

ASSEMBLY BILL NO. 164—ASSEMBLYMEN FLORES; CONSIDINE,
DURAN, GONZÁLEZ, GORELOW, MARZOLA AND TORRES

FEBRUARY 22, 2021

Referred to Committee on Health and Human Services

SUMMARY—Establishes provisions relating to the dispensing of certain contraceptives. (BDR 40-239)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to health care; requiring the Chief Medical Officer to issue a standing order authorizing a pharmacist to dispense a self-administered hormonal contraceptive to any patient; prohibiting certain providers of health care from requiring a screening for cervical cancer more frequently than recommended to receive a prescription for a self-administered hormonal contraceptive; authorizing a pharmacist to dispense a self-administered hormonal contraceptive to any patient; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a pharmacist to dispense up to a 12-month supply or an
2 amount equivalent to the balance of the plan year if the patient is covered by a
3 health care plan, whichever is less, of a contraceptive or its therapeutic equivalent
4 pursuant to a valid prescription or order if certain conditions are met. (NRS
5 639.28075) **Section 1** of this bill requires: (1) the Chief Medical Officer or his or
6 her designee to issue a standing order to allow a pharmacist to dispense a self-
7 administered hormonal contraceptive to any patient; and (2) the State Board of
8 Health, in consultation with the Chief Medical Officer, to prescribe by regulation a
9 protocol for dispensing a self-administered hormonal contraceptive. **Section 7** of
10 this bill authorizes a pharmacist to dispense a self-administered hormonal
11 contraceptive under the standing order and establishes the procedures the
12 pharmacist must follow to dispense such a contraceptive. **Section 7** requires a
13 pharmacist to: (1) successfully complete a program of training on dispensing such
14 contraceptives; (2) provide a risk assessment questionnaire prescribed by the State
15 Board of Health pursuant to **section 1** upon the request of the patient before the
16 pharmacist dispenses the self-administered hormonal contraceptive; (3) create a
17 record of the dispensing of the self-administered hormonal contraceptive; (4)



18 provide the patient with a written record of the self-administered hormonal
19 contraceptive dispensed and certain additional information; and (5) comply with the
20 regulations adopted pursuant to **section 1** and any guidelines recommended by the
21 manufacturer. **Section 7** additionally requires a pharmacist to provide a patient with
22 a written record of a request for a self-administered hormonal contraceptive,
23 regardless of whether the contraceptive is dispensed. **Sections 1 and 7** require the
24 State Board of Pharmacy and the Division of Public and Behavioral Health of the
25 Department of Health and Human Services to post on an Internet website a list of
26 pharmacies that dispense self-administered hormonal contraceptives under the
27 standing order.

28 Existing law defines the term "practice of pharmacy" for the purpose of
29 determining which activities require a person to be registered and regulated by the
30 State Board of Pharmacy as a pharmacist. (NRS 639.0124) **Section 9** of this bill
31 provides that the practice of pharmacy includes the dispensing of self-administered
32 hormonal contraceptives by a pharmacist in accordance with **section 7** and, thus,
33 requires persons engaged in the dispensing of such contraceptives to be registered
34 and regulated as pharmacists.

35 Existing law sets forth the procedures for renewing a certificate as a registered
36 pharmacist. (NRS 639.180) Existing law further requires an applicant for the
37 renewal of his or her certificate as a registered pharmacist to submit proof of the
38 completion of a certain number of continuing education units. (NRS 639.2174)
39 **Sections 10 and 12** of this bill require a pharmacist who dispenses self-
40 administered hormonal contraceptives in accordance with **section 7** to successfully
41 complete, once every 3 years, a program of training related to dispensing
42 self-administered hormonal contraceptives before his or her registration as a
43 pharmacist may be renewed.

44 Existing law authorizes the State Board of Pharmacy to suspend or revoke any
45 certificate to practice as a registered pharmacist if the holder of or applicant for
46 such a certificate commits certain acts. (NRS 639.210) **Section 11** of this bill
47 authorizes the Board to suspend or revoke any certificate to practice as a registered
48 pharmacist if the holder or applicant has dispensed self-administered hormonal
49 contraceptives under the standing order issued pursuant to **section 1** without
50 complying with the provisions of **section 7**.

