

Members present or excused:

Chairman Jeffrey
Vice Chairman Robinson
Assemblyman Bennett
Assemblyman Bremner
Assemblyman Chaney
Assemblyman Horn

Assemblyman Sena
Assemblyman FitzPatrick
Assemblyman Rusk
Assemblyman Tanner
Assemblyman Weise

The meeting was called to order at 4:10 p.m. Chairman Jeffrey announced that the committee would first hear from the Pharmacy Board and the Hospital Association.

SB 563, 564 and 565: Russ MacDonald, George Bennett and Fred Hillerby submitted to the committee their mutually agreed upon amendments to these bills and discussed them with the members. The amendments were fairly self-explanatory and there were no questions from the members of the committee. The amendments are attached and marked as Exhibit "A".

SB 443: Bill Cozart, Nevada Association of Realtors, and Jim Jones and Mrs. Wolverton from the Real Estate Division, told the committee that this bill was the end result of over three years work between the Association and the Real Estate Division. Mr. Cozart stated that Chapter 645 had been added to and amended in a piecemeal basis over the past few sessions and this bill was aimed at putting the law into order and a form which would be understandable to the person studying the chapter for licensing, etc.

Mr. Jeffrey asked them which of the changes in the bill were not for the purpose of codification. Mr. Jones and Mrs. Wolverton submitted to the committee a breakdown of the bill, section-by-section, and reviewed that with the committee. That breakdown is attached and marked as Exhibit "B".

There were no questions; however, Mr. Jeffrey asked Mr. Cozart and Mr. Jones to prepare a concise recap of the bill for the members covering only the new language in the bill.

SB 405: Mr. Jeffrey told the members that this bill was to increase industrial insurance benefits for those persons who had been injured prior to 1971 and also stated that Mr. Mello had told him that they should go ahead with this change.

There being no further business to come before the committee, the meeting was adjourned at 4:50 p.m.

Respectfully submitted,

Linda D. Chandler
Linda D. Chandler
Secretary

Amendments to S.B. 563

Amend section 8, page 2, by striking out line #1 and inserting:

" 453.122. "Prescriptions" means [as]:

1. Any order given individually for the "

Amend section 8, page 3, by inserting between lines 2 and 3:

" 2. A chart order for outpatient take-home drugs if authorized by an inpatient in writing. "

Amend section 15, page 9, line 30, by striking out "or"

Amend section 15, page 9, by striking out line 33 and inserting:

" Items to possess, administer and dispense controlled substances; or

(2) Any other person or class of persons approved by the board pursuant to regulations. "

Amend section 53, page 20, by inserting between lines 29 and 30:

" 9. Any other person or class of persons approved by the board pursuant to regulations. "

Title ok

Revised
5-25-79

Amendments to S.B. 564

Amend section 5, page 2, by striking out line 26 and inserting:

"454.00961 "Prescription" means [as]:

1. An order given individually for the "

Amend section 5, page 2, by inserting between lines 35 and 36:

" 2. A chart order for outpatient take-home drug if authorized by an outpatient in writing.

Amend section 19, page 7, line 1, by inserting after "ambulance,"
" any other person or class of persons approved by the
board pursuant to regulation. "

Amend section 31, page 9, by inserting after line 50:

" 9. any other person or class of persons approved by
the board pursuant to regulation. "

Title ok

RWm:Jmaeb

5-25-79

Amendments to S.B. 565

Amend section 2, page 2, by striking out line 15 and inserting:

" 1. Prescriptions means:
(a) An order given and lawfully for the purpose"

Amend section 4, page 2, by inserting between lines 17 and 18:

" (b) A check order for out-patient take-home drugs
if authorized by an physician in writing."

Amend section 6, page 3, by striking out line 4 and inserting:

" drugs, poisons, medicines, chemicals and devices [.]
exclusive but not limited to prescriptions relating
to the inventories and records of hospital pharmacies."

Amend section 13, page 6, by striking out lines 40 to 42, inclusive, and inserting:

" 3. All fees shall be payable in advance and shall not be refunded."

Amend section 22, page 11, by striking out lines 14 to 27, inclusive, and inserting:

" Sec. 22. (Deleted by amendment.)"

