

Assembly Bill No. 213—Assemblymen Anderson, Conklin, Horne, Kihuen, Parnell; Arberry, Atkinson, Carpenter, Dondero Loop, Gustavson, Hambrick, Kirkpatrick, Manendo, McArthur, McClain, Mortenson, Ohrenschall, Segerblom and Settlemeyer (by request)

Joint Sponsor: Senator Cegavske

CHAPTER.....

AN ACT relating to cancer; requiring the State Board of Pharmacy to establish the Cancer Drug Donation Program; requiring the Board to adopt regulations to carry out the Program; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes a system for the reporting and analyzing of information relating to cancer and establishes task forces on prostate cancer and cervical cancer. (Chapter 457 of NRS)

**Section 7** of this bill requires the State Board of Pharmacy to establish the Cancer Drug Donation Program. The Program will distribute and dispense cancer drugs donated to the Program to cancer patients. **Section 7** also authorizes persons to donate cancer drugs at any pharmacy, medical facility, health clinic or provider of health care that participates in the Program. The donated drugs must be in the original, unopened and sealed packages and must not be adulterated or misbranded. **Section 10** of this bill requires the Board to adopt regulations to carry out the Program. **Section 11** of this bill provides immunity from civil or criminal liability or any disciplinary action by a professional licensing board for: (1) any person who exercises reasonable care in donating a cancer drug to the Program; and (2) any pharmacy, medical facility, health clinic or provider of health care that exercises reasonable care in accepting, distributing or dispensing a cancer drug pursuant to the Program. **Section 11** also provides that a manufacturer of a cancer drug is immune from civil or criminal liability for any claim or injury arising from the donation, acceptance, distribution or dispensation of the cancer drug pursuant to the Program.

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

**Section 1.** Chapter 457 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Cancer drug” means a prescription drug that is used to treat cancer.*



**Sec. 4.** *“Medical facility” has the meaning ascribed to it in NRS 449.0151.*

**Sec. 5.** *“Program” means the Cancer Drug Donation Program established pursuant to section 7 of this act.*

**Sec. 6.** *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

**Sec. 7. 1.** *The State Board of Pharmacy shall establish and maintain the Cancer Drug Donation Program to accept, distribute and dispense cancer drugs donated to the Program.*

**2.** *Any person may donate a cancer drug to the Program. A cancer drug may be donated at a pharmacy, medical facility, health clinic or provider of health care that participates in the Program.*

**3.** *A pharmacy, medical facility, health clinic or provider of health care that participates in the Program may charge a patient who receives a cancer drug a handling fee in accordance with the regulations adopted by the State Board of Pharmacy pursuant to section 10 of this act.*

**4.** *A cancer drug may be accepted, distributed or dispensed pursuant to the Program only if the cancer drug:*

*(a) Is in its original, unopened, sealed and tamper-evident unit dose packaging or, if packaged in single-unit doses, the single-unit dose packaging is unopened;*

*(b) Is not adulterated or misbranded; and*

*(c) Bears an expiration date that is later than 30 days after the drug is donated.*

**5.** *A cancer drug donated to the Program may not be:*

*(a) Resold; or*

*(b) Designated by the donor for a specific person.*

**6.** *The provisions of this section do not require a pharmacy, medical facility, health clinic or provider of health care to participate in the Program.*

**Sec. 8.** *A cancer drug donated for use in the Program may only be dispensed:*

**1.** *By a pharmacist who is registered pursuant to chapter 639 of NRS;*

**2.** *Pursuant to a prescription written by a person who is authorized to write prescriptions; and*

**3.** *To a person who is eligible to receive cancer drugs dispensed pursuant to the Program.*

**Sec. 9.** *A pharmacy, medical facility, health clinic or provider of health care that participates in the Program:*



1. Shall comply with all applicable state and federal laws concerning the storage, distribution and dispensing of the cancer drugs; and

2. May distribute a cancer drug donated to the Program to another pharmacy, medical facility, health clinic or provider of health care for use in the Program.

**Sec. 10.** The State Board of Pharmacy shall adopt regulations to carry out the provisions of sections 2 to 11, inclusive, of this act. The regulations must prescribe, without limitation:

1. The requirements for the participation of pharmacies, medical facilities, health clinics and providers of health care in the Program, including, without limitation:

(a) A requirement that each provider of health care who participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer; and

(b) A requirement that each medical facility that participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer;

2. The criteria for determining the eligibility of persons to receive cancer drugs dispensed pursuant to the Program, including, without limitation, a requirement that a person sign up with the State Board of Pharmacy on a form prescribed by the Board to be eligible to receive cancer drugs dispensed pursuant to the Program;

3. The categories of cancer drugs that may be accepted for distribution or dispensing pursuant to the Program; and

4. The maximum fee that a pharmacy, medical facility, health clinic or provider of health care may charge to distribute or dispense cancer drugs pursuant to the Program.

**Sec. 11.** 1. A person who exercises reasonable care in the donation of a cancer drug in accordance with the provisions of sections 2 to 11, inclusive, of this act, and the regulations adopted pursuant thereto, is not subject to any civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the donation of the cancer drug.

2. A pharmacy, medical facility, health clinic or provider of health care which participates in the Program and which exercises reasonable care in the acceptance, distribution or dispensation of a cancer drug is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the acceptance, distribution or dispensation of the cancer drug.



*3. A manufacturer of a cancer drug is not subject to civil or criminal liability for any claim or injury arising from the donation, acceptance, distribution or dispensation of the cancer drug pursuant to sections 2 to 11, inclusive, of this act and the regulations adopted pursuant thereto.*

**Sec. 12.** This act becomes effective on July 1, 2009.



## Assembly Bill 213 Amendment: Cancer Drug Donation Program

Introduced by the Assembly February 25, 2009

May 19, 2009: Approved by the Governor

Effective July 1, 2009

- The Cancer Drug Donation Program (the Program) will allow any person to donate no longer needed Cancer medications to patients who need them and cannot afford them.
- A cancer drug may be donated at a pharmacy, medical facility, health clinic, or provider of health care that participates in the Program.
- A pharmacy, medical facility, health clinic, or provider of health care that participates in the Program may charge a patient who receives a cancer drug a handling fee in accordance with the regulations adopted by the State Board of Pharmacy.
- A cancer drug may be accepted, distributed, or dispensed pursuant to the Program only if the cancer drug:
  - Is in its original, unopened, sealed and tamper-evident unit dose packaging or, if packaged in single-unit doses, the single-unit dose packaging is unopened;
  - Is not adulterated or misbranded; and
  - Bears an expiration date that is later than 30 days after the drug is donated.
- A cancer drug donated to the Program may not be:
  - Resold, or
  - Designated by the donor for a specific person.
- A cancer drug donated for use in the Program may only be dispensed:
  - By a pharmacist who is registered
  - Pursuant to a prescription written by a person who is authorized to write prescriptions; and
  - To a person who is eligible to receive cancer drugs dispensed pursuant to the Program.
- The Program was reviewed in January 2010 by the Nevada State Board of Pharmacy
  - Regulations regarding the distribution and dispensing of cancer drugs donated to the Program to cancer patients are pending approval.