51 **Sections 2-4** of this bill prohibit certain providers of health care from requiring
52 a screening for cervical cancer more often than recommended by the American
53 College of Obstetricians and Gynecologists to receive a prescription for a
54 self-administered hormonal contraceptive.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 439 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The Chief Medical Officer or his or her designee shall*
4 *issue a standing order to allow a pharmacist to dispense a*
5 *self-administered hormonal contraceptive to any patient pursuant*
6 *to section 7 of this act.*

7 *2. In consultation with the Chief Medical Officer, the State*
8 *Board of Health shall prescribe by regulation a protocol for*
9 *dispensing a self-administered hormonal contraceptive. The*
10 *protocol must include, without limitation:*



1 (a) Requirements concerning the information that must be
2 included in a record of the dispensing of the self-administered
3 hormonal contraceptive in addition to the information required by
4 section 7 of this act; and

5 (b) The amount of time that such a record must be maintained
6 by the dispensing pharmacist or his or her employer.

7 3. In consultation with the State Board of Pharmacy, the
8 State Board of Health shall adopt regulations that prescribe:

9 (a) A risk assessment questionnaire that may be administered
10 upon request to a patient who requests a self-administered
11 hormonal contraceptive pursuant to section 7 of this act.

12 (b) Information that must be provided in writing to a patient to
13 whom a self-administered hormonal contraceptive is dispensed
14 pursuant to section 7 of this act, which may include, without
15 limitation, information concerning:

16 (1) The importance of obtaining recommended tests and
17 screening from a primary care provider or qualified provider of
18 health care who specializes in women's health;

19 (2) The effectiveness of long-acting reversible
20 contraceptives as an alternative to self-administered hormonal
21 contraceptives;

22 (3) When to seek emergency medical services as a result of
23 administering a self-administered hormonal contraceptive; and

24 (4) The risk of contracting a sexually transmitted infection
25 and ways to reduce that risk.

26 4. The Division shall provide on an Internet website
27 maintained by the Division an electronic link to the list of
28 pharmacies maintained by the State Board of Pharmacy pursuant
29 to section 7 of this act.

30 5. As used in this section:

31 (a) "Primary care provider" has the meaning ascribed to it in
32 section 7 of this act.

33 (b) "Provider of health care" has the meaning ascribed to it in
34 NRS 629.031.

35 (c) "Self-administered hormonal contraceptive" has the
36 meaning ascribed to it in section 6 of this act.

37 **Sec. 2.** Chapter 630 of NRS is hereby amended by adding
38 thereto a new section to read as follows:

39 1. A physician or physician assistant shall not require a
40 patient to undergo a screening for cervical cancer more frequently
41 than recommended in the guidelines prescribed by the American
42 College of Obstetricians and Gynecologists, or its successor
43 organization, to receive a prescription for a self-administered
44 hormonal contraceptive.



1 2. *As used in this section, “self-administered hormonal*
2 *contraceptive” has the meaning ascribed to it in section 6 of this*
3 *act.*

4 **Sec. 3.** Chapter 632 of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 1. *An advanced practice registered nurse shall not require a*
7 *patient to undergo a screening for cervical cancer more frequently*
8 *than recommended in the guidelines prescribed by the American*
9 *College of Obstetricians and Gynecologists, or its successor*
10 *organization, to receive a prescription for a self-administered*
11 *hormonal contraceptive.*

12 2. *As used in this section, “self-administered hormonal*
13 *contraceptive” has the meaning ascribed to it in section 6 of this*
14 *act.*

15 **Sec. 4.** Chapter 633 of NRS is hereby amended by adding
16 thereto a new section to read as follows:

17 1. *An osteopathic physician or physician assistant shall not*
18 *require a patient to undergo a screening for cervical cancer more*
19 *frequently than recommended in the guidelines prescribed by the*
20 *American College of Obstetricians and Gynecologists, or its*
21 *successor organization, to receive a prescription for a*
22 *self-administered hormonal contraceptive.*

23 2. *As used in this section, “self-administered hormonal*
24 *contraceptive” has the meaning ascribed to it in section 6 of this*
25 *act.*

26 **Sec. 5.** Chapter 639 of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 6 and 7 of this act.