Amend section 32, page 15, line 34 by inserting after "asent" "or asents".

1)

(over)

Amend section 37, page 15, line 38 by inserting after
"agent" "or agents".

Amend section 38, page 15, by striking out line 40 and
inserting:
"by the agent [.] or agents."

Amend section 40, page 16, by striking out line 7.

Title of

D. W. M. B. M. S.

S-25-79

2)

SB 563, 564 and 565:

SB 563, 564 and 565 are interrelated pieces of legislation and represent a long-overdue revision recommended by the State Board of Pharmacy of the laws relating to controlled substances, dangerous drugs and pharmacists and pharmacy. Definitions are made uniform in the three bills and the laws are generally revised to effect conformity.

SB 563:

SB 563 deals with controlled substances. Certain controlled substances have either been added or deleted from statutory schedules to comply with federal laws and regulations and distinctions between possessing, dispensing and administering this class of drugs have been clarified. The power of the State Board of Pharmacy to discipline practitioners who violate the provisions of the controlled substances law is specifically detailed. Your support of this important piece of legislation is urged.

SB 564:

SB 564 amends existing law concerning dangerous drugs, poisons and hypodermic devices. Again definitions are clarified and distinctions between possessing, dispensing and administering dangerous drugs are detailed. Conditions for filling and re-filling of prescriptions are provided and the State Board of Pharmacy is given the authority to seek an injunction against violators of the dangerous drug law.

Your "yes" vote on this bill is recommended by the Committee on Commerce.

SB 565:

SB 565 controls pharmacists and pharmacy in the State of Nevada.

Here, again, definitions are clarified. Fees collected by the State Board of Pharmacy are placed on a biennial basis, but the maximum amount of license and permit fees which can be levied has not been increased. The power of the Board to suspend and revoke licenses has been revised and added to. Labeling requirements on prescription drugs have been updated. This bill also amends SB 95 of this session to clarify how oral prescriptions may be ordered by doctors' agents. Your support of this legislation is solicited.

SENATE BILL 443

- Sec. 2 ~~New language~~ to better clarify that failure to comply with provisions of existant statutes regarding necessary action on part of licensee will result in Division action. Statute says thou shalt not, but doesn't say what will happen if you don't.
- Sec. 3 Mostly existant language (645.630) with a few words changed or rearranged to better define grounds for disciplinary action.
- Sec. 4 New language. Taken from Model Code of Realtors, other states licensing laws to assist in regulating practices not previously set forth in our statute.
- Sec. 5 Existant language from 645.680.
- Sec. 6 To clarify that newspapers are not to be included in the definition of advance fee listings as a promotion for the sale and leasing of real property.
- Sec. 7 Parcel map may be waived. Clarify that the residence will be constructed and need not be in existence at the time of registration.
- Sec. 8 Clarification
- Sec. 9 Better defines the actual duties of the Advisory Commission.
- Sec.10 (1) Line 36 new language. Enables the Division to print, publish and ~~sell~~ educational materials such as our statute & rules and regulations which presently consumes most of the Division's printing budget. With this wording, we would sell the publications and utilize the money to defray the costs of printing and mailing. WOULD SAVE DIVISION A BUNDLE.
- Sec.11 1. Daykinism
2. Daykinism
(c) to add financial records as confidential material and to add owner-developer, since they are now included in 645 with real estate licensees.
- Sec.12 Daykinism
- Sec.13 Better defines term "records" and includes owner-developers. Will help Investigators in their duties.
- Sec.14. Allows ~~ENHANCE~~ Attorney General to render opinions to the Advisory Commission in addition to the Division.
- Sec.15 2 c new language. Would prevent "phony" officers from being paid straight commissions for performing the acts which would normally require a real estate license. Allows all corporate officers to handle transactions for their corporation, providing they do not receive special compensation. Salary O.K.
- Sec.16 New language to include owner-developer in the payment of commissions to his salesmen.
- Sec.17 Establishes a time limit for delivery of fully executed contract.
- Sec.18 Includes owner-developer in responsibility for earnest money deposit.
Line 35- makes it mandatory that the money be place in trust unless all parties have agreed in writing.
Line 11 - Page 9 Prevents concealment of additional trust accounts. (Has been a problem for division auditors)
- Sec19 Clarify that there are two (2) kinds of applications. One for examination that the Division approves and one for license that the Commission approves.
3 a Line 5 New: At the present time, two years experience is required immediately prior to application for exam or license. If an applicant has any break in continuity he cannot meet statutory requirement as it now stands. Will alleviate problem.
- line 32 + 39 refer to Board ?*

