JOE LOMBARDO
Governor

HELEN PARK
President

J. DAVID WUEST
Executive Secretary

STATE OF NEVADA

BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206
Reno, NV 89521

Posted: May 5, 2026

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption and Amendment of
Regulations of the Nevada State Board of Pharmacy

The Nevada State Board of Pharmacy will hold a Public Hearing at 9:00 a.m. on Thursday, June 4, 2026.

Pursuant to NRS 241.023(1)(c) the meeting is being conducted by means of remote technology. The public may attend the meeting via live stream remotely or at the following location:

Hilton Garden Inn
7830 S. Las Vegas Boulevard
Las Vegas, NV

Via Videoconference at Zoom: https://zoom.us/j/5886256671
or
Via Teleconference at 1 (669) 900-6833
Meeting ID: 588 625 6671

The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of regulations that pertain to Chapter 639 and/or 453 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

Amendment to Nevada Administrative Code (NAC). The proposed amendments establish standards for licensees relating to staffing, supervision, duties of a pharmacy, duties of a pharmacist and requirements related to the timing of dispensing prescription drugs and devices. (LCB File No. R072-25)

1. The need for and the purpose of the proposed regulation or amendment.

The purpose of the proposed regulation is to set minimum staffing standards in certain pharmacies so that patient care and safety are prioritized in the process of meeting pharmacy workloads. The proposed regulation will improve working conditions in pharmacies and address issues identified in a survey conducted by the Nevada State Board of Pharmacy of all pharmacists registered in Nevada.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public:

(a) Both adverse and beneficial effects.

The impact of this regulation on small businesses was assessed and showed that there should be little or no economic impact from this regulation on these regulated entities or on the public. Public comments have not provided a potential impact. The regulation amendment will have a beneficial effect on the regulated entities as it ensures pharmacies prioritize patient care and safety by adequately staffing each pharmacy to meet workloads and will improve work conditions in pharmacies by mitigating issues identified in a survey conducted by the Nevada State Board of Pharmacy of all pharmacists registered in Nevada. This regulation benefits the public as it will prioritize patient care and safety.

(b) Both immediate and long-term effects.

Both the immediate and long-term economic effects on regulated entities and on the public will be beneficial as the proposed regulation will ensure certain pharmacies are adequately staffed to meet workloads while prioritizing patient care and safety, and will improve work conditions in pharmacies by mitigating issues identified in a survey conducted by the Nevada State Board of Pharmacy of all pharmacists registered in Nevada.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no additional or special costs incurred by the Board of Pharmacy for enforcement of this regulation amendment.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Pharmacy is not aware of any similar regulations of any other state or local governmental agency that the proposed regulation amendment overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The regulation is not required by federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Pharmacy is not aware of any similar federal regulation of the same activity in which the state regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new or increase of fees.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Board at teambc@pharmacy.nv.gov or to the Nevada State Board of Pharmacy, 985 Damonte Ranch Parkway, Suite 206 – Reno, NV 89521. Written submissions must be received by the Board on or before June 4, 2026. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Nevada State Board of Pharmacy in writing at 985 Damonte Ranch Pkwy., #206, Reno, Nevada 89521, or by calling (775) 850-1440. Please notify us at least one (1) week prior to the scheduled meeting date to allow time to secure any necessary equipment or provisions prior to the meeting.

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://www.leg.state.nv.us. Copies of this

notice and the proposed regulation will also be mailed to members of the public upon request.

Pursuant to NRS 233B.064(1), upon adoption of any regulation, the Board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at:

www.notice.nv.gov
www.bop.nv.gov
www.leg.state.nv.us.

Nevada State Board of Pharmacy
Reno, Nevada

Nevada State Board of Pharmacy
Las Vegas, Nevada

Nevada State Library
100 N. Stewart St.
Carson City, NV 89701

PROPOSED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R072-25

April 1, 2026

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

AUTHORITY: §§ 1-9 and 11, NRS 639.070; § 10, NRS 639.070 and 639.1371.