28 **Sec. 6.** *“Self-administered hormonal contraceptive” means a*
29 *self-administered contraceptive that utilizes a hormone and is*
30 *approved for use by the United States Food and Drug*
31 *Administration to prevent pregnancy. The term includes, without*
32 *limitation, an oral contraceptive, a vaginal contraceptive ring, a*
33 *contraceptive patch and any other method of hormonal*
34 *contraceptive identified by the standing order issued by the Chief*
35 *Medical Officer or his or her designee pursuant to section 1 of this*
36 *act.*

37 **Sec. 7.** 1. *A pharmacist may dispense a self-administered*
38 *hormonal contraceptive under the standing order issued pursuant*
39 *to section 1 of this act to a patient, regardless of whether the*
40 *patient has obtained a prescription from a practitioner.*

41 2. *Before dispensing a self-administered hormonal*
42 *contraceptive under the standing order, a pharmacist must*
43 *successfully complete a program of training related to dispensing*
44 *self-administered hormonal contraceptives that is:*



1 (a) Accredited by the Accreditation Council for Pharmacy
2 Education or its successor organization; and

3 (b) Approved by the Board.

4 3. A pharmacist shall provide the risk assessment
5 questionnaire prescribed by the State Board of Health pursuant to
6 section 1 of this act to a patient who requests the questionnaire
7 before dispensing a self-administered hormonal contraceptive to
8 the patient. If such a questionnaire is provided and the results of
9 the questionnaire indicate that it is unsafe to dispense the
10 self-administered hormonal contraceptive to the patient, the
11 pharmacist:

12 (a) Must not dispense the self-administered hormonal
13 contraceptive; and

14 (b) Must refer the patient to a primary care provider or other
15 qualified provider of health care.

16 4. A pharmacist who dispenses a self-administered hormonal
17 contraceptive under the standing order shall:

18 (a) Create a record concerning the dispensing of the
19 self-administered hormonal contraceptive which includes, without
20 limitation, the name of the patient to whom the self-administered
21 hormonal contraceptive was dispensed, the type of
22 self-administered hormonal contraceptive dispensed and any other
23 information required by the protocol prescribed pursuant to
24 section 1 of this act. The pharmacist or his or her employer shall
25 maintain the record for the amount of time prescribed in the
26 protocol.

27 (b) Inform the patient to whom the self-administered hormonal
28 contraceptive is dispensed concerning:

29 (1) Proper administration and storage of the
30 self-administered hormonal contraceptive;

31 (2) Potential side effects of the self-administered hormonal
32 contraceptive; and

33 (3) The need to use other methods of contraception, if
34 appropriate.

35 (c) Provide to the patient to whom the self-administered
36 hormonal contraceptive is dispensed:

37 (1) The written record required by subsection 5; and

38 (2) Any written information required by the regulations
39 adopted pursuant to section 1 of this act.

40 (d) Comply with the regulations adopted pursuant to section 1
41 of this act and any guidelines for dispensing the self-administered
42 hormonal contraceptive recommended by the manufacturer.

43 5. A pharmacist shall provide to any patient who requests a
44 self-administered hormonal contraceptive under the standing
45 order a written record of the request, regardless of whether the



1 *self-administered hormonal contraceptive is dispensed to the*
2 *patient. The record must include, without limitation:*

3 (a) *A copy of the risk assessment questionnaire if completed*
4 *pursuant to subsection 3; and*

5 (b) *A written record of the self-administered hormonal*
6 *contraceptive requested and any self-administered hormonal*
7 *contraceptive dispensed.*

8 6. *Any pharmacy that wishes to dispense self-administered*
9 *hormonal contraceptives under the standing order must notify the*
10 *Board of that fact. The Board shall post on an Internet website*
11 *maintained by the Board a list of the names, addresses and contact*
12 *information of pharmacies that provide such notice.*

13 7. *As used in this section:*

14 (a) *“Primary care provider” means a physician, physician*
15 *assistant licensed pursuant to chapter 630 or 633 of NRS or*
16 *advanced practice registered nurse who specializes in primary*
17 *care, family medicine or internal medicine or obstetrics and*
18 *gynecology or another provider of health care who provides or has*
19 *provided care to the patient.*

20 (b) *“Provider of health care” has the meaning ascribed to it in*
21 *NRS 629.031.*

22 **Sec. 8.** NRS 639.001 is hereby amended to read as follows:

23 639.001 As used in this chapter, unless the context otherwise
24 requires, the words and terms defined in NRS 639.0015 to 639.016,
25 inclusive, *and section 6 of this act*, have the meanings ascribed to
26 them in those sections.

27 **Sec. 9.** NRS 639.0124 is hereby amended to read as follows:

28 639.0124 1. “Practice of pharmacy” includes, but is not
29 limited to, the:

30 ~~[1.]~~ (a) Performance or supervision of activities associated with
31 manufacturing, compounding, labeling, dispensing and distributing
32 of a drug, including the receipt, handling and storage of
33 prescriptions and other confidential information relating to patients.