- Sec. 20 Clarify the type of application being made
- Sec. 21 Clarify type of application and that the entity involved is doing business as a real estate broker and therefore must have a licensed Nevada broker to act on its behalf.
- Sec. 22 Clarify type of application and remove necessity of the recommenders having to be "resident citizens" or that the recommendations have to be sworn to.
- Sec. 23 Again clarify corporate applicant.
- Sec. 24 Again clarify type of applications
- Sec. 25 Daykinism
- Sec. 26 lines 22 & 23 Clarify the two types of applications.
Line 24 Language presently in 645.343.
Line 46 - Removes the provision that a court reporter would have to be present. The Division would only have to record the proceedings and make the tape or transcription available. WOULD SAVE THE DIVISION A BUNDLE.
- Sec. 27 line 26 Existant language presently found in 645.420 (5)
- Sec. 28 line 38 Existant language found in 645.410 to be moved here.
- Sec. 29 Daykinism
- Sec. 30 Existant - Now found in 645.510 to be moved.
- Sec. 31 Daykinism
- Sec. 32 Add broker-salesman and owner-developer. The rest are Daykinisms
- Sec. 33 Daykinism and adds owner-developer
- Sec. 34 Daykinism
- Sec. 35 Changes time of notification to division. 30 days too long. Line 9 one is action by the commission (revocation) and the other by the Division (Invol. Inactive)
- Sec. 36 DELETED BY AMENDMENT. WAS EXISTANT CONTINUING EDUC. REQUIREMENTS THAT WERE AMENDED BY S.B. 310 WHICH HAS ALREADY PASSED.
- Sec. 37 lines 31,32,33 and 34. Incorporates new language found in Section 2 of this bill.
- Sec. 38 Adds broker-salesman and owner-developer.
- Sec. 39 Line 8 new language to show two types of applications. Exist. language only refers to licensees.
- Sec. 40 645.630 9 thru 20 deleted here as they are now under Sec. 3 on page 2 of this bill.
Lines 38 thru 50 New language to clarify infractions that could result in disciplinary action.
- Sec. 41 Add broker-salesman
- Sec. 42 To clarify that the Division does not license the Corporation. It licenses the broker to act on behalf.
- Sec. 43 Daykinism and to add broker-salesman and owner-developer. Lines 12 thru 31 deleted here as they are now in Section 5 of this bill on page 3.
- Sec. 44 Daykinism

- Sec. 45 Daykinism and to clarify that the Advisory Commission has no funds, only the Division has an appropriation.
- Sec. 46 Change in time period.
Provides for notice to the Division for stay order.
Calls for a bond for costs.
- Sec. 47 Change in time period and provides for review, and how the review must be worded.
- Sec. 48 FEE SCHEDULE WILL HAVE TO BE DELETED BY AMENDMENT DUE TO CONCURRENCE OF ASSEMBLY ON A.B. 520 TODAY.
- Sec. 49 Excludes owner-developer but includes salesmen employed by them.
- Sec. 50 Increases liability of fund and clarifys what violations the judgment can be based on.
Line 25 excludes owner-developers.
- Sec. 51 Daykinism and add broker-salesman
- Sec. 52 Daykinism
- Sec. 53 Daykinisms and also new language to state that in addition to possible revocation of license (645.630) a fine may be levied.
- Sec. 54 Repeal of certain existant statutes.

645.220 Calls for publication of Directory of Licensees
Legislative audit report recommends it be deleted as it was very costly to publish and distribute and very few requests were made for it.

Computer Listing are now available instead.

645.290 Provides for written closing statesments. Now provided for in Section 3 of this bill.

645.390 Application for license.
Now provided for in Section 21 of this bill.

645.555 Prohibits salesman from managing real estate office by its repeal. Only a broker-salesman with special qualifications or a broker can manage an office.