

Amendment No. 422

Senate Amendment to Senate Bill No. 408	(BDR 54-1098)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 408 (§ 7).
--

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

VDW/KCR



Date: 4/18/2021

S.B. No. 408—Revises provisions relating to the State Board of Pharmacy.
(BDR 54-1098)



SENATE BILL NO. 408—COMMITTEE ON FINANCE

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

APRIL 6, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the State Board of Pharmacy.
(BDR 54-1098)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.
Effect on the State: Yes.

~

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

AN ACT relating to pharmacy; ~~[revising certain requirements relating to the officers and employees of the State Board of Pharmacy.]~~ requiring certain meetings of the State Board of Pharmacy to be open and public; authorizing the Board to enter into certain agreements; authorizing the Board to require certain persons to undergo a criminal background check; requiring an applicant for registration as a pharmacist or pharmaceutical technician to undergo a criminal background check; increasing certain fees; revising provisions relating to ~~[the imposition of disciplinary action against a person who is regulated by]~~ administrative proceedings before the Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law ~~[prohibits a professional licensing board from employing an executive~~
2 ~~director or executive secretary who is a direct relative of a licensee of the professional~~
3 ~~licensing board. (NRS 622.220) Existing law also places certain limitations on the salary of~~
4 ~~persons employed by the State or any agency of the State and excludes from such limitations~~
5 ~~on salary dentists and physicians employed full-time by the State and officers and employees~~
6 ~~of the Nevada System of Higher Education. (NRS 281.123) Sections 1 and 12 of this bill~~
7 ~~exempt the Executive Secretary of the State Board of Pharmacy from these provisions,~~
8 ~~thereby authorizing: (1) an immediate relative of a person who holds a certificate, license or~~
9 ~~permit issued by the Board to serve as the Executive Secretary; and (2) the Executive~~
10 ~~Secretary of the Board to earn a salary higher than the maximum salary currently authorized~~
11 ~~by law. Section 3 of this bill additionally exempts employees of the Board from such salary~~
12 ~~limitations.] creates the State Board of Pharmacy and sets forth the general and~~
13 ~~regulatory powers of the Board. (NRS 639.020, 639.070) Section 3 of this bill authorizes~~
14 ~~the Board to: (1) enter into written agreements for improving the enforcement of and~~

15 compliance with the provisions of law governing the practice of pharmacy, controlled
 16 substances and dangerous drugs; (2) contract with a private entity for the administration of the
 17 database of the computerized program that tracks each prescription for certain controlled
 18 substances; and (3) require the holder of a certificate, license or permit issued by the Board or
 19 a person with significant influence over the holder of a certificate, license or permit to
 20 undergo a criminal background check. **Sections 5 and 6** of this bill require an applicant for
 21 registration as a pharmacist or a pharmaceutical technician to undergo a criminal background
 22 check. **Section 11** of this bill requires the Board to implement and maintain reasonable
 23 security measures to protect information obtained for the purpose of conducting such a
 24 background check.

25 Existing law requires, in general, the meetings of a public body to be open and public.
 26 (NRS 241.016) However, existing law provides that meetings of the Board which are held to
 27 deliberate on a decision in an administrative action are closed to the public. (NRS 639.050)
 28 **Section 2** of this bill removes this provision, thereby requiring, in general, a meeting of the
 29 Board for that purpose to be open and public. The Board would still be authorized to close a
 30 meeting for certain purposes, including, consideration of the character, alleged misconduct,
 31 professional competence or physical or mental health of a person, unless the person waives
 32 such closure. (NRS 241.030)

33 **Section 13** of this bill repeals a requirement that the Board furnish to applicants and
 34 registrants free copies of law and regulations governing the practice of pharmacy, controlled
 35 substances, dangerous drugs and foods, drugs and cosmetics. (NRS 639.095)

36 **Section 4** of this bill revises the credentials that authorize a person to manufacture,
 37 engage in wholesale distribution, compound, sell or dispense any drug, poison, medicine or
 38 chemical. **Section 7** of this bill increases the fees for the investigation or issuance or renewal
 39 of a license as a manufacturer or wholesaler.

