NRS 639.070)

1. Whenever any pharmacy licensed by the Board is closed for more than 5 consecutive days for any reason other than an involuntary closure, the licensee shall notify the Board of the closure. The notice must be in writing, be given not more than 5 days after the closure, and state the reason or reasons for the closure and the anticipated period of the closure. Upon receipt of the notice, the Board will make such arrangements as it deems appropriate to provide adequate and continued security of all the controlled substances, dangerous drugs, chemicals and poisons which are owned or controlled by the

licensee or on the premises of the pharmacy.

2. If the licensee of a pharmacy dies or becomes legally disabled by a cause other than a mental illness for which provision is made in NRS 639.211 and the disability does not result in an involuntary closure, a member of the Board or one of its inspectors shall forthwith take custody of all controlled substances and dangerous drugs which are owned or controlled by the licensee or are on the premises of the pharmacy and thereupon proceed in the manner provided in NAC 639.570. The Board will also make such arrangements as it deems appropriate to provide adequate and continued security for all the chemicals and poisons which are owned or controlled by the licensee or are on the premises of the pharmacy.

3. The licensee shall cooperate with the Board to promote the efficient administration of this section.

[Bd. of Pharmacy, § 639.280, eff. 6-26-80]

NAC 639.580 Permanent closure of pharmacy. (NRS 639.070)

1. If the licensee of a pharmacy ceases to do business and permanently closes the pharmacy he must:

(a) Place a sign in the front window of the pharmacy notifying the public of the name and address of the pharmacy to which the prescription files have been transferred. The sign must remain so placed for a period of 30 days unless sooner removed by the landlord or a new tenant.

(b) Return to the Executive Secretary his pharmacy license and license renewal certificates.

(c) Prepare separate inventories in duplicate of the controlled substances and dangerous drugs on the premises at the time of the closure and provide the purchaser thereof with copies of the inventories. Copies of the inventories must be retained by the seller and the purchaser for 2 years.

(d) If he is transferring prescription files for controlled substances or dangerous drugs, comply with the provisions of NAC 639.713 and 639.714, and ensure that:

(1) The information relating to the refill of each prescription is included on the prescription; or

(2) If he maintains his prescription files on a computer system, the information relating to the refill of each prescription is accessible by the computer system of the pharmacy to which the information is transferred.

(e) Notify the Executive Secretary in writing of:

(1) The method of disposition of the controlled substances and dangerous drugs;

(2) The name of the purchaser; and

(3) The kinds and amounts transferred.

2. The licensee shall cooperate with the Board to promote the efficient administration of this section.

[Bd. of Pharmacy, § 639.285, eff. 6-26-80]—(NAC A 7-17-96)

NUCLEAR PHARMACIES

NAC 639.5802 Definitions. (NRS 639.070) As used in NAC 639.5802 to 639.584, inclusive, unless the context otherwise requires, the words and terms defined in NAC 639.5804 to 639.5814, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5804 "Agreement state" defined. (NRS 639.070) "Agreement state" means any state with which the Nuclear Regulatory Commission has entered into an effective agreement pursuant to section 274(b) of the Atomic Energy Act of 1954, 42 U.S.C. § 2021(b).

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5806 "Authentication of product history" defined. (NRS 639.070) "Authentication of product history" means identifying the purchasing source, the ultimate destination and any intermediate handling of any component of a radiopharmaceutical or other drug.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5808 "Procedures to assure the quality of radiopharmaceuticals" defined. (NRS 639.070) "Procedures to assure the quality of radiopharmaceuticals" means all activities necessary to assure the quality of the process used to provide radiopharmaceutical services, including, but not limited to, authentication of product history and maintenance of any records required by an appropriate regulatory agency.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.581 "Qualified nuclear pharmacist" defined. (NRS 639.070) "Qualified nuclear pharmacist" means a nuclear pharmacist who meets the requirements set forth in NAC 639.5818.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5812 "Radiopharmaceutical services" defined. (NRS 639.070) "Radiopharmaceutical services" means the procurement, storage, handling, compounding, preparation, labeling, testing to control the quality of, dispensation, distribution, transfer, recordkeeping and disposal of radiochemicals, radiopharmaceuticals and ancillary drugs. The term includes procedures to assure the quality of radiopharmaceuticals, radiological health activities, consulting activities associated with the use of radiopharmaceuticals, health physics and any other activities required for the provision of pharmaceutical care.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5814 "Testing to control the quality of radiopharmaceutical" defined. (NRS 639.070) "Testing to control the quality of radiopharmaceutical" means the performance of appropriate chemical, biological and physical tests on a compounded radiopharmaceutical and the interpretation of the resulting data to determine its suitability for use in humans and animals.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5816 "Radiopharmaceutical" interpreted. (NRS 639.070) The Board interprets the term "radiopharmaceutical" as defined in NRS 639.0143 to include any biological product which is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5818 Nuclear pharmacist: Certification; training and instruction; affidavit of experience and training. (NRS 639.070) A nuclear pharmacist must hold a current license issued by the Board and must:

1. Be certified as a nuclear pharmacist by the Board of Pharmaceutical Specialties, an affiliate of the American Pharmaceutical Association; or

2. Satisfy each of the following requirements:

(a) Meets minimum standards of training for status as an authorized user of radioactive material and is licensed by the Nuclear Regulatory Commission or an agreement state.

(b) Has successfully completed a minimum of 200 contact hours of instruction in nuclear pharmacy and the safe handling and use of radioactive materials from a nationally accredited college of pharmacy or a training program recognized by the Nuclear Regulatory Commission or an agreement state. The minimum required hours must be apportioned as follows:

(1) Radiation physics and instrumentation (85 hours);

(2) Protection against radiation (45 hours);

(3) Mathematics pertaining to the use and measurement of radioactivity (20 hours);

(4) Radiation biology (20 hours); and

(5) Radiopharmaceutical chemistry (30 hours).

(c) Has attained a minimum of 500 hours of clinical or practical training in nuclear pharmacy under the supervision of a qualified nuclear pharmacist in the following areas, as described in the current

Nuclear Pharmacy Practice Standards adopted by the American Pharmaceutical Association:

(1) Procuring radioactive materials;
(2) Compounding radiopharmaceuticals;
(3) Performing routine testing to control the quality of radiopharmaceuticals;
(4) Dispensing radiopharmaceuticals;
(5) Distributing radiopharmaceuticals;
(6) Carrying out basic procedures for protection against radiation; and
(7) Consulting and educating persons engaged in nuclear medicine, patients, pharmacists, other health professionals and the general public.

(d) Has submitted an affidavit of experience and training to the Board.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.582 Permit to operate. (NRS 639.070) The Board will issue a permit to operate a nuclear pharmacy only to a person who is a qualified nuclear pharmacist or who employs a qualified nuclear pharmacist. The permit to operate a nuclear pharmacy is effective only as long as the pharmacy also holds a current license issued by the Nuclear Regulatory Commission. Copies of reports of any inspection conducted by the Nuclear Regulatory Commission must be made available on request for inspection by the Board.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5822 Space and equipment requirements; floor plan. (NRS 639.070) A nuclear pharmacy must have adequate space and equipment commensurate with the scope of services it provides and must meet the minimum space requirements established for all pharmacies in the State. A nuclear pharmacy must include, but is not limited to, an area for the:

1. Preparation and dispensation of radiopharmaceuticals.
2. Shipment and receipt of radioactive material.
3. Storage of radioactive material.
4. Decay of radioactive waste.

Ê An application for a permit to operate a nuclear pharmacy must include a detailed floor plan of the nuclear pharmacy. The Board must approve any subsequent material change to the floor plan.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5824 Security. (NRS 639.070) A nuclear pharmacy must be totally enclosed and be able to be locked to prevent access by unauthorized personnel.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5826 Records. (NRS 639.070) The records of acquisition, inventory and disposition of all radioactive drugs and other radioactive materials of a nuclear pharmacy must be maintained in accordance with the statutes and regulations of the Board, the Nuclear Regulatory Commission or an agreement state.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5828 Quality assurance procedures for radiopharmaceuticals. (NRS 639.070) A nuclear pharmacy must compound and dispense radiopharmaceuticals in accordance with the accepted procedures to assure the quality of radiopharmaceuticals.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.583 Dispensing or transferring radiopharmaceuticals. (NRS 639.070) A radiopharmaceutical must be dispensed only pursuant to a prescription order received from a licensed practitioner authorized by the Nuclear Regulatory Commission or an agreement state to possess, use and administer such a drug. A radiopharmaceutical may be transferred to a person who is authorized to

possess and use such a drug for nonclinical applications.
(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5832 Oral order for radiopharmaceutical: Requirement to keep record; contents of record. (NRS 639.070) After receiving an oral order for a radiopharmaceutical, a nuclear pharmacy immediately must reduce the order to writing or record the order in a data processing system and must include, without limitation, the following information:
1. The name of the institution and the prescriber or prescriber's agent.
2. The date of dispensation and the calibration time of the radiopharmaceutical.
3. The name of the procedure.
4. The name of the radiopharmaceutical.
5. The dose or quantity of the radiopharmaceutical.
6. The serial number assigned to the order for the radiopharmaceutical.
7. Any specific instructions of the prescriber.
8. The initials of the person who received the order.
9. The initials of the person who dispensed the order.
10. If an order is for a radiopharmaceutical for therapeutic use or use in a blood product, the name of the patient must be obtained and recorded before dispensing the radiopharmaceutical.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5834 Outer shield of radiopharmaceutical container: Label required; contents of label. (NRS 639.070) The immediate outer shield of the container of a radiopharmaceutical to be dispensed must be labeled with:
1. The name and address of the pharmacy.
2. The name of the prescriber.
3. The date of dispensation.
4. The serial number assigned to the order for the radiopharmaceutical.
5. The standard radiation symbol.
6. The words "CAUTION RADIOACTIVE MATERIAL."
7. The name of the procedure.
8. The radionuclide and chemical form.
9. The amount of radioactivity and the date and time of the calibration.
10. If the radiopharmaceutical is a liquid, the volume.
11. If the radiopharmaceutical is a solid, the number of items or weight.
12. If the radiopharmaceutical is a gas, the number of ampules or vials.
13. The molybdenum 99 content in accordance with the limitations prescribed in the *United States Pharmacopeia*.
14. The name of the patient or the words "Physician's Use Only" in the absence of a patient's name.
15. If the prescription is for a radiopharmaceutical for therapeutic use or use in a blood product, the patient's name must appear on the label. The requirements of this subsection are met if the name of the patient is readily retrievable from the prescriber upon demand.

(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5836 Inner label of radiopharmaceutical container; contents. (NRS 639.070) The immediate inner label of a container of a radiopharmaceutical to be dispensed must be labeled with:
1. The name of the pharmacy.
2. The standard radiation symbol.
3. The words "CAUTION RADIOACTIVE MATERIAL."
4. The identity of the radionuclide.
5. The chemical form.
6. The name of the procedure.

7. The serial number assigned to the order for the radiopharmaceutical.
(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.5838 Records of nuclear pharmacy when radiopharmaceutical is dispensed pursuant to investigational new drug application: Contents. (NRS 639.070) If a radiopharmaceutical is dispensed pursuant to the authority of an investigational new drug application approved by the United States Food and Drug Administration, the records of a nuclear pharmacy must include:
1. An investigator's protocol for the preparation of the radiopharmaceutical;
2. A copy of the approval form or letter of the internal review board of the institution; and
3. A letter from the manufacturer or sponsor indicating that the physician requesting the radiopharmaceutical is a qualified investigator.
(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

NAC 639.584 Required equipment. (NRS 639.070) A nuclear pharmacy must have the following equipment:
1. A radionuclide dose calibrator.
2. A refrigerator.
3. A single or multiple channel well scintillation counter containing the isotopes sodium iodide, thallium, germanium and lithium.
4. A radiochemical fume hood and filter system with suitable equipment for sampling air.
5. An area survey meter.
6. At least two Geiger Mueller survey meters, including one high-range meter.
7. A microscope and hemacytometer.
8. A laminar airflow hood and appropriate supplies to ensure sterile practices for parenteral solutions.
9. Radiation shields for syringes and vials.
10. A lead-shielded drawing station.
11. Decontamination supplies.
12. Appropriate supplies to perform procedures to assure the quality of radiopharmaceuticals.
13. Lead transport shields for syringes and vials.
14. USA Type A, 7A transport containers approved by the Department of Transportation and other labels and supplies for shipping radioactive materials.
(Added to NAC by Bd. of Pharmacy, eff. 11-9-95)

WHOLESALERS

NAC 639.585 Definitions. (NRS 639.070) As used in NAC 639.585 to 639.607, inclusive, unless the context otherwise requires, the words and terms defined in NAC 639.587 to 639.592, inclusive, have the meanings ascribed to them in those sections.
(Added to NAC by Bd. of Pharmacy, eff. 7-16-92; A 10-1-93; R013-01, 11-1-2001; R049-04, 2-28-2005)

NAC 639.587 "Facility" defined. (NRS 639.070) "Facility" means a facility of a wholesaler where prescription drugs are stored, handled, repackaged or offered for sale.
(Added to NAC by Bd. of Pharmacy, eff. 7-16-92)

NAC 639.588 "Manufacturer" defined. (NRS 639.070) "Manufacturer" has the meaning ascribed to it in NRS 639.009.
(Added to NAC by Bd. of Pharmacy, eff. 7-16-92)

NAC 639.589 "Ongoing relationship" defined. (NRS 639.070) "Ongoing relationship" means a continuing business relationship in which a wholesaler distributes a manufacturer's prescription drugs

which is established pursuant to NAC 639.594.
(Added to NAC by Bd. of Pharmacy, eff. 7-16-92)

NAC 639.5895 "Purchaser" defined. (NRS 639.070) "Purchaser" means a pharmacy or practitioner that purchases a prescription drug from a wholesaler licensed pursuant to NRS 639.233.
(Added to NAC by Bd. of Pharmacy by R049-04, eff. 2-28-2005)

NAC 639.5897 "Purchasing wholesaler" defined. (NRS 639.070) "Purchasing wholesaler" means a wholesaler that purchases a prescription drug from a wholesaler licensed pursuant to NRS 639.233.
(Added to NAC by Bd. of Pharmacy by R049-04, eff. 2-28-2005)

NAC 639.5905 "Supplier" defined. (NRS 639.070) "Supplier" means a wholesaler that sells a prescription drug to a wholesaler licensed pursuant to NRS 639.233.
(Added to NAC by Bd. of Pharmacy by R049-04, eff. 2-28-2005)

NAC 639.592 "Wholesaler" defined. (NRS 639.070) "Wholesaler" has the meaning ascribed to it in NRS 639.016.
(Added to NAC by Bd. of Pharmacy, eff. 7-16-92)

NAC 639.593 Licensing. (NRS 639.070, 639.100)
1. Each applicant for a license to engage in the wholesale distribution of prescription drugs must submit an application to the Board. The application must be made on a form furnished by the Board. The application must include:
(a) The name, business address and telephone number of the applicant and the address of the facility, if different from the address of the applicant;
(b) All trade or business names used by the applicant;
(c) The address, telephone number and name of the person who manages the facility;
(d) The type of ownership or operation of the facility; and
(e) If the applicant is a:
(1) Natural person, the name of the person.
(2) Partnership, the name of the partnership and the name of each partner.
(3) Corporation, the name and title of each officer and director of the corporation, the corporate name and the state of incorporation, and the name of the parent company, if any.
(4) Sole proprietorship, the name of the sole proprietor and the name of the business entity.
2. If a wholesaler distributes prescription drugs from more than one facility, the wholesaler must obtain a license for each facility.
3. The Board will not consider the sale or distribution of a prescription drug to be a wholesale transaction if the sale, distribution or other transaction involving the prescription drug is a sale, distribution or other transaction in which:
(a) A wholesaler licensed by the Board or the relevant authority of another state sells, distributes or otherwise provides a prescription drug to a wholesaler or pharmacy licensed by the Board;
(b) Both the transferring wholesaler and the transferee are wholly owned by a common owner; and
(c) The common owner is a publicly traded corporation.
Ê For the purposes of this subsection, a wholesaler whose transaction does not comply with the provisions of paragraphs (a), (b) and (c) may apply to the Board to consider the transaction of the wholesaler not to be a wholesale transaction if the wholesaler provides proof that is satisfactory to the Board that the proposed transaction will not endanger the public and is not proposed for the purpose of evading the provisions of this chapter and chapter 639 of NRS. The Board will consider such a transaction to be a wholesale transaction until the Board approves the application of the wholesaler.
4. An applicant shall submit to the Board any change in the information required by this section

within 30 days after the change occurs.

5. A license issued by the Board is not transferable.

(Added to NAC by Bd. of Pharmacy, eff. 7-16-92; A by R013-01, 11-1-2001; R049-04, 2-28-2005)

NAC 639.5935 Representative of wholesaler: Designation requirement; exceptions; qualifications; presence required to operate. (NRS 639.070, 639.100)

1. Except as otherwise provided in this subsection, an applicant for a license, or a licensee with a license, to operate as a wholesaler shall designate at least one natural person to serve as the representative of the wholesaler. The Board will not issue or renew a license of an applicant or licensee that is required to designate a representative of a wholesaler pursuant to this section unless the Executive Secretary determines that the designated natural person meets the qualifications set forth in subsection 2 and approves that natural person to be the designated representative of the wholesaler. The requirement to designate a representative set forth in this subsection does not apply to:

(a) An applicant that is a publicly traded corporation; or

(b) An applicant in which a majority interest of the applicant is owned by a pharmacist who is:

(1) Licensed by the Board;

(2) A resident of this State; and

(3) Not an owner of any interest in a pharmacy licensed by the Board.

2. Except as otherwise provided in subsection 3, the Board will approve a natural person as the representative of a wholesaler if the applicant for a license to operate as a wholesaler or the licensee presents proof satisfactory to the Executive Secretary that the natural person:

(a) Has been employed for at least 6,000 hours in a pharmacy or with a wholesaler in a capacity related to the dispensing and distribution of, and recordkeeping relating to, prescription drugs;

(b) Has received a score of at least 75 percent on an examination given by the Board regarding federal and state laws and wholesaler practices; and

(c) Is at least 21 years of age.

3. The Board may, based upon any of the grounds set forth in NRS 639.210, refuse to approve a natural person for service as the representative of a wholesaler, regardless of whether the person is otherwise qualified.

4. A representative of a wholesaler designated pursuant to this section:

(a) Must be actively involved in and aware of the actual daily operation of the wholesaler;

(b) Must be employed full time in a managerial level position with the wholesaler;

(c) Must be physically present at the facility of the wholesaler during regular business hours, except when the absence of the representative is authorized, including sick leave, vacation leave and other authorized absences; and

(d) May serve in this representative capacity for only one wholesaler at a time.

5. A wholesaler that is required to designate a natural person as its representative pursuant to this section shall not open or operate a facility unless that representative is actually employed full time in the operation of the wholesaler and is physically present at the facility of the wholesaler during regular working hours, not including sick leave, vacation leave and other authorized absences from work. If the natural person designated as the representative of a wholesaler leaves the employ of the wholesaler, thus leaving the wholesaler without a representative in violation of this section, the wholesaler shall:

(a) Immediately cease conducting business until another qualified natural person is approved by the Board to serve as the representative of the wholesaler; and

(b) Not later than 48 hours after that person leaves its employ, notify the Board that the person designated as the representative of the wholesaler has left the employ of the wholesaler.

6. Before a wholesaler that is in violation of this section because the natural person designated as the representative of the wholesaler left the employ of the wholesaler may continue conducting business:

(a) The wholesaler must designate, on a form provided by the Board, a new natural person to serve as the representative of the wholesaler; and

(b) The Executive Secretary must approve the natural person so designated.

7. A wholesaler that operates without a representative in violation of this section is subject to the immediate suspension of its license until it employs a qualified natural person to be its representative. The Executive Secretary may take such action as deemed necessary to secure the facility of the wholesaler and to ensure that the wholesaler does not conduct business during the period of the suspension.

(Added to NAC by Bd. of Pharmacy by R013-01, eff. 11-1-2001)

NAC 639.594 Establishment of ongoing relationship. (NRS 639.070, 639.100, 639.2615)

1. An ongoing relationship between a wholesaler and a manufacturer must be established by:

(a) A written franchise, license or other agreement between a manufacturer and wholesaler to distribute prescription drugs;

(b) The presence of the wholesaler on a list of distributors with which the manufacturer does business, created by the manufacturer and located on a publicly accessible website maintained by the manufacturer; or

(c) The existence of the purchase by the wholesaler of at least 5,000 sales units of prescription drugs from the manufacturer within the 12 months immediately preceding the transaction for which the wholesaler claims to have an ongoing relationship and:

(1) The Board or a purchasing wholesaler verifying the purchase with the manufacturer at its main corporate office in the United States; or

(2) The wholesaler maintaining invoices showing that the purchase was made directly from the manufacturer which include an account number assigned by the manufacturer to the wholesaler's address of record on file with the Board.

2. The records establishing an ongoing relationship between a wholesaler and a manufacturer must be:

(a) If the facility is located within this State, maintained at the facility of the wholesaler throughout the period that such a relationship exists;

(b) Maintained for 3 years after the termination of any such relationship; and

(c) Available for review and copying by the Board or by any authorized representative of a federal, state or local agency.

3. An ongoing relationship between a wholesaler and a manufacturer may be attributed to an affiliated wholesaler if:

(a) The affiliated wholesaler is licensed by the Board or the relevant authority of another state;

(b) The wholesaler who has the ongoing relationship with the manufacturer and the affiliated wholesaler are wholly owned by a common owner; and

(c) The common owner is a publicly traded corporation.

4. As used in this section, "sales unit" means any standard container or unit of packaging used by the manufacturer for the prescription drug.

(Added to NAC by Bd. of Pharmacy, eff. 7-16-92; A by R013-01, 11-1-2001; R049-04, 2-28-2005)

NAC 639.595 Qualifications of employees. (NRS 639.070) Each wholesaler licensed by the Board shall ensure that any person he employs who engages in the storage or distribution of drugs in a facility has the education and experience necessary to engage safely and lawfully in the storage or distribution of those drugs.

(Added to NAC by Bd. of Pharmacy, eff. 7-16-92)

NAC 639.596 Facilities: General requirements; maintenance of stock. (NRS 639.070)

1. Each facility must:

(a) Provide adequate lighting of at least 25 foot-candles;

(b) Provide an adequate area for the storage of the prescription drugs within the facility in such a manner as to facilitate access to those drugs;

(c) Be maintained in a clean and orderly condition;

(d) Be free from infestation by insects, rodents, birds or vermin;
(e) Be secure from entry by unauthorized persons;
(f) Be equipped with an alarm system to detect entry to the facility after business hours; and
(g) Maintain a stock of prescription drugs on its shelves sufficient to serve the expected and ordinary needs of the practitioners and pharmacies with which it ordinarily transacts business.
2. If a wholesaler sells or deals in controlled substances, the wholesaler shall maintain a representative stock sufficient to serve the expected and ordinary needs of the practitioners and pharmacies with which it ordinarily transacts business.
3. A wholesaler shall not maintain any stock of controlled substances unless it ordinarily sells controlled substances to the practitioners and pharmacies with which it ordinarily transacts business.
(Added to NAC by Bd. of Pharmacy, eff. 7-16-92; A by R013-01, 11-1-2001)

NAC 639.597 Facilities: Security. (NRS 639.070)
1. Access to the facility must be kept to a minimum and be well-controlled.
2. The outside perimeter of the facility must be properly lighted.
3. Access to the area of the facility where the controlled substances are stored must be limited to authorized persons.
4. The area of the facility where controlled substances are stored must be securely enclosed with a material made of steel of at least 10 gauge in thickness with openings not more than 2 1/2 inches wide. The material must be mounted on steel posts which must be at least 1 inch in diameter. The posts must be placed not more than 10 feet apart. If the material does not extend to the structural ceiling of the facility, the ceiling of the enclosed area must be constructed of material made of steel at least 10 gauge in thickness with openings not more than 2 1/2 inches wide. A lighter gauge mesh may be used for the ceiling of a large enclosed area if the walls of the area are at least 14 feet in height.
5. Access to the enclosed area must be limited to persons who are responsible for ensuring the security of the controlled substances stored within that enclosed area. The enclosed area must be equipped with a security system which includes an alarm that will transmit a signal to a local law enforcement agency or a private business which provides security services if an unauthorized person obtains access to the enclosed area.
6. The Executive Secretary may approve an alternate method for ensuring the security of the area where the controlled substances are stored if he determines that the method will ensure that entry to the area is accessible only to authorized persons.
(Added to NAC by Bd. of Pharmacy, eff. 7-16-92)

NAC 639.5975 Prescription drugs: Restrictions on purchase and receipt; disposal of certain drugs. (NRS 639.070, 639.2615)
1. Except as otherwise provided in this section, a wholesaler shall not purchase or otherwise receive a prescription drug from:
(a) Any person who is not a wholesaler or manufacturer; or
(b) A wholesaler if any previous seller of the drug was not a wholesaler or a manufacturer.
2. A wholesaler may receive a prescription drug from a person who is not a wholesaler or manufacturer if the prescription drug was originally purchased by that person from the wholesaler.
3. A wholesaler that was not the original wholesaler which sold prescription drugs to a person who is not a wholesaler or manufacturer may receive the prescription drugs if:
(a) The person no longer does business with the original wholesaler;
(b) The original wholesaler no longer does business with the person; or
(c) The original wholesaler refuses to allow the return of the prescription drugs.
4. A wholesaler shall not:
(a) Receive from a person who is not a wholesaler or manufacturer an amount or quantity of a prescription drug larger than the amount or quantity that was originally sold by the original wholesaler to that person;

(b) Pay that person an amount, either in cash or credit, that is more than:

(1) The amount the person originally paid to the original wholesaler for the prescription drug; or

(2) The price the receiving wholesaler would have charged that person for the prescription drug at the time of the return; or

(c) Purchase a contraband drug or a counterfeit drug.

