

ASSEMBLY BILL NO. 134—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE JOINT INTERIM STANDING COMMITTEE
ON HEALTH AND HUMAN SERVICES)

FEBRUARY 9, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Requires licensing of pharmaceutical sales representatives. (BDR 54-329)

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.

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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 pharmaceutical sales representatives; providing for the licensure and regulation of pharmaceutical sales representatives; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Division of Public and Behavioral Health of the
2 Department of Health and Human Services licenses and regulates certain health
3 care facilities and organizations that provide health care. (Chapter 449 of NRS)
4 **Sections 2-13** of this bill require the Division to also license and regulate
5 pharmaceutical sales representatives. **Section 7** of this bill prohibits a person from
6 marketing prescription drugs in this State to providers of health care, pharmacies or
7 employees thereof, operators or employees of certain medical facilities and
8 insurers, for more than 15 days in a calendar year without obtaining a license from
9 the Division. **Section 7** also: (1) provides that such a license expires after 1 year;
10 and (2) requires the State Board of Health to adopt regulations concerning the
11 practice and regulation of pharmaceutical sales representatives. **Section 8** of this
12 bill prohibits a licensed pharmaceutical sales representative from engaging in
13 certain conduct. **Section 9** of this bill requires the Division to keep records of
14 proceedings relating to the licensure, discipline and investigation of pharmaceutical
15 sales representatives. **Sections 9 and 15** of this bill declare certain records related
16 to such proceedings to be confidential. **Sections 10 and 11** of this bill enact certain
17 provisions necessary to comply with federal law governing the collection of child
18 support from persons holding a professional license, including a requirement in



19 **section 10** that an applicant for a license include his or her social security number
20 in the application. **Sections 18 and 19** of this bill eliminate that requirement on the
21 date Congress repeals those provisions of federal law. **Section 19** also eliminates all
22 of the requirements related to the collection of child support 2 years after Congress
23 repeals the provisions of federal law imposing those requirements. **Section 14** of
24 this bill makes a conforming change to clarify the applicability of the requirement
25 governing the submission of a social security number.

26 **Section 12** of this bill provides that it is a misdemeanor to violate any provision
27 of **sections 2-13** relating to the licensure and regulation of pharmaceutical sales
28 representatives. **Section 13** authorizes the Division to maintain an action for an
29 injunction against a natural person or business entity who violates any provision of
30 **sections 2-13**. **Section 16** of this bill makes a conforming change to ensure that the
31 term "pharmaceutical sales representative" is defined for an existing provision of
32 law in the same manner as that term is defined in **section 5** of this bill. (NRS
33 439B.660) **Section 17** of this bill classifies pharmaceutical sales representatives as
34 professionals for the purposes of certain requirements related to compensation,
35 wages and hours and exemptions from those requirements.

36 Under **section 7**, fees collected for the licensure of pharmaceutical sales
37 representation: (1) must be accounted for separately in the State General Fund; (2)
38 must be used only to cover the costs of licensing and regulating pharmaceutical
39 sales representatives and for the purposes of improving transparency concerning the
40 costs of prescription drugs; and (3) do not revert to the State General Fund at the
41 end of any fiscal year.

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

1 **Section 1.** Title 54 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 13, inclusive, of this act.

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

7 **Sec. 3.** *"Division" means the Division of Public and*
8 *Behavioral Health of the Department of Health and Human*
9 *Services.*

10 **Sec. 4.** *"License" means a license as a pharmaceutical sales*
11 *representative issued by the Division pursuant to the provisions of*
12 *this chapter.*

13 **Sec. 5.** *"Pharmaceutical sales representative" means a*
14 *person who is licensed as a pharmaceutical sales representative*
15 *pursuant to section 7 of this act.*

16 **Sec. 6.** *"Provider of health care" has the meaning ascribed*
17 *to it in NRS 629.031.*

18 **Sec. 7. 1.** *A person shall not market prescription drugs in*
19 *this State to providers of health care, pharmacies or employees*
20 *thereof, operators or employees of medical facilities, or persons*
21 *licensed or certified under the provisions of title 57 of NRS, for*