34 ~~[2.]~~ (b) Interpretation and evaluation of prescriptions or orders
35 for medicine.

36 ~~[3.]~~ (c) Participation in drug evaluation and drug research.

37 ~~[4.]~~ (d) Advising of the therapeutic value, reaction, drug
38 interaction, hazard and use of a drug.

39 ~~[5.]~~ (e) Selection of the source, storage and distribution of a
40 drug.

41 ~~[6.]~~ (f) Maintenance of proper documentation of the source,
42 storage and distribution of a drug.

43 ~~[7.]~~ (g) Interpretation of clinical data contained in a person’s
44 record of medication.



1 ~~18.1~~ (h) Development of written guidelines and protocols in
2 collaboration with a practitioner which are intended for a patient in a
3 licensed medical facility or in a setting that is affiliated with a
4 medical facility where the patient is receiving care and which
5 authorize collaborative drug therapy management. The written
6 guidelines and protocols must comply with NRS 639.2629.

7 ~~19.1~~ (i) Implementation and modification of drug therapy,
8 administering drugs and ordering and performing tests in
9 accordance with a collaborative practice agreement.

10 (j) *Dispensing a self-administered hormonal contraceptive*
11 *pursuant to section 7 of this act.*

12 ~~{→}~~

13 2. The term does not include the changing of a prescription by
14 a pharmacist or practitioner without the consent of the prescribing
15 practitioner, except as otherwise provided in NRS 639.2583 ~~{}~~ and
16 *section 7 of this act.*

17 **Sec. 10.** NRS 639.180 is hereby amended to read as follows:

18 639.180 1. Except as otherwise provided in this subsection, a
19 certificate, license or permit issued by the Board pursuant to this
20 chapter expires on October 31 of each even-numbered year. A
21 certificate of registration as a pharmacist expires on October 31 of
22 each odd-numbered year.

23 2. Except as otherwise provided by NRS 639.137, 639.230 and
24 639.2328, each person to whom a certificate, license or permit has
25 been issued may, if the certificate, license or permit has not been
26 revoked, renew the certificate, license or permit biennially by:

27 (a) Filing an application for renewal;

28 (b) Paying the fee for renewal;

29 (c) Complying with the requirement of continuing professional
30 education, if applicable;

31 (d) *If the person is a pharmacist who dispenses*
32 *self-administered hormonal contraceptives pursuant to section 7*
33 *of this act, submitting proof to the Board that, during the*
34 *immediately preceding 3 years, the person successfully completed*
35 *a program of training related to dispensing self-administered*
36 *hormonal contraceptives that is accredited by the Accreditation*
37 *Council for Pharmacy Education, or its successor organization,*
38 *and approved by the Board;*

39 (e) If applicable, filing with the Board satisfactory evidence that
40 his or her surety bond or other security required by NRS 639.515 is
41 in full force; and

42 ~~{(e)}~~ (f) Submitting all information required to complete the
43 renewal.

44 3. The application for renewal, together with the fee for
45 renewal, all required information and the evidence of compliance



1 with NRS 639.515 must be delivered to the Executive Secretary of
2 the Board on or before the expiration date of the certificate, license
3 or permit, or the current renewal receipt thereof.

4 4. If a certificate, license or permit is renewed, it must be
5 delivered to the applicant within a reasonable time after receipt of
6 the application for renewal and the fee for renewal.

7 5. The Board may refuse to renew a certificate, license or
8 permit if the applicant has committed any act proscribed by
9 NRS 639.210.

10 6. If the application for renewal, the fee for renewal, all
11 required information and the evidence of compliance with NRS
12 639.515 are not postmarked on or before the expiration date of the
13 certificate, license or permit, or the current renewal receipt thereof,
14 the registration is automatically forfeited.