5. A wholesaler that receives a prescription drug from a person who is not a wholesaler or manufacturer pursuant to this section may dispose of the prescription drug by:

(a) Destroying the prescription drug;

(b) Selling the prescription drug to another person who is not a wholesaler or manufacturer;

(c) Selling the prescription drug to another wholesaler; or

(d) Providing the prescription drug to another wholesaler or the manufacturer of the prescription drug solely for the purposes of destruction or disposal.

6. If a wholesaler:

(a) Sells a prescription drug to another person who is not a wholesaler or manufacturer pursuant to paragraph (b) of subsection 5, the wholesaler is not required to provide a "Statement Identifying Prior Sales of Prescription Drugs by Wholesalers Required by the Prescription Drug Marketing Act" described in NAC 639.603.

(b) Sells or provides a prescription drug to another wholesaler or the manufacturer of the prescription drug pursuant to paragraph (c) or (d) of subsection 5, the wholesaler must provide a "Statement Identifying Prior Sales of Prescription Drugs by Wholesalers Required by the Prescription Drug Marketing Act" as described in NAC 639.603 for that sale and must indicate on the statement that the prescription drug was received from the person from whom the wholesaler accepted the prescription drug.

(Added to NAC by Bd. of Pharmacy by R013-01, eff. 11-1-2001; A by R049-04, 2-28-2005)

NAC 639.5977 Prescription drugs: Sale to purchasing wholesaler. (NRS 639.070, 639.2615)

1. For each sale of a prescription drug to a purchasing wholesaler, the wholesaler must, as a reasonable assurance that the purchasing wholesaler is in compliance with the provisions of subparagraph (2) of paragraph (c) of subsection 2 of NRS 639.2615:

(a) Before the sale of the prescription drug, obtain from the purchasing wholesaler a written statement that contains a representation by the purchasing wholesaler that, for transactions which occur in this State, the purchasing wholesaler will only sell the prescription drug to a pharmacy or practitioner;

(b) Possess written correspondence between the wholesaler and the purchasing wholesaler or between the purchasing wholesaler and other purchasers that evidences the compliance by the purchasing wholesaler with the provisions of subparagraph (2) of paragraph (c) of subsection 2 of NRS 639.2615; and

(c) Ensure that the following statement is written on the face of the invoice or other document which evidences the sale and on the face of any "Statement Identifying Prior Sales of Prescription Drugs by Wholesalers Required by the Prescription Drug Marketing Act" described in NAC 639.603 that accompanied the sale of the prescription drug printed in all capital letters and in at least 10-point type:

> NEVADA LAW REQUIRES THAT YOU MUST SELL THE PRESCRIPTION DRUGS SOLD TO YOU AS SET FORTH IN THIS DOCUMENT ONLY TO PHARMACIES OR PRACTITIONERS. THE SALE OF ANY OF THE PRESCRIPTION DRUGS SOLD TO YOU AS SET FORTH IN THIS DOCUMENT TO ANY PERSON OR BUSINESS OTHER THAN A PHARMACY OR PRACTITIONER WILL RESULT IN A TERMINATION OF FUTURE SALES AND MAY SUBJECT YOU TO OTHER PENALTIES AS PRESCRIBED BY LAW.

2. For the purposes of this section, the Board will consider the sale by a wholesaler to a purchasing wholesaler whose sole function is to distribute prescription drugs to pharmacies under common ownership with the purchasing wholesaler to be a sale to a pharmacy.

(Added to NAC by Bd. of Pharmacy by R049-04, eff. 2-28-2005)

NAC 639.598 Prescription drugs: Storage. (NRS 639.070)

1. Each wholesaler shall store prescription drugs held in the facility in the manner prescribed in the *United States Pharmacopeia*, 22nd edition, 1990, which is hereby adopted by reference. A copy of the publication may be obtained from the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852, for the price of $91, plus $7 for shipping and handling.

2. If there are no specific requirements concerning the temperature at which a prescription drug must be stored, the drug must be stored at a controlled room temperature as defined in the *United States Pharmacopeia*, 22nd edition, 1990.

3. Each wholesaler shall provide the appropriate manual, electromechanical or electrical equipment to record the temperature and humidity of the area where the prescription drugs are stored.

(Added to NAC by Bd. of Pharmacy, eff. 7-16-92)

NAC 639.599 Prescription drugs: Examination of shipments; actions upon determination of certain conditions. (NRS 639.070, 639.2615)

1. Each wholesaler shall, upon receiving a prescription drug, examine each outside shipping container of the drug and any accompanying document, including, without limitation, the invoice, the shipping record and the "Statement Identifying Prior Sales of Prescription Drugs by Wholesalers Required by the Prescription Drug Marketing Act" described in NAC 639.603, to determine its identity and to prevent the acceptance of a prescription drug that is:

(a) Counterfeit;

(b) Deemed to be adulterated or misbranded in accordance with the provisions of chapter 585 of NRS;

(c) Mislabeled;

(d) Damaged or compromised by improper handling, storage or temperature control;

(e) From a foreign or unlawful source; or

(f) Manufactured, packaged, labeled or shipped in violation of any state or federal law relating to prescription drugs.

Ê The examination must be sufficient to detect any damage to the container which would indicate contamination or other damage to the contents of the container.

2. Each wholesaler shall examine each outgoing shipment of prescription drugs to identify the prescription drugs contained in the shipment and to ensure that the prescription drugs contained in the shipment are not damaged and have been stored under proper conditions.

3. If a wholesaler determines that a prescription drug has one or more of the conditions set forth in paragraphs (a) to (f), inclusive, of subsection 1, the wholesaler:

(a) If the prescription drug is not subject to a recall or withdrawn from the market, shall:

(1) Separate the prescription drug from other prescription drugs; and

(2) Provide to the Board, not later than 10 business days after the inspection, a written notice that includes:

(I) The name and address of the supplier of the prescription drug;

(II) The name of the prescription drug;

(III) The lot number and expiration date of the prescription drug;

(IV) The quantity of the prescription drug;

(V) Whether the wholesaler returned the prescription drug to the supplier or decided to destroy the prescription drug;

(VI) The reason for the action taken by the wholesaler; and

(VII) If the prescription drug was returned to the supplier, the date on which the prescription drug was returned to the supplier.

(b) If the prescription drug is not subject to a recall or withdrawn from the market, may return the prescription drug to the supplier or destroy the prescription drug.

4. Within 48 hours after receipt by the Board of a notice required pursuant to subsection 3, a member

of the staff of the Board shall inspect the prescription drug at the facility of the wholesaler and may impound or remove the prescription drug. If the member of the staff of the Board does not impound or remove the prescription drug, the wholesaler may return the prescription drug to the supplier or destroy the drug.

(Added to NAC by Bd. of Pharmacy, eff. 7-16-92; A by R049-04, 2-28-2005)

NAC 639.601 Prescription drugs: Separation and disposal of certain drugs. (NRS 639.070**,** 639.2615**)**

1. A prescription drug that is outdated, damaged, deteriorated, misbranded or adulterated must be separated from other prescription drugs until it is destroyed or returned to the supplier.

2. A prescription drug whose immediate or sealed outer or secondary container has been opened or used must be identified as such and separated from other prescription drugs until it is destroyed or returned to the supplier.

3. If a prescription drug is returned to a wholesaler by a purchaser or purchasing wholesaler under conditions which cast doubt on the prescription drug's safety, identity, strength, quality or purity, the wholesaler shall destroy the prescription drug or return it to the supplier unless, after conducting an examination, testing or other investigation, the wholesaler determines that the prescription drug complies with the appropriate standards of safety, identity, strength, quality and purity as prescribed in the package insert as approved by the Food and Drug Administration or in the *United States Pharmacopeia - National Formulary* in effect as of March 1, 2000. The wholesaler shall keep a record of any examination, testing or other investigation conducted and make any records available for inspection by the Board.

4. Unless the reason a prescription drug must be destroyed or returned to the supplier is related to the expiration date of the prescription drug, a wholesaler that is required to destroy a prescription drug or return it to the supplier pursuant to subsection 3 shall provide to the Board a written notice that includes:

(a) The name of the prescription drug;

(b) The lot number and expiration date of the prescription drug;

(c) The quantity of the prescription drug;

(d) The name and address of the business that returned the prescription drug to the wholesaler;

(e) Whether the wholesaler will:

(1) Return the prescription drug to the supplier; or

(2) Destroy the prescription drug; and

(f) The reason for the action taken by the wholesaler.

5. Within 48 hours after receipt by the Board of a notice required pursuant to subsection 4, a member of the staff of the Board shall inspect the prescription drug at the facility of the wholesaler and may impound or remove the prescription drug. If the member of the staff of the Board does not impound or remove the prescription drug, the wholesaler may return the prescription drug to the supplier or destroy the prescription drug.

(Added to NAC by Bd. of Pharmacy, eff. 7-16-92; A by R049-04, 2-28-2005)

NAC 639.6015 Prescription drugs: Destruction. (NRS 639.070**,** 639.2615**)** If a wholesaler in this State decides to destroy a prescription drug pursuant to NAC 639.5975, 639.599 or 639.601, the wholesaler shall:

1. Segregate the prescription drug in a manner that will ensure that the prescription drug cannot be sold or otherwise used; and

2. Destroy the prescription drug and its packaging in such a manner that the prescription drug cannot be resold or used and which is in compliance with any applicable laws or regulations concerning the destruction of drugs and drug packaging.

(Added to NAC by Bd. of Pharmacy by R049-04, eff. 2-28-2005)

NAC 639.602 Prescription drugs: Records. (NRS 639.070**,** 639.2615**)**

1. Each wholesaler shall make and maintain a record of its inventory and of each transaction relating to the receipt and distribution or other disposition of a prescription drug. The record must include, without limitation:

(a) The purchase order, correspondence and any other document evidencing that the wholesaler ordered the prescription drug from the supplier;

(b) The invoice or other document provided to the wholesaler by the supplier concerning the purchase of the prescription drug;

(c) The shipping record, which may be a manifest, shipping label, shipping bill or any similar document, evidencing the shipment of the prescription drug from the supplier to the wholesaler;

(d) The purchase order, correspondence and any other document evidencing that the purchaser or purchasing wholesaler ordered the prescription drug from the wholesaler;

(e) The invoice or other document provided by the wholesaler when the purchaser or purchasing wholesaler purchased the prescription drug;

(f) The shipping record evidencing the shipment of the prescription drug from the wholesaler to the purchaser or purchasing wholesaler;

(g) A copy of the license of the supplier that sold the prescription drug to the wholesaler;

(h) If the supplier has an ongoing relationship with a manufacturer, a copy of the records maintained pursuant to NAC 639.594 which must be obtained by the wholesaler before the wholesaler may sell a prescription drug received from the supplier; and

(i) One or more of the documents required by NAC 639.5977 as reasonable assurance that the purchasing wholesaler is in compliance with subparagraph (2) of paragraph (c) of subsection 2 of NRS 639.2615.

2. The wholesaler shall maintain the records described in subsection 1 for at least 3 years after the receipt, distribution or other disposition of the prescription drug. The records must be made available for copying and inspection by any person authorized to inspect those records.

3. Except as otherwise provided in this subsection, a wholesaler shall maintain the records required by this section at the facility. If the records are maintained by a computer, the records must be immediately retrievable and readily available for inspection.

4. If the records are not maintained at the facility because the facility is located outside of this State and are not immediately retrievable by computer, the records must be made available for inspection within 2 working days after a request is made by a person authorized to examine those records.

(Added to NAC by Bd. of Pharmacy, eff. 7-16-92; A by R013-01, 11-1-2001; R049-04, 2-28-2005)

NAC 639.603 Prescription drugs: Statements identifying prior sales by wholesalers. (NRS 639.070, 639.2615)

1. Except as otherwise provided in paragraph (a) of subsection 6 of NAC 639.5975, each wholesaler shall provide a statement identifying each sale of a prescription drug before the prescription drug is sold to another wholesaler or to a pharmacy when supplying prescription drugs which are to be sold to other than retail consumers if the wholesaler:

(a) Has not established an ongoing relationship with the manufacturer from whom the prescription drug was purchased; or

(b) Purchased the prescription drug from another wholesaler.

2. The statement must:

(a) Be in writing and bear the title “Statement Identifying Prior Sales of Prescription Drugs by Wholesalers Required by the Prescription Drug Marketing Act”;

(b) Include all necessary identifying information concerning each sale in the chain of distribution of the product from the manufacturer or wholesaler;

(c) Accompany all prescription drugs purchased from a wholesaler, even if they are resold to another distributor;

(d) Include the business name and address of the person from whom the prescription drug was purchased;

(e) Include the date of the sale; and
(f) Include the:
(1) Name of the prescription drug;
(2) Strength of the prescription drug;
(3) Size of the container;
(4) Number of containers;
(5) Lot number of the prescription drug; and
(6) Name of the manufacturer of the finished dosage form.
3. Each statement must be:
(a) Maintained by the buyer and the wholesaler for 3 years;
(b) Except as otherwise provided in subsection 4, available for copying or inspection upon a request by an authorized representative of any federal, state or local agency, a manufacturer of prescription drugs or a pharmacist or practitioner who purchases prescription drugs from the wholesaler; and
(c) Maintained by the wholesaler at its facility.
4. If a wholesaler cannot provide a statement upon request made pursuant to paragraph (b) of subsection 3 because the wholesaler purchased a prescription drug with a particular lot number from more than one source, the wholesaler must provide:
(a) Copies of all of the "Statements Identifying Prior Sales of Prescription Drugs by Wholesalers Required by the Prescription Drug Marketing Act," as described in subsection 2 that relate to the prescription drug with the particular lot number; or
(b) A statement certifying how much of a prescription drug the wholesaler purchased directly from the drug's manufacturer and how much of the prescription drug the wholesaler purchased from other wholesalers, which must accurately account for the wholesaler's purchases of a prescription drug for the 12 months immediately preceding the request and may be made in the form of a percentage, ratio or per unit accounting. The wholesaler must provide, upon request, all "Statements Identifying Prior Sales of Prescription Drugs by Wholesalers Required by the Prescription Drug Marketing Act" that were the basis for the statement made pursuant to this paragraph.
(Added to NAC by Bd. of Pharmacy, eff. 7-16-92; A 10-1-93; R049-04, 2-28-2005)

NAC 639.604 Maintenance and availability of list of wholesalers with whom manufacturer has ongoing relationship. (NRS 639.070**,** 639.100**,** 639.2615**)** Each manufacturer shall maintain at its principal place of business a list of wholesalers with whom the manufacturer has an ongoing relationship. The list must be available for inspection upon a request by any authorized representative of a federal, state or local agency. The manufacturer shall provide a copy of the list upon request. The manufacturer may charge a fee to cover the cost of copying the list.
(Added to NAC by Bd. of Pharmacy, eff. 7-16-92; A 10-1-93)

NAC 639.605 Establishment and maintenance of policies and procedures regarding prescription drugs. (NRS 639.070**,** 639.2615**)**
1. Each wholesaler shall establish written policies and procedures for the receipt, security, storage, inventory and distribution of prescription drugs.
2. The written policies and procedures must include:
(a) A procedure for identifying, recording and reporting any losses or thefts of prescription drugs.
(b) A procedure for correcting any errors or inaccuracies concerning the wholesaler's inventory.
(c) A procedure that requires the oldest approved stock of a prescription drug to be distributed first. The procedure may allow deviation from that requirement if the deviation is temporary and appropriate.
(d) A procedure relating to the recall or withdrawal of a prescription drug because of:
(1) Any action taken at the request of the Food and Drug Administration or other federal agency or state or local law enforcement agency or other governmental agency, including the Board;
(2) Any voluntary action taken by a manufacturer to remove defective or potentially defective drugs from the market; or

(3) Any action taken by a manufacturer to promote public health and safety by the replacement of existing prescription drugs with an improved product or new design of a package.

(e) A procedure for the operation of a facility in the event of a strike, fire, flood or other natural disaster or emergency.

(f) A procedure to ensure that any outdated prescription drug is separated from other drugs that are not outdated and is destroyed or returned to the manufacturer. The procedure must provide for the establishment and maintenance of written records of the disposition of each outdated prescription drug. The wholesaler shall keep the records for 3 years after the disposition of the prescription drug.

(g) A procedure to gather, make and maintain all records required pursuant to NRS 639.234 and NAC 639.585 to 639.607, inclusive.

(h) A procedure to ensure that all prescription drugs received are examined pursuant to NAC 639.599 and 639.601.

(i) A procedure to ensure that the prescription drugs are not contraband drugs or counterfeit drugs.

3. As used in this section:

(a) “Contraband drug” means a prescription drug that is offered for sale by a purchaser to a wholesaler in violation of an agreement to which the purchaser is a party or is otherwise in privity of contract that would prohibit or otherwise disallow such a sale or resale.

(b) “Counterfeit drug” means a prescription drug that is adulterated, mislabeled or misbranded pursuant to chapter 585 of NRS.

(Added to NAC by Bd. of Pharmacy, eff. 7-16-92; A by R049-04, 2-28-2005)

NAC 639.606 Establishment and maintenance of lists regarding certain personnel. (NRS 639.070) Each wholesaler shall establish and maintain a list of the officers, directors, managers of the facility and any persons who have access to the facility. The list must include a description of their duties and a summary of their qualifications.

(Added to NAC by Bd. of Pharmacy, eff. 7-16-92)

NAC 639.607 Inspections; examination of records and procedures; copies of documents. (NRS 639.070, 639.2615)

1. Each wholesaler shall allow a member of the staff of the Board to:

(a) Inspect its facility and any motor vehicles it uses to transport prescription drugs; and

(b) Examine its records and procedures for the operation of the facility,

Ê during normal business hours.

2. If a member of the staff of the Board wishes to make copies of documents of the wholesaler and the number of copies will exceed 50 pages, the member of the staff of the Board may, in his discretion, copy the documents at the facility of the wholesaler or remove the documents to make copies at a commercial facility for reproduction mutually agreed upon by the wholesaler and the member of the staff of the Board. Upon request, the member of the staff of the Board who removes documents for the purpose of copying them pursuant to this section shall provide a receipt to the wholesaler which describes the documents removed.

(Added to NAC by Bd. of Pharmacy, eff. 7-16-92; A by R049-04, 2-28-2005)

MANUFACTURERS

NAC 639.610 Minimum standards for premises. (NRS 639.070) The premises occupied by any person holding a manufacturer’s permit or the premises to be occupied by any applicant for such a permit must meet the following minimum standards:

1. The premises must be well lighted and well ventilated and must be maintained in a clean and orderly manner.

2. Adequate lavatory and toilet facilities and dressing areas must be provided, and washbasins to be used in connection with those facilities must be supplied with hot and cold running water. All such

facilities must be maintained in a clean and orderly condition and in good repair.

3. The building must be constructed in such a manner as to provide maximum security and must be equipped with an adequate alarm system.

[Bd. of Pharmacy, § 639.420, eff. 6-26-80]—(NAC A 5-14-92)

NAC 639.615 Equipment and requirements for operation; employees. (NRS 639.070)

1. Any person to whom a manufacturer's permit has been issued shall provide and maintain the following equipment if it is needed in the operation of the business, and shall comply with the following requirements as they apply to the operation of the business:

(a) If drugs requiring refrigeration are stocked, the holder of the permit shall provide refrigerators for proper storage.

(b) The area in which drugs are stocked must be arranged so that dangerous drugs, chemicals, poisons, controlled substances and devices are not accessible to unauthorized persons.

(c) Drugs which are damaged, deteriorated, misbranded, adulterated or outdated must be stored in an area separate from the area containing the drugs, chemicals, poisons, controlled substances or devices which are to be sold or distributed for resale.

(d) The holder of a permit shall maintain such records as may be necessary to provide accountability for the disposition of dangerous drugs, controlled substances, chemicals and devices.

(e) Equipment must be provided and maintained as may be considered necessary and consistent with the licensed operation, and maintained in proper working order at all times.

2. All persons who in the course of their employment with a manufacturer handle any drugs, chemicals or devices shall keep themselves and their apparel in a clean and sanitary condition.

[Bd. of Pharmacy, § 639.415, eff. 6-26-80]—(NAC A 5-14-92)—(Substituted in revision for NAC 639.600)

WAREHOUSES

NAC 639.620 Definitions. (NRS 639.070) As used in NAC 639.620 to 639.644, inclusive, unless the context otherwise requires, the words and terms defined in NAC 639.621 to 639.629, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.621 "Authorized person" defined. (NRS 639.070) "Authorized person" means a person who is authorized by an authorized warehouse to have access to its facility.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.622 "Authorized warehouse" defined. (NRS 639.070) "Authorized warehouse" means a warehouse or other business in this State that receives, stores or ships prescription drugs and goods pursuant to a written contract with a manufacturer, wholesaler, pharmacy or chain warehouse under which the authorized warehouse acts solely as the agent or bailee of the manufacturer, wholesaler, pharmacy or chain warehouse.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.623 "Chain warehouse" defined. (NRS 639.070) "Chain warehouse" means a facility engaged exclusively in the sale or distribution of a prescription drug by intercompany transfer within this State.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.624 "Facility" defined. (NRS 639.070) "Facility" means the area of an authorized warehouse used for the receipt, storage and shipping of prescription drugs and goods.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.625 "Goods" defined. (NRS 639.070) "Goods" means all items produced by a manufacturer that are regulated by the Board, other than prescription drugs.
(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.626 "Manufacturer" defined. (NRS 639.070) "Manufacturer" has the meaning ascribed to it in NRS 639.009.
(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.627 "Pharmacy" defined. (NRS 639.070) "Pharmacy" has the meaning ascribed to it in NRS 639.012.
(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.629 "Wholesaler" defined. (NRS 639.070) "Wholesaler" has the meaning ascribed to it in NRS 639.016 and is limited to a person licensed or registered by the proper regulatory agencies in one or more states that license or otherwise register wholesalers of prescription drugs.
(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.631 Licensing: General requirements. (NRS 639.070)
1. An applicant for a license to engage in business as an authorized warehouse must submit an application to the Board. The application must be made on a form furnished by the Board. The application must include:
(a) The name, business address and telephone number of the applicant and the address of the facility of the applicant if it is not the same as the business address of the applicant;
(b) All trade or business names used by the applicant;
(c) The name, address and telephone number of the person who manages the facility;
(d) The type of ownership or operation of the facility; and
(e) If the applicant is:
(1) A natural person, the name of the person.
(2) A partnership, the name of the partnership and the name of each general or limited partner.
(3) A corporation, the name and title of each officer and director of the corporation, the corporate name and the state of incorporation and the name of the corporation's parent company, if any.
(4) A sole proprietorship, the name of the sole proprietor and the name of the business entity.
2. If an authorized warehouse receives, stores or ships prescription drugs from more than one facility, the authorized warehouse must obtain a license for each facility.
3. An applicant shall submit to the Board any change in the information required by this section within 30 days after the change occurs.
4. A license issued by the Board pursuant to this section is not transferable.
(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.633 Contracts authorizing receipt, storage and shipment of prescription drugs and goods. (NRS 639.070)
1. An authorized warehouse may receive, store and ship prescription drugs and goods only for a manufacturer, wholesaler, pharmacy or chain warehouse with whom it has a written contract. The written contract must include, but is not limited to:
(a) The name and address of the main office of the manufacturer, wholesaler, pharmacy or chain warehouse;
(b) The address of each location from which the manufacturer, wholesaler, pharmacy or chain warehouse may ship prescription drugs or goods to the authorized warehouse;
(c) The number of the license or registration issued to the manufacturer, wholesaler, pharmacy or chain warehouse by each state from which prescription drugs or goods may be shipped to the authorized

warehouse;

(d) A specific acknowledgment that the authorized warehouse will receive, store and ship prescription drugs and goods as the agent and bailee of the manufacturer, wholesaler, pharmacy or chain warehouse and that ownership of the prescription drugs and goods does not transfer to the authorized warehouse;

(e) A provision requiring the authorized warehouse to return to the manufacturer, wholesaler, pharmacy or chain warehouse any prescription drugs and goods received that are labeled or addressed to any person other than the manufacturer, wholesaler, pharmacy or chain warehouse;

(f) A provision requiring the authorized warehouse to perform acts related to the receipt, storage and shipping of prescription drugs and goods in accordance with the instructions of the manufacturer, wholesaler, pharmacy or chain warehouse;

(g) A provision limiting the payments required to be made by the manufacturer, wholesaler, pharmacy or chain warehouse to payments for the rental of space, equipment, personnel and other costs necessary to carry out the instructions of the manufacturer, wholesaler, pharmacy or chain warehouse;

(h) A provision prohibiting the authorized warehouse from opening any containers received from the manufacturer, wholesaler, pharmacy or chain warehouse, except at the specific direction of the manufacturer, wholesaler, pharmacy or chain warehouse; and

(i) A statement that any receipt issued by the authorized warehouse is not negotiable.

