

DATE: MARCH 24, 1975.

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MEMBERS PRESENT: VICE-CHAIRMAN CHRISTENSEN
MR. CRADDOCK
MR. LOWMAN
MR. MANN
MR. VERGIELS
MR. BARENGO
MR. MURPHY
MRS. FORD

(See attached Guest List)

Vice-Chairman Christensen called the meeting to order at 3:15 p.m., and stated that Chairman Bennett was excused to attend a funeral in Las Vegas. At roll call all members were present with the exception of Mr. Mann, Mr. Vergiels and Mrs. Ford. All three arrived a few minutes after such roll call.

The first bill to be discussed was SB-26, which would require labels on containers filled with prescription drugs to carry warning of possible dangers of use with alcohol or other drugs.

Senator Mary Gojack stated that she understands some opposition has come up since this bill was heard in the Senate Committee wherein she thought they had an agreement with the people on the Pharmacy Board as to the amendment which had their approval. There would be a little label stating, "Caution: Do not use alcohol or other drugs with this prescription unless approved by the prescriber." She believes this was passed out of the Senate by unanimous vote.

Senator Gojack had various letters in support of the bill, and cited a personal experience where a member of her family died from a combination of prescription drugs and alcohol. She feels that if legislation such as this could save at least one life it is well worth consideration. She also feels that people need to be reminded that alcohol is a drug and it can counteract with other drugs.

The amendment would alleviate the problem the Pharmacy Board thought they were going to have - that they would have to go through the whole list of generic terms. The amendment would also preclude any legal problems for pharmacists if it were thought they were trying to usurp the power of the doctor.

The next speaker was Richard Pugh, Executive Director of the State Medical Association. He presented a brief statement from Dr. David Roberts, President of the Washoe County Medical Society. The same statement was given to the Senate Health and Welfare Committee in opposition to the bill, but not overwhelmingly in opposition.

The statement generally expressed the view that warning labels attached to prescriptions would tend to heighten the anxiety of the consuming public. The mixture of alcohol to many over-the-counter drugs may also potentiate hazardous effects of the drugs. For instance, Sominex used with alcohol is extremely unpredictable. It is unreasonable to attach drug warnings especially tailored to prescription needs which vary with different patients. Science and medicine must still rely on the expertise of the professional. Dr. Roberts concluded the statement by saying the amendment as offered in the present law has less to offer than if the bill was left alone. 190

Mr. Murphy asked if the medical Society thought the amendment too general, and Mr. Pugh said basically this was true. For instance, when it says, "Do not use alcohol or other drugs..", what is meant by "other drugs". Mr. Murphy said he could not understand why the Medical Society would not approve such a bill. Mr. Pugh thought it was because they felt it should be more on a physician-patient relationship, where the physician could advise the patient directly.

Mr. Barengo asked if the amendment would be more acceptable if "or other drugs" was removed and simply say, "Do not use alcohol with this prescription". Mr. Pugh thought that was the original intent of the bill - to eliminate alcohol. He also thought this type of amendment would be more acceptable to the physicians. Senator Gojack also stated this would be acceptable to her.

Mr. Vergiels suggested that the amendment should read, "Do not use alcohol or other drugs if not prescribed by your physician." Mr. Pugh said he would take a few moments and call Dr. Roberts to see if he would approve these suggestions. Vice-Chairman Christensen requested that Mr. Pugh make such call and return with Dr. Roberts' decision.

Mr. Keith Macdonald, a representative of the Nevada State Pharmaceutical Association, stated they were not opposing the bill per se, but there were some ramifications of the bill that need clarification. He presented a small label which complies with the Federal law. There is some general opposition on the part of the pharmacists because an additional label is sometimes hard to place on small containers. If a warning is to be printed on the label it should be stipulated as to size because most people can't read the print on the label stating the Federal law. He agrees that the words "other drugs" should be omitted from the amendment. The pharmacists would also prefer that the warning be printed on the same label as the prescription description since if they inadvertently did not attach the warning label they would be liable under the bill.

George Bennett, Secretary of the State Board of Pharmacy, stated they support the concept of warning patients as much as they can, but doesn't feel this particular piece of legislation will do that. They submit that it is the responsibility of the physician to notify the patients if in their profession judgment they should be told. There are many cases where a printed warning does not cover problems that may arise. The proper thing would be to legislate that the doctor must warn patients if they should be warned.