40 Existing law authorizes the Board to take disciplinary action against a holder of any
 41 certificate, license or permit issued by the Board for certain violations. (NRS 639.255)
 42 **Section 8** of this bill increases the amount of time for a person to request a hearing before the
 43 Board to answer to violations alleged by the Board and submit evidence. ~~[Section 9 of this bill
 44 adds to the list of disciplinary actions that the Board may impose against the holder of a
 45 certificate, license or permit the imposition of such restrictions on the certificate, license or
 46 permit holder as the Board deems necessary.]~~

47 Existing law makes it a misdemeanor to: (1) secure or attempt to secure registration as a
 48 pharmacist, pharmacy technician or a practitioner through false representation; or (2)
 49 fraudulently represent oneself to be a registered pharmacist or practitioner. Existing law
 50 provides for the automatic cancellation of any certificate issued by the Board based on false or
 51 fraudulent information. (NRS 639.281) **Section 10** of this bill expands these provisions to
 52 apply to any certificate, license or permit issued by the Board.

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

1 **Section 1.** ~~[NRS 639.040 is hereby amended to read as follows:~~

2 ~~639.040 1. The Board shall elect a President and a Treasurer from among its~~
 3 ~~members.~~

4 ~~2. The Board shall employ an Executive Secretary, who is not a member of~~
 5 ~~the Board. The Executive Secretary must have experience as a licensed pharmacist~~
 6 ~~in this State or in another state with comparable licensing requirements. The~~
 7 ~~Executive Secretary shall keep a complete record of all proceedings of the Board~~
 8 ~~and of all certificates issued, and shall perform such other duties as the Board may~~
 9 ~~require, for which services the Executive Secretary is entitled to receive a salary to~~
 10 ~~be determined by the Board.~~

11 ~~3. The Executive Secretary is not subject to the requirements of paragraph~~
 12 ~~(b) of subsection 4 of NRS 622.220.~~

~~4. The salary of the Executive Secretary is exempt from the limitations set forth in NRS 281.123.] (Deleted by amendment.)~~

Sec. 2. NRS 639.050 is hereby amended to read as follows:

639.050 1. The Board shall hold a meeting at least once in every 6 months.

2. Four members of the Board constitute a quorum.

3. Meetings of the Board which are held ~~[to deliberate on the decision in an administrative action or]~~ to prepare, grade or administer examinations are closed to the public.

4. Each member of the Board is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 3. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ attorneys, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties. ~~[The salaries of these employees are exempt from the limitations set forth in NRS 281.123.]~~

1 (l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce
2 the provisions of this chapter and chapter 454 of NRS.

3 (m) Adopt regulations concerning the information required to be submitted in
4 connection with an application for any license, certificate or permit required by this
5 chapter or chapter 453 or 454 of NRS.

6 (n) Adopt regulations concerning the education, experience and background of
7 a person who is employed by the holder of a license or permit issued pursuant to
8 this chapter and who has access to drugs and devices.

9 (o) Adopt regulations concerning the use of computerized mechanical
10 equipment for the filling of prescriptions.

11 (p) Participate in and expend money for programs that enhance the practice of
12 pharmacy.

13 *(q) Enter into written agreements with local, state and federal agencies for
14 the purpose of improving the enforcement of and compliance with the provisions
15 of this chapter and chapters 453 and 454 of NRS.*

16 *(r) Contract with a private entity to administer the database of the program
17 established pursuant to NRS 453.162.*

18 2. The Board shall, to the extent feasible, communicate or cooperate with or
19 provide any documents or other information to any other licensing board or any
20 other agency that is investigating a person, including, without limitation, a law
21 enforcement agency.

22 3. This section does not authorize the Board to prohibit open-market
23 competition in the advertising and sale of prescription drugs and pharmaceutical
24 services.

25 **Sec. 4.** NRS 639.100 is hereby amended to read as follows:

26 639.100 1. Except as otherwise provided in this chapter, it is unlawful for
27 any person to manufacture, engage in wholesale distribution, compound, sell or
28 dispense, or permit to be manufactured, distributed at wholesale, compounded, sold
29 or dispensed, any drug, poison, medicine or chemical, or to dispense or compound,
30 or permit to be dispensed or compounded, any prescription of a practitioner, unless
31 the person:

32 (a) ~~Is a prescribing practitioner, a person licensed to engage in wholesale~~
33 ~~distribution, a person licensed pursuant to chapter 653 of NRS under the~~
34 ~~supervision of the prescribing practitioner, a registered pharmacist, or a registered~~
35 ~~nurse certified in oncology under the supervision of the prescribing practitioner;~~
36 *Holds the appropriate certificate, license or permit required by this chapter or*
37 *chapter 453 or 454 of NRS, as applicable, that authorizes the person to take such*
38 *action;* and

39 (b) Complies with the regulations adopted by the Board.