2. An authorized warehouse shall furnish a copy of the written contract to the Board upon request. If the request is submitted in person, the copy must be provided immediately. If the request is not submitted in person, the copy must be provided within 2 business days.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.634 Enforcement of statutory liens. (NRS 639.070)

1. An authorized warehouse that intends to enforce any statutory lien it may have against a manufacturer, wholesaler, pharmacy or chain warehouse with whom it has contracted shall notify the Board in writing of its intent to enforce the lien.

2. Upon receipt of the notice, the Board will determine whether the claim of the authorized warehouse is valid. The authorized warehouse shall provide any documentation or evidence requested by the Board to verify its claim.

3. If the Board determines that the claim of the authorized warehouse is valid, the Board will impound the prescription drugs and goods that are the subject of the lien, cause an inventory of the impounded items to be conducted and segregate those items. The authorized warehouse shall continue to store the impounded items at its expense.

4. The Board will give written notice of the claim of the authorized warehouse to the manufacturer, wholesaler, pharmacy, chain warehouse and any other person who claims an interest in the prescription drugs and goods, in person, or by registered or certified mail to the last known address of the person to be notified. The notice will include:

(a) A statement of the claim of the authorized warehouse;

(b) A copy of the inventory of the impounded items;

(c) A demand for payment within a specified time of not less than 10 days after the receipt of the notice;

(d) A conspicuous statement that the items will be sold to satisfy the claim of the authorized warehouse unless the claim is paid within the specified time; and

(e) A statement that the manufacturer, wholesaler, pharmacy, chain warehouse or other person claiming an interest in the prescription drugs and goods may refute the claim of the authorized warehouse by providing to the Board any documentation or evidence that supports his position within the time designated in the notice.

5. The Board will attempt to reconcile the dispute informally if it receives documentation or evidence from the manufacturer, wholesaler, pharmacy, chain warehouse or other person claiming an interest in the prescription drugs and goods that refutes the claim of the authorized warehouse. If any portion of the dispute is reconciled, the Board will release the impounded prescription drugs and goods to carry out the purposes of the reconciliation. If the dispute is not reconciled, the parties shall submit the

dispute to binding arbitration in accordance with the rules and procedures of the American Arbitration Association. The costs of the arbitration must be borne by the parties to the dispute.

6. If the arbitrator resolves all or any portion of the dispute in favor of the manufacturer, wholesaler, pharmacy, chain warehouse or other person claiming an interest in the prescription drugs and goods, the Board will release the impounded prescription drugs and goods in accordance with the decision of the arbitrator.

7. The Board will sell the impounded prescription drugs and goods for the satisfaction of the claim of the authorized warehouse if:

(a) The arbitrator resolves all or any portion of the dispute in favor of the authorized warehouse; or

(b) The manufacturer, wholesaler, pharmacy, chain warehouse or other person claiming an interest in the prescription drugs and goods fails to provide documentation or evidence refuting the claim of the authorized warehouse within the time set forth in the Board's notice.

8. A sale will be conducted by the Board as follows:

(a) The Board will notify all wholesalers licensed by the Board, the manufacturer, wholesaler, pharmacy or chain warehouse and any other person claiming an interest in the prescription drugs and goods of its intent to sell the items to the highest responsible bidder and of the terms and conditions for submitting a bid. The Board will allow the manufacturer, wholesaler, pharmacy, chain warehouse or other person claiming an interest in the items to redeem the prescription drugs and goods upon payment of the claim of the authorized warehouse, including the costs incurred by the authorized warehouse to enforce its claim, before the consummation of the bidding procedure.

(b) The Board may divide the prescription drugs and goods into lots or portions if necessary to facilitate an efficient and effective sale.

(c) The Board will accept the highest responsible bid received for the prescription drugs and goods.

(d) Any bid accepted by the Board must be paid in cash or by a certified or cashier's check made payable to the Board.

(e) The Board will distribute all money received from the sale in the following order of priority:

(1) To the Board in such an amount as is necessary to pay the expenses of impounding the prescription drugs and goods, causing an inventory of those items to be conducted and conducting the sale.

(2) To the authorized warehouse to satisfy its claim, including all costs and charges incurred by the authorized warehouse until the day of the sale.

(3) To any person who has established an interest in the prescription drugs and goods to the satisfaction of the Board, other than the manufacturer, wholesaler, pharmacy or chain warehouse.

(4) To the manufacturer, wholesaler, pharmacy or chain warehouse.

9. The authorized warehouse:

(a) Shall not conduct a sale of the prescription drugs and goods pursuant to NRS 104.7206 or 104.7210.

(b) May not purchase prescription drugs and goods at any sale unless it is also licensed by the Board as a wholesaler.

(c) Shall execute such documents as are required by the Board to indemnify the Board and hold it harmless from any liability arising as a result of the authorized warehouse exercising its rights pursuant to this section.

(d) Shall pay all costs related to the exercise of its rights pursuant to this section, including any costs incurred by the Board to impound the prescription drugs and goods, cause an inventory of those items to be conducted and conduct the sale that are not paid pursuant to subparagraph (1) of paragraph (e) of subsection 8.

10. A wholesaler who in good faith purchases prescription drugs or goods at any sale conducted by the Board pursuant to this section takes the items free of any rights of persons against whom the lien of the authorized warehouse was valid.

11. The rights provided by this section are in addition to all other rights allowed by law to a creditor against his debtor.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.635 Cessation of operation. (NRS 639.070)

1. If an authorized warehouse intends to cease operation, it shall notify the Board and the manufacturer, wholesaler, pharmacy or chain warehouse with whom it has entered into a contract to receive, store or ship prescription drugs and goods. The notice must be sent by certified mail not later than 30 days before the authorized warehouse intends to cease operation.
2. If an authorized warehouse ceases operation, it shall arrange with the manufacturer, wholesaler, pharmacy or chain warehouse with whom it has contracted for the return of any prescription drugs or goods in its possession or for the shipment of those prescription drugs and goods to another authorized warehouse or wholesaler.
3. On the day it ceases operation, the authorized warehouse shall allow a representative of the Board to inspect the premises of the authorized warehouse in order to verify that all prescription drugs and goods have been removed from the premises. The Board will impound any prescription drugs and goods remaining on the premises of the authorized warehouse, cause an inventory of those items to be conducted and sell the items pursuant to the provisions of NAC 639.634. Money received from the sale will be distributed on the basis that the amount needed to satisfy the claim of the authorized warehouse is zero.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.636 Change in legal ownership of facility resulting from legal proceeding. (NRS 639.070)

1. If there is a change in the legal ownership of the facility of an authorized warehouse resulting from a legal proceeding such as a voluntary or involuntary proceeding in bankruptcy or a receivership, the authorized warehouse shall notify the Board within 5 days after the change in ownership.
2. Upon the change in ownership, the authorized warehouse may arrange to return any prescription drugs and goods in its possession to the manufacturer, wholesaler, pharmacy or chain warehouse with whom it has contracted or to ship the items to another authorized warehouse or wholesaler.
3. The Board may inspect, impound and cause to be conducted an inventory of the prescription drugs and goods in the possession of the authorized warehouse if it determines that the change in legal ownership of the facility may endanger the safety, health or welfare of members of the general public.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.637 Facilities: General requirements. (NRS 639.070) The facility of an authorized warehouse must:

1. Have adequate lighting of at least 25 foot-candles;
2. Have an adequate area for the storage of prescription drugs and goods that facilitates access to those items;
3. Be maintained in a clean, orderly condition;
4. Be free from infestation by insects, rodents, birds or vermin;
5. Be secure from entry by unauthorized persons; and
6. Be equipped with an alarm system to detect entry into the facility after business hours.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.638 Facilities: Security. (NRS 639.070)

1. Access to the facility of an authorized warehouse must be limited to authorized persons and kept to a minimum. An authorized warehouse is liable for the acts of all authorized persons while they are at the facility.
2. A facility must be located in a discrete area and have a permanent or semipermanent barrier such as a wall, fence or other physical barrier that restricts unauthorized entry.
3. Except as otherwise provided in subsection 4:

(a) The portion of a facility used to store prescription drugs must be securely enclosed with a material made of steel that is at least 10 gauge in thickness with openings not more than 2 1/2 inches wide. The material must be mounted on steel posts which must be at least 1 inch in diameter and placed not more than 10 feet apart. If the material does not extend to the structural ceiling of the facility, the ceiling of the enclosed area must be constructed of material made of steel that is at least 10 gauge in thickness with openings not more than 2 1/2 inches wide. A mesh made of a lighter gauge may be used for the ceiling of a large enclosed area if the walls of the area are at least 14 feet high.

(b) The enclosed area of a facility that is used to store prescription drugs must be equipped with a security system that includes an alarm that transmits a signal to local law enforcement agencies or a private business that provides security services if an unauthorized person obtains access to the enclosed area.

4. The Executive Secretary may approve an alternate method of ensuring the security of a facility if he determines that the method will ensure that access to the facility is limited to authorized persons.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.639 Prescription drugs: Storage. (NRS 639.070)

1. Each authorized warehouse shall store prescription drugs held in the facility in the manner prescribed in the *United States Pharmacopeia*, 22nd edition, 1990, which is hereby adopted by reference. A copy of the publication may be obtained from the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852, for the price of $91, plus $7 for shipping and handling.

2. If there are no specific requirements concerning the temperature at which a prescription drug must be stored, the drug must be stored at a controlled room temperature as defined in the *United States Pharmacopeia*, 22nd edition, 1990.

3. Each authorized warehouse shall provide the appropriate manual, electromechanical or electrical equipment to record the temperature and humidity of the area where the prescription drugs are stored.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.640 Prescription drugs: Shipment. (NRS 639.070)

1. Each authorized warehouse shall, upon receiving a prescription drug, examine each outside shipping container of the drug to determine its identity and to prevent the acceptance of a contaminated prescription drug that is otherwise unfit for distribution. The examination must be sufficiently adequate to detect any damage to the container which would indicate contamination or other damage to the contents of the container.

2. Each authorized warehouse shall examine each outgoing shipment of prescription drugs to identify the prescription drugs contained in the shipment and to ensure that the prescription drugs contained in the shipment are not damaged and have been stored under proper conditions.

3. An authorized warehouse shall return any damaged containers to the manufacturer, wholesaler, pharmacy or chain warehouse with whom it has contracted or destroy the container in accordance with the policies and procedures established pursuant to NAC 639.642.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.641 Prescription drugs: Records. (NRS 639.070)

1. An authorized warehouse shall establish and maintain a record of each transaction relating to the receipt, storage and shipment of a prescription drug. The record must include:

(a) The manufacturer of the prescription drug or the wholesaler, pharmacy or chain warehouse that placed the drug in the authorized warehouse;

(b) The address of the location from which the prescription drug was shipped;

(c) The identity and quantity of the prescription drug received or shipped or, if that information is not known, the lot number or other identification number by which the container may be specifically identified; and

(d) The date of the receipt and the shipment of the prescription drug.

2. An authorized warehouse shall maintain such records for at least 2 years after the receipt or shipment of the prescription drug. The records must be made available for copying and inspection by any person authorized to inspect those records.

3. Except as otherwise provided in this subsection, an authorized warehouse shall maintain the records required by this section at the building where the facility is located. If the records are maintained by a computer, the records must be immediately retrievable and readily available for inspection. If the records are not maintained at the facility and are not immediately retrievable by computer, the records must be made available for inspection within 2 working days after a request is made by a person authorized to examine those records.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.642 Establishment of policies and procedures regarding prescription drugs. (NRS 639.070**)**

1. An authorized warehouse shall establish written policies and procedures for the receipt, security, storage and shipment of prescription drugs and goods and for maintaining the records required by NAC 639.641.

2. The written policies and procedures must include:

(a) A procedure for identifying, recording and reporting any losses or thefts of prescription drugs and goods.

(b) A procedure for correcting any errors or inaccuracies concerning the records maintained by the authorized warehouse.

(c) A procedure for the operation of a facility in the event of a strike, fire, flood or other natural disaster or emergency.

(d) A procedure for establishing the qualifications, identity and recognition of authorized persons who are allowed access to the facility.

(e) A procedure for the return or destruction of damaged prescription drugs or goods.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.643 Inspections; examination of records and procedures. (NRS 639.070**)** Each authorized warehouse shall allow the Board and any other person authorized to do so to:

1. Inspect its facility and any motor vehicles it uses to transport prescription drugs and goods; and

2. Examine its records and procedures for the operation of the facility,

Ê during normal business hours.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

NAC 639.644 Enforcement. (NRS 639.070**)**

1. The Board may bring an action to enjoin the activities of an authorized warehouse pursuant to NRS 639.097 or take any other action authorized by law if the warehouse has not obtained a license to engage in business as an authorized warehouse.

2. An authorized warehouse that fails to comply with any of the provisions of NAC 639.620 to 639.643, inclusive, is subject to disciplinary action pursuant to NRS 639.241 to 639.2576, inclusive.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

VETERINARY DRUGS

NAC 639.650 Permit; duties and prohibitions. (NRS 639.070**,** 639.2345**)** In compliance with NRS 639.2345, the Board hereby adopts the following provisions to regulate the retail sale of prescription and nonprescription veterinary drugs:

1. The fee for a biennial permit, valid for a 2-year period commencing July 1, is $50. The permit

includes authorization for the sale of hypodermic devices.

2. The Board will assess a penalty for failure to register or reregister within the time prescribed by statute or regulation in the amount of 50 percent of the registration fee for each period of delinquency or fraction thereof. The penalty is in addition to the registration fee for each such period or fraction thereof.

3. Prescription drugs and hypodermic devices must not be sold on a self-service basis.

4. Biologicals and other drugs must be kept refrigerated if the requirement is stated on the manufacturer's label.

[Bd. of Pharmacy, § 639.430, eff. 6-26-80]

NAC 639.660 Rabies vaccine. (NRS 639.070**)** Rabies vaccine for veterinary use, whether live or killed, is restricted to:

1. Use by a veterinarian or a physician.
2. Use by a person upon a prescription of a veterinarian or dispensed by a veterinarian.

[Bd. of Pharmacy, § 639.435, eff. 6-26-80]

COMPOUNDING AND DISPENSING PARENTERAL SOLUTIONS

NAC 639.661 Definitions. (NRS 639.070**,** 639.2807**)** As used in NAC 639.661 to 639.690, inclusive, unless the context otherwise requires, the words and terms defined in NAC 639.663, 639.665 and 639.667 have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Pharmacy, eff. 7-7-94)

NAC 639.663 "Cytotoxic" defined. (NRS 639.070**,** 639.2807**)** "Cytotoxic" means having the capability of killing living cells.

(Added to NAC by Bd. of Pharmacy, eff. 7-7-94)

NAC 639.665 "Medical facility" defined. (NRS 639.070**,** 639.2807**)** "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(Added to NAC by Bd. of Pharmacy, eff. 7-7-94)

NAC 639.667 "Nursing personnel" defined. (NRS 639.070**,** 639.2807**)** "Nursing personnel" means an employee of:

1. A medical facility who is licensed pursuant to chapter 632 of NRS;
2. A nursing pool as defined in NRS 449.0153; or
3. An agency to provide nursing in the home as defined in NRS 449.0015.

(Added to NAC by Bd. of Pharmacy, eff. 7-7-94)

NAC 639.670 Adoption of materials by reference. (NRS 639.070**,** 639.2807**)** The Board hereby adopts by reference the following:

1. Federal Standard 209(b), "Clean Room and Work Station Requirements" of the Federal Supply Service, General Services Administration, as it exists on June 1, 1986. A copy of this publication is available from the General Services Administration, Specifications Section, Room 6039, 7th and D Streets, S.W., Washington, D.C. 20407, for the price of $1.40.

2. National Sanitation Foundation Standard No. 49, as it exists on June 1, 1986, concerning Class II (Laminar Flow) biohazard cabinetry and hoods. A copy of this standard is available from the National Sanitation Foundation, P.O. Box 1468, Ann Arbor, Michigan 48106, for the price of $2.

(Added to NAC by Bd. of Pharmacy, eff. 8-14-87; A 7-7-94)

NAC 639.672 Reference materials required to be located in or immediately available to pharmacy. (NRS 639.070**,** 639.2807**)** Any pharmacy engaged in the practice of compounding and

dispensing parenteral solutions shall have current reference materials located in or immediately available to the pharmacy. The reference materials must include information on:

1. All drugs and chemicals used in services related to parenteral therapy; and
2. The activities involved in parenteral therapy, including manufacturing, dispensing, distribution and counseling.

(Added to NAC by Bd. of Pharmacy, eff. 8-14-87)

NAC 639.674 Designated work area; equipment. (NRS 639.070, 639.2807)

1. A pharmacy engaged in the practice of compounding and dispensing of parenteral solutions shall have a designated room for the preparation of sterile products for dispensing which must:

(a) In accordance with Federal Standard 209(b), meet the standards for class 100 HEPA (high efficiency particulate air) filtered air such as having a laminar airflow hood or a clean room;

(b) Be maintained in a clean condition and have cleanable surfaces, including walls, ceilings and floors; and

(c) Be ventilated in a manner which does not interfere with the laminar airflow hood.

2. The laminar airflow hood must be certified annually, in accordance with Federal Standard 209(b). Records of certification must be retained for at least 2 years.

3. The pharmacy must be arranged so that the laminar airflow hood is located in an area which is exposed to a minimal flow of traffic and is separate from any area used for bulk storage of items not related to the compounding of parenteral solutions. Items related to the compounding of parenteral solutions which are stored in the area where parenterals are compounded must not obstruct the intake of the laminar airflow hood.

4. There must be sufficient space which is well separated from the area of the laminar airflow hood for the storage of bulk materials, equipment and waste materials.

5. A sink with hot and cold running water must be provided within the pharmacy.

6. There must be a refrigerator, freezer, or both, of sufficient capacity to store all materials requiring refrigeration.

(Added to NAC by Bd. of Pharmacy, eff. 8-14-87; A 7-7-94)

NAC 639.678 Preparation of cytotoxic agent: Certified vertical laminar airflow hood required. (NRS 639.070, 639.2807) In any pharmacy preparing parenteral cytotoxic agents, all compounding must be conducted within a certified vertical laminar airflow hood. The hood must be certified annually in accordance with National Sanitation Foundation Standard No. 49 or the manufacturer's specifications. Records of certification must be retained for at least 2 years.

(Added to NAC by Bd. of Pharmacy, eff. 8-14-87; A 7-7-94)

NAC 639.680 Labeling of parenteral solution. (NRS 639.070, 639.2807)

1. In addition to any other requirements for labeling, the label of any parenteral solution must include:

(a) The name and concentrations of all ingredients contained in the parenteral solution, including the primary solution; and

(b) Instructions for storage and handling.

2. The label of a parenteral solution which is used by a patient in his home, in a facility for the dependent or in a medical facility which does not furnish the parenteral solution from a pharmacy located in that medical facility must include the telephone number of the pharmacy that furnished the parenteral solution.

3. Any cytotoxic agent must bear a special label which states:

(a) "Chemotherapy - Dispose of Properly;" or

(b) "Biohazard - Dispose of Properly."

4. As used in this section, "biohazard" means a biological agent that may be hazardous to persons or the environment.

(Added to NAC by Bd. of Pharmacy, eff. 8-14-87; A 7-7-94)

NAC 639.682 Record for each patient. (NRS 639.070, 639.2807)

1. A pharmacy engaged in the practice of compounding and dispensing parenteral solutions shall have on the premises or readily accessible:

(a) A record for each patient being treated with parenteral therapy;

(b) A summary of the most recent hospitalization of the patient or his medical history; and

(c) Any notes taken by the pharmacist concerning the progress of the patient which document any contact with the patient or the practitioner concerning the parenteral therapy.

2. In addition to any other requirements for keeping records, the following records must be maintained in the pharmacy:

(a) Records concerning any prescriptions and medical supplies furnished to the patient.

(b) Information relevant to the patient's parenteral therapy, including, but not limited to:

(1) The patient's name, age, height, weight, sex and address and the telephone number of the location where the patient is receiving parenteral therapy;

(2) The diagnosis of the patient; and

(3) His history of medication, including his current regimen concerning diet and medication and any allergies to drugs or food.

(c) Data of a laboratory relevant to the parenteral therapy.

(d) If the patient is using a parenteral solution in his home, in a facility for the dependent or in a medical facility which does not furnish the parenteral solution from a pharmacy located in that medical facility, records indicating that the care of the patient is coordinated by the pharmacy, practitioner and nursing personnel before the administration of the parenteral solution, including:

(1) Documentation of all orders for medication, laboratory tests or other treatment related to the medication of the patient.

(2) Documentation of all orders given by a practitioner which were communicated to nursing personnel by a pharmacist.

(3) Documentation that a total assessment of the patient has been performed.

(4) Documentation that a plan for the parenteral therapy of the patient has been developed by the pharmacy. The plan must include:

(I) The identification of any problem related to a drug that is administered to the patient; and

(II) Any suggested solution for that problem and the monitoring of the results of the therapy.

3. As used in this section, "total assessment" means an evaluation of the circumstances of the administration of parenteral therapy to a patient in his home, in a facility for the dependent or in a medical facility which does not furnish the parenteral solution from a pharmacy located within that medical facility that includes a review of:

(a) The state of the disease of the patient;

(b) The regimen of medication of the patient;

(c) The medical history of the patient;

(d) Any therapies other than parenteral therapy administered to the patient; and

(e) If the patient is using the parenteral solution in his home, the ability of the patient to receive parenteral therapy in his home.

(Added to NAC by Bd. of Pharmacy, eff. 8-14-87; A 7-7-94)

NAC 639.683 Delivery, storage and recordation of delivery of parenteral solution. (NRS 639.070, 639.2807) A managing pharmacist shall ensure that:

1. A sterile parenteral solution is furnished to a patient in a container which is capable of maintaining the appropriate temperature for the storage of the sterile parenteral solution;

2. A patient is advised of the appropriate conditions for the storage and disposal of the sterile parenteral solution; and

3. The delivery of a controlled substance listed in schedule II, as set forth in NAC 453.520, is documented and a receipt which indicates that the patient received that controlled substance is included with the records maintained at the pharmacy.