1 *more than 15 days in any calendar year unless the person holds a*
2 *valid license as a pharmaceutical sales representative issued by the*
3 *Division. Such a license expires 1 year after the date on which the*
4 *license is issued and may be renewed.*

5 2. *The State Board of Health shall adopt regulations to carry*
6 *out the provisions of this chapter. The regulations must establish,*
7 *without limitation:*

8 (a) *The qualifications for obtaining and renewing a license as*
9 *a pharmaceutical sales representative, including, without*
10 *limitation, any necessary training or continuing education*
11 *required to obtain or renew such a license.*

12 (b) *The requirements and procedures to apply for or renew a*
13 *license as a pharmaceutical sales representative, including,*
14 *without limitation, the fees to apply for, reinstate or renew a*
15 *license. Such fees must be not less than \$500 but not more than*
16 *\$800.*

17 (c) *Standards of practice for pharmaceutical sales*
18 *representatives.*

19 (d) *The types of disciplinary action that may be imposed for*
20 *violating any provision of this chapter or any regulation adopted*
21 *pursuant thereto. Such disciplinary action may include, without*
22 *limitation, the suspension or revocation of a license, the placement*
23 *of limitations on the practice of a licensee and the imposition of an*
24 *administrative penalty.*

25 (e) *Grounds for initiating disciplinary action.*

26 (f) *Procedures for imposing disciplinary action.*

27 (g) *Procedures for the submission, investigation and resolution*
28 *of a complaint for violating any provision of this chapter or any*
29 *regulation adopted pursuant thereto.*

30 3. *The money collected as fees pursuant to this section must*
31 *be deposited in the State Treasury and accounted for separately in*
32 *the State General Fund. The Department of Health and Human*
33 *Services shall administer the account and use money in the*
34 *account only to cover the costs to the Division of administering the*
35 *provisions of sections 2 to 13, inclusive, of this act and for*
36 *purposes relating to the improvement of transparency concerning*
37 *the costs of prescription drugs including, without limitation, the*
38 *administration of NRS 439B.600 to 439B.695, inclusive. The*
39 *interest and income earned on money in the account, after*
40 *deducting any applicable charges, must be credited to the account.*
41 *Money in the account does not revert to the State General Fund at*
42 *the end of any fiscal year.*

43 **Sec. 8.** *A pharmaceutical sales representative shall not:*

44 1. *Engage in deceptive or misleading marketing;*



1 2. *Falsely represent that he or she is licensed or certified as a*
2 *provider of health care; or*

3 3. *Attend an examination of a patient by a provider of health*
4 *care without the consent of the patient.*

5 **Sec. 9.** *1. The Division shall keep a record of its*
6 *proceedings conducted pursuant to this chapter relating to*
7 *licensing, disciplinary actions and investigations. Except as*
8 *otherwise provided in this chapter, the records must be open to*
9 *public inspection at all reasonable times.*

10 2. *Except as otherwise provided in this section and NRS*
11 *239.0115, a complaint filed with the Division, all documents and*
12 *other information filed with the complaint and all documents and*
13 *other information compiled as a result of an investigation*
14 *conducted to determine whether to initiate disciplinary action*
15 *against a person are confidential and privileged, unless the person*
16 *submits a written statement to the Division requesting that such*
17 *documents and information be made public records.*

18 3. *A complaint or other document filed by the Division to*
19 *initiate disciplinary action pursuant to chapter 622A of NRS and*
20 *all documents and information considered by the Division when*
21 *determining whether to impose discipline are public records.*

22 4. *An order that imposes discipline and the findings of fact*
23 *and conclusions of law supporting the order are public records.*

24 5. *The provisions of this section do not prohibit the Division*
25 *from communicating or cooperating with or providing any*
26 *documents or other information to any other licensing board or*
27 *any other agency that is investigating a person, including, without*
28 *limitation, a law enforcement agency.*

29 **Sec. 10.** *1. In addition to any other requirements set forth*
30 *in the regulations adopted pursuant to section 7 of this act, an*
31 *applicant for the issuance or renewal of a license as a*
32 *pharmaceutical sales representative must:*

