

STEVE SISOLAK
Governor



HELEN PARK
President

J. DAVID WUEST
Executive Secretary

STATE OF NEVADA
BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206
Reno, NV 89521

Posted: June 14, 2022

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption and Amendment of
Regulations of the Nevada State Board of Pharmacy

The Nevada State Board of Pharmacy will hold a Public Hearing at 9:00 a.m. on
Thursday, July 14, 2022.

Pursuant to NRS 241.023(1)(c) the meeting is being conducted by means of remote
technology. The public may attend the meeting via live stream remotely or in person at
the following location:

Hyatt Place
1790 East Plumb Lane
Reno, NV

Via Videoconference at Zoom: <https://zoom.us/j/5886256671>

or

Via Teleconference at 1 (669) 900-6833
Meeting ID: 588 625 6671

The purpose of the hearing is to receive comments from all interested persons
regarding the adoption and amendment of regulations that pertain to Chapters 453
and/or 639 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

A. Amendment of Nevada Administrative Code (NAC 639). Establishes
languages in which certain pharmacies are required to provide the directions for use of
a prescription drug to certain patients. (LCB File R119-21)

1. The need for and the purpose of the proposed regulation or amendment.

The proposed amendments will add a new section to implement the provisions of
Assembly Bill 177 requiring the Board to adopt regulations that establish
requirements for certain pharmacies to provide certain information regarding a
prescription in English and another language upon the request of a prescribing

practitioner, a patient or an authorized representative of a patient. Implementing these regulations will improve patients' understanding of their prescription, including dosing and regimen schedules, improving patient compliance to treatment plans, potentially resulting in fewer patient medication-related errors.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation amendment is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public:

(a) Both adverse and beneficial effects.

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The amendment will have a beneficial economic effect on regulated entities and the public by improving the delivery of safe and reliable pharmaceutical care.

(b) Both immediate and long-term effects.

Both the immediate and long-term economic effects on regulated entities and on the public will be beneficial by improving patient compliance to treatment plans, potentially resulting in fewer patient medication-related errors. The regulation amendment will benefit public health, safety and welfare.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no additional or special costs incurred by the Board of Pharmacy for enforcement of this regulation amendment.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Pharmacy is not aware of any similar regulations of any other state or local governmental agency that the proposed regulation amendment overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

This regulation is not required by federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The regulation does not contain provisions which are more stringent than a federal regulation which regulates the same activity.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new or increase of fees.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Board at pharmacy@pharmacy.nv.gov or to the Nevada State Board of Pharmacy, 985 Damonte Ranch Parkway, Suite 206 – Reno, NV 89521. Written submissions must be received by the Board on or before July 14, 2022. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

Pursuant to NRS 233B.064(1), upon adoption of any regulation, the Board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada State Board of Pharmacy
Reno, Nevada

Nevada State Board of Pharmacy
Las Vegas, Nevada

Mineral County Courthouse
Hawthorne, Nevada

Elko County Courthouse
Elko, Nevada

Washoe County Courthouse
Reno, Nevada

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

LCB File No. R119-21

February 24, 2022

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

AUTHORITY: § 1, NRS 639.070 and section 1 of Assembly Bill No. 177, chapter 184, Statutes of Nevada 2021, at page 861 (NRS 639.28013).

A REGULATION relating to pharmacy; establishing the languages in which certain pharmacies are required to provide the directions for use of a prescription drug to certain patients or authorized representatives of certain patients; establishing a method by which the Board will update the list of such languages; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Pharmacy to regulate the practice of pharmacy, including the sale and dispensing of drugs. (NRS 639.070) Existing law sets forth requirements for labeling containers for prescription drugs, including a requirement that each pharmacy, except for an institutional pharmacy, provide the directions for use on the label or other device affixed to the container for the prescription drug in English and, upon the request of a prescribing practitioner, patient or authorized representative of a patient, any language prescribed by regulations adopted by the Board. (Section 1 of Assembly Bill No. 177, chapter 184, Statutes of Nevada 2021, at page 861 (NRS 639.28013)) This regulation requires the directions for use on the label or other device affixed to the container for the prescription drug to be provided, upon the request of the prescribing practitioner, a patient or an authorized representative of a patient, at the time the prescription drug is dispensed, in both English and Spanish, Tagalog, Chinese, Amharic, Somali, Vietnamese or Korean. If information in the additional requested language does not fit on the label or other device affixed to the container for the prescription drug, this regulation requires it to be provided in a document provided to the patient or his or her authorized representative at the time the prescription drug is dispensed. Finally, this regulation provides that after the tabulations of population are reported by the Secretary of Commerce for each decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the Board will: (1) review the demographic trends and projections of this State; and (2) if the Board determines that the list of languages set forth in this regulation must be updated, adopt a regulation to update that list within 120 days after its determination.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Pursuant to section 1 of Assembly Bill No. 177, chapter 184, Statutes of Nevada 2021, at page 861 (NRS 639.28013), each pharmacy, except for an institutional pharmacy, shall, upon the request of the prescribing practitioner, a patient or an authorized representative of a patient, provide the information required by subsection 6 of NRS 639.2801 in both English and any one of the following languages:

- (a) Spanish;*
- (b) Tagalog;*
- (c) Chinese, in both traditional and simplified;*
- (d) Amharic;*
- (e) Somali;*
- (f) Vietnamese; or*
- (g) Korean.*

2. As soon as practicable after the tabulations of population are reported by the Secretary of Commerce for a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the Board will review demographic trends and projections of this State. If the Board determines that the languages listed in subsection 1 must be updated, the Board will adopt a regulation to update the languages listed in subsection 1 within 120 days after its determination.