(Added to NAC by Bd. of Pharmacy, eff. 7-7-94)

NAC 639.684 Program to ensure clean and sanitary environment for preparation of sterile products. (NRS 639.070, 639.2807)

1. The managing pharmacist shall develop and maintain a program to ensure that there is a clean and sanitary environment for the preparation of sterile products and that the parenteral solutions produced are sterile. Records of the activities related to this program must be established and made available to the Board.

2. The program must include the following:

(a) The procedures for cleaning and sanitization of the area used for preparing parenteral solutions.

(b) Periodic documentation of the temperatures of the room and refrigerator in which compounded parenteral solutions are stored.

(c) The steps to be taken in the event of a recall of a drug.

(d) A written justification of the dates of expiration for compounded parenteral solutions.

(Added to NAC by Bd. of Pharmacy, eff. 8-14-87)

NAC 639.686 Written policies and procedures for disposal of infectious materials and materials containing cytotoxic residues. (NRS 639.070, 639.2807) Any pharmacy providing parenteral solutions shall have written policies and procedures for the disposal of infectious materials and materials containing cytotoxic residues. The procedures must contain methods for the cleanup of spills and must be in conformance with the regulations of the local health authority. The pharmacy shall ensure the return of infectious materials and materials containing cytotoxic residues to the pharmacy or shall inform the provider of care of the procedures for the proper destruction of such materials.

(Added to NAC by Bd. of Pharmacy, eff. 8-14-87)

NAC 639.688 Written policies and procedures regarding provision of services related to parenteral therapy. (NRS 639.070, 639.2807) Any pharmacy engaged in the practice of compounding and dispensing parenteral solutions shall have written policies and procedures relating to:

1. The qualifications and training of employees of the pharmacy to compound and dispense parenteral solutions.

2. A determination of the necessity for administering the medication a patient requires in a parenteral form.

3. The compounding and control of the quality of parenteral solutions.

4. The distribution and delivery of parenteral solutions.

5. The clinical monitoring of parenteral therapy.

6. The availability of a practitioner, pharmacist and nursing personnel during the administration of parenteral therapy to a patient.

7. The availability of products and equipment which are necessary during the administration of parenteral therapy to a patient.

8. The communication of orders among the practitioner, pharmacist and nursing personnel for a patient who requires parenteral therapy.

9. The coordination of the care of a patient who requires parenteral therapy by the pharmacist, practitioner and nursing personnel, including documentation of participation in any conference relating to the care of that patient.

10. The education of a patient relating to:

(a) The self-administration of a parenteral solution;

(b) The proper maintenance and storage of a parenteral solution; and

(c) The operation of devices used to administer parenteral solutions.

11. The cleaning and maintenance of equipment used to administer a parenteral solution furnished to a patient by the pharmacy.

12. The provision of services relating to parenteral therapy furnished by the pharmacy in an

emergency.
(Added to NAC by Bd. of Pharmacy, eff. 8-14-87; A 7-7-94)

NAC 639.690 Pharmacist: Consultation with patient; proper training in safe handling, compounding and therapy related to parenteral solutions. (NRS 639.070, 639.2807)
1. Any pharmacy furnishing parenteral solutions shall ensure that a pharmacist is available 24 hours a day for consultation with the patient and his primary provider of care concerning the proper use of any parenterals and related supplies furnished by the pharmacy.
2. The managing pharmacist shall ensure that all pharmacists engaging in compounding parenteral solutions have the proper training in the safe handling, compounding and therapy related to parenteral solutions, including cytotoxic agents.
(Added to NAC by Bd. of Pharmacy, eff. 8-14-87; A 7-7-94)

PROVIDERS AND WHOLESALERS OF MEDICAL PRODUCTS

General Provisions

NAC 639.693 Definitions. (NRS 639.070) As used in NAC 639.693 to 639.6958, inclusive, unless the context otherwise requires, the words and terms defined in NAC 639.6931 to 639.6938, inclusive, have the meanings ascribed to them in those sections.
(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6931 "Assistive equipment" defined. (NRS 639.070) "Assistive equipment" means a medical product intended to aid a consumer in the performance of one or more bodily activities. The term includes, without limitation, a wheelchair, walker or other similar device. The term does not include respiratory equipment.
(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6932 "Consumer" defined. (NRS 639.070) "Consumer" means the ultimate recipient or beneficiary of services and goods provided by a medical products provider.
(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6933 "Health professional" defined. (NRS 639.070) "Health professional" means a practitioner, a physical therapist, an occupational therapist, a registered nurse or a respiratory therapist.
(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6934 "Life-sustaining equipment" defined. (NRS 639.070) "Life-sustaining equipment" means a medical product that is necessary for a consumer to avoid exposure to a medically reasonable expectation of imminent death or serious injury. The term includes, without limitation, a ventilator and an oxygen concentrator.
(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6935 "Medical products" defined. (NRS 639.070)
1. "Medical products" includes medical devices, equipment, supplies and gases intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease.
2. The term does not include:
(a) Controlled substances;
(b) Dangerous drugs, except medical gases and supplies that facilitate the use of a dangerous drug, including, without limitation, normal saline and other similar inert liquids; and
(c) Medical devices, equipment, supplies or gases the regulation of which is governed by any other board or agency other than the Board.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6936 "Medical products provider" defined. (NRS 639.070)

1. "Medical products provider" means a person licensed pursuant to NAC 639.693 to 639.6958, inclusive, to sell, lease or otherwise provide medical products to a consumer in this State.

2. The term does not include:

(a) A health professional who sells, leases or otherwise provides medical products to a consumer for use by that consumer pursuant to the order of a practitioner;

(b) A pharmacy that sells, leases or otherwise provides medical products to a consumer for use by that consumer; or

(c) An installer of medical gas systems, as that term is defined in NAC 477.137, who is registered pursuant to chapter 477 of NAC.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6937 "Medical products wholesaler" defined. (NRS 639.070)

1. "Medical products wholesaler" means a person licensed pursuant to NAC 639.693 to 639.6958, inclusive, to sell, lease or otherwise provide medical products to a health care facility, agency, practitioner or provider in this State.

2. The term does not include:

(a) A person who sells, leases or otherwise provides medical products to a consumer; or

(b) An installer of medical gas systems, as that term is defined in NAC 477.137, who is registered pursuant to chapter 477 of NAC.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6938 "Respiratory equipment" defined. (NRS 639.070) "Respiratory equipment" means a medical product intended to assist a consumer in the act of breathing or intended to introduce a product or drug, other than a medical gas, into the lungs of a consumer.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.694 Administrator required. (NRS 639.070)

1. Each medical products provider or medical products wholesaler shall have an administrator at all times. The administrator must be a natural person who is employed by the medical products provider or medical products wholesaler at the place of business or facility of the employer at least 40 hours per week or during all regular business hours if the business or facility is regularly open less than 40 hours per week. The administrator shall ensure that the operation of the business or facility complies with all applicable federal, state and local laws, regulations and rules.

2. A medical products provider or medical products wholesaler shall notify the staff of the Board of the cessation of employment of an administrator within 3 business days after such cessation. A medical products provider or medical products wholesaler shall notify the staff of the Board of the employment of a new administrator within 3 business days after such employment.

3. A medical products provider or medical products wholesaler may not operate for more than 10 business days without an administrator. The Board may summarily suspend the operation of a business or facility that operates without an administrator.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6941 Unprofessional conduct; responsibility of owner for acts of others. (NRS 639.070)

1. In addition to the acts described in NAC 639.945 which are applicable to medical products providers or medical products wholesalers, the following acts or practices by a medical products provider or a medical products wholesaler are declared to be, specifically but not by way of limitation, unprofessional conduct and conduct contrary to the public interest:

(a) Any violation of these regulations or violation of any applicable federal, state or local laws related to the practices of the medical products provider or medical products wholesaler.

(b) Loss of, or failure to maintain or renew, the required liability insurance.

(c) Practicing, condoning, facilitating or collaborating with any form of unlawful discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, or mental or physical handicap in providing any service or product to a consumer.

(d) Failing to maintain the confidentiality of information regarding a consumer and disclosing such information without valid authorization, except where such a disclosure is required by law.

(e) Performing or allowing any employee or agent of the medical products provider or medical products wholesaler to perform services beyond the training, competency, ability or knowledge of the employee or agent.

(f) Submitting any claim for payment or reimbursement to any person or entity for products or services that is fraudulent, deceitful, unnecessary, or for any products or services not actually provided to a consumer.

(g) Violating any provision of the Code of Ethics of the National Association for Medical Equipment Services, which is hereby adopted by reference, a copy of which may be obtained, free of charge, by writing to the American Association for Homecare, 625 Slaters Lane, Suite 200, Alexandria, Virginia 22314-1171.

(h) Violating any provision of the Code of Ethics of the Nevada Association of Medical Products Suppliers, which is hereby adopted by reference, a copy of which may be obtained, free of charge, by writing to the Nevada Association of Medical Products Suppliers, P.O. Box 61492, Boulder City, Nevada 89006-1492.

(i) Engaging in any knowing or willful offer, payment, solicitation or receipt of any remuneration to induce referrals of sales, leases, or other provisions of medical products or services by any medical products provider, medical products wholesaler or health professional.

(j) Violating any provision of the Standards of Practice and the Code of Ethics for the National Registry of Rehabilitation Technology Suppliers, which is hereby adopted by reference. The publication may be obtained from the National Registry of Rehabilitation Technology Suppliers, P.O. Box 4033, Lago Vista, Texas 78645-4033, for the price of $5 or free of charge at the Internet address http://www.nrrts.org/.

2. The owner of a medical products provider is responsible for the acts of his business administrator and employees.

3. The owner of a medical products wholesaler is responsible for the acts of his facility administrator and employees.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

Licensing and Fees

NAC 639.6942 Application for license; license required for each location; notification of change in information; license nontransferable; expiration. (NRS 639.070)

1. An applicant for a license to engage in business as a medical products provider or medical products wholesaler must submit an application to the Board on a form furnished by the Board. The application must include:

(a) The name, mailing address and telephone number of the applicant;

(b) The street address of the business or facility of the applicant, if different from the mailing address of the applicant;

(c) All trade or business names used by the applicant;

(d) The type of ownership or operation of the business or facility;

(e) The name, address, telephone number and social security number of the person who manages the business or facility of the applicant;

(f) If the applicant is:

(1) A natural person, the name of the person;

(2) A partnership, the name of the partnership and the name of each general or limited partner;
(3) A corporation, the name and title of each officer and director of the corporation, the corporate name, the state of incorporation and the name of the corporation's parent company, if any; or
(4) A sole proprietorship, the name of the sole proprietor and the name of the business entity;
(g) Proof of insurance required pursuant to NAC 639.6946;
(h) The hours and days that the business will be regularly operated; and
(i) All Medicare and Medicaid provider numbers registered to the business or its owner.
2. If a medical products provider sells, leases or otherwise provides medical products at more than one location, it must obtain a license for each location where medical products are sold, leased or otherwise provided.
3. An applicant shall notify the Board in writing of any change in the information required pursuant to this section within 30 days after the change occurs.
4. A license issued by the Board pursuant to this section:
(a) Is not transferable; and
(b) Expires on October 31 of each even-numbered year unless renewed before that date.
(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6943 Licensing of practicing health professionals. (NRS 639.070)
1. The Board will not issue a license to conduct business as a medical products provider or medical products wholesaler to:
(a) A practicing health professional; or
(b) A partnership, corporation or association in which a practicing health professional has a controlling interest or in which ownership of 10 percent or more of the available stock is held by one or more practicing health professionals.
2. As used in this section, "practicing health professional" means a health professional who performs services within the scope of his licensure or registration in any capacity in a health care facility other than the facility of the medical products provider or medical products wholesaler.
(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001; A by R151-05, 11-17-2005)

NAC 639.6944 Licensing of applicants located outside of State. (NRS 639.070)
1. Any person who is located outside of this State and who intends to sell medical products to any consumer or medical products provider in this State on a regular basis must apply for an appropriate license pursuant to the provisions of NAC 639.693 to 639.6958, inclusive. Any medical products provider or medical products wholesaler that is located outside of this State must comply with the provisions of NAC 639.693 to 639.6958, inclusive, for any sale, lease or other disposition of medical products to any person in this State other than a medical products wholesaler or manufacturer that is licensed by the Board.
2. Any medical products provider or medical products wholesaler that is located outside of this State must submit evidence with any application pursuant to the provisions of NAC 639.693 to 639.6958, inclusive, that the medical products provider is licensed, permitted, registered or otherwise lawfully authorized by the state of residence of the medical products provider to engage in the same business for which the medical products provider is seeking licensure in this State.
(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6945 Waiver of license fee. (NRS 639.070) The Board may waive the license fee, or any part thereof, for a medical products provider that:
1. Is a tax-exempt charitable organization pursuant to 26 U.S.C. § 501(c);
2. Provides medical products to a majority of the consumers served by the medical products provider at no charge; and
3. Verifies to the satisfaction of the Board that 75 percent of the funds of the medical products provider are used for bona fide charitable purposes.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001; A by R012-02, 5-31-2002)

Medical Products Providers

NAC 639.6946 Duties of providers; repair and maintenance of medical products; hours of operation; consumer complaints. (NRS 639.070)

1. A medical products provider shall:

(a) Provide services for all medical products sold, leased or otherwise provided by the medical products provider, including, without limitation, setup, repair and maintenance.

(b) Employ an administrator and other employees sufficient to provide the services described in paragraph (a).

(c) Ensure that each employee is trained to:

(1) Use, setup, repair and maintain the medical products sold, leased or otherwise provided by the medical products provider that an employee is authorized to sell, lease or otherwise provide to a consumer; and

(2) Instruct consumers concerning the use, setup and maintenance of the medical products sold, leased or otherwise provided by the medical products provider that an employee is authorized to sell, lease or provide to a consumer.

(d) Maintain an inventory of medical products that is adequate to serve the needs of the consumers served by the medical products provider.

(e) Maintain a physical location at which the medical products provider can:

(1) Store inventory;

(2) Repair or service any equipment which the medical products provider sells, leases or otherwise provides; and

(3) Keep all current records related to the business of the medical products provider.

(f) Have a functioning restroom containing a toilet and a sink with hot and cold water at the place of business of the medical products provider.

(g) Maintain the place of business of the medical products provider in a clean, orderly and sanitary condition.

(h) Ensure that the place of business complies at all times with applicable federal, state and local laws, regulations and rules, including, without limitation, applicable occupational safety rules, fire codes, building codes and health codes.

(i) Maintain liability insurance of at least $1,000,000, which must include product liability insurance if the medical products provider:

(1) Designs, fabricates or manufactures medical products; or

(2) Substantially modifies commercially available medical products.

(j) Maintain a log or other record regarding all repairs made to a medical product provided by the medical products provider. For a medical product repaired by the medical products provider, the log or record must identify:

(1) The type of medical product;

(2) The manufacturer;

(3) The model or model number;

(4) The serial number;

(5) The date of the repair;

(6) The specific repair made;

(7) The name of the person or company who performed the repair; and

(8) A certification that the medical product has been returned to the specifications of the manufacturer as a result of the repair.

2. If the medical products provider cannot certify that the repaired medical product has been returned to the specifications of the manufacturer as a result of the repair, the medical products provider must:

(a) Determine whether the medical product can be safely and effectively used for a limited purpose, in which case the medical products provider must note that the medical product must only be used for a

limited purpose and must ensure that the medical product is only used for such a limited purpose; or

(b) Ensure that the medical product is removed from service and is not sold, leased or otherwise provided to any person without a written statement acknowledging that the medical product:

(1) Was repaired;

(2) Could not be repaired to the specifications of the manufacturer; and

(3) Cannot be used by the consumer for the purposes for which the medical product was intended.

3. Any device used by a medical products provider to calibrate or test equipment must be accurate and must be maintained according to the directions and specifications of the manufacturer. The scales used to weigh reservoirs of liquid oxygen must be accurate and must be certified annually by the State Sealer of Weights and Measures.

4. The business premises of any medical products provider must be open and accessible to the public and the Board at all times during regular hours of operation.

5. A medical products provider shall develop and use a written procedure for addressing consumer complaints, including, without limitation, procedures for maintaining a complaint file that documents all complaints from consumers and the resolution of each complaint.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6947 Change in controlling interest. (NRS 639.070) Upon a change in the controlling interest of a medical products provider, the medical products provider shall:

1. Apply with the Board for a new license within 5 days after the completion of the transaction which changes the controlling interest;

2. Ensure that all servicing, maintenance or repair obligations outstanding at the time of the purchase are addressed without interruption or disruption to the service being received by the consumer; and

3. Not operate the business, except to service, maintain, repair or otherwise satisfy the outstanding obligations of the predecessor business, until the new owner is licensed by the Board.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6948 Compliance with provisions by person or business who is not medical products provider. (NRS 639.070) Any person or business that is not a medical products provider who sells, leases or otherwise provides medical products to a consumer must comply with NAC 639.693 to 639.6958, inclusive, for any sale, lease or other disposition of medical products as though that person were a medical products provider.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6949 Provision of medical products to consumer with or without bona fide order or prescription; tracking requirements. (NRS 639.070)

1. A medical products provider shall provide medical products for which an order of a practitioner is required to a consumer only after the receipt of a bona fide order or prescription from a practitioner.

2. A medical products provider may provide medical products for which an order of a practitioner is not required to a consumer with or without a bona fide order or prescription from a practitioner. If a written order or prescription is received from a practitioner or if a written record of an oral order or prescription is made by the medical products provider, the medical products provider shall keep and maintain the written record in the manner required by NAC 639.695.

3. For all medical devices and equipment to which the medical device tracking requirements of the Food and Drug Administration apply, the medical products provider must keep and maintain written records of the serial or tracking numbers for the medical devices and equipment.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.695 Maintenance of records. (NRS 639.070) The records made or kept pursuant to NAC 639.6949 must be:

1. Kept in a file, chart or other storage system allowing the record to be retrieved by reference to the

name of the consumer, the name of the practitioner, the date the product was provided or the type of medical product;

2. Retained for at least 5 years from the date the records are made or received;

3. Kept at the physical location of the business; and

4. Readily retrievable upon request by a member of the Board, or a person conducting an inspection or investigation on behalf of the Board.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6951 Communications and advisement of options and use of medical products; written record. (NRS 639.070)

1. Before providing a medical product, a medical products provider shall identify and describe the commercially available choices and, where appropriate, custom fabricated choices available to meet the objectives of the consumer to:

(a) The consumer, his family or his agent;

(b) The primary caregiver of the consumer, if any; and

(c) The health professional of the consumer.

2. When providing medical products, a medical products provider shall communicate with and advise the consumer, his agent or his primary caregiver about the proper use of the medical products, which communication and advisement must include, as appropriate:

(a) The set up and use of the medical products;

(b) The maintenance, servicing, cleaning and repair of the medical products;

(c) The name, telephone number and related information of the medical products provider for emergency, subsequent or continuing care and service of the medical products;

(d) Cautions regarding the use or modification of the medical products;

(e) Information provided by the manufacturer of the medical products that will facilitate the optimal use of the medical products;

(f) Information regarding any warranty or other consumer protection concerning the medical products;

(g) The terms and conditions of the sale, lease or other disposition of the medical products; and

(h) Any other information that, in the judgment of the medical products provider, will facilitate the safe and optimal use of the medical products by the consumer.

3. The medical products provider shall make a written record of all communications made pursuant to this section.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6952 Communications concerning use of medical products provided by written or oral order or prescription; written record. (NRS 639.070)

1. When a medical products provider sells, leases or otherwise provides medical products to a consumer upon the written or oral order or prescription of a health professional, the medical products provider shall communicate with the health professional to ascertain:

(a) The physical, functional and associated needs of the consumer; and

(b) The therapeutic or ameliorative objectives to be met by the medical products that will be sold, leased or otherwise provided by the medical products provider.

2. When a medical products provider sells, leases or otherwise provides medical products to a consumer, the medical products provider shall communicate with the consumer, or his family, caregiver or agent to ascertain and assess:

(a) The safety of the environment in which the medical products will be used;

(b) The ability of the consumer or his family, caregiver or agent to comply with the instructions of the health professional of the consumer and medical products provider regarding the proper use of the medical products; and

(c) The ability of the consumer or his family, caregiver or agent to clean and maintain the medical products.

3. The medical products provider shall make a written record of all communications made pursuant to this section.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6953 Assistive equipment. (NRS 639.070)

1. A medical products provider that sells, leases or otherwise provides assistive equipment shall:

(a) Make measurements using the appropriate instruments and techniques to assure the optimal fit and function of the assistive equipment for the consumer;

(b) Deliver, fit and adjust the assistive equipment so that the assistive equipment is fully operable when the medical products provider leaves the premises of the consumer;

(c) Instruct the consumer, the family of the consumer or the primary caregiver of the consumer regarding the use, maintenance, servicing and cautions related to the assistive equipment;

(d) Provide all warranty information regarding the assistive equipment, including, without limitation, any warranty provided by the medical products provider or any commercial warranty available for the assistive equipment; and

(e) Respond to a request for service or repair of the assistive equipment not later than 3 business days after the request is received by the medical products provider, except that such service or repair need not be provided if the account of the consumer is not current with the medical products provider and such an exception is made in writing by the medical products provider to the consumer.

2. A medical products provider that sells, leases or otherwise provides assistive equipment shall develop and use quality assurance policies and procedures that require:

(a) A review to determine the compatibility, utility and safety of assistive equipment that is custom designed and fabricated by the medical products provider when such equipment is used with assistive equipment that is commercially made;

(b) A process of selecting materials used in custom designed and modified assistive equipment to assure that the materials are safe and durable; and

(c) The making and keeping of records regarding communications with health professionals, consumers, and the family and agents of a consumer concerning assistive equipment.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6954 Medical gases and associated equipment or respiratory equipment. (NRS 639.070)

1. A medical products provider that sells, leases or otherwise provides medical gases and associated equipment, or respiratory equipment shall:

(a) Comply with all applicable federal, state and local laws regarding the providing and transportation of such gases and equipment, including, without limitation, all requirements regarding the tracking and recalling of gases and equipment;

(b) Comply with all applicable federal, state, and local laws regarding transfilling and repackaging of such gases;

(c) Comply with all applicable federal, state and local laws, including, without limitation, fire codes, occupational safety rules, building codes and health codes;

(d) Service equipment sold, leased or otherwise provided by the medical products provider according to the directions and specification of the manufacturer, regardless of where the equipment may be located at the time that the equipment is due for servicing;

(e) Make and keep records regarding the servicing of equipment by the medical products provider; and

(f) Provide only gases that are:

(1) Medical grade; and

(2) Intended for use by humans.

2. Before providing any equipment pursuant to this section, a medical products provider shall verify that the equipment:

(a) Has been checked and is free of defects;
(b) Is operating within the specifications of the manufacturer;
(c) Has not been modified in any way that will jeopardize the effectiveness or safety of the equipment;
(d) Does not present a hazard of fire or shock; and
(e) Has all warning labels and tags that were provided by the manufacturer, wholesaler or seller of the equipment.

3. A medical products provider that sells, leases or otherwise provides medical gases and equipment or respiratory equipment shall develop and use policies and procedures that require:

(a) Making and keeping records to track and recall all gases dispensed by the medical products provider, including, without limitation:

(1) Recording the lot numbers and expiration dates for each cylinder or unit of gas provided;

(2) Maintaining a written or computerized system to track and locate all gases and equipment provided by the medical products provider; and

(3) Recording the serial numbers and model numbers of all equipment provided by the medical products provider;

(b) Maintaining and cleaning equipment provided by the medical products provider, including, without limitation:

(1) Documenting that the function and safety of the equipment was verified before the equipment was provided to the consumer;

(2) Cleaning and disinfecting equipment pursuant to an established protocol to remove aerobic and anaerobic pathogens from the equipment to the specifications of the manufacturer for that equipment;

(3) Making and keeping a material safety data sheet for the solutions and products used in cleaning and disinfecting the equipment;

(4) Designating areas at the business of the medical products provider that must be used to store separately clean and unclean equipment; and

(5) Designating a separate area at the business of the medical products provider that must be used to store quarantined equipment.

4. When a medical products provider provides oxygen, the medical products provider must also provide an emergency supply of oxygen, supplies and equipment to maintain therapy while the primary supply of oxygen and related equipment is inoperable or unusable.