33 (a) *Include the social security number of the applicant in the*
34 *application submitted to the Division.*

35 (b) *Submit to the Division the statement prescribed by the*
36 *Division of Welfare and Supportive Services of the Department of*
37 *Health and Human Services pursuant to NRS 425.520. The*
38 *statement must be completed and signed by the applicant.*

39 2. *The Division shall include the statement required pursuant*
40 *to subsection 1 in:*

41 (a) *The application or any other forms that must be submitted*
42 *for the issuance or renewal of the license; or*

43 (b) *A separate form prescribed by the Division.*

44 3. *A license as a pharmaceutical sales representative may not*
45 *be issued or renewed by the Division if the applicant:*



1 (a) Fails to submit the statement required pursuant to
2 subsection 1; or

3 (b) Indicates on the statement submitted pursuant to
4 subsection 1 that the applicant is subject to a court order for the
5 support of a child and is not in compliance with the order or a
6 plan approved by the district attorney or other public agency
7 enforcing the order for the repayment of the amount owed
8 pursuant to the order.

9 4. If an applicant indicates on the statement submitted
10 pursuant to subsection 1 that the applicant is subject to a court
11 order for the support of a child and is not in compliance with the
12 order or a plan approved by the district attorney or other public
13 agency enforcing the order for the repayment of the amount owed
14 pursuant to the order, the Division shall advise the applicant to
15 contact the district attorney or other public agency enforcing the
16 order to determine the actions that the applicant may take to
17 satisfy the arrearage.

18 **Sec. 11.** 1. If the Division receives a copy of a court order
19 issued pursuant to NRS 425.540 that provides for the suspension
20 of all professional, occupational and recreational licenses,
21 certificates and permits issued to a person who is the holder of a
22 license as a pharmaceutical sales representative, the Division shall
23 deem the certificate issued to that person to be suspended at the
24 end of the 30th day after the date on which the court order was
25 issued unless the Division receives a letter issued to the holder of
26 the certificate by the district attorney or other public agency
27 pursuant to NRS 425.550 stating that the holder of the certificate
28 has complied with the subpoena or warrant or has satisfied the
29 arrearage pursuant to NRS 425.560.

30 2. The Division shall reinstate a license to a pharmaceutical
31 sales representative that has been suspended by a district court
32 pursuant to NRS 425.540 if:

33 (a) The Division receives a letter issued by the district attorney
34 or other public agency pursuant to NRS 425.550 to the person
35 whose license was suspended stating that the person whose license
36 was suspended has complied with the subpoena or warrant or has
37 satisfied the arrearage pursuant to NRS 425.560; and

38 (b) The person whose license was suspended pays the fee
39 imposed pursuant to the regulations adopted pursuant to section 7
40 of this act for the reinstatement of a suspended license.

41 **Sec. 12.** A person who violates the requirements of this
42 chapter is guilty of a misdemeanor and may be subject to
43 additional disciplinary action as prescribed by the regulations
44 adopted pursuant to section 7 of this act.



1 **Sec. 13. 1. The Division may maintain in any court of**
2 **competent jurisdiction an action for an injunction against any**
3 **natural person or business entity who violates any provision of this**
4 **chapter.**

5 **2. Such an injunction:**

6 **(a) May be issued without proof of actual damage sustained by**
7 **any natural person or business entity.**

8 **(b) Does not relieve the natural person or business entity from**
9 **any criminal prosecution for the same violation.**

10 **Sec. 14.** NRS 622.238 is hereby amended to read as follows:

11 622.238 1. The Legislature hereby finds and declares that:

12 (a) It is in the best interests of this State to make full use of the
13 skills and talents of every resident of this State.

14 (b) It is the public policy of this State that each resident of this
15 State, regardless of his or her immigration or citizenship status, is
16 eligible to receive the benefit of applying for a license, certificate or
17 permit pursuant to 8 U.S.C. § 1621(d).

18 2. Notwithstanding any other provision of this title, a
19 regulatory body shall not deny the application of a person for the
20 issuance of a license pursuant to this title based solely on his or her
21 immigration or citizenship status.

