

SENATE JUDICIARY COMMITTEE  
MINUTES OF MEETING HELD  
12th DAY OF MARCH, 1973

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The meeting was called to order at 1:00 p.m. Senator Close in the Chair.

PRESENT: Senator Foley  
Senator Wilson  
Senator Bryan  
Senator Swobe  
Senator Dodge

EXCUSED: Senator Hecht  
Mr. Frank Titus, Nevada Pharmaceutical Association,  
Legislative Committee  
Mr. George R. Tucker, Nevada Pharmaceutical Association,  
Legislative Committee  
Mr. George Bennett, Inspector, State Board of Pharmacy  
Mr. Robert Groves, Deputy Attorney General representing  
the State Board of Pharmacy

S.B. 341 - Regulates dangerous drugs.

Mr. Titus and Mr. Tucker testified that this bill is needed to reinstate the dangerous drug laws to control drugs which are not necessarily subjected to abuse, but should be sold only on prescription or from behind the counter in **controlled** circumstances. They testified that items such as "Contact" were being abused by teenagers, and should therefore not be sold over the counter.

Senator Dodge asked if this purpose could not be obtained by adding another section to Chapter 453 which would state that the Board of Pharmacy has the authority to adopt as dangerous drugs those drugs which are classified by the federal government as dangerous drugs for purposes of Nevada law. Mr. Grove felt that would be undesirable since the Board can not adopt or reschedule without holding hearings, and the federal laws and regulations do not cover the broad spectrum of legend drugs that our former drug law did.

Mr. Bennett also testified that this bill is necessary because the Controlled Substances Act only relates to drugs which are abuse items, and they are a small part of the drug situation.

The Committee was quite concerned that the power to schedule and reschedule which was vested with the Board of Pharmacy through the Controlled Substances Act was not working properly. After much discussion, it was brought out that the Board had never tried to work with the Act but instead was hiding behind the security of the federal government. The Board felt that it would cost too much money to carry out the requirement, and that the manufacturers and suppliers would appeal the scheduling to the courts and incur an additional cost.

Senator Foley asked Mr. Grove to compile a comparison section by section of the Dangerous Drug law which was repealed and the sections of the bill under consideration. Mr. Grove agreed to do this.

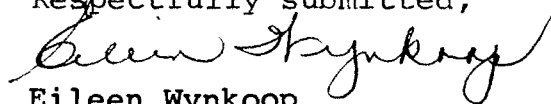
S.B. 343 - Increases jurisdiction of State Board of  
Pharmacy over controlled substances.

Senator Bryan objected that this bill would expand the Board's authority by allowing them to revoke or suspend a doctor or dentists' registration to manufacture, distribute or dispense, and asked if the Board of Medical Examiners didn't have the same authority for reasons of unethical practice. Mr. Tucker replied that the Board of Medical Examiners is not as hard as it should be on its members. Mr. Grove stated that when they have tried to prosecute doctors in Nevada, the courts have held that prescriptions were the privilege of the doctor and could not be looked at. The Supreme Court has also overturned a case where a doctor's license had been revoked by administrative action.

Mr. Grove commented further that 35 States have adopted such a law and most of those have designated the State Board of Pharmacy because of their expertise in this area. Senator Dodge suggested amending the bill to provide that the maintenance of effective controls against diversion be part of the determination to suspend or revoke as it is in the first instance of registration.

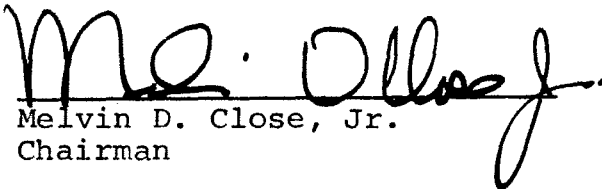
The meeting was adjourned at 2:00 p.m.

Respectfully submitted,



Eileen Wynkoop  
Secretary

APPROVED:



Melvin D. Close, Jr.  
Chairman