5. In addition to any communication and advisement required pursuant to NAC 639.693 to 639.6958, inclusive, a medical products provider who provides medical gas and related equipment, or respiratory equipment, must advise the consumer receiving the medical gas and related equipment, or respiratory equipment, regarding:

(a) Cleaning of the equipment;
(b) Potential hazards and warning signs of malfunctioning or inadequately functioning equipment;
(c) Maintenance procedures for the equipment;
(d) The telephone number, contact name, and contact address for emergency servicing or repair of the equipment, and for routine servicing or repair of the equipment; and
(e) The written materials about the equipment that are available from the medical products provider or the manufacturer of the equipment.

6. For the purposes of this section, “material safety data sheet” has the meaning ascribed to it in 29 C.F.R. § 1910.1200.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6955 Life-sustaining equipment. (NRS 639.070) A medical products provider who sells, leases or otherwise provides life-sustaining equipment shall:

1. Maintain a sufficient number of employees who are:

(a) Trained to service and repair the life-sustaining equipment provided by the medical products provider; and

(b) Available to service and repair the life-sustaining equipment within 1 hour of any call for service

or repair;

2. Inform all consumers to whom the medical products provider has sold, leased or otherwise provided life-sustaining equipment of a toll-free telephone number that the consumer may call at any time the life-sustaining equipment has malfunctioned;

3. Ensure that information and procedures in the event of an emergency are in writing and attached to the life-sustaining equipment; and

4. Provide the consumer with sufficient emergency supplies and equipment necessary to sustain the consumer until the medical products provider can service or repair the life-sustaining equipment.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

NAC 639.6956 Parenteral and enteral services and equipment. (NRS 639.070) A medical products provider who sells, leases or otherwise provides parenteral and enteral services and equipment shall:

1. Provide a consumer with an orientation and a written checklist regarding:

(a) Instructions for use of the equipment;

(b) Cleaning procedures;

(c) Safety precautions; and

(d) Maintenance procedures;

2. Return as necessary to the premises of the consumer to demonstrate the use and maintenance of parenteral and enteral services and equipment; and

3. Deliver and review written instructions with the consumer to ensure the proper use and maintenance of the parenteral and enteral services and equipment.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

Medical Products Wholesalers

NAC 639.6957 Duties of wholesalers; repair and maintenance of medical products; hours of operation; consumer complaints. (NRS 639.070)

1. A medical products wholesaler shall:

(a) Employ a facility administrator and other employees sufficient to operate, set up, repair, maintain and service all medical products sold, leased or otherwise provided by the medical products wholesaler.

(b) Ensure that employees of the medical products wholesaler are trained to operate, set up, repair, maintain and service the medical products sold, leased or otherwise provided by the medical products wholesaler.

(c) Ensure that employees of the medical products wholesaler are trained to instruct medical products providers regarding the operation, set up, repair, maintenance and service of all medical products sold, leased or otherwise provided by the medical products wholesaler.

(d) Maintain an inventory of medical products necessary to serve the needs of the medical products providers served by the medical products wholesaler.

(e) Maintain a physical location at which the medical products wholesaler can:

(1) Store inventory;

(2) Repair or service any equipment which the medical products wholesaler sells, leases or otherwise provides; and

(3) Keep all current records related to the operation of the medical products wholesaler.

(f) Have a functioning lavatory with a toilet and a sink with hot and cold water at the facility of the medical products wholesaler.

(g) Maintain the facility of the medical products wholesaler in a clean, orderly and sanitary condition.

(h) Ensure that the facility of the medical products wholesaler complies with all applicable federal, state and local laws, regulations and rules, including, without limitation, occupational safety rules, fire codes, building codes and health codes.

(i) Maintain liability insurance of at least $1,000,000, which must include product liability insurance if the medical products wholesaler:

(1) Designs, fabricates or manufactures a medical product; or
(2) Substantially modifies a commercially available medical product.

(j) Maintain a log or other record regarding all repairs made to medical products provided by the medical products wholesaler. For each medical product repaired by the medical products wholesaler, the log or record must identify:
(1) The type of medical product;
(2) The manufacturer;
(3) The model or model number;
(4) The serial number;
(5) The date of the repair;
(6) The specific repair made;
(7) The name of the person or company who performed the repair; and
(8) A certification that the medical product has been returned to the specifications of the manufacturer as a result of the repair.

2. If the medical products wholesaler cannot certify that the repaired medical product has been returned to the specifications of the manufacturer as a result of the repair, the medical products wholesaler must:

(a) Determine whether the medical product can be safely and effectively used for a limited purpose, in which case the medical products wholesaler must note that the medical product can only be used for a limited purpose and must ensure that the medical product is only used for such limited purpose; or

(b) Ensure that the medical product is removed from service and is not sold, leased or otherwise provided to any person without a written statement acknowledging that the medical product:
(1) Was repaired;
(2) Could not be brought up to the specifications of the manufacturer; and
(3) Cannot be used for the purposes for which the medical product was intended.

3. Any device used by a medical products wholesaler to calibrate or test equipment must be accurate and must be maintained according to the directions and specifications of the manufacturer. The scales used to weigh reservoirs of liquid oxygen must be accurate and must be certified annually by the State Sealer of Weights and Measures.

4. The physical premises of any medical products wholesaler must be open and accessible to the Board at all times during regular hours of operation.

5. The owner of a medical products wholesaler is responsible for the acts of his facility administrator and employees.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

Disciplinary Action

NAC 639.6958 Summary suspension of license. (NRS 639.070)

1. The Executive Secretary may summarily suspend the license of a medical products provider or medical products wholesaler upon receiving evidence sufficient to cause him to reasonably believe that a medical products provider or medical products wholesaler is:

(a) Operating without liability insurance;
(b) Operating without a license;
(c) Operating without a business administrator or a facility administrator; or
(d) Engaging in practices that are fraudulent or deceitful.

2. The Executive Secretary shall immediately provide written notice to the medical products provider or medical products wholesaler that informs the medical products provider or medical products wholesaler of:

(a) The factual and legal reasons for the summary suspension; and

(b) The right of the medical products provider or medical products wholesaler to provide the Board with any evidence or information that would show that either the factual or legal reasons for the summary suspension are incorrect.

3. The Executive Secretary may take whatever action he deems reasonably necessary to secure the medical products and premises, and to ensure that the medical products provider or medical products wholesaler does not conduct business during the summary suspension.

4. The Executive Secretary shall release the medical products provider or medical products wholesaler from the summary suspension upon receiving evidence satisfactory to the Executive Secretary from the medical products provider or medical products wholesaler that the deficiency noted in the written notice has been remedied.

5. Within 10 days after summarily suspending the license of a medical products provider or medical products wholesaler, the Executive Secretary shall serve upon the medical products provider or medical products wholesaler an accusation pursuant to NRS 639.241. A hearing on the accusation must be set for the next regularly scheduled meeting of the Board.

(Added to NAC by Bd. of Pharmacy by R008-01, eff. 11-1-2001)

TRADE PRACTICES

NAC 639.700 Performance of certain acts by pharmacists and pharmaceutical interns only. (NRS 639.070) Except as otherwise provided in subsection 2 of NAC 639.245, the following acts may be performed only by a registered pharmacist, or by a registered pharmaceutical intern acting under the direct supervision of a registered pharmacist:

1. Taking new orders for prescriptions or chart orders over the telephone;
2. Identifying, evaluating and interpreting a prescription;
3. Interpreting the clinical data contained in a patient's medication system or chart;
4. Consulting with a prescribing practitioner, nurse or other health care professional, or the authorized agent thereof;
5. Determining the efficacy of a drug, a regimen, the substitution of a generic drug for a drug prescribed by brand name or the substitution of one drug therapy for another;
6. Taking responsibility for all activities of pharmaceutical technicians to ensure that those activities are performed completely, safely and without risk of harm to patients;
7. Counseling a patient or a person caring for a patient and rendering any other advice or information regarding drugs or medications; and
8. Performing any other functions which require the professional judgment of a pharmacist.

[Bd. of Pharmacy, § 639.305, eff. 6-26-80]—(NAC A 11-15-93)

NAC 639.701 Acts not required to be performed by pharmaceutical professionals. (NRS 639.070) The following acts are not required to be performed by a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training:

1. Entering information into the pharmacy's computer regarding drugs and medications, including information relating to prescriptions.
2. Processing sales, including the operation of a cash register.
3. Stocking shelves.
4. Delivering medication to a patient or to areas of a hospital where patients are cared for.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93)

NAC 639.702 Responsibility for acts and omissions of personnel who are not pharmacists. (NRS 639.070) The owner of a pharmacy, the managing pharmacist of the pharmacy and the registered pharmacist on duty at the pharmacy are responsible for the acts and omissions of pharmaceutical technicians and other personnel who are not pharmacists working in or for the pharmacy, including, but not limited to, any errors committed or unauthorized work performed by such personnel, if the owner, managing pharmacist or registered pharmacist knew or reasonably should have known of the act or omission.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93)

NAC 639.704 Check of license or certification required before employment by pharmacy or wholesaler. (NRS 639.070)

1. Before employing a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training, a pharmacy or wholesaler licensed by the Board shall contact the Board to inquire whether the applicant has had his license or certification suspended or revoked by the Board or by a similar board in another state.

2. If the applicant has had his license or certification suspended or revoked, the pharmacy or wholesaler shall not employ the applicant to work in the pharmacy unless authorized by the Board.

(Added to NAC by Bd. of Pharmacy by R216-99, eff. 3-13-2000)

NAC 639.706 Marking of prescriptions with serial numbers; maintenance of files of prescriptions. (NRS 639.070, 639.0745, 639.236)

1. A pharmacist who receives a prescription to fill, including a prescription that is written, transcribed from an oral order or transferred to the pharmacy, shall mark on the prescription a unique serial number issued for that prescription.

2. A pharmacist shall maintain files of prescriptions in a manner that ensures that every serial number is accounted for pursuant to NAC 453.480. If the prescriptions are not filed in numerical order, the pharmacist shall file the prescriptions in such a manner that any prescription can be readily retrieved.

3. A pharmacist shall maintain a physical record in the files of prescriptions that accurately explains or accounts for any serial number issued for a prescription that is not filled, including a serial number issued in error or for a prescription that is later rendered void.

(Added to NAC by Bd. of Pharmacy, eff. 10-1-93; A by R120-02, 10-24-2002)

NAC 639.707 Counseling of patients: Duties of pharmacist or intern pharmacist; documentation. (NRS 639.070, 639.266)

1. Except as otherwise provided in this section, a pharmacist or intern pharmacist under the supervision of a pharmacist shall verbally provide a patient or a person caring for the patient with information about each prescription drug or device dispensed to the patient that:

(a) Has not been previously dispensed to the patient from that pharmacy; or

(b) Has been previously dispensed to the patient from that pharmacy, including, without limitation, a prescription drug or a device that is being refilled, if, in the professional judgment of the pharmacist or intern pharmacist:

(1) Such information would further or improve the drug therapy of the patient; or

(2) A reasonable concern relating to the safety or efficacy of the drug therapy of the patient was raised by the review of the patient's record that the pharmacist or intern pharmacist conducted pursuant to subsection 4.

2. The information provided by the pharmacist or intern pharmacist pursuant to subsection 1 must include, without limitation:

(a) The name and a description of the drug;

(b) The form of dosage, dose, route of administration and duration of drug therapy;

(c) The intended use of the drug or device and expected responses from that use;

(d) Any special directions and precautions for the preparation, administration and use of the drug or device by the patient;

(e) Any common severe side effects, interactions and contraindications that may occur, recommendations to avoid these side effects, interactions or contraindications, and the action required if they occur;

(f) Techniques for the patient or the person caring for the patient to monitor the drug therapy;

(g) Proper storage of the drug or device;

(h) Information about refilling the prescription;

(i) Actions to be taken in the event of a missed dose;

(j) Any relevant information contained in the record of medication of the patient; and

(k) Any other information which, in the professional judgment of the pharmacist or intern pharmacist, is necessary to assure the safe and effective use of the drug or device by the patient.

3. The pharmacist or intern pharmacist shall provide the information required pursuant to subsections 1 and 2 in written form to the patient if a drug or device will be distributed to the patient outside the confines of the pharmacy by mail or any other delivery service. A pharmacist or intern pharmacist is not required to provide written information pursuant to this subsection if the drug or device is being delivered to a patient who is in a licensed medical facility where other licensed health care professionals are authorized to administer drugs.

4. The pharmacist or intern pharmacist shall review a patient's record before dispensing a prescription to determine its therapeutic appropriateness by considering:

(a) Overutilization of the drug and drug abuse;

(b) Underutilization of the drug and therapeutic ineffectiveness;

(c) Therapeutic duplications and contraindications;

(d) Interactions between the drug and any:

(1) Other drugs which the patient is taking or has recently taken;

(2) Diseases which the patient has, including any stages of that disease; and

(3) Allergies that the patient may have; and

(e) Incorrect dosage or duration of treatment.

5. A pharmacist or intern pharmacist is not required to counsel a patient pursuant to this section if the patient or a person caring for the patient refuses to accept the counseling.

6. Except as otherwise provided in subsection 9, the pharmacist or intern pharmacist shall, at the time that counseling is provided or refused:

(a) Initial by his own hand a written document that is maintained at the pharmacy to record whether counseling was provided to or refused by a patient or the person caring for the patient; or

(b) Enter an initial or other identifying mark onto a record in a computerized system used by the pharmacy for recording information concerning prescriptions to indicate whether counseling was provided to or refused by a patient or the person caring for the patient.

7. In addition to meeting the requirements set forth in NAC 639.910 to 639.938, inclusive, a computerized system used by a pharmacist or intern pharmacist pursuant to paragraph (b) of subsection 6 must:

(a) Be capable of indelibly recording the date and time the pharmacist or intern pharmacist entered the initial or other identifying mark onto the record in the computerized system;

(b) Require the entry of an initial or identifying mark every time a record concerning counseling is created or altered; and

(c) Prohibit the creation or alteration of a record concerning counseling by a person other than the pharmacist or intern pharmacist who has counseled or attempted to counsel the patient or the person caring for the patient.

8. A pharmacy shall retain the documentation described in subsection 6 in the records of the pharmacy for at least 2 years.

9. The pharmacist or intern pharmacist is not required to comply with the provisions of subsection 6 if:

(a) The prescription drug or device dispensed to the patient is being refilled; and

(b) The patient or the person caring for the patient refuses to accept counseling from the pharmacist or intern pharmacist.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93; A 9-6-96; R016-03, 10-21-2003)

NAC 639.708 Counseling of patients: Duties of pharmacy. (NRS 639.070, 639.266) To facilitate counseling regarding a prescription, a pharmacy shall:

1. Maintain a record of medication for each patient to whom a prescription has been dispensed by that pharmacy. The record must:

(a) Be retrievable for use by the pharmacist;

(b) Be maintained for at least 2 years after the most recent entry;
(c) List all prescriptions dispensed to the patient at that pharmacy; and
(d) Include all data required to be placed on the prescription.
2. Make a reasonable effort to obtain and retain in the record of medication the:
(a) Telephone number or numbers, if any, of the patient;
(b) Gender of the patient;
(c) Age or date of birth of the patient;
(d) History of the patient, including allergies, reactions to particular drugs and any medications or medical devices used by the patient; and
(e) Any comments relevant to the drug therapy of the patient, including any other information which is specific to the patient or drug.
3. Ensure that a pharmacist is available by telephone during business hours and, if the pharmacy routinely delivers prescriptions outside of the trade area covered by local telephone service, provide a toll-free telephone number.
4. Include with each prescription container delivered or distributed by a public carrier:
(a) The local, and if applicable toll-free, telephone numbers of the pharmacy;
(b) The hours during which the patient may contact the pharmacy by telephone; and
(c) A written notice in substantially the following form:

> Written information about this prescription has been provided for you. Please read this information before you take this medication. If you have questions concerning this prescription, a pharmacist is available between the hours of ..... and ..... to answer your questions.

5. Maintain the confidentiality of each patient's records, including prescriptions, pursuant to NRS 639.238. A pharmacist shall not divulge the contents of a patient's records, except as authorized by NRS 639.238.
6. Make available to a practitioner, upon request, all information relating to a prescription that is provided to a patient of that practitioner by the pharmacist or an intern pharmacist.
7. Ensure that counseling is conducted in a confidential manner to prevent disclosure of information to any person other than the patient or the person caring for the patient.
(Added to NAC by Bd. of Pharmacy, eff. 11-15-93)

NAC 639.709 Persons to whom pharmacy may furnish certain restricted products. (NRS 639.070, 639.2615)

1. A pharmacy may furnish drugs, controlled substances, poisons, chemicals, devices or appliances restricted by federal law to sale by or on the order of a physician only to:
(a) The ultimate user;
(b) A licensed practitioner;
(c) Another pharmacy to alleviate a temporary shortage; or
(d) A wholesaler only for the purposes of, and subject to the conditions set forth in, NAC 639.5975.
2. Drugs, controlled substances, poisons, chemicals, devices or appliances that are returned by a person for credit, in an amount equal to or less than the actual purchase price, to a wholesaler or manufacturer pursuant to subsections 2, 3 and 4 of NAC 639.5975 are not subject to the provisions of this section.
3. As used in this section, "ultimate user" means a person who lawfully possesses a drug, controlled substance, poison, chemical, device or appliance restricted by federal law to sale by or on the order of a physician for his own use, the use of a member of his household or the use of any person for whom he is caring, or for administering to any animal owned by him or by a member of his household.
(Added to NAC by Bd. of Pharmacy, eff. 10-1-93; A 5-22-96; R118-98, 9-10-98; R049-04, 2-28-2005)

NAC 639.710 Delivery of prescription drugs. (NRS 639.070)

1. A prescribed medication may be delivered or dropped off by a licensee if the person making the delivery:
(a) Is a bona fide employee of the licensee;
(b) Is at least 16 years of age; and
(c) Has not been convicted of any offense in any jurisdiction, whether a felony or misdemeanor, involving any dangerous drug, controlled substance, embezzlement or theft.
2. A prescribed medication must be delivered directly to the patient, or must be dropped off with a person at the patient's residence or the appropriate person on the staff of the medical facility at which the patient is being treated. The person accepting the prescribed medication must sign for it.
3. All prescribed medications must be adequately secured in the vehicle used for delivery.
4. The licensee shall maintain records of all prescribed medications which are delivered pursuant to this section.
5. Any prescribed medication may be picked up from the pharmacy by any authorized, noncompensated agent of the person for whom the drug is prescribed, including but not limited to, a neighbor, friend or relative.
[Bd. of Pharmacy, § 639.170, eff. 6-26-80]—(NAC A 10-17-86)

NAC 639.7102 Use of computer system for issuance and transmission of prescription. (NRS 639.070, 639.0745)
1. Except as otherwise provided in subsection 8, a practitioner may:
(a) Issue a prescription using a computer system approved by the Board; and
(b) Transmit the prescription using that computer system to a pharmacy specified by the patient for whom the practitioner issues the prescription.
2. The Board will approve the computer system of a practitioner if the computer system:
(a) Requires, before each use of the device that is used to enter information into the computer system, a fingerprint scan, retinal scan, personal identification number or other unique identification of the practitioner;
(b) Maintains a record of:
(1) Each prescription that the practitioner issues using the computer system; and
(2) Each pharmacy to which the practitioner submits the prescription;
(c) Is able to print a written prescription that complies with NRS 639.2353 and NAC 453.440;
(d) Places on the face of the prescription, if it is printed from the computer system of the practitioner or the pharmacy to which the practitioner transmits the prescription, or if it is displayed on the monitor of the computer of the pharmacy, a mark that uniquely identifies the practitioner, including, without limitation, the practitioner's signature or a security code which is known to or verifiable by the pharmacy;
(e) Requires the practitioner, before the computer system places the words "Dispense As Written" on the face of the prescription, to make a specific entry into the computer system for the prescription; and
(f) Except as otherwise provided in subsection 3, transmits to the pharmacy specified by the patient the prescription and any other confidential information relating to the patient in a manner that ensures that the prescription or other confidential information may not be altered by a person other than the pharmacist.
3. The provisions of paragraph (f) of subsection 2 do not prohibit a practitioner from using a routing company to transmit a prescription pursuant to this section. A routing company:
(a) May, for the purpose of verifying an audit conducted of the routing company, store any prescription or other confidential information it receives or transmits pursuant to this subsection in a form that is secure and ensures the confidentiality of the information.
(b) May not add a provision to, delete a provision from or otherwise modify a prescription or any other confidential information that it receives or transmits pursuant to this subsection.
4. A pharmacy that receives a prescription from a practitioner using a computer system which is approved by the Board may fill that prescription if:

(a) The pharmacy prints a copy of the prescription and files the copy in the same manner in which the pharmacy files any other prescription maintained by it; or

(b) The computer system of the pharmacy:

(1) Maintains the prescription in a manner that ensures that the prescription is numbered consecutively in accordance with NAC 639.914;

(2) Is able to print a copy of the prescription; and

(3) Prohibits the modification of the prescription unless the computer system:

(I) Automatically prepares a notation within the records of the computer system indicating that the pharmacy has modified the prescription and automatically records the modification; and

(II) Requires the pharmacy to prepare a record indicating the identity of the person who modified the prescription.

5. If a pharmacy fills a prescription pursuant to paragraph (b) of subsection 4, a pharmacist employed by the pharmacy shall, each day:

(a) Store the prescription or cause the prescription to be stored on a tape, disk or other device that is used for the storage of information by a computer; and

(b) Store the tape, disk or device:

(1) At a location other than the pharmacy; or

(2) In any other manner that:

(I) Protects the tape, disk or device from loss or damage; and

(II) Ensures that any confidential information included in the tape, disk or device remains confidential.

6. If a practitioner prints a prescription using a computer system that is approved pursuant to this section, the practitioner shall:

(a) Except as otherwise provided in paragraph (b), manually sign the printed prescription; or

(b) If the prescription includes a mark that uniquely identifies the practitioner in accordance with paragraph (d) of subsection 2, print the prescription on security paper.

7. Except as otherwise provided in subsection 8, a practitioner may transmit a prescription or any other confidential information relating to a patient to an insurer or any entity other than a pharmacy pursuant to this section if, before transmitting the prescription or confidential information:

(a) The practitioner submits a written notice to the patient:

(1) Identifying the insurer or entity; and

(2) Indicating that the practitioner intends to transmit the prescription or confidential information to the insurer or entity; and

(b) The patient consents in writing to the transmission of the prescription or confidential information to:

(1) The insurer or entity; and

(2) The pharmacy specified by the patient pursuant to this section.

8. A prescription for a controlled substance set forth in schedule II may not be transmitted using a computer system pursuant to this section.

9. The provisions of this section do not prohibit a computer system that is approved pursuant to this section from being used to transmit:

(a) An ICD-9-CM code set forth in the *International Classification of Diseases, 9th revision, Clinical Modification*; or

(b) Any other information that is not related to the issuance, filling or transmission of a prescription for a patient or the transmission of any confidential information relating to the patient pursuant to this section.