22 3. Notwithstanding the provisions of NRS 623.225, 623A.185,
23 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197,
24 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115,
25 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095,
26 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175,
27 641A.215, 641B.206, 641C.280, 641D.330, 642.0195, 643.095,
28 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295,
29 645C.655, 645D.195, 645G.110, 645H.550, 648.085, 649.233,
30 652.075, 653.550, 654.145, 655.075 and 656.155, **and section 10 of**
31 **this act**, an applicant for a license who does not have a social
32 security number must provide an alternative personally identifying
33 number, including, without limitation, his or her individual taxpayer
34 identification number, when completing an application for a license.

35 4. A regulatory body shall not disclose to any person who is
36 not employed by the regulatory body the social security number or
37 alternative personally identifying number, including, without
38 limitation, an individual taxpayer identification number, of an
39 applicant for a license for any purpose except:

40 (a) Tax purposes;

41 (b) Licensing purposes; and

42 (c) Enforcement of an order for the payment of child support.

43 5. A social security number or alternative personally
44 identifying number, including, without limitation, an individual
45 taxpayer identification number, provided to a regulatory body is



1 confidential and is not a public record for the purposes of chapter
2 239 of NRS.

3 **Sec. 15.** NRS 239.010 is hereby amended to read as follows:

4 239.010 1. Except as otherwise provided in this section and
5 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
6 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
7 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
8 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
9 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
10 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
11 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
12 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
13 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
14 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
15 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
16 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
17 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
18 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
19 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
20 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
21 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
22 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
23 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
24 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
25 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
26 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
27 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
28 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
29 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
30 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
31 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
32 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
33 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
34 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
35 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
36 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
37 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
38 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
39 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
40 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
41 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
42 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
43 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
44 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
45 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,



1 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
2 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
3 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
4 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
5 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
6 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
7 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
8 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
9 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
10 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
11 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
12 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
13 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
14 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
15 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
16 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
17 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
18 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
19 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
20 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
21 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
22 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
23 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
24 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
25 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
26 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
27 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
28 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
29 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
30 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
31 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
32 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
33 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
34 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
35 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
36 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
37 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
38 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
39 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
40 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
41 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
42 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
43 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
44 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
45 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,



1 711.600, *section 9 of this act*, sections 35, 38 and 41 of chapter 478,
2 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
3 Nevada 2013 and unless otherwise declared by law to be
4 confidential, all public books and public records of a governmental
5 entity must be open at all times during office hours to inspection by
6 any person, and may be fully copied or an abstract or memorandum
7 may be prepared from those public books and public records. Any
8 such copies, abstracts or memoranda may be used to supply the
9 general public with copies, abstracts or memoranda of the records or
10 may be used in any other way to the advantage of the governmental
11 entity or of the general public. This section does not supersede or in
12 any manner affect the federal laws governing copyrights or enlarge,
13 diminish or affect in any other manner the rights of a person in any
14 written book or record which is copyrighted pursuant to federal law.

15 2. A governmental entity may not reject a book or record
16 which is copyrighted solely because it is copyrighted.

17 3. A governmental entity that has legal custody or control of a
18 public book or record shall not deny a request made pursuant to
19 subsection 1 to inspect or copy or receive a copy of a public book or
20 record on the basis that the requested public book or record contains
21 information that is confidential if the governmental entity can
22 redact, delete, conceal or separate, including, without limitation,
23 electronically, the confidential information from the information
24 included in the public book or record that is not otherwise
25 confidential.

26 4. If requested, a governmental entity shall provide a copy of a
27 public record in an electronic format by means of an electronic
28 medium. Nothing in this subsection requires a governmental entity
29 to provide a copy of a public record in an electronic format or by
30 means of an electronic medium if:

31 (a) The public record:

32 (1) Was not created or prepared in an electronic format; and

33 (2) Is not available in an electronic format; or

34 (b) Providing the public record in an electronic format or by
35 means of an electronic medium would:

36 (1) Give access to proprietary software; or

37 (2) Require the production of information that is confidential
38 and that cannot be redacted, deleted, concealed or separated from
39 information that is not otherwise confidential.