Mr. Barengo stated that Mr. Craddock had come up with better wording for the amendment. Mr. Craddock's suggestion was as follows: "Do not use with alcohol or none-prescribed drugs without consulting physician."

Mr. Pugh returned to state that the above would be acceptable to the Medical Association.

Debbie Sheltra appeared as an interested consumer in support of SB-26. She can read the labels on non-prescription drugs which advise not to use under certain conditions and choose which one she needs. With prescription drugs she does not have a choice and is at the "mercy" of how the prescription is written by a doctor. Often physicians do not have time to give warning or caution to patients regarding the use of a drug.

A one minute recess was taken with discussion off the record.

The next bill to be discussed was SB-57. Mr. Merv Flanders, Chief, Bureau of Services to the Blind, discussed the bill. The Randolph Shepherd Act, which is the federal counterpart of the Nevada Vending Stand Act was amended January 1, 1975, and the proposed amendments in SB-57 are to clean up our existing statutes in NRS to conform to the flexibility in the Randolph Shepherd Act.

Mr. Flanders does have an objection to the amendment which was introduced on the floor of the Senate. That is placing the contingency fund, which has been exempt since 1969 from the State Purchasing Act, at the discretion of the chief of the purchasing division. He feels that compelling them to go through the bid process will increase the costs and make it less likely that they can make the contingency fund be a self-sustaining operation which they are directing their efforts toward.

However, Mr. Flanders does not feel that the Senate will buy an amendment changing this provision and the rest of the bill is so important he will leave it to the Committee to decide whether the provision should be amended out or not. He would concede to the Senate only under protest as he does think it will be detrimental to the public.

Mr. Mann wanted to be sure Mr. Flanders understood that if the Committee took the provision concerning state purchasing out the Senate might kill the rest of the bill. Mr. Flanders said he would stand on the amendment to SB-58, but SB-57 was so important otherwise that he would reluctantly concede to it remaining. However, he will document it over the next two years and if public purchasing is a problem he will come back in and ask it be changed.

SB-258 was the next bill to be considered. This removes requirement that preliminary determination of charges be made when complaint is filed against chiropractor.

Jeneane Harter of Chiropractic Association of Nevada stated that SB-258 and SB-260 are both part of a package that was drawn up by the Board of Chiropractic Examiners. SB-258 simply provides for a time limit of 20 days for hearing when a complaint is filed against a chiropractor. Previously there was a time limit of 20 days before you could be notified of a hearing, but there was no actual time limit for the hearing itself.

Mr. Barengo stated he was concerned that the bill was taking out all provisions whereby the Board may screen complaints. Subsection 2, Line 17, provides for this screening. Since they are trying to get uniform rules for all Boards, this is an important factor.

Ms. Harter said that the Secretary of the Board was unable to be present today, but she would get in touch with him and come back with an answer to this problem.

Ms. Harter also testified on SB-260, and said this simply adds a fine of \$500.00, so that it wouldn't go beyond any other NRS chapters. Mrs. Ford asked if any other professional boards have similar fines and was informed that they did.

Ms. Harter is to return with information on SB-258 as soon as possible.

Mr. Mann moved that the meeting be adjourned, and Mr. Vergiels seconded. Meeting adjourned by a vote of six to two, with Mr. Lowman and Mrs. Ford voting no.

Respectfully submitted,

Jane Dunne, Secretary

ASSEMBLY

AGENDA FOR COMMITTEE ON HEALTH & WELFARE

Date March 24, 1975 Time 3:00 p.m. Room 240

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Bills or Resolutions to be considered

Subject

Counsel requested*

3-26-
amended &
Do Pass

SB-26 *Hall*

Requires labels on containers filled with prescription drugs to carry warning of possible dangers of use with alcohol or other drugs.

Do Pass

SB-57 "

Changes certain requirements for bureau of services to blind respecting vending stands and business enterprise contingent fund.

SB-258 "

Removes requirement that preliminary determination of charges be made when complaint is filed against chiropractor.

Do Pass

SB-260 "

Prescribes additional penalty for chiropractors guilty of unprofessional conduct.

*Please do not ask for counsel unless necessary.