10. As used in this section:

(a) “Routing company” means any business that:

(1) Receives a prescription or any other confidential information from a practitioner in accordance with a contract between:

(I) The routing company and the practitioner or a company that provides computer software for the management of the practitioner’s practice; or

(II) A patient of the practitioner and a third-party payor; and
(2) Transmits the prescription or confidential information:
(I) Directly to the pharmacy specified by the patient; or
(II) Through the company that provides computer software for the management of the business operations of the pharmacy.
(b) "Security paper" means any paper that is approved by the staff of the Board and that includes features that ensure that the paper:
(1) May not be duplicated without creating an indication on the paper that the paper has been duplicated; and
(2) May be authenticated as having been issued by a practitioner or the office of the practitioner.
(Added to NAC by Bd. of Pharmacy by R067-02, eff. 10-22-2003)

NAC 639.7105 Electronic transmission of prescription. (NRS 639.070, 639.0745) Except as otherwise provided in NAC 639.711:
1. A prescription for:
(a) A controlled substance listed in schedule II must not be transmitted electronically.
(b) A dangerous drug or a controlled substance listed in schedule III, IV or V may be transmitted electronically by a practitioner to a pharmacy.
2. A practitioner shall not transmit a prescription electronically to a pharmacy unless:
(a) He is the only person who will have access to the prescription until it is received by the pharmacy; and
(b) The patient:
(1) Consents to the transmission of the prescription electronically; and
(2) Approves the pharmacy where the prescription will be transmitted.
3. In addition to the requirements set forth in NRS 639.2353 and 639.2589, a prescription that is transmitted electronically to a pharmacy must include:
(a) The registration number from the Drug Enforcement Administration of the prescribing practitioner if the prescription is for a controlled substance;
(b) The telephone number of the practitioner;
(c) The time and date of the transmission; and
(d) The name of the pharmacy to which the prescription is sent.
4. A pharmacist who receives a prescription that is transmitted electronically shall:
(a) Print a copy of the prescription on paper that is of sufficient quality to last for at least 2 years; and
(b) Keep a copy of the prescription for at least 2 years after he receives the prescription.
5. A pharmacist shall not dispense a prescription that is transmitted electronically until he determines that the prescription complies with the requirements of state and federal law.
6. A prescription that is transmitted electronically and complies with the provisions of this section shall be deemed an original prescription.
(Added to NAC by Bd. of Pharmacy, eff. 11-14-97; A by R164-01, 12-17-2001)

NAC 639.711 Transmission of prescription by facsimile machine. (NRS 639.070, 639.0745)
1. A prescription for a controlled substance listed in schedule II must not be transmitted by a practitioner or his designated agent by a facsimile machine to a pharmacy unless the prescription is:
(a) For a controlled substance that will be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion;
(b) For issuance to a resident of a facility for long-term care; or
(c) For issuance to a patient enrolled in a program that provides hospice care which has been licensed by this State or certified by Medicare pursuant to Title XVIII of the Social Security Act. Such a prescription must state that the patient receives hospice care.
2. A dangerous drug or a controlled substance listed in schedule III, IV or V may be transmitted by a practitioner or his designated agent by a facsimile machine to a pharmacy.

3. A practitioner or his designated agent shall not transmit a prescription by a facsimile machine to a pharmacy unless the patient:
(a) Consents to the use of the facsimile machine; and
(b) Approves the pharmacy where the facsimile prescription will be transmitted.
4. A pharmacist shall not dispense a facsimile prescription unless it is signed by a practitioner and transmitted to a pharmacy by the practitioner or his designated agent.
5. A facsimile prescription must be kept by the pharmacist for at least 2 years after it is received by him. If the paper is not of sufficient quality to last for at least 2 years, the facsimile prescription must be reproduced on permanent paper or the pharmacist must reduce the prescription to writing and attach the original transmission of the prescription to the reproduced copy or the prescription reduced to writing.
6. A facsimile prescription which complies with the provisions of this section shall be deemed an original prescription.
7. A pharmacist may act as the designated agent of a practitioner for the purposes of this section if:
(a) The pharmacist, pursuant to a contract entered into with a health maintenance organization or other third-party payor, reviews the records of practitioners or patients to optimize the patients' drug therapy; and
(b) The document that serves as a prescription or by which the patient's drug therapy is modified:
(1) Is signed by the practitioner;
(2) Contains an acknowledgment by the practitioner that the pharmacist is acting as the practitioner's designated agent; and
(3) Indicates the name of at least one person to whom questions regarding the validity of the prescription or the modification of the patient's drug therapy are to be directed.
8. As used in this section:
(a) "Facsimile machine" means a device which transmits or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines, including, without limitation, a computer that has a facsimile modem through which documents can be sent and received.
(b) "Facsimile prescription" means an electronically produced image of a written prescription which is transmitted by a facsimile machine.
(Added to NAC by Bd. of Pharmacy, eff. 7-1-92; A 10-1-93; 11-14-97; R026-98, 4-17-98; R112-99, 11-3-99; R164-01, 12-17-2001; R121-02, 10-24-2002; R070-03, 10-21-2003)

NAC 639.712 Transcribing prescription transmitted by oral order. (NRS 639.070, 639.0745)
1. A pharmacist who transcribes a prescription transmitted by an oral order of a practitioner or his agent shall sign or initial the prescription and specify on the prescription:
(a) The date the prescription was orally transmitted to the pharmacy; and
(b) The name of the person who orally transmitted the prescription.
2. This section does not apply to chart orders.
(Added to NAC by Bd. of Pharmacy, eff. 10-17-86; A 11-15-93)

NAC 639.7125 Use of fulfillment pharmacy by dispensing pharmacy. (NRS 639.070, 639.0745)
1. A prescription may be filled or refilled by a fulfillment pharmacy for a dispensing pharmacy if:
(a) The dispensing pharmacy enters the data concerning the prescription into its computer system and transfers that data to the computer system of the fulfillment pharmacy in a secure and confidential manner;
(b) The computer system of the dispensing pharmacy:
(1) Transmits to the computer system of the fulfillment pharmacy the National Drug Code number of a generic drug in stock that the dispensing pharmacy would have used to fill or refill the prescription if the prescription had not been transmitted to the fulfillment pharmacy;
(2) Makes and retains a record documenting the date and time that the prescription is transmitted to the fulfillment pharmacy and the identity of the fulfillment pharmacy; and

(3) If applicable, automatically reduces the number of refills of the prescription;

(c) The computer systems of the dispensing pharmacy and the fulfillment pharmacy are operated in compliance with the applicable provisions of this chapter and chapter 639 of NRS;

(d) The fulfillment pharmacy labels the container in which the prescription will be dispensed in compliance with NRS 639.2801 using a label from the dispensing pharmacy or a label that contains the same information as the dispensing pharmacy would have been required to place on the label if the dispensing pharmacy had filled or refilled the prescription;

(e) For each prescription that is being filled for the first time by the fulfillment pharmacy, a pharmacist employed by the dispensing pharmacy:

(1) Verifies the correctness of the data in the computer system of the dispensing pharmacy concerning the prescription before the prescription is transmitted to the fulfillment pharmacy to be filled, if:

(I) The computer system of the dispensing pharmacy is capable of recording the identification of the pharmacist and the date and time when the pharmacist performed the verification; and

(II) The pharmacist properly records in the computer system of the dispensing pharmacy his verification of the data; or

(2) Verifies the correctness of the prescription drug ordered by the prescription when it is received from the fulfillment pharmacy and the pharmacist makes a written notation on the prescription or in the record of the prescription in the computer system of the dispensing pharmacy that includes his name and the date on which he performed the verification; and

(f) For each prescription that is being refilled by the fulfillment pharmacy, a pharmacist employed by the dispensing pharmacy:

(1) Makes a record, by hand on a written document or in the record of the prescription in the computer system of the dispensing pharmacy, that includes:

(I) The date that the request to refill the prescription was sent to the fulfillment pharmacy;

(II) The date that the prescription drug ordered to refill the prescription was received by the dispensing pharmacy from the fulfillment pharmacy; and

(III) The date that the prescription drug was dispensed to the patient or an agent of the patient; and

(2) Verifies the correctness of the prescription drug ordered to refill the prescription when the prescription drug is received from the fulfillment pharmacy if, in his professional judgment, the pharmacist determines such verification is necessary.

2. If a fulfillment pharmacy fills or refills a prescription pursuant to this section with a generic drug that is manufactured by a different manufacturer than the manufacturer used by the dispensing pharmacy, the fulfillment pharmacy shall show on the label of the container in which the prescription will be dispensed the name of the manufacturer of the generic drug used to fill or refill the prescription and the computer system of the fulfillment pharmacy must transmit to the computer system of the dispensing pharmacy the National Drug Code number and the price of that generic drug. If the computer system of the fulfillment pharmacy is incapable of transmitting such data to the dispensing pharmacy, the fulfillment pharmacy shall not fill or refill the prescription and shall notify the dispensing pharmacy that the fulfillment pharmacy cannot fill or refill the prescription.

3. If a dispensing pharmacy:

(a) Does not include prescription drugs ordered by prescriptions that are filled or refilled by a fulfillment pharmacy in the inventory of the dispensing pharmacy, the dispensing pharmacy shall, not later than 30 days after receipt of a prescription drug ordered by a prescription that was filled or refilled by a fulfillment pharmacy:

(1) Return the prescription drug to the fulfillment pharmacy that filled or refilled the prescription if the prescription drug has not been dispensed to a patient or an agent of a patient; and

(2) Ensure that a pharmacist employed by the dispensing pharmacy records the date that the prescription drug was returned to the fulfillment pharmacy on a written document that is maintained at the dispensing pharmacy or in the record of the prescription in the computer system of the dispensing

pharmacy.

(b) Includes prescription drugs ordered by prescriptions that are filled or refilled by a fulfillment pharmacy in the inventory of the dispensing pharmacy, the dispensing pharmacy shall:

(1) Not take possession of a prescription drug ordered by a prescription that was filled or refilled by a fulfillment pharmacy unless the prescription drug is accompanied by an invoice;

(2) File and process an invoice for each prescription drug that it receives from a fulfillment pharmacy in the same manner as the dispensing pharmacy files and processes invoices for prescription drugs that it receives from a wholesaler; and

(3) Process and treat each prescription drug ordered by a prescription that is filled or refilled by a fulfillment pharmacy in the same manner as the dispensing pharmacy processes and treats prescription drugs that originate from the inventory of the dispensing pharmacy.

4. The transmission of a prescription by a dispensing pharmacy to a fulfillment pharmacy pursuant to this section is not a transfer of a prescription.

5. A dispensing pharmacy shall ensure that:

(a) A patient has been counseled in compliance with NRS 639.266 and NAC 639.707 and 639.708; and

(b) All communications with the patient are made by and through the dispensing pharmacy.

6. If a prescription is transmitted to and filled or refilled by a fulfillment pharmacy pursuant to this section, both the dispensing pharmacy and the fulfillment pharmacy are individually responsible for ensuring that the prescription has been filled or refilled correctly.

7. A dispensing pharmacy shall not transmit, and a fulfillment pharmacy shall not fill or refill, a prescription pursuant to this section for any controlled substance listed in schedule II.

8. As used in this section:

(a) “Dispensing pharmacy” means a pharmacy licensed by the Board that:

(1) Sends a prescription to a fulfillment pharmacy to be filled or refilled by the fulfillment pharmacy; and

(2) Dispenses the prescription drug ordered by the prescription and filled or refilled by the fulfillment pharmacy to the ultimate user.

(b) “Fulfillment pharmacy” means a pharmacy licensed by the Board that fills or refills prescriptions on behalf of a dispensing pharmacy.

(c) “Wholesaler” has the meaning ascribed to it in NRS 639.016.

(Added to NAC by Bd. of Pharmacy by R035-02, eff. 10-15-2002; A by R020-03, 10-21-2003)

NAC 639.713 Transfer of information between pharmacies: Conditions; prohibitions. (NRS 639.070, 639.0745)

1. Except as otherwise provided in subsection 4, a transfer of information between pharmacies relating to a prescription for a dangerous drug or controlled substance for the purpose of filling and dispensing that prescription is subject to the following conditions:

(a) Information relating to a prescription and any remaining number of refills may be transferred orally, by a facsimile machine in accordance with NAC 639.7145 or by computer.

(b) An oral transfer must be communicated directly between two registered pharmacists.

(c) The original and the transferred prescriptions must be maintained for 2 years after the date on which the prescription was filled.

(d) Information relating to a prescription may be transferred by a computer if:

(1) The computer that transfers the information reduces, at the time the information is transferred, the number of refills authorized by the original prescription; and

(2) The computer that receives the information allows the transfer of the prescription for a controlled substance only once.

2. A pharmacist who receives a prescription for a controlled substance which has been transferred by a computer shall inform the patient that the prescription may be transferred only once.

3. A pharmacy shall not, without first notifying the Board:

(a) Sell, give or otherwise transfer all its prescription files, including information relating to patients and practitioners, to another pharmacy, including a pharmacy under its control or ownership; or

(b) Receive all the prescription files, including information relating to patients and practitioners, from another pharmacy, including a pharmacy under its control or ownership.

Ê A file transferred pursuant to this subsection is not a transfer of information between pharmacies for the purposes of subsection 1, regardless of whether the transfer occurs before or after the prescription is filled.

4. A prescription for a controlled substance listed in schedule II must not be transferred pursuant to the provisions of this section.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-91; A 7-17-96; 10-24-97; R155-04, 12-20-2004)

NAC 639.714 Transfer of information between pharmacies: Procedure for oral transfers. (NRS 639.070, 639.0745)

1. Except as otherwise provided in subsection 3, a pharmacist who orally transfers the information relating to a prescription pursuant to NAC 639.713 shall:

(a) Write the word "void" on the face of the prescription; and

(b) Record on the reverse side of the invalidated prescription the following information:

(1) The name of the pharmacist who transfers the information relating to the prescription;

(2) The date of the transfer;

(3) The name and address of the pharmacy to which the prescription is transferred; and

(4) The name of the pharmacist who receives the information relating to the prescription.

2. The pharmacist who receives the information relating to the prescription that was transferred orally shall:

(a) Reduce the transferred information to a written prescription;

(b) Write the word "transfer" on the face of the transferred prescription;

(c) If the prescription is for a controlled substance, inform the patient that the prescription may be transferred only once; and

(d) Record the following information on the transferred prescription:

(1) The name and address of the pharmacy from which the prescription was transferred;

(2) The name of the pharmacist who transferred the information relating to the prescription;

(3) The serial number of the original prescription;

(4) The date the original prescription was issued and the most recent date of dispensing, if different; and

(5) The number of refills authorized by the original prescription, the date the prescription was most recently refilled and the number of refills remaining.

3. A pharmacy which maintains its records of prescriptions on a computer system shall invalidate in its system a prescription which has been orally transferred to another pharmacy. If the computer has the capability to maintain the information described in paragraph (b) of subsection 1, the pharmacy:

(a) Shall maintain that information on its computer; and

(b) Is not required to record that information on the original transferred prescription.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-91; A 10-24-97)

NAC 639.7145 Transfer of information between pharmacies: Requirements for transfer by facsimile machine. (NRS 639.070, 639.0745)

1. Information relating to a prescription may be transferred from a pharmacy to another pharmacy by a facsimile machine pursuant to NAC 639.713 if:

(a) The transmission from the transferring pharmacy:

(1) Includes the information required by subsection 2 of NRS 639.2353, which may be provided in the form of an accurate printout of the pharmacy's computerized record of the prescription; and

(2) Except as otherwise provided in subsection 2, includes:

(I) A copy of the original prescription maintained in the records of the transferring pharmacy

on which the pharmacist at the transferring pharmacy has signed the copy and written his license number; or

(II) The signature and handwritten license number of the pharmacist at the transferring pharmacy and a notation that specifically indicates that the pharmacist intends to transfer the prescription.

(b) The transmission is prepared and transmitted by a pharmaceutical technician or pharmacist at the transferring pharmacy.

(c) Except as otherwise provided in subsection 3, the pharmacist at the transferring pharmacy processes the original prescription in the manner prescribed in paragraph (a) and subparagraphs (1), (2) and (3) of paragraph (b) of subsection 1 of NAC 639.714.

2. A pharmacy may transfer prescriptions by facsimile machine to another pharmacy without complying with the provisions of subparagraph (2) of paragraph (a) of subsection 1 only upon application to and authorization by the Board. The Board may grant that authority to a pharmacy if the Board is satisfied that:

(a) The pharmacy's computer system will accurately represent the identity of the pharmacist responsible for the transfer; and

(b) The identity of the pharmacist responsible for the transfer cannot be falsified, modified, added or otherwise provided without the knowledge and assent of that pharmacist.

3. A pharmacy which maintains its records of prescriptions in a computer system shall invalidate in its system a prescription transferred by a facsimile machine to another pharmacy. A pharmacy which transfers a prescription by a facsimile machine is not required to process the original prescription in the manner prescribed in paragraph (c) of subsection 1 if the pharmacy cancels the prescription stored in its computer system in a manner which ensures that the prescription cannot be refilled by that pharmacy.

(Added to NAC by Bd. of Pharmacy by R155-04, eff. 12-20-2004)

NAC 639.715 Mechanical devices: Restrictions on use. (NRS 639.070, 639.2655) No drug, controlled substance, medicine, chemical or poison, as those terms are defined in chapters 453, 454 and 639 of NRS, may be sold or offered for sale or dispensed by means of any mechanical device except as provided in NAC 639.720.

[Bd. of Pharmacy, § 639.315, eff. 6-26-80]

NAC 639.720 Mechanical devices: Use to furnish drugs and medicines for administration to registered patients in medical facility. (NRS 639.070, 639.2655)

1. Except as otherwise provided in subsection 4, a mechanical device may be used to furnish drugs and medicines for administration to registered patients in a medical facility. The device must conform to all of the following provisions:

(a) All drugs and medicines stocked in the device must be approved for use in the device by a registered pharmacist employed by the:

(1) Medical facility in which the drug or medicine is administered; or

(2) Pharmacy that supplies the medical facility in which the drug or medicine is administered.

(b) Access to the device must be:

(1) Limited to pharmaceutical technicians, pharmaceutical technicians in training, intern pharmacists, registered pharmacists, licensed practical nurses, registered nurses or other practitioners who are:

(I) Authorized by law to prescribe or administer controlled substances, poisons, or dangerous drugs and devices; and

(II) Employed by the medical facility or pharmacy that supplies the medical facility.

(2) Monitored and controlled by the pharmacy which supplies the medical facility or the registered pharmacist who is employed by the medical facility.

(c) Each container of a drug or medicine stored in the device must be labeled in a manner which includes the information required pursuant to subsection 2 of NAC 639.476.

(d) The device must be designed in such a manner that:

(1) Each time a person obtains access to the device, it automatically prepares a record which is readily retrievable and which includes:

(I) The name, strength, quantity and form of dosage of the drug or medicine which is stocked, inventoried or removed for administration to a patient;

(II) The day and time access to the device is obtained;

(III) If a drug or medicine is removed for administration to a patient, the name of the patient;

(IV) An inventory of the drugs and medicines stored in the device; and

(V) The name of the person who obtained access to the device.

(2) Access to the device may be obtained only by a person with the use of a code which identifies that person.

2. A pharmacy which supplies drugs and medicines to a medical facility which are furnished by a mechanical device pursuant to subsection 1 shall maintain a written policy which sets forth:

(a) The duties of all persons who are authorized to obtain access to the device; and

(b) The procedure for:

(1) Maintaining the security of the drugs and medicines stored in the device during the maintenance and repair of the device;

(2) The preparation of an inventory of the drugs and medicines stored in the device; and

(3) Stocking the device with drugs and medicines.

3. A pharmacy which supplies drugs or medicines to a medical facility which uses a mechanical device to furnish drugs or medicines for administration to patients pursuant to subsection 1 shall provide written notice to the Board. The notice must include:

(a) A description of each mechanical device used by the medical facility to furnish drugs or medicines for administration to patients, including, without limitation, the name of the manufacturer of the device; and

(b) The address of the medical facility at which the mechanical device is located.

4. A pharmacy shall not stock a mechanical device with drugs or medicines and a mechanical device must not be used to furnish drugs or medicines for administration to patients until:

(a) The pharmacy has notified the Board as required by subsection 3; and

(b) The Board has issued a certificate to the pharmacy that authorizes the use of the mechanical device at the medical facility at which the mechanical device is located.

5. Each medical facility that uses a mechanical device pursuant to this section must make and maintain a record of any waste of a controlled substance in the manner provided in NAC 639.486. The record of any waste of a controlled substance may be prepared:

(a) By the mechanical device if the mechanical device is capable of making and maintaining such a record and documenting the record of the waste being witnessed by another person as provided in paragraph (g) of subsection 1 of NAC 639.486; or

(b) As a written record.

6. As used in this section, “medical facility” has the meaning ascribed to it in NRS 449.0151.

[Bd. of Pharmacy, § 639.320, eff. 6-26-80]—(NAC A 12-21-95; 5-20-96; R017-03, 10-21-2003)

NAC 639.725 Use of mechanical counting device for dispensing medication to be taken orally. (NRS 639.070, 639.2655)

1. A mechanical counting device that is used by a pharmacist for dispensing medication to be taken orally must use one of the following methods to identify the contents of the device:

(a) The following information must be affixed to the front of each cell of the device:

(1) The generic name or trade name of the medication;

(2) The manufacturer of the medication;

(3) The strength of the medication;

(4) The expiration date of the medication;

(5) The lot number of the medication; and

(6) The initials of the pharmacist who placed the medication into the device; or

(b) A label that shows the generic name or trade name and the strength of the medication must be affixed to each cell of the device and a log must be kept for each cell which contains:

(1) An identification of the cell by the name of the medication or the number of the cell;

(2) The name of the manufacturer of the medication;

(3) The expiration date of the medication;

(4) The lot number of the medication;

(5) The amount of the medication placed in the device; and

(6) The initials of the pharmacist who placed the medication into the device.

2. The Board may prohibit a pharmacist from using a mechanical counting device for dispensing medication to be taken orally if he does not identify the contents of the device in accordance with the provisions of subsection 1.

(Added to NAC by Bd. of Pharmacy, eff. 3-17-92)

NAC 639.730 Inspection of damaged pharmaceuticals. (NRS 639.070) After a fire or other catastrophe in which pharmaceutical preparations, devices or appliances are damaged, the owner, operator or manager of the pharmacy shall not dispose of the damaged merchandise to any other person, until it has first been inspected and declared safe by the Board. If, in the opinion of the Board, such preparations, appliances or devices are unsafe or unfit for use, they must be destroyed.

[Bd. of Pharmacy, § 639.310, eff. 6-26-80]

NAC 639.740 Container for dispensing prescribed medicine. (NRS 639.070) Except for a hospital pharmacy for inpatients or in a facility for skilled nursing or a facility for extended care, all prescribed medicine must be dispensed in a container which is designed to prevent a child from opening it, if commercially available, unless the person to whom the medication is dispensed:

1. Is at least 18 years of age;
2. Specifically requests a container which is not so designed; and
3. Signs a document verifying that he made such a request.

(Added to NAC by Bd. of Pharmacy, eff. 10-17-86)

NAC 639.742 Dispensing of controlled substances or dangerous drugs: Application by practitioner for certificate of registration; application by facility required under certain circumstances; duties of dispensing practitioner and facility relating to drugs; authority of dispensing practitioner and technician. (NRS 639.070)

1. A practitioner who wishes to dispense controlled substances or dangerous drugs must apply to the Board on an application provided by the Board for a certificate of registration to dispense controlled substances or dangerous drugs. A practitioner must submit a separate application for each site of practice from which he wishes to dispense controlled substances or dangerous drugs. A certificate of registration to dispense controlled substances or dangerous drugs is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

2. If a facility from which the practitioner intends to dispense dangerous drugs or controlled substances is not wholly owned and operated by the practitioner, the owner or owners of the facility must also submit an application to the Board on a form provided by the Board.

3. The dispensing practitioner and, if applicable, the owner or owners of the facility, shall ensure that:

(a) All drugs are ordered by the dispensing practitioner;

(b) All drugs are received and accounted for by the dispensing practitioner;

(c) All drugs are stored in a secure, locked room or cabinet to which the dispensing practitioner has the only key or lock combination;

(d) All drugs are dispensed in accordance with NAC 639.745;

(e) No prescription is dispensed to a patient unless the dispensing practitioner is on-site at the facility;

(f) All drugs are dispensed only to the patient personally at the facility;

(g) The price of each drug dispensed to a patient is separately itemized on any bill or statement provided to the patient;

(h) All drugs are dispensed only for medically necessary purposes and according to prevailing standards of care for practitioners practicing in the specialty claimed or practiced by the dispensing practitioner; and

(i) The certificate for each dispensing technician employed at the facility is displayed in the room or cabinet in which drugs are stored.

4. With regard to the filling and dispensing of a prescription at a facility, only the dispensing practitioner or a dispensing technician may:

(a) Enter the room or cabinet in which drugs are stored;

(b) Remove drugs from stock;

(c) Count, pour or reconstitute drugs;

(d) Place drugs into containers;

(e) Produce and affix appropriate labels to containers that contain or will contain drugs;

(f) Fill containers for later use in dispensing drugs; or

(g) Package or repackage drugs.

(Added to NAC by Bd. of Pharmacy by R034-02, eff. 5-30-2003)

NAC 639.7425 Dispensing technician: Requirements; application and fee for and issuance of certificate of registration; provisional registration. (NRS 639.070)

1. No person may act as a dispensing technician unless the person is:

(a) A registered pharmaceutical technician; or

(b) Employed at a facility to which a certificate of registration has been issued pursuant to NAC 639.742 and the dispensing practitioner at that facility has registered the person as a dispensing technician.

