

SENATE BILL NO. 346—SENATOR HARDY

MARCH 20, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Clarifies provisions governing the prescribing, dispensing and administering of drugs. (BDR 54-676)

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

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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 the healing arts; clarifying that certain providers of health care are authorized to prescribe, dispense or administer a drug for a purpose that has not been approved by the United States Food and Drug Administration; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits various providers of health care from knowingly
2 procuring or administering a controlled substance or dangerous drug that is not
3 approved by the United States Food and Drug Administration except in certain
4 limited circumstances. (NRS 630.306, 631.3475, 632.347, 633.511, 635.130,
5 636.295) If the drug has been approved by the Food and Drug Administration for
6 any purpose and certain other conditions are met, this bill clarifies that such persons
7 and certain other professionals are authorized to prescribe, dispense or administer a
8 drug for a purpose that has not been approved by the Food and Drug
9 Administration.

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

1 **Section 1.** Chapter 630 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *A person licensed under the provisions of this chapter is not*
4 *subject to professional discipline and does not violate any*
5 *applicable standard of care solely because the person prescribes,*



1 *dispenses or administers a drug for a purpose that has not been*
2 *approved by the United States Food and Drug Administration if:*

3 *1. The drug has been approved by the United States Food and*
4 *Drug Administration for any purpose;*

5 *2. The drug has been proven safe and effective in peer-*
6 *reviewed scientific studies when used for the purpose for which it*
7 *is prescribed, dispensed or administered;*

8 *3. Use of the drug for the purpose for which it is prescribed,*
9 *dispensed or administered is not prohibited by law; and*

10 *4. Prescribing, dispensing or administering the drug, as*
11 *applicable, is within the scope of practice of the person.*

12 **Sec. 2.** Chapter 631 of NRS is hereby amended by adding
13 thereto a new section to read as follows:

14 *A person licensed under the provisions of this chapter is not*
15 *subject to professional discipline and does not violate any*
16 *applicable standard of care solely because the person prescribes,*
17 *dispenses or administers a drug for a purpose that has not been*
18 *approved by the United States Food and Drug Administration if:*

19 *1. The drug has been approved by the United States Food and*
20 *Drug Administration for any purpose;*

21 *2. The drug has been proven safe and effective in peer-*
22 *reviewed scientific studies when used for the purpose for which it*
23 *is prescribed, dispensed or administered;*

24 *3. Use of the drug for the purpose for which it is prescribed,*
25 *dispensed or administered is not prohibited by law; and*

26 *4. Prescribing, dispensing or administering the drug, as*
27 *applicable, is within the scope of practice of the person.*

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

30 *A person licensed or certified under the provisions of this*
31 *chapter is not subject to professional discipline and does not*
32 *violate any applicable standard of care solely because the person*
33 *prescribes, dispenses or administers a drug for a purpose that has*
34 *not been approved by the United States Food and Drug*
35 *Administration if:*

36 *1. The drug has been approved by the United States Food and*
37 *Drug Administration for any purpose;*

38 *2. The drug has been proven safe and effective in peer-*
39 *reviewed scientific studies when used for the purpose for which it*
40 *is prescribed, dispensed or administered;*

41 *3. Use of the drug for the purpose for which it is prescribed,*
42 *dispensed or administered is not prohibited by law; and*

43 *4. Prescribing, dispensing or administering the drug, as*
44 *applicable, is within the scope of practice of the person.*



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

3 *A person licensed under the provisions of this chapter is not*
4 *subject to professional discipline and does not violate any*
5 *applicable standard of care solely because the person prescribes,*
6 *dispenses or administers a drug for a purpose that has not been*
7 *approved by the United States Food and Drug Administration if:*

8 1. *The drug has been approved by the United States Food and*
9 *Drug Administration for any purpose;*

10 2. *The drug has been proven safe and effective in peer-*
11 *reviewed scientific studies when used for the purpose for which it*
12 *is prescribed, dispensed or administered;*

13 3. *Use of the drug for the purpose for which it is prescribed,*
14 *dispensed or administered is not prohibited by law; and*

15 4. *Prescribing, dispensing or administering the drug, as*
16 *applicable, is within the scope of practice of the person.*

17 **Sec. 5.** Chapter 635 of NRS is hereby amended by adding
18 thereto a new section to read as follows:

19 *A person licensed under the provisions of this chapter is not*
20 *subject to professional discipline and does not violate any*
21 *applicable standard of care solely because the person prescribes,*
22 *dispenses or administers a drug for a purpose that has not been*
23 *approved by the United States Food and Drug Administration if:*

24 1. *The drug has been approved by the United States Food and*
25 *Drug Administration for any purpose;*

26 2. *The drug has been proven safe and effective in peer-*
27 *reviewed scientific studies when used for the purpose for which it*
28 *is prescribed, dispensed or administered;*

29 3. *Use of the drug for the purpose for which it is prescribed,*
30 *dispensed or administered is not prohibited by law; and*

31 4. *Prescribing, dispensing or administering the drug, as*
32 *applicable, is within the scope of practice of the person.*

33 **Sec. 6.** Chapter 636 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 *An optometrist who is certified to administer and prescribe*
36 *therapeutic pharmaceutical agents pursuant to NRS 636.288 is not*
37 *subject to professional discipline and does not violate any*
38 *applicable standard of care solely because the optometrist*
39 *administers or prescribes a drug for a purpose that has not been*
40 *approved by the United States Food and Drug Administration if:*

41 1. *The drug has been approved by the United States Food and*
42 *Drug Administration for any purpose;*

43 2. *The drug has been proven safe and effective in peer-*
44 *reviewed scientific studies when used for the purpose for which it*
45 *is administered or prescribed;*



1 3. *Use of the drug for the purpose for which it is administered*
2 *or prescribed is not prohibited by law; and*

3 4. *Administering or prescribing the drug, as applicable, is*
4 *within the scope of practice of the person.*

5 **Sec. 7.** Chapter 638 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 *A person licensed under the provisions of this chapter is not*
8 *subject to professional discipline and does not violate any*
9 *applicable standard of care solely because the person prescribes,*
10 *dispenses or administers a drug for a purpose that has not been*
11 *approved by the United States Food and Drug Administration if:*

12 1. *The drug has been approved by the United States Food and*
13 *Drug Administration for any purpose;*

14 2. *The drug has been proven safe and effective in peer-*
15 *reviewed scientific studies when used for the purpose for which it*
16 *is prescribed, dispensed or administered;*

17 3. *Use of the drug for the purpose for which it is prescribed,*
18 *dispensed or administered is not prohibited by law; and*

19 4. *Prescribing, dispensing or administering the drug, as*
20 *applicable, is within the scope of practice of the person.*

21 **Sec. 8.** Chapter 639 of NRS is hereby amended by adding
22 thereto a new section to read as follows:

23 *A person registered, licensed or certified under the provisions*
24 *of this chapter is not subject to professional discipline and does*
25 *not violate any applicable standard of care solely because the*
26 *person dispenses or administers a drug for a purpose that has not*
27 *been approved by the United States Food and Drug*
28 *Administration if:*

29 1. *The drug has been approved by the United States Food and*
30 *Drug Administration for any purpose;*

31 2. *The drug has been proven safe and effective in peer-*
32 *reviewed scientific studies when used for the purpose for which it*
33 *is dispensed or administered;*

34 3. *Use of the drug for the purpose for which it is dispensed or*
35 *administered is not prohibited by law; and*

36 4. *Dispensing or administering the drug, as applicable, is*
37 *within the scope of practice of the person.*