40 5. An officer, employee or agent of a governmental entity who
41 has legal custody or control of a public record:

42 (a) Shall not refuse to provide a copy of that public record in the
43 medium that is requested because the officer, employee or agent has
44 already prepared or would prefer to provide the copy in a different
45 medium.



1 (b) Except as otherwise provided in NRS 239.030, shall, upon
2 request, prepare the copy of the public record and shall not require
3 the person who has requested the copy to prepare the copy himself
4 or herself.

5 **Sec. 16.** NRS 439B.660 is hereby amended to read as follows:

6 439B.660 1. A manufacturer of a prescription drug shall
7 provide to the Department a list of each pharmaceutical sales
8 representative who markets prescription drugs on behalf of the
9 manufacturer to providers of health care licensed, certified or
10 registered in this State, pharmacies or employees thereof, operators
11 or employees of medical facilities or persons licensed or certified
12 under the provisions of title 57 of NRS and update the list at least
13 annually.

14 2. The Department shall provide electronic access to the most
15 recent list provided by each manufacturer pursuant to subsection 1
16 to each provider of health care licensed, certified or registered in
17 this State, operator of a pharmacy, operator of a medical facility or
18 person licensed or certified under the provisions of title 57 of NRS
19 for the purposes of ensuring compliance with the requirements of
20 subsection 3. This subsection must not be construed to impose any
21 duty on a provider of health care, operator of a pharmacy, operator
22 of a medical facility or person licensed or certified under the
23 provisions of title 57 of NRS to ensure such compliance.

24 3. A person who is not included on a current list submitted
25 pursuant to subsection 1 shall not market prescription drugs on
26 behalf of a manufacturer:

27 (a) To any provider of health care licensed, certified or
28 registered in this State, pharmacy or employee thereof, operator or
29 employee of a medical facility or person licensed or certified under
30 the provisions of title 57 of NRS; or

31 (b) For sale to any resident of this State.

32 4. On or before March 1 of each year, each person who was
33 included on a list of pharmaceutical sales representatives submitted
34 pursuant to subsection 1 at any time during the immediately
35 preceding calendar year shall submit to the Department a report,
36 which must include, for the immediately preceding calendar year:

37 (a) A list of providers of health care licensed, certified or
38 registered in this State, pharmacies and employees thereof, operators
39 and employees of medical facilities and persons licensed or certified
40 under the provisions of title 57 of NRS to whom the pharmaceutical
41 sales representative provided:

42 (1) Any type of compensation with a value that exceeds \$10;

43 or

44 (2) Total compensation with a value that exceeds \$100 in
45 aggregate; and



1 (b) The name and manufacturer of each prescription drug for
2 which the pharmaceutical sales representative provided a free
3 sample to a provider of health care licensed, certified or registered
4 in this State, pharmacy or employee thereof, operator or employee
5 of a medical facility or person licensed or certified under the
6 provisions of title 57 of NRS and the name of each such person to
7 whom a free sample was provided.

8 5. The Department shall analyze annually the information
9 submitted pursuant to subsection 4 and compile a report on the
10 activities of pharmaceutical sales representatives in this State. Any
11 information contained in such a report that is derived from a list
12 provided pursuant to subsection 1 or a report submitted pursuant to
13 subsection 4 must be reported in aggregate and in a manner that
14 does not reveal the identity of any person or entity. On or before
15 June 1 of each year, the Department shall:

16 (a) Post the report on the Internet website maintained by the
17 Department; and

18 (b) Submit the report to the Governor and the Director of the
19 Legislative Counsel Bureau for transmittal to the Joint Interim
20 Standing Committee on Health and Human Services and, in even-
21 numbered years, the next regular session of the Legislature.

22 6. As used in this section:

23 (a) "Medical facility" has the meaning ascribed to it in
24 NRS 629.026.

