

## DISCLAIMER

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Section 1. NRS ch. 639 shall be amended by adding the following new language:

1. A wholesaler shall sell a prescription drug only to:
  - (a) A pharmacy or a practitioner; or
  - (b) Another wholesaler where:
    - i. The purchasing wholesaler is licensed by the board or by another state's board or relevant regulatory authority; and
    - ii. The sale is a bona fide transaction.
2. A wholesaler shall purchase a prescription drug only from:
  - (a) A manufacturer; or
  - (b) Another wholesaler where:
    - i. The selling wholesaler is licensed by the board or by another state's board or relevant regulatory authority; and
    - ii. The purchase is a bona fide transaction.
3. For purposes of this section, a purchase shall be considered a bona fide transaction where:
  - (a) The wholesaler purchased the drug:
    - i. Directly from the manufacturer of the drug; or
    - ii. With reasonable belief that the drug was originally purchased directly from the manufacturer of the drug;
  - (b) The circumstances of the purchase reasonably indicate that the drugs were not purchased from a source prohibited by law;
  - (c) Unless the drug was purchased by the wholesaler from the manufacturer, then before the wholesaler sells the drug to another wholesaler the selling wholesaler has conducted a reasonable visual examination of the drug to determine that the drug is not:
    - i. Counterfeit;
    - ii. Adulterated or misbranded as those terms are defined in NRS chapter 585;
    - iii. Mislabeled;
    - iv. Damaged or compromised by improper handling, storage, or temperature control;
    - v. From a foreign or unlawful source; and
    - vi. Manufactured, packaged, labeled, or shipped in violation of state or federal law related to prescription drugs; and
  - (d) The drug is shipped from the selling wholesaler to the purchasing wholesaler.
4. For purposes of this section, a sale shall be considered a bona fide transaction where there is a reasonable assurance that the drugs will be sold by the purchasing wholesaler to a pharmacy or a practitioner.
5. For purposes of this section, "purchase" or "sale" or any variant thereof shall mean any sale, distribution, transfer, trading, bartering, or other providing of a prescription drug by a wholesaler to another person or entity, except intra-company transfers.
6. The board shall not prohibit or limit by percentage or other numerical measure the purchase, sale or dispensing of poisons, drugs, chemicals or medicines.

Section 3. NRS 639.234 shall be amended as follows:

NRS 639.234 Records: Consent to inspection; copies; penalty for refusal to permit inspection.

1. The acceptance of a license issued pursuant to NRS 639.233 constitutes a consent by the licensee to the inspection of records required to be maintained inside and outside this state by any authorized representative of the board.
2. Without the prior, written consent of the licensee, no records or other documents maintained by a licensee as required by law may be removed by the board or any representative thereof without abiding by the actions required by NRS 639.239 or 639.246.
3. If a licensee not resident in Nevada does not maintain records within this state of the licensee's shipments of controlled substances, poisons or drugs or devices or appliances that are restricted by federal law to sale by or on the order of a physician to persons in this state he shall, on receipt of a written demand from the secretary of the board, furnish a true copy of the records to the board.
4. The board may authorize as its representative any member or representative of the board of pharmacy or similar agency of the state in which the records are located.
5. **The board may summarily suspend or take other disciplinary action regarding any license issued pursuant to NRS 639.233 subject to the requirement of a hearing within 5 days regarding such suspension or disciplinary action pursuant to NRS 639.247 if:**
  - a. **The licensee intentionally fails to furnish a true copy of the required records promptly or intentionally refuses to permit inspection of the required records promptly; and**
  - b. **There is clear and convincing evidence of an immediate, emergency public health risk if such summary suspension or other disciplinary action subject to a hearing does not occur.**