40 2. A person who violates any provision of subsection 1:

41 (a) If no substantial bodily harm results, is guilty of a category D felony; or

42 (b) If substantial bodily harm results, is guilty of a category C felony,

43 and shall be punished as provided in NRS 193.130.

44 3. Sales representatives, manufacturers or wholesalers selling only in
45 wholesale lots and not to the general public and compounders or sellers of medical
46 gases need not be registered pharmacists. A person shall not act as a manufacturer
47 or wholesaler unless the person has obtained a license from the Board.

48 4. Any nonprofit cooperative organization or any manufacturer or wholesaler
49 who furnishes, sells, offers to sell or delivers a controlled substance which is
50 intended, designed and labeled "For Veterinary Use Only" is subject to the
51 provisions of this chapter, and shall not furnish, sell or offer to sell such a substance
52 until the organization, manufacturer or wholesaler has obtained a license from the
53 Board.

1 5. Each application for such a license must be made on a form furnished by
2 the Board and an application must not be considered by the Board until all the
3 information required thereon has been completed. Upon approval of the application
4 by the Board and the payment of the required fee, the Board shall issue a license to
5 the applicant. Each license must be issued to a specific person for a specific
6 location.

7 6. The Board shall not condition, limit, restrict or otherwise deny to a
8 prescribing practitioner the issuance of a certificate, license, registration, permit or
9 authorization to prescribe controlled substances or dangerous drugs because the
10 practitioner is located outside this State.

11 **Sec. 5.** NRS 639.127 is hereby amended to read as follows:

12 639.127 1. An applicant for registration as a pharmacist in this State must
13 submit an application to the Executive Secretary of the Board on a form furnished
14 by the Board and must pay the fee fixed by the Board. The fee must be paid at the
15 time the application is submitted and is compensation to the Board for the
16 investigation and the examination of the applicant. Under no circumstances may the
17 fee be refunded.

18 2. *In addition to the requirements of subsection 1, each applicant for*
19 *registration as a pharmacist shall submit with the application a complete set of*
20 *fingerprints and written permission authorizing the Board to forward the*
21 *fingerprints to the Central Repository for Nevada Records of Criminal History*
22 *for submission to the Federal Bureau of Investigation for its report. The Board*
23 *may issue a provisional registration to an applicant pending receipt of the report*
24 *from the Federal Bureau of Investigation if the Board determines that the*
25 *applicant is otherwise qualified for registration.*

26 3. Proof of the qualifications of any applicant must be made to the satisfaction
27 of the Board and must be substantiated by affidavits, records or such other evidence
28 as the Board may require.

29 ~~3.~~ 4. An application is only valid for 1 year after the date it is received by
30 the Board unless the Board extends its period of validity.

31 ~~4.~~ 5. A certificate of registration as a pharmacist must be issued to each
32 person who the Board determines is qualified pursuant to the provisions of NRS
33 639.120, 639.134, 639.136 or 639.1365. The certificate entitles the person to whom
34 it is issued to practice pharmacy in this State.

35 **Sec. 6.** NRS 639.1371 is hereby amended to read as follows:

36 639.1371 1. The ratio of pharmaceutical technicians to pharmacists must
37 not allow more than one pharmaceutical technician to each pharmacist unless the
38 Board by regulation expands the ratio.

39 2. The Board shall adopt regulations concerning pharmaceutical technicians,
40 including requirements for:

41 (a) The qualifications, registration and supervision of pharmaceutical
42 technicians; and

43 (b) The services which may be performed by pharmaceutical technicians,
44 ↳ to ensure the protection and safety of the public in the provision of
45 pharmaceutical care.

46 3. The regulations adopted by the Board pursuant to this section which
47 prescribe:

48 (a) The qualifications for pharmaceutical technicians must include:

49 (1) The successful completion of a program for pharmaceutical technicians
50 which is approved by the Board;

51 (2) The completion of at least 1,500 hours of experience in carrying out the
52 duties of a pharmaceutical technician; or

53 (3) Any other experience or education deemed equivalent by the Board.

1 (b) An expanded ratio of pharmaceutical technicians to pharmacists must be
 2 appropriate and necessary for a particular category of pharmacy at any time.