2. A dispensing practitioner may apply to the Board to register a person as a dispensing technician by submitting to the Board the fee required by NAC 639.744 and proof satisfactory to the Board that the person:

(a) Is 18 years of age or older;

(b) Has received a high school diploma or its equivalent;

(c) Has not been convicted of any felony or misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs;

(d) Does not have a history of drug abuse; and

(e) Except as otherwise provided in subsection 5, has successfully completed at least 1 year of education at a postsecondary school in the United States, or a substantially equivalent school outside the United States that is approved by the Board. The program of education must have included instruction in algebra and either biology or chemistry.

3. For the purpose of paragraph (e) of subsection 2:

(a) If the person for whom application for registration as a dispensing technician has been made attended a school outside the United States, a copy of his transcripts from that school must be submitted to an organization satisfactory to the Board which evaluates educational credentials for a written determination of whether the grades received by the person are substantially equivalent to the grades required for a person who attended a similar school in the United States. A copy of the written determination of the organization must be included with the application for registration of the person as a dispensing technician.

(b) The person for whom application for registration as a dispensing technician has been made will be determined to have successfully completed instruction in algebra and either biology or chemistry if he received:

(1) If he attended a school in the United States, a grade of C or better; and

(2) If he attended a school outside the United States, a grade of C or better as determined by an organization described in paragraph (a).

4. Upon determining that a person for whom application for registration as a dispensing technician has been made by a dispensing practitioner satisfies the requirements of subsections 2 and 3, the Board will issue to the person a certificate of registration as a dispensing technician for that practitioner.

5. If the person for whom application for registration as a dispensing technician has been made satisfies all requirements for registration except the educational requirement set forth in paragraph (e) of subsection 2, and the dispensing practitioner who made the application certifies to the Board in writing that, in lieu of the educational requirement, the dispensing practitioner will provide the person with training and experience, the Board will issue to the person a provisional registration as a dispensing technician. In lieu of the educational requirement set forth in paragraph (e) of subsection 2, the person must complete at least 500 hours of training and experience provided by the dispensing practitioner relating to the skills that the person will be performing as a dispensing technician for that dispensing practitioner. Only that training and experience received by the person after the provisional registration is issued may be applied to satisfy the 500-hour requirement. In providing the training and experience, the dispensing practitioner shall supervise the training and experience of the person by observing the work of the person on a random basis at least three times each day during which the person is receiving training and experience. Upon the completion of the required 500 hours of training and experience, the dispensing practitioner shall file with the Board a signed affidavit certifying:

(a) The number of hours of training and experience successfully completed by the person;

(b) The specific training and experience received by the person; and

(c) That the person is, in the opinion of the dispensing practitioner, competent to perform the duties of a dispensing technician.

6. The Board, upon receiving the affidavit of the dispensing practitioner pursuant to subsection 5, will issue to the person a certificate of registration as a dispensing technician for that practitioner.

(Added to NAC by Bd. of Pharmacy by R034-02, eff. 5-30-2003)

NAC 639.743 Dispensing technician: Access to drugs; performance of functions. (NRS 639.070)

1. A person to whom a dispensing practitioner is providing training and experience pursuant to subsection 5 of NAC 639.7425 must not be allowed access to the room or cabinet in which drugs are stored unless accompanied by the dispensing practitioner. After the person has completed his training and experience and the Board has received an affidavit from the practitioner pursuant to subsection 5 of NAC 639.7425:

(a) The person may access the room or cabinet in which drugs are stored without being accompanied by the dispensing practitioner, so long as the practitioner is on-site at the facility; and

(b) The dispensing practitioner is not required to observe the work of the person.

2. A practitioner who allows a dispensing technician to perform any function described in subsection 4 of NAC 639.742 is responsible for the performance of that function by the dispensing technician. All such functions performed by a dispensing technician must be performed at the express direction and delegation of the dispensing practitioner. Each prescription with respect to which a dispensing technician performed such a function:

(a) Must be checked by the dispensing practitioner, and the dispensing practitioner shall indicate on the label of the prescription and in his record regarding the prescription that the dispensing practitioner has checked the work performed by the dispensing technician; and

(b) Must not be dispensed to the patient without the initials of the dispensing practitioner thereon. A prescription which has been so initialed must be handed to the patient only by the dispensing practitioner or an employee authorized by the dispensing practitioner.

(Added to NAC by Bd. of Pharmacy by R034-02, eff. 5-30-2003)

NAC 639.7435 Dispensing technician: Registration not transferable; expiration of registration; notification to Board of change of address; termination of registration; subsequent employment. (NRS 639.070)

1. The registration of a dispensing technician is nontransferable and limited to the dispensing

practitioner to whom the dispensing technician is registered. The registration of a dispensing technician expires at the same time that the certificate of registration of the dispensing practitioner expires. If a dispensing practitioner and the dispensing technician registered to that practitioner leave the facility at which they are registered, and the dispensing technician continues his employment with that practitioner at a different site, the dispensing practitioner shall, as soon as practicable, notify the Board of the change of address of employment of the dispensing technician.

2. If a dispensing technician no longer works as a dispensing technician for the dispensing practitioner to whom the dispensing technician is registered, the registration of the dispensing technician terminates. If that person is subsequently employed by another dispensing practitioner to work as a dispensing technician, the employing dispensing practitioner must, before the person may act as a dispensing technician for that practitioner:

(a) Register the person with the Board, showing the site of employment and the name of the dispensing practitioner; and

(b) Ensure that the person receives an additional 200 hours of training and experience provided by the dispensing practitioner. The additional training and experience must be provided in accordance with subsection 5 of NAC 639.7425. The dispensing practitioner shall not allow the person to be registered as a dispensing technician to enter the room or cabinet in which drugs are stored or perform any function described in subsection 4 of NAC 639.742 without the dispensing practitioner observing the act by the person to be registered as a dispensing technician until that person has completed the 200 additional hours of training and experience.

(Added to NAC by Bd. of Pharmacy by R034-02, eff. 5-30-2003)

NAC 639.744 Dispensing practitioner: Fee for initial registration and renewal; registration of multiple dispensing technicians. (NRS 639.070)

1. A dispensing practitioner shall pay to the Board a fee of $40 for each dispensing technician whom that practitioner registers:

(a) At the time of application by the dispensing practitioner for initial registration of the person as a dispensing technician; and

(b) With the practitioner's renewal thereafter as a part of and in addition to the practitioner's renewal of his registration as a dispensing practitioner.

2. A dispensing practitioner may register more than one dispensing technician at a time, except that only one of those dispensing technicians may be designated and allowed to perform the functions described in subsection 4 of NAC 639.742 at one time. A dispensing practitioner shall make and maintain a document on which must be recorded for each day the name of the dispensing technician so designated and allowed to perform the functions described in subsection 4 of NAC 639.742, and maintain the record for not less than 2 years.

(Added to NAC by Bd. of Pharmacy by R034-02, eff. 5-30-2003)

NAC 639.7445 Dispensing practitioner: Disciplinary action for violation of NAC 639.742 to 639.7445, inclusive. (NRS 639.070) If a dispensing practitioner allows any person to perform any act in violation of NAC 639.742 to 639.7445, inclusive, the dispensing practitioner is subject to discipline relating to his registration as a dispensing practitioner, including, without limitation, the temporary and immediate suspension of his registration as a dispensing practitioner until:

1. The violation is remedied; or
2. If an accusation has been made pursuant to NRS 639.241, the Board holds a hearing.

(Added to NAC by Bd. of Pharmacy by R034-02, eff. 5-30-2003)

NAC 639.745 Dispensing practitioner: Duties concerning dispensing of controlled substances and dangerous drugs. (NRS 639.070)

1. Each practitioner who is registered with the Board to dispense controlled substances and

dangerous drugs and dispenses such products for use by his patients outside his presence shall:

(a) Keep complete, accurate and readily retrievable records of each controlled substance and dangerous drug purchased and dispensed. The record for each such product dispensed to a patient must include:

(1) The name of the patient and, if not readily available from the practitioner's records, the patient's address;

(2) The name, strength and quantity of the prescribed controlled substance or dangerous drug;

(3) The directions for use;

(4) The date the prescription was issued; and

(5) A unique identifying number.

(b) Maintain a separate file for the records concerning the purchase of each controlled substance listed in schedule II and a separate file for the records concerning the dispensing of each controlled substance listed in schedule II. Each prescription for a controlled substance or dangerous drug must be maintained in a separate file pursuant to the requirements set forth in NAC 453.480.

(c) Keep all controlled substances and dangerous drugs in a locked storage area. Access to the storage area must be restricted to the persons described in NRS 453.375.

(d) Ensure that each package or container in which a controlled substance is dispensed, except samples in the manufacturer's packages, is clearly labeled pursuant to the requirements set forth in NRS 639.2801.

(e) Ensure that the package or container in which a controlled substance or dangerous drug is dispensed complies with all state and federal packaging requirements.

(f) Be deemed to be a pharmacy as that term is used in NAC 639.926 and shall comply with that section.

2. A practitioner may dispense dangerous drugs or controlled substances only after the patient has been informed by the practitioner that the patient may request a written prescription and have it filled at another location of the patient's choosing.

3. A record regarding the dispensing of a controlled substance or dangerous drug made and kept pursuant to this section must be maintained on paper or in a computer. If the record is:

(a) Maintained on paper, the record must:

(1) Include all the information required to be on the prescription pursuant to NRS 639.2353 and NAC 453.440;

(2) Set forth on the front of the prescription a certification initialed and dated by the patient that the patient has been informed by the practitioner in accordance with subsection 2 and that the patient has agreed to have the practitioner dispense the controlled substance or dangerous drug; and

(3) Be serially numbered and kept in numerical order in a single file for all dispensing practitioners, including, without limitation, physician assistants and advanced practitioners of nursing, practicing at the same location.

(b) Maintained in a computer, the record must:

(1) Include all the information required to be on the prescription pursuant to NRS 639.2353 and NAC 453.440;

(2) Contain a certification, either in the computer or a separate paper document, initialed and dated by the patient that the patient has been informed by the practitioner in accordance with subsection 2 and that the patient has agreed to have the practitioner dispense the controlled substance or dangerous drug; and

(3) Be searchable for any item required by paragraph (a) of subsection 1 to be included in the record.

(Added to NAC by Bd. of Pharmacy, eff. 2-6-90; A by R034-02, 5-30-2003; R157-04, 10-22-2004)

NAC 639.748 Identification of person to whom controlled substance is dispensed. (NRS 639.070)

1. Except as otherwise provided in this section, an employee of a pharmacy who is authorized to

dispense controlled substances shall, before dispensing a controlled substance pursuant to a lawful prescription, request the person to whom the controlled substance will be dispensed to present a current form of identification issued by a federal, state or local governmental agency that contains a photograph of himself. The employee shall not dispense the controlled substance if:

(a) That person does not present such identification; or

(b) The employee reasonably believes that the identification presented has been altered or is false or otherwise invalid.

2. The provisions of subsection 1 do not apply if:

(a) The prescription is paid for, in whole or in part, by an insurer;

(b) The prescription is for a patient who has had a prescription for the same controlled substance previously filled by the pharmacy; or

(c) The pharmacy is a part of the health care facility where the patient is being treated.

3. The employee shall:

(a) Make a photocopy of the identification presented to him; or

(b) Record the full name of the person to whom the controlled substance is dispensed and the identification number indicated on his identification, if any, on the prescription, the refill log, the counseling log, a computer record related to the patient or any other document that is readily retrievable.

4. If a photocopy of the identification is made pursuant to paragraph (a) of subsection 3, it must be filed with the copy of the prescription that is maintained by the pharmacy.

(Added to NAC by Bd. of Pharmacy by R146-03, eff. 4-8-2004)

NAC 639.750 Dispensing of medication at certain locations when local retail pharmacy is closed. (NRS 639.070)

1. If the services of a local retail pharmacy are not available, the practitioner in charge of the emergency room of a hospital or of a surgical center for ambulatory patients may dispense medication in an amount adequate to treat patients in the emergency room or surgical center for ambulatory patients during the hours that the local retail pharmacy is closed.

2. If a practitioner dispenses medication at the emergency room of a hospital or at a surgical center for ambulatory patients:

(a) The following information must be maintained for each medication dispensed:

(1) The name of the patient and, if not readily available from the records of the hospital, the address of the patient;

(2) The name, strength and quantity of the medication;

(3) The name of the prescribing practitioner and the classification of his license;

(4) The registration number of the prescribing practitioner that is issued by the Drug Enforcement Administration of the United States Department of Justice, if the medication is a controlled substance;

(5) The signature of the practitioner who dispenses the medication;

(6) The directions for using the medication;

(7) The date the medication is dispensed; and

(8) The signature of the prescribing practitioner.

(b) The medication must be dispensed in a container in accordance with NAC 639.740.

(c) A label that contains the following information must be affixed to the container:

(1) The date;

(2) The name of the prescribing practitioner;

(3) The name of the patient;

(4) The number of dosage units;

(5) Specific directions for use;

(6) The expiration date of the medication;

(7) The proprietary or generic name of the medication;

(8) The strength of the medication;

(9) The initials of the practitioner who dispenses the medication; and

(10) The following warning:

Caution: Do not use with alcohol or nonprescription drugs without consulting the prescribing practitioner.

(Added to NAC by Bd. of Pharmacy, eff. 3-17-92; A 10-24-97)

NAC 639.752 Restrictions on filling or dispensing certain prescriptions. (NRS 639.070)

1. Except as otherwise provided in this section and NRS 639.235, a pharmacist shall not fill a prescription for, or dispense, a dangerous drug or a controlled substance if the prescription is:

(a) Written by a practitioner who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe;

(b) For a patient who resides in a state other than the state in which the prescribing practitioner's practice is located;

(c) Requested to be furnished in a manner other than by dispensing directly to the patient, or an agent of the patient, in person; and

(d) To be paid for in full, in cash or cash equivalent, at the time the prescription is dispensed,

Ê unless the pharmacist first verifies the prescription as set forth in subsection 2.

2. A pharmacist who verifies a prescription pursuant to this section must:

(a) Speak with the patient or the prescribing practitioner;

(b) Establish that:

(1) The prescription is authentic; and

(2) A bona fide relationship between the patient and the prescribing practitioner did exist when the prescription was written; and

(c) Record on the prescription or in the prescription record in the pharmacy's computer:

(1) The name of the person with whom he spoke concerning the prescription;

(2) The date and time of the conversation; and

(3) The date and time the patient was physically examined by the prescribing practitioner.

3. Subsection 1 does not apply to a pharmacist who refills a prescription he has previously filled if he verified the prescription before filling it the first time.

4. For the purposes of this section, a bona fide relationship between the patient and the prescribing practitioner shall be deemed to exist if the patient was physically examined by the practitioner within the 6 months immediately preceding the date the prescription was issued.

5. As used in this section, "cash equivalent" includes, without limitation:

(a) A check;

(b) A credit card;

(c) A draft;

(d) An electronic funds transfer; and

(e) A prescription drug discount card or other device obtained pursuant to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108-173, or any regulations adopted pursuant thereto.

(Added to NAC by Bd. of Pharmacy by R112-99, eff. 11-3-99; A by R156-04, 10-22-2004)

NAC 639.755 Sale of preparations for treatment of asthma. (NRS 639.070) A preparation which:

1. Is intended and designed for the treatment of asthma; and

2. Contains hypnotic drugs in combination with drugs which are not hypnotic and which render the preparation incapable of producing a hypnotic effect,

Ê may be sold personally by a registered pharmacist without a prescription if the sale is made in good faith for that treatment.

[Bd. of Pharmacy, § 639.175, eff. 6-26-80]—(Substituted in revision for NAC 639.830)

NAC 639.757 Preparation and sale of compounded drugs by pharmacy or pharmacist: License as manufacturer not required under certain circumstances; unsafe or ineffective drug; restrictions on sale. (NRS 639.070)

1. A pharmacy or pharmacist is not required to obtain a license as a manufacturer to compound drugs if:

(a) The compounded drugs are prepared in a quantity that is:

(1) Necessary to fill a prescription; or

(2) Reasonably necessary to fill future prescriptions based upon the previous history of practitioners and patients who regularly use the pharmacy;

(b) The compounded drugs are not sold or otherwise provided by the pharmacy or pharmacist to any person other than the ultimate user of the drugs, the agent of the ultimate user of the drugs or a practitioner who will be administering the drugs to a patient; and

(c) The ingredients used to compound the drugs meet or exceed the standards of the *United States Pharmacopoeia - National Formulary*. If a component of the compounded drug does not have a monograph in the *United States Pharmacopoeia - National Formulary*, the component may still be used if the component is in a list of approved substances developed by the Secretary of Health and Human Services.

2. A pharmacy or pharmacist shall not compound a drug that has been withdrawn or removed from the market because the drug was found to be unsafe or ineffective.

3. A pharmacy or pharmacist shall not sell or otherwise provide a compounded drug to:

(a) Another pharmacy; or

(b) A practitioner, except that a pharmacy or pharmacist may sell or otherwise provide a compounded drug to a practitioner who will be administering the drug to a patient.

(Added to NAC by Bd. of Pharmacy by R032-02, eff. 5-31-2002)

NAC 639.760 Return of unused drugs packaged in unit doses. (NRS 639.070, 639.267)

1. Dangerous drugs and controlled substances may be returned to the pharmacy which dispensed them, pursuant to subsection 3 of NRS 639.267, if they are packaged in unit doses by the original manufacturer, the packages and the packaging of which conform to chapters 661 and 671 of the *United States Pharmacopeia - National Formulary* which is in force on March 1, 2000. This publication is hereby incorporated by reference. This publication may be obtained from:

United States Pharmacopeial Convention, Inc.
Customer Service Department
12601 Twinbrook Parkway
Rockville, Maryland 20852,

for the price of $549, plus $9 for shipping.

2. A drug may not be returned to the issuing pharmacy unless its package contains the expiration date of the usefulness of the drug.

3. A person or agency returning the unused drugs and the pharmacy receiving the unused drugs shall maintain a current audit of the drugs which are returned and received on forms approved by the Board. Such forms will be furnished at the expense of the facility or pharmacy.

4. A prescription for a dangerous drug or controlled substance dispensed by a pharmacy that has been removed from the premises of the pharmacy may not be returned to the pharmacy pursuant to subsection 3 of NRS 639.267 for the destruction of the drug or substance, or for the return of the drug or substance to the stock of drugs of the pharmacy, if the dangerous drug or controlled substance is not packaged in a unit dose by its original manufacturer as required by subsection 1.

5. A drug dispensed by a pharmacy to a patient may be returned to the pharmacy to be repackaged or relabeled only if the drug will be dispensed by the pharmacy to the same patient.

6. Nothing in this section establishes any condition of reimbursement, credit or refund of a

prescription purchased in a pharmacy.
(Added to NAC by Bd. of Pharmacy, eff. 6-25-82; A by R161-99, 3-1-2000)

NAC 639.765 Disclosure by practitioner of certain ownership interests in pharmacy. (NRS 639.070**)** If a practitioner or any member of his family within the third degree of consanguinity holds an interest in a corporation which:
1. Has any of its shares registered under the Securities Exchange Act of 1934, as amended (15 U.S. C. §§ 78a et seq.); and
2. Holds 10 percent or more of the ownership interest in a pharmacy,
Ê the practitioner shall disclose that interest in the corporation and pharmacy to each patient whom he refers to that pharmacy.
(Added to NAC by Bd. of Pharmacy, eff. 10-1-93)

ADVANCED PRACTITIONERS OF NURSING

General Provisions

NAC 639.841 "Collaborating physician" defined. (NRS 639.070**)** As used in NAC 639.841 to 639.900, inclusive, unless the context otherwise requires, "collaborating physician" has the meaning ascribed to it in NAC 632.038.
(Added to NAC by Bd. of Pharmacy by R015-03, eff. 10-21-2003)

NAC 639.846 Change in location of practice or collaborating physician. (NRS 639.070**)** If a change in the location of practice or the collaborating physician of an advanced practitioner of nursing occurs, the advanced practitioner of nursing shall submit the change in writing to the Board.
(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 10-17-86; 6-14-90; 10-17-91; 10-24-97; R015-03, 10-21-2003)—(Substituted in revision for NAC 639.863)

Prescribing

NAC 639.850 Certificate of registration: Application; appearance before Board; collaborating physician. (NRS 639.070**,** 639.2351**)**
1. The application of an advanced practitioner of nursing for a certificate of registration to prescribe controlled substances, poisons, dangerous drugs and devices must include:
(a) The name, address, social security number and telephone number of the applicant;
(b) A copy of the certificate issued by the State Board of Nursing which authorizes the applicant to prescribe controlled substances, poisons, dangerous drugs and devices;
(c) The name, address and telephone number of the applicant's collaborating physician; and
(d) Any other information requested by the Board.
2. Each advanced practitioner of nursing who applies for a certificate of registration and his collaborating physician may be required by the Board to appear personally before the Board for a determination and an assignment of the specific authority to be granted to the advanced practitioner of nursing.
3. Each advanced practitioner of nursing to whom a certificate of registration is issued must be registered to a collaborating physician.
(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 10-17-86; 6-14-90; 10-17-91; 1-10-94; 11-9-95; R007-01 & R017-01, 11-1-2001; R012-02, 5-31-2002; R015-03, 10-21-2003)

NAC 639.854 Scope of authority to prescribe. (NRS 639.070**,** 639.2351**)**
1. Except as otherwise provided in subsection 2, an advanced practitioner of nursing who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe

poisons, dangerous drugs and devices may prescribe a controlled substance, poison, dangerous drug and device or a poison, dangerous drug and device, as applicable, only:

(a) For a legitimate medical purpose; and

(b) In such amounts as are authorized by his collaborating physician, except that the amounts must not exceed a 365-day supply.

2. The limitation set forth in paragraph (b) of subsection 1 does not apply to any method of birth control prescribed by an advanced practitioner of nursing.

(Added to NAC by Bd. of Pharmacy by R015-03, eff. 10-21-2003)

NAC 639.858 Authorization to write prescription in form of chart order or physician's order. (NRS 639.070) If an advanced practitioner of nursing is authorized by a correctional institution, hospital or any other licensed medical facility, he may write a prescription in the form of a chart order or physician's order at the correctional institution, hospital or licensed medical facility.

(Added to NAC by Bd. of Pharmacy, eff. 9-12-91; A 10-24-97)

Dispensing

NAC 639.870 Certificate of registration: Application; fee; period of validity; appearance before Board; collaborating physician; late renewal. (NRS 639.070, 639.1375)

1. The application of an advanced practitioner of nursing for a certificate of registration to dispense controlled substances, poisons, dangerous drugs and devices must include:

(a) The name, address, social security number and telephone number of the applicant;

(b) A copy of the certificate issued by the State Board of Nursing which authorizes the applicant to dispense controlled substances, poisons, dangerous drugs and devices;

(c) The name, address and telephone number of the applicant's collaborating physician;

(d) A statement signed by a pharmacist registered by the Board and the applicant which indicates that the pharmacist is available to the applicant as a consultant concerning the dispensing of controlled substances, poisons, dangerous drugs and devices;

(e) Written verification from the State Board of Nursing that the applicant has passed an examination on Nevada law relating to pharmacy; and

(f) Any other information requested by the Board.

2. Each application for the issuance or the biennial renewal of a certificate of registration must be accompanied by a nonrefundable fee of $300. The biennial certificate of registration covers the period beginning on November 1 of each even-numbered year.

3. Each advanced practitioner of nursing who applies for a certificate of registration and his collaborating physician must appear personally before the Board for a determination and an assignment of the specific authority to be granted to the advanced practitioner of nursing if the advanced practitioner of nursing:

(a) Will be operating in a practice not previously licensed by the Board;

(b) Responded affirmatively to any of the questions on the application regarding his character or competency; or

(c) Is requested to do so by the Board.

4. Each advanced practitioner of nursing to whom a certificate of registration is issued must be registered to a collaborating physician.