25 (b) "Pharmaceutical sales representative" ~~means a person who~~
26 ~~markets prescription drugs to providers of health care licensed,~~
27 ~~certified or registered in this State, pharmacies or employees~~
28 ~~thereof, operators or employees of medical facilities or persons~~
29 ~~licensed or certified under the provisions of title 57 of NRS.]~~ *has*
30 *the meaning ascribed to it in section 5 of this act.*

31 (c) "Provider of health care" has the meaning ascribed to it in
32 NRS 629.031.

33 **Sec. 17.** NRS 608.0116 is hereby amended to read as follows:

34 608.0116 "Professional" means pertaining to:

35 1. An employee who is licensed or certified by the State of
36 Nevada for and engaged in the practice of law or any of the
37 professions regulated by chapters 623 to 645, inclusive, 645G and
38 656A of NRS ~~H~~ *and sections 2 to 13, inclusive, of this act.*

39 2. A creative professional as described in 29 C.F.R. § 541.302
40 who is not an employee of a contractor as that term is defined in
41 NRS 624.020.

42 **Sec. 18.** Section 10 of this act is hereby amended to read as
43 follows:

44 Sec. 10. 1. In addition to any other requirements set
45 forth in the regulations adopted pursuant to section 7 of this



1 act, an applicant for the issuance or renewal of a license as a
2 pharmaceutical sales representative must ~~f-~~

3 ~~—(a) Include the social security number of the applicant in~~
4 ~~the application submitted to the Division.~~

5 ~~—(b) Submit~~ *submit* to the Division the statement
6 prescribed by the Division of Welfare and Supportive
7 Services of the Department of Health and Human Services
8 pursuant to NRS 425.520. The statement must be completed
9 and signed by the applicant.

10 2. The Division shall include the statement required
11 pursuant to subsection 1 in:

12 (a) The application or any other forms that must be
13 submitted for the issuance or renewal of the license; or

14 (b) A separate form prescribed by the Division.

15 3. A license as a pharmaceutical sales representative
16 may not be issued or renewed by the Division if the applicant:

17 (a) Fails to submit the statement required pursuant to
18 subsection 1; or

19 (b) Indicates on the statement submitted pursuant to
20 subsection 1 that the applicant is subject to a court order for
21 the support of a child and is not in compliance with the order
22 or a plan approved by the district attorney or other public
23 agency enforcing the order for the repayment of the amount
24 owed pursuant to the order.

25 4. If an applicant indicates on the statement submitted
26 pursuant to subsection 1 that the applicant is subject to a court
27 order for the support of a child and is not in compliance with
28 the order or a plan approved by the district attorney or other
29 public agency enforcing the order for the repayment of the
30 amount owed pursuant to the order, the Division shall advise
31 the applicant to contact the district attorney or other public
32 agency enforcing the order to determine the actions that the
33 applicant may take to satisfy the arrearage.

34 **Sec. 19.** 1. This section becomes effective upon passage and
35 approval.

36 2. Sections 1 to 17, inclusive, of this act become effective:

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

40 (b) On January 1, 2024, for all other purposes.

41 3. Section 18 of this act becomes effective on the date on
42 which the provisions of 42 U.S.C. § 666 requiring each state to
43 establish procedures under which the state has authority to withhold
44 or suspend, or to restrict the use of professional, occupational and
45 recreational licenses of persons who:



1 (a) Have failed to comply with a subpoena or warrant relating to
2 a proceeding to determine the paternity of a child or to establish or
3 enforce an obligation for the support of a child; or

4 (b) Are in arrears in the payment for the support of one or more
5 children,

6 ↪ are repealed by the Congress of the United States.

7 4. Sections 10, 11 and 18 of this act expire by limitation 2
8 years after the date on which the provisions of 42 U.S.C. § 666
9 requiring each state to establish procedures under which the state
10 has authority to withhold or suspend, or to restrict the use of
11 professional, occupational and recreational licenses of persons who:

12 (a) Have failed to comply with a subpoena or warrant relating to
13 a proceeding to determine the paternity of a child or to establish or
14 enforce an obligation for the support of a child; or

15 (b) Are in arrears in the payment for the support of one or more
16 children,

17 ↪ are repealed by the Congress of the United States.