3 (c) The services which may be performed by pharmaceutical technicians must
 4 include, without limitation, the:

- 5 (1) Removal of drugs from stock;
- 6 (2) Counting, pouring or mixing of drugs;
- 7 (3) Placing of drugs in containers;
- 8 (4) Affixing of labels to containers; and
- 9 (5) Packaging and repackaging of drugs.

10 4. *In addition to the requirements for registration as a pharmaceutical*
 11 *technician adopted by the Board pursuant to subsection 2, each applicant for*
 12 *such registration shall submit with his or her application a complete set of*
 13 *fingerprints and written permission authorizing the Board to forward the*
 14 *fingerprints to the Central Repository for Nevada Records of Criminal History*
 15 *for submission to the Federal Bureau of Investigation for its report. The Board*
 16 *may issue a provisional registration to an applicant pending receipt of the report*
 17 *from the Federal Bureau of Investigation if the Board determines that the*
 18 *applicant is otherwise qualified for registration.*

19 5. For the purposes of this chapter, and chapters 453 and 454 of NRS,
 20 pharmaceutical technicians may perform acts required to be performed by
 21 pharmacists, but only to the extent provided in regulations.

22 **Sec. 7.** NRS 639.170 is hereby amended to read as follows:

23 639.170 1. The Board shall charge and collect not more than the following
 24 fees for the following services:

25		
26	For the examination of an applicant for registration as a	
27	pharmacist	Actual cost
28		of the
29		examination
30	For the investigation or registration of an applicant as a	
31	registered pharmacist, including a certificate by	
32	endorsement.....	\$200
33	For the investigation, examination or registration of an	
34	applicant as a registered pharmacist by reciprocity	300
35	For the investigation or issuance of an original license to	
36	conduct a retail pharmacy, including a license by	
37	endorsement.....	600
38	For the biennial renewal of a license to conduct a retail	
39	pharmacy	500
40	For the investigation or issuance of an original license to	
41	conduct an institutional pharmacy, including a license	
42	by endorsement.....	600
43	For the biennial renewal of a license to conduct an	
44	institutional pharmacy	500
45	For the investigation of or issuance of an original license to	
46	a facility pursuant to NRS 639.2177.....	600
47	For the biennial renewal of a license issued to a facility	
48	pursuant to NRS 639.2177.....	500
49	For the issuance of an original or duplicate certificate of	
50	registration as a registered pharmacist, including a	
51	certificate by endorsement.....	50
52	For the biennial renewal of registration as a registered	
53	pharmacist	200

1	For the reinstatement of a lapsed registration (in addition to	
2	the fees for renewal for the period of lapse)	100
3	For the initial registration of a pharmaceutical technician or	
4	pharmaceutical technician in training	50
5	For the biennial renewal of registration of a pharmaceutical	
6	technician or pharmaceutical technician in training.....	\$50
7	For the investigation or registration of an intern pharmacist.....	50
8	For the biennial renewal of registration as an intern	
9	pharmacist	40
10	For investigation or issuance of an original license to a	
11	manufacturer or wholesaler	500 1,000
12	For the biennial renewal of a license for a manufacturer or	
13	wholesaler.....	500 1,000
14	For the reissuance of a license issued to a pharmacy, when	
15	no change of ownership is involved, but the license	
16	must be reissued because of a change in the	
17	information required thereon.....	100
18	For authorization of a practitioner to dispense controlled	
19	substances or dangerous drugs, or both	300
20	For the biennial renewal of authorization of a practitioner	
21	to dispense controlled substances or dangerous drugs,	
22	or both	300

2. If an applicant submits an application for a certificate or license by endorsement pursuant to NRS 639.136 or 639.2315, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1, respectively, for:

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

3. If an applicant submits an application for a certificate or license by endorsement pursuant to NRS 639.1365 or 639.2316, as applicable, the Board shall collect not more than one-half of the fee set forth in subsection 1, respectively, for:

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

4. If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

5. All fees are payable in advance and are not refundable.

6. The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 8. NRS 639.243 is hereby amended to read as follows:

639.243 The statement, entitled Statement to the Respondent, shall be worded so as to inform the respondent:

1. That an accusation has been filed.

2. Of the right to a hearing before the Board to answer to the alleged violations and to submit evidence in his or her own behalf if requested by the filing

1 of two copies of the Notice of Defense within ~~[15]~~ 20 days after receipt of the
2 accusation.