5. An advanced practitioner of nursing who fails to renew his certificate of registration within the time prescribed by statute or regulation must pay, in addition to the fee for renewal required by subsection 2, a fee equal to 50 percent of the fee for the renewal of the certificate.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 6-14-90; 10-17-91; 10-1-93; 1-10-94; R015-03, 10-21-2003)

NAC 639.879 Scope of authority to dispense. (NRS 639.070, 639.1375)

1. An advanced practitioner of nursing who dispenses drugs to a patient shall do so in accordance

with:
(a) All applicable statutes and regulations; and
(b) The agreement between the advanced practitioner of nursing and his collaborating physician.
2. Except as otherwise provided in subsection 3, an advanced practitioner of nursing who is authorized to dispense controlled substances, poisons, dangerous drugs and devices or to dispense poisons, dangerous drugs and devices may dispense a controlled substance, poison, dangerous drug and device or a poison, dangerous drug and device, as applicable, only:
(a) For a legitimate medical purpose; and
(b) In such amounts as are authorized by his collaborating physician, except that the amounts of any controlled substance or dangerous drug must not exceed a 30-day supply.
3. An advanced practitioner of nursing who is authorized to dispense dangerous drugs may dispense any method of birth control in any quantity ordered by prescription.
(Added to NAC by Bd. of Pharmacy, eff. 6-14-90; A 10-17-91; 5-22-96; R015-03, 10-21-2003; R060-05, 12-29-2005)

NAC 639.892 Use of child-proof container. (NRS 639.070**,** 639.1375**)** A controlled substance, dangerous drug or poison dispensed by an advanced practitioner of nursing must be dispensed in a child-proof container unless he is instructed otherwise by his collaborating physician.
(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 10-17-91; R015-03, 10-21-2003)

NAC 639.898 Security and storage of controlled substances and drugs. (NRS 639.070**)**
1. All controlled substances and dangerous drugs which are in the possession of an advanced practitioner of nursing must be kept in a locked storage area. Access to the storage area must be restricted to the persons described in NRS 453.375.
2. Advanced practitioners of nursing working intermittently at satellite facilities must transport the drugs, poisons and devices on each trip to and from those locations unless authorized by the Board to store them at those locations.
3. Biologicals and other drugs must be refrigerated if that requirement is stated on the manufacturer's label.
(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 6-14-90; 10-17-91)

Disciplinary Action

NAC 639.900 Grounds for denial of application or suspension or revocation of registration. (NRS 639.070**)** The Board may deny the application of an advanced practitioner of nursing for a certificate of registration or suspend or revoke his certificate of registration if he:
1. Is not of good moral character;
2. Is guilty of habitual intemperance;
3. Becomes or is under the influence of liquor, any depressant drug or a controlled substance while on duty, unless the drug or substance has been taken pursuant to a physician's prescription;
4. Is guilty of unprofessional conduct or conduct contrary to the public interest;
5. Is addicted to the use of any controlled substance;
6. Has been convicted of a violation of any federal law or law of this or any other state relating to controlled substances;
7. Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;
8. Has willfully made to the Board or its authorized representative any false written statement which is material to the administration or enforcement of any provision of chapter 453, 454 or 639 of NRS;
9. Has obtained a registration by filing any application, record or affidavit, or any information in support thereof, which is false or fraudulent;
10. Has violated any provision of the Federal Food, Drug, and Cosmetic Act or any other state or federal law or regulation relating to prescription drugs;

11. Has failed to renew his registration by failing to pay the renewal fee;
12. Has failed to maintain the security of his drug supply;
13. Has supplied patients with prescriptions that are presigned in blank; or
14. Has violated any provision of chapter 453, 454, 585 or 639 of NRS or any regulation pertaining to the practice of pharmacy, controlled substances, dangerous drugs or devices.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 6-14-90; 10-17-91)

COMPUTERIZED SYSTEMS

Recording of Information

NAC 639.910 Information to be provided by system; procedure to ensure information not lost or destroyed. (NRS 639.070, 639.236)

1. Any computerized system used by a pharmacy for recording information concerning prescriptions must be designed in such a manner that it provides:

(a) A readily retrievable printed record of the information relating to a prescription or a patient which the pharmacy is required to maintain pursuant to state or federal law, including, without limitation, information relating to the original prescription or the refill or modification of that prescription;

(b) The original prescription number;

(c) The prescribing practitioner's name, address and the registration number issued to him by the Drug Enforcement Administration if he is registered with that agency;

(d) The full name and address of the patient;

(e) The date on which the original prescription was filled, if it is different from the date prescribed;

(f) The name, strength, form, dosage, quantity and directions for use of the drug prescribed;

(g) The name or common abbreviation of the manufacturer, packer or distributor or the National Drug Code number of the drug dispensed to the patient;

(h) The total number of refills authorized by the prescriber;

(i) The date and quantity of each refill of a drug dispensed to a patient;

(j) The total number of refills of a drug dispensed to a patient;

(k) The quantity dispensed, if that is different from the quantity prescribed;

(l) At the time a prescription is filled or refilled, an automatic notice of the information the pharmacist or intern pharmacist is required to consider pursuant to subsection 4 of NAC 639.707; and

(m) A procedure that may be conducted at least once each day to ensure that the information which is recorded in the system is not lost or destroyed.

2. The managing pharmacist of a pharmacy that uses a computerized system for recording information concerning prescriptions shall ensure that a procedure is conducted upon the computerized system that ensures that the information which is recorded in the system is not lost or destroyed.

3. As used in this section, "National Drug Code number" means the number assigned to a drug by the Food and Drug Administration.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 8-27-96; R016-03, 10-21-2003)

NAC 639.912 Requirements for use of system; maintenance of physical records. (NRS 639.070, 639.236) A pharmacist shall use a computerized system which meets the requirements contained in NAC 639.910 to store and retrieve information concerning prescriptions. The use of a computerized system does not excuse the pharmacist from maintaining the physical records concerning prescriptions required by law. To qualify for use pursuant to NAC 639.910 to 639.938, inclusive, a computerized system must be able to provide all the information concerning the refilling of prescriptions required by law.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A by R154-04, 10-22-2004)

NAC 639.914 Maintenance and availability of information relating to operation; entrance of

each prescription into system required; issuance of consecutive numbers for prescriptions. (NRS 639.070**,** 639.236**)** Each pharmacy that uses a computerized system to record information concerning prescriptions must:

1. Maintain and make available, upon request, the information relating to the operation of the computerized system to:
   (a) A pharmacist employed by the pharmacy; or
   (b) The Board or any of its agents or investigators.
2. Enter into the system each prescription filled at the pharmacy.
3. Ensure, for the maintenance of files of prescriptions required by NAC 453.480, that the numbers assigned to the prescriptions are issued consecutively and that each number is recorded in a manner that ensures that each number is assigned to a prescription or is otherwise accounted for by the pharmacy.

(Added to NAC by Bd. of Pharmacy, eff. 8-27-96)

NAC 639.918 Written record of refills. (NRS 639.070**,** 639.236**)** In addition to the history of refills maintained in the computer, the pharmacist must maintain in chronological order a separate written record of each refill that includes:

1. The prescription number;
2. The date of each refill or authorization;
3. The number of dosage units; and
4. The handwritten initials of the pharmacist who fills the refill.

Ê The written record must be maintained for a period of 2 years after the date of the last refill entered therein for a prescription.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 8-27-96)

NAC 639.924 Computerized system to record prescriptions required for pharmacies licensed on or after August 27, 1996. (NRS 639.070**,** 639.236**)** A person who is issued a license to conduct a pharmacy pursuant to the provisions of NRS 639.230 and 639.231 on or after August 27, 1996, shall ensure that the pharmacy uses a computerized system for recording information concerning prescriptions.

(Added to NAC by Bd. of Pharmacy, eff. 8-27-96)

NAC 639.926 Transmission of information regarding dispensing of controlled substances to certain persons. (NRS 639.070**)**

1. Each pharmacy that uses a computerized system to record information concerning prescriptions and that dispenses a controlled substance that is listed in schedule II, III or IV to a person who is not an inpatient of a hospital, correctional institution or nursing facility shall transmit to the Board or its agent the information set forth in the *ASAP Telecommunications Format for Controlled Substances*, May 1995 edition, published by the American Society for Automation in Pharmacy, which is hereby adopted by reference, except the information relating to the following field names:
   (a) Identifier;
   (b) Bin;
   (c) Version Number;
   (d) Transaction Code;
   (e) Compound Code;
   (f) DEA Suffix;
   (g) Date RX Written;
   (h) Number Refills Authorized;
   (i) RX Origin Code;
   (j) Customer Location;
   (k) Diagnosis Code;
   (l) Alternate Prescriber Number;
   (m) State;

(n) Zip Code (Extended);
(o) Triplicate Serial Number; and
(p) Filler.
2. A copy of the publication may be obtained from the American Society for Automation in Pharmacy, 492 Norristown Road, Suite 160, Blue Bell, Pennsylvania 19422, at no charge.
3. If the pharmacy records in its computerized system, in addition to the information required pursuant to subsection 1, the:
(a) Prescription type;
(b) Payment type; or
(c) Identity of the person picking up the prescription,
Ê and its computerized system is capable of transmitting this information, the pharmacy shall include this information in its transmittal.
4. The pharmacy shall transmit the information required pursuant to this section not later than:
(a) The 20th day of a month for all prescriptions dispensed on and between the 1st and 15th days of that month; and
(b) For all prescriptions dispensed on and between the 16th day and the last day of a month, the 5th day of the following month.
5. The information must be transmitted by means of a:
(a) Form of electronic data transmission approved by the Board, including, without limitation, a computer modem that can transmit information at the rate of 2400 baud or more;
(b) Computer disc; or
(c) Magnetic tape of the kind that is used to transmit information between computerized systems.
(Added to NAC by Bd. of Pharmacy, eff. 8-27-96; A by R157-04, 10-22-2004, eff. 1-1-2005)

NAC 639.930 Safeguards against access to and modification or manipulation of information. (NRS 639.070, 639.236) The computerized system must have adequate safeguards to:
1. Prevent access by a person who is not authorized to obtain information from the system;
2. Prevent access by a person who is not authorized to modify or manipulate information in the system;
3. Identify:
(a) Whether information in the system concerning a prescription has been modified or manipulated;
(b) The manner in which the information in the system concerning a prescription has been modified or manipulated;
(c) The date on which the information in the system concerning a prescription was modified or manipulated; and
(d) The person who modified or manipulated the information in the system concerning a prescription;
4. Maintain the information identified pursuant to subsection 3; and
5. Prevent the removal of a record of a prescription after the system has assigned a number to the prescription.
(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 8-27-96; R018-03, 10-21-2003)

NAC 639.935 Printed record of contents. (NRS 639.070, 639.236)
1. The computerized system must be able to produce a printed record of its contents in a manner that permits an audit of each prescription.
2. The printed record must be provided to the person who requests the record pursuant to NRS 639.238 immediately after he requests the record or at a time agreed to by the pharmacist and the person who requests the record.
3. The computerized system must be able to produce a printed record of:
(a) All prescriptions for controlled substances or dangerous drugs filled by the pharmacy on a particular day;
(b) All prescriptions filled by the pharmacy for a particular controlled substance or dangerous drug

within the period specified by the person who requests the record pursuant to NRS 639.238;

(c) All prescriptions filled by the pharmacy which are prescribed by a particular practitioner;

(d) All prescriptions filled by the pharmacy for a particular patient;

(e) All patients for whom prescriptions for a particular controlled substance or dangerous drug are filled by the pharmacy;

(f) The information required to be identified and maintained pursuant to subsections 3 and 4 of NAC 639.930; and

(g) The history of each prescription filled by the pharmacy, including, without limitation, a record of each:

(1) Refill of the prescription;

(2) Return of the prescription drug to stock;

(3) Modification or manipulation of information concerning the prescription; and

(4) Other act related to the processing, filling or dispensing of the prescription.

4. A pharmacist who is employed by a pharmacy that uses a computerized system:

(a) May, except as otherwise provided in NRS 639.238, print a record for a patient that does not include all of the information required to be identified and maintained pursuant to subsections 3 and 4 of NAC 639.930; and

(b) Shall, upon request by a member, inspector or investigator of the Board, print a record that includes any or all of the information required to be identified and maintained pursuant to subsections 3 and 4 of NAC 639.930.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 8-27-96; R018-03, 10-21-2003)

NAC 639.938 Auxiliary procedure to document prescriptions when system not functioning. (NRS 639.070, 639.236) If the computerized system is not functioning, the pharmacy must have an auxiliary procedure to document the dispensing of an original or refilled prescription. The auxiliary procedure must ensure that:

1. The information concerning a prescription which is filled or refilled during the period the system is not functioning is retained and entered into the system as soon as it is functioning again.

2. The information that is required for:

(a) The pharmacist or intern pharmacist who dispenses the drug to the patient to comply with the provisions of NAC 639.707; and

(b) The pharmacy to comply with the provisions of NAC 639.708,

Ê is readily available.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 8-27-96)

Automated Dispensing Systems

NAC 639.940 "Computerized system to fill prescriptions" defined. (NRS 639.070, 639.2655) As used in NAC 639.940 to 639.943, inclusive, "computerized system to fill prescriptions" means an automated device operated by a computer which is used to prepare and package specified dosage units of drugs for dispensing to patients or ultimate users. The term does not include a mechanical device or mechanical counting device governed by NAC 639.720 or 639.725.

(Added to NAC by Bd. of Pharmacy, eff. 7-17-96)

NAC 639.9405 Authority to use system. (NRS 639.070, 639.2655) A pharmacy may use a computerized system to fill prescriptions if:

1. A licensed pharmacist operates the system;

2. The Board has conducted an inspection of the pharmacy, including an inspection of the system;

3. The system has been tested and proven to dispense prescriptions accurately and the pharmacy has authorized the Board to perform or validate such tests at any time; and

4. The pharmacy provides proof satisfactory to the Board that the pharmacy complies with the provisions of NAC 639.940 to 639.943, inclusive.

(Added to NAC by Bd. of Pharmacy, eff. 7-17-96)

NAC 639.941 Written policies and procedures of operation. (NRS 639.070, 639.2655)

1. A pharmacy which uses a computerized system to fill prescriptions shall adopt and operate according to written policies and procedures of operation. The written policies and procedures of operation must:

(a) Include a table of contents.

(b) Include a description of all procedures of operation.

(c) Include a description of the duties of each person employed by the pharmacy.

(d) Retain each amendment, addition, deletion or other change to the policies and procedures of operation for at least 2 years after the change is made. Each such change must be signed or initialed by the managing pharmacist and include the date on which he approved the change.

(e) Require a pharmacist employed by the pharmacy to review and approve the transmission of each original or new prescription to the system before the transmission is made.

(f) Provide that only persons authorized by statute or regulation have access to the records of medication maintained by the pharmacy pursuant to NAC 639.708 and other medical information of patients.

(g) In addition to the requirements of NAC 639.708, require the pharmacy to establish a system by which a patient may receive counseling from a pharmacist by telephone concerning a prescription filled for the patient at the pharmacy. The system must document:

(1) The frequency of telephone calls received from patients for counseling;

(2) The length of time it takes for a pharmacist to respond to each telephone call received; and

(3) The number of telephone calls which never received a response by a pharmacist.

2. A pharmacy which uses a computerized system to fill prescriptions shall, at least annually, review its written policies and procedures of operation and revise them if necessary.

3. A copy of the written policies and procedures of operation adopted pursuant to this section must be retained at the pharmacy. Upon request, the pharmacy shall provide to the Board a copy of the written policies and procedures for inspection and review.

(Added to NAC by Bd. of Pharmacy, eff. 7-17-96)

NAC 639.9415 Written program for quality assurance. (NRS 639.070, 639.2655) A pharmacy which uses a computerized system to fill prescriptions shall operate according to a written program for quality assurance of the system which:

1. Requires continuous monitoring of the system;
2. Establishes mechanisms and procedures to test the accuracy of the system;
3. Establishes a protocol for measuring the effectiveness of the system;
4. Requires the pharmacy to report to the Board each recurring error of the system; and
5. Requires the pharmacy to maintain all documentation relating to the written program for quality assurance for at least 2 years.

(Added to NAC by Bd. of Pharmacy, eff. 7-17-96)

NAC 639.942 Written plan for recovery. (NRS 639.070, 639.2655) A pharmacy which uses a computerized system to fill prescriptions shall maintain a written plan for recovery of the business from a disaster which affects the ability of the pharmacy to provide services. The written plan for recovery must include:

1. Planning and preparation for a disaster;
2. Procedures for response to a disaster;
3. Procedures for the maintenance and testing of the written plan for recovery; and
4. A procedure to notify the Board, each organization which contracted with the pharmacy, each

patient of the pharmacy and other appropriate agencies of a disaster and the date on which the pharmacy expects to recommence its services.
(Added to NAC by Bd. of Pharmacy, eff. 7-17-96)

NAC 639.9425 Written program for preventative maintenance of system. (NRS 639.070, 639.2655) A pharmacy which uses a computerized system to fill prescriptions shall maintain a written program for preventative maintenance of the system which:
1. Documents the frequency of failures of the system, necessary repairs to the system, and equipment which is replaced;
2. Identifies electromechanical technicians or engineers who are assigned to the written program for preventative maintenance;
3. Describes the preventative measures established to maintain the written program for preventative maintenance; and
4. Requires the pharmacy to maintain all documentation relating to the written program for preventative maintenance for at least 2 years.
(Added to NAC by Bd. of Pharmacy, eff. 7-17-96)

NAC 639.943 Required security of drugs and records. (NRS 639.070, 639.2655)
1. A pharmacy which uses a computerized system to fill prescriptions shall install equipment, and establish and maintain written policies and procedures which are necessary to:
(a) Prohibit access by unauthorized persons to any area in the pharmacy in which drugs are stored or processed; and
(b) Prohibit access by unauthorized persons to confidential records or information of patients.
2. A pharmacy shall, as soon as practicable, notify the Board of any breach of security which results in the unauthorized removal of drugs.
(Added to NAC by Bd. of Pharmacy, eff. 7-17-96)

DISCIPLINARY ACTION

NAC 639.945 Unprofessional conduct; owner responsible for acts of employees. (NRS 639.070, 639.210)
1. The following acts or practices by a holder of any license, certificate or registration issued by the Board or any employee of any business holding any such license, certificate or registration are declared to be, specifically but not by way of limitation, unprofessional conduct and conduct contrary to the public interest:
(a) Manufacturing, compounding, selling, dispensing or permitting to be manufactured, compounded, sold or dispensed substandard drugs or preparations.
(b) Except as otherwise provided in NRS 639.2583 to 639.2807, inclusive, for substitutions of generic drugs, dispensing or causing to be dispensed a different drug or brand of drug in place of the drug or brand of drug ordered or prescribed, unless the express permission of the orderer or prescriber is obtained and, in the case of a written prescription, unless the following information is recorded on the prescription by the person obtaining permission:
(1) The date on which the permission was granted;
(2) The name of the practitioner granting the permission;
(3) The name of the person obtaining the permission;
(4) The name of the drug dispensed; and
(5) The name of the manufacturer or distributor of the drug.
(c) Using secret formulas.
(d) Failing strictly to follow the instructions of the person writing, making or ordering a prescription as to its filling or refilling, the content of the label or giving a copy of the prescription to any person except as permitted by law.

(e) Failing to confer with the person writing, making or ordering a prescription if there is an error or omission in it which should be questioned.

(f) Operating a pharmacy at a location other than the location at which the pharmacy is licensed to operate.

(g) Supplying or diverting drugs, biologicals, medicines, substances or devices which are legally sold in pharmacies or by wholesalers, so that unqualified persons can circumvent any law pertaining to the legal sale of such articles.

(h) Performing or in any way being a party to any fraudulent or deceitful practice or transaction.

(i) Performing any of his duties as the holder of a license, certificate or registration issued by the Board, or as the owner of a business or an entity licensed by the Board, in an incompetent, unskillful or negligent manner.

(j) Aiding or abetting a person not licensed to practice pharmacy in the State of Nevada.

(k) Performing any act, task or operation for which licensure, certification or registration is required without the required license, certificate or registration.

(l) Violating any term or condition of a subpoena or order issued by the Board or the staff of the Board.

(m) Failing to provide any document, data or information that is required to be made and maintained pursuant to chapters 453, 454, 585 and 639 of NRS and chapters 453, 454, 585 and 639 of NAC to a member of the Board or a member of the staff of the Board upon his request.

(n) Dispensing a drug as a dispensing practitioner to a patient with whom the dispensing practitioner does not have a bona fide therapeutic relationship.

(o) Prescribing a drug as a prescribing practitioner to a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship.

2. The owner of any business or facility licensed, certified or registered by the Board is responsible for the acts of all personnel in his employ.

3. As used in this section, “bona fide therapeutic relationship” means a relationship in which a practitioner has:

(a) Physically examined a patient; and

(b) As a result of the examination, diagnosed a condition for which a given drug therapy is prescribed,

Ê within the 6 months immediately preceding the date the practitioner dispenses or prescribes a drug to the patient.

[Bd. of Pharmacy, § 639.165, eff. 6-26-80]—(NAC A 6-16-86; R012-99, 11-3-99; R014-01, 11-1-2001; R156-04, 10-22-2004)

NAC 639.951 Violations by employees of pharmacy concerning controlled substances or other drugs; screening tests. (NRS 639.070)

1. If a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training has:

(a) Refused to submit to a screening test upon the request of the owner or the authorized agent of the owner of the pharmacy at which he is employed;

(b) Tested positive in a screening test for a controlled substance or other drug for which he does not have a lawfully issued prescription; or

(c) Administered to himself or removed from the pharmacy a controlled substance or other drug for which he does not have a lawfully issued prescription,

Ê the owner of the pharmacy at which he is employed shall report his name to the Board within 10 business days after the owner becomes aware that an event described in paragraph (a), (b) or (c) has occurred.

2. As used in this section, “screening test” means a test of a person’s blood or urine to detect the general presence of a controlled substance or any other drug which could impair that person’s ability to perform the duties of employment safely and efficiently.

(Added to NAC by Bd. of Pharmacy by R027-98, eff. 4-17-98)

NAC 639.955 Imposition of fines; authority to take disciplinary action. (NRS 639.070, 639.255)

1. Except as otherwise provided in this section, the Board may impose a fine against a pharmacist or pharmacy pursuant to paragraph (f) of subsection 1 of NRS 639.255 according to the following schedule:

(a) For failing to counsel a patient..... ..... $750

(b) For failing to maintain documentation of counseling given to a patient..... 750

(c) For an error in a prescription that resulted in a negative outcome to the patient or discomfort to the patient, but did not require intervention or treatment by a medical facility or a physician..... 500

(d) For an error in a prescription that resulted in a significant negative outcome to the patient or required intervention or treatment by a medical facility or a physician 1,000

(e) For an error in a prescription that resulted in or contributed to a patient's death..... 5,000

(f) Working as a pharmacist or employing a pharmacist to work in a pharmacy without a certificate of registration..... ..... 200 per day

(g) Working as a pharmaceutical technician or employing a pharmaceutical technician to work in a pharmacy without a certificate of registration..... ..... 100 per day

(h) For failing to make or maintain a biennial inventory of controlled substances.. 1,000

2. The Board may impose a fine for a violation listed in subsection 1 that is less than or greater than the amount set forth in that subsection for that violation after giving consideration to any aggravating and mitigating factors that relate to the violator's role in and responsibility for the conduct for which the fine is being imposed, and the unique circumstances of each case.

3. If a pharmacy or pharmacist commits a violation listed in subsection 1 more than once during any 36-month period, the Board may impose a fine for any subsequent violation in an amount that is greater than the amount set forth in subsection 1 for that violation.

4. If a pharmacy under common ownership with one or more pharmacies commits a violation listed in subsection 1, and any pharmacy under that common ownership thereafter commits the same violation within any 36-month period, the Board may impose a fine for those subsequent violations in an amount that is greater than the amount set forth in subsection 1 for that violation.

5. The Board may, as it deems appropriate, impose a fine for a violation not listed in subsection 1 that is commensurate with the severity of the violation.

6. No fine imposed by the Board will exceed $10,000.

7. If, within an accusation, a member of the Board's staff groups similar violations into one cause of action, that grouping is for administrative convenience only and does not affect the authority of the Board to take disciplinary action for each separate violation.

8. This section will be construed and applied so as to preserve the discretion of the Board to take any disciplinary action authorized by NRS 639.255.

(Added to NAC by Bd. of Pharmacy by R119-02, eff. 10-24-2002)