

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

LCB File No. R189-24

July 30, 2024

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

AUTHORITY: § 1, NRS 639.070.

A REGULATION relating to pharmacy; revising requirements governing the identification that a person must submit before the dispensing of a controlled substance in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines. (NRS 639.070) Existing regulations require, with certain exceptions, an employee of a pharmacy to request and obtain from the person who picks up a controlled substance, pursuant to a lawful prescription, a current and valid form of identification issued by a federal, state or local governmental agency before dispensing the controlled substance. (NAC 639.748) This regulation provides that an employee of a pharmacy is not required to obtain such identification when: (1) a prescription is issued to the patient for the treatment of an opioid use disorder; and (2) the patient does not have a valid form of identification issued by a federal, state or local governmental entity. In such a circumstance, this regulation authorizes an employee of a pharmacy to accept any form of identification that contains the patient’s first name, last name and picture.

Section 1. NAC 639.748 is hereby amended to read as follows:

639.748 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 who picks up the controlled substance to present a current and valid form of identification issued by a federal, state or local governmental agency that contains a photograph of the person. 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 for a patient who has had a prescription previously filled by the pharmacy;

(b) The prescription is for a patient who is an inpatient at a health care facility, facility for long-term care or facility for hospice care where he or she is being treated;

(c) The person who picks up the controlled substance is personally known to an employee of the pharmacy; ~~or~~

(d) The employee is dispensing the controlled substance by mail and has obtained or verified the identification of the patient through the prescription benefit plan of the patient ~~or~~; *or*

(e) The prescription is issued to the person for the treatment of an opioid use disorder and the person:

(1) Does not have a valid form of identification that meets the requirements of subsection 1; and

(2) Presents any form of identification that includes the first name, last name and picture of the person.

3. If the provisions of subsection 1 *or paragraph (e) of subsection 2* apply, the employee dispensing the controlled substance shall:

(a) Make a copy of the identification presented to the employee; or

(b) Record the full name of the person who picks up the controlled substance, the identification number, if any, indicated on his or her identification presented to the employee and

, *where applicable*, the federal, state or local governmental agency that issued the identification.

The employee shall record that information on:

- (1) The prescription;
- (2) The refill log;
- (3) The counseling log;
- (4) A computer record related to the patient; or
- (5) A document that is readily retrievable and accessible for inspection by law

enforcement or any member, employee, agent or designee of the Board.

4. If a copy 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.

5. As used in this section:

(a) “Facility for hospice care” has the meaning ascribed to it in NRS 449.0033.

(b) “Facility for long-term care” means:

- (1) A residential facility for groups as defined in NRS 449.017; and
- (2) A facility for skilled nursing as defined in NRS 449.0039.

(c) “Health care facility” has the meaning ascribed to it in NRS 449.2414.

(d) “Valid form of identification” does not include:

- (1) A driver authorization card obtained in accordance with NRS 483.291; or
- (2) A driver authorization card, driving privilege card or other similar card issued by

another jurisdiction.