3 **Sec. 9.** ~~[NRS 639.255 is hereby amended to read as follows:~~

4 ~~639.255 1. The holder of any certificate, license or permit issued by the~~
5 ~~Board, whose default has been entered or who has been heard by the Board and~~
6 ~~found guilty of the violations alleged in the accusation, may be disciplined by the~~
7 ~~Board by one or more of the following methods:~~

8 ~~— (a) Suspending judgment;~~

9 ~~— (b) Placing the certificate, license or permit holder on probation;~~

10 ~~— (c) Suspending the right of a certificate holder to practice, or the right to use~~
11 ~~any license or permit, for a period to be determined by the Board;~~

12 ~~— (d) Revoking the certificate, license or permit;~~

13 ~~— (e) Public reprimand; [or]~~

14 ~~— (f) Imposition of a fine for each count of the accusation, in accordance with the~~
15 ~~schedule of fines established pursuant to subsection 2 []; or~~

16 ~~— (g) Placing any other restrictions on the certificate, license or permit holder~~
17 ~~as the Board deems necessary for the protection of the public.~~

18 ~~2. Such action by the Board is final, except that the propriety of such action is~~
19 ~~subject to review upon questions of law by a court of competent jurisdiction.~~

20 ~~3. The Board shall, by regulation, establish a schedule of fines that may be~~
21 ~~imposed pursuant to paragraph (f) of subsection 1. Each fine must be~~
22 ~~commensurate with the severity of the applicable violation, but must not exceed~~
23 ~~\$10,000 for each violation.~~

24 ~~4. The Board shall not issue a private reprimand.~~

25 ~~5. An order that imposes discipline and the findings of fact and conclusions of~~
26 ~~law supporting that order are public records.] (Deleted by amendment.)~~

27 **Sec. 10.** NRS 639.281 is hereby amended to read as follows:

28 639.281 1. Any person who secures or attempts to secure ~~[registration]~~ any
29 ~~certificate, license or permit issued by the Board~~ for himself or herself or any other
30 person by making, or causing to be made, any false representation or who
31 fraudulently represents himself or herself to be ~~[a registered pharmacist or~~
32 ~~practitioner]~~ the holder of any certificate, license or permit issued by the Board is
33 guilty of a misdemeanor.

34 2. Any certificate , license or permit issued by the Board on information later
35 found to be false or fraudulent must be automatically cancelled by the Board.

36 **Sec. 11.** NRS 639.510 is hereby amended to read as follows:

37 639.510 The Board shall implement and maintain reasonable security
38 measures to protect the information obtained by the Board pursuant to ~~[paragraph~~
39 ~~(s) of subsection 1 of NRS 639.070 or]~~ NRS 639.127, 639.1371 or 639.500 ~~[and all~~
40 ~~other information related to an application for a license to engage in wholesale~~
41 ~~distribution]~~ to protect the information from unauthorized access, acquisition,
42 destruction, use, modification or disclosure. The provisions of this section do not
43 prohibit the Board from disclosing and providing such information to other state
44 and federal agencies involved in the regulation of prescription drugs to the extent
45 deemed necessary by the Board.

46 **Sec. 12.** ~~[NRS 622.220 is hereby amended to read as follows:~~

47 ~~622.220 If a regulatory body employs a person as an executive director or~~
48 ~~executive secretary or in a position with powers and duties similar to those of an~~
49 ~~executive director or executive secretary, the person:~~

50 ~~1. Must possess a level of education or experience, or a combination of both,~~
51 ~~to qualify the person to perform the administrative and managerial tasks required of~~
52 ~~the position;~~

53 ~~2. Must be a resident of this State;~~

~~3. Must not be employed by another regulatory body as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary; and~~

~~4. Must not be the immediate relative of:~~

~~(a) A member or employee of the regulatory body; or~~

~~(b) [A] Except as otherwise provided in NRS 639.040, a licensee of the regulatory body.] (Deleted by amendment.)~~

Sec. 13. NRS 639.095 is hereby repealed.

Sec. 14. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 15. 1. This section and section 14 of this act become effective upon passage and approval.

2. Sections 1 to 13, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2021, for all other purposes.

TEXT OF REPEALED SECTION

639.095 Board to furnish free copies of law and regulations to applicants and registrants. The Board shall furnish each applicant for registration and each resident registered pharmacist with a free copy of chapters 453, 454, 585 and 639 of NRS and the regulations of the Board. Free copies must be provided nonresident pharmacists registered in Nevada upon request.