15 **Sec. 11.** NRS 639.210 is hereby amended to read as follows:

16 639.210 The Board may suspend or revoke any certificate,
17 license, registration or permit issued pursuant to this chapter, and
18 deny the application of any person for a certificate, license,
19 registration or permit, if the holder or applicant:

20 1. Is not of good moral character;

21 2. Is guilty of habitual intemperance;

22 3. Becomes or is intoxicated or under the influence of liquor,
23 any depressant drug or a controlled substance, unless taken pursuant
24 to a lawfully issued prescription, while on duty in any establishment
25 licensed by the Board;

26 4. Is guilty of unprofessional conduct or conduct contrary to
27 the public interest;

28 5. Has a substance use disorder;

29 6. Has been convicted of a violation of any law or regulation of
30 the Federal Government or of this or any other state related to
31 controlled substances, dangerous drugs, drug samples, or the
32 wholesale or retail distribution of drugs;

33 7. Has been convicted of:

34 (a) A felony relating to holding a certificate, license, registration
35 or permit pursuant to this chapter;

36 (b) A felony pursuant to NRS 639.550 or 639.555; or

37 (c) Other crime involving moral turpitude, dishonesty or
38 corruption;

39 8. Has been convicted of violating any of the provisions of
40 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
41 inclusive;

42 9. Has willfully made to the Board or its authorized
43 representative any false statement which is material to the
44 administration or enforcement of any of the provisions of this
45 chapter;



1 10. Has obtained any certificate, certification, license or permit
2 by the filing of an application, or any record, affidavit or other
3 information in support thereof, which is false or fraudulent;

4 11. Has violated any provision of the Federal Food, Drug and
5 Cosmetic Act or any other federal law or regulation relating to
6 prescription drugs;

7 12. Has violated, attempted to violate, assisted or abetted in the
8 violation of or conspired to violate any of the provisions of this
9 chapter or any law or regulation relating to drugs, the manufacture
10 or distribution of drugs or the practice of pharmacy, or has
11 knowingly permitted, allowed, condoned or failed to report a
12 violation of any of the provisions of this chapter or any law or
13 regulation relating to drugs, the manufacture or distribution of drugs
14 or the practice of pharmacy committed by the holder of a certificate,
15 license, registration or permit;

16 13. Has failed to renew a certificate, license or permit by
17 failing to submit the application for renewal or pay the renewal fee
18 therefor;

19 14. Has had a certificate, license or permit suspended or
20 revoked in another state on grounds which would cause suspension
21 or revocation of a certificate, license or permit in this State;

22 15. Has, as a managing pharmacist, violated any provision of
23 law or regulation concerning recordkeeping or inventory in a store
24 over which he or she presides, or has knowingly allowed a violation
25 of any provision of this chapter or other state or federal laws or
26 regulations relating to the practice of pharmacy by personnel of the
27 pharmacy under his or her supervision;

28 16. Has repeatedly been negligent, which may be evidenced by
29 claims of malpractice settled against him or her;

30 17. Has failed to maintain and make available to a state or
31 federal officer any records in accordance with the provisions of this
32 chapter or chapter 453 or 454 of NRS;

33 18. Has failed to file or maintain a bond or other security if
34 required by NRS 639.515; ~~or~~

35 19. *Has dispensed self-administered hormonal contraceptives*
36 *under the standing order issued pursuant to section 1 of this act*
37 *without complying with section 7 of this act; or*

38 20. Has operated a medical facility, as defined in NRS
39 449.0151, at any time during which:

40 (a) The license of the facility was suspended or revoked; or

41 (b) An act or omission occurred which resulted in the
42 suspension or revocation of the license pursuant to NRS 449.160.

43 ↪ This subsection applies to an owner or other principal responsible
44 for the operation of the facility.



1 **Sec. 12.** NRS 639.2174 is hereby amended to read as follows:
2 639.2174 The Board shall not renew the certificate of any
3 registered pharmacist until the applicant has submitted proof to the
4 Board of ~~the~~:

5 1. *The* receipt of the required number of continuing education
6 units, obtained through the satisfactory completion of an accredited
7 program of continuing professional education during the period for
8 which the certificate was issued.

9 2. *If the person is a pharmacist who dispenses self-*
10 *administered hormonal contraceptives pursuant to section 7 of this*
11 *act, the successful completion within the immediately preceding 3*
12 *years of a program of training related to dispensing*
13 *self-administered hormonal contraceptives that is accredited by*
14 *the Accreditation Council for Pharmacy Education, or its*
15 *successor organization, and approved by the Board.*

16 **Sec. 13.** 1. This section becomes effective upon passage and
17 approval.

18 2. Sections 1 to 12, inclusive, of this act become effective:

19 (a) Upon passage and approval for the purposes of adopting any
20 regulations and performing any other preparatory administrative
21 tasks that are necessary to carry out the provisions of this act; and

22 (b) On January 1, 2022, for all other purposes.