A REGULATION relating to pharmacy; establishing certain requirements governing the staffing of certain pharmacies; requiring certain pharmacies to develop and implement certain processes and policies; requiring a pharmacy or medical products provider, with certain exceptions, to fill a prescription for a dangerous drug or medical product within 3 business days after receipt of a prescription or, for a refill, receipt of a request by the patient to refill the prescription; revising provisions concerning the supervision of pharmaceutical technicians and pharmaceutical technicians in training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations relating to the practice of pharmacy in this State. (NRS 639.070) **Section 2** of this regulation establishes certain staffing requirements for a pharmacy. **Section 2** sets forth the minimum number of pharmacists, pharmaceutical technicians and intern pharmacists that are required to be working at a pharmacy, which varies based on the number of prescriptions the pharmacy is likely to fill on a particular day and whether the pharmacy operates a drive-through facility. **Section 3** of this regulation exempts a pharmacy from complying with the staffing requirements established in **section 2** if the pharmacy is unable to comply for certain specified reasons. Under **section 3**, failure to comply with the requirements of **section 2** for a reason other than a reason specified in **section 3** constitutes unprofessional conduct and may serve as the basis for disciplinary action.

Section 4 of this regulation: (1) sets forth certain additional staffing requirements for a pharmacy that dispenses controlled substances or dangerous drugs; and (2) requires such a pharmacy to provide a pharmacist employed by the pharmacy with sufficient time to complete his or her professional duties and responsibilities.

Section 5 of this regulation requires a pharmacy that dispenses controlled substances or dangerous drugs to develop and implement a process by which a member of the staff of the pharmacy may submit to the managing pharmacist or a pharmacist designated by the managing pharmacist to assume the duties of the managing pharmacist in his or her absence a written request for additional staff or a report of a concern regarding staffing. **Section 5** sets forth procedures by which the issues presented in such a request or report must be addressed. **Section**

5 additionally prohibits a pharmacy from disciplining or retaliating against an employee of the pharmacy who submits such a request or report.

Section 6 of this regulation requires a pharmacy, other than a pharmacy that is not open to the public, to develop and implement a policy that allows a pharmacist to: (1) limit the provision of immunizations and other nondispensing services under certain circumstances; and (2) limit the points of access to the pharmacy under certain circumstances. **Section 6** prohibits a pharmacy from: (1) overriding the decision of a pharmacist made pursuant to such a policy; or (2) disciplining or retaliating against a pharmacist who makes such a decision.

Section 7 of this regulation requires a pharmacy that dispenses controlled substances or dangerous drugs and the managing pharmacist of such a pharmacy to ensure that the pharmacy complies with **sections 2-6** to the extent applicable. **Section 7** additionally requires a member of the staff of such a pharmacy to report to the Board if the pharmacy fails to meet those requirements under certain circumstances.

Section 8 of this regulation requires a pharmacy or medical products provider to fill a prescription for a dangerous drug or medical product not later than 3 business days after receipt of the prescription or, if the prescription is a refill, receipt of a request by the patient to refill the prescription. **Section 8** sets forth various circumstances under which a pharmacy or medical products provider is not required to comply with that requirement.

Section 9 of this regulation defines the terms "dispensing services" and "nondispensing services." **Section 9** also eliminates certain definitions for terms which are already defined in the Nevada Revised Statutes.

Existing law requires the Board to adopt regulations concerning pharmaceutical technicians, including requirements for the supervision of pharmaceutical technicians. (NRS 639.1371) **Section 10** of this regulation revises the number of pharmaceutical technicians or pharmaceutical technicians in training that a pharmacist is authorized to supervise, depending on the type of pharmacy in which the pharmacist is working. **Section 10** also removes the authorization for a pharmacist working in certain pharmacies to exceed the number of pharmaceutical technicians he or she would otherwise be authorized to supervise under certain circumstances. Finally, **section 10** requires a pharmacist who is a member of the staff of a pharmacy to report to the Board concerning any failure of the pharmacy to comply with the requirements governing the supervision of pharmaceutical technicians.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. ***1. Except as otherwise provided in this section, a pharmacy may be staffed with only one pharmacist.***

2. Except as otherwise provided in this section and section 3 of this regulation, on a day on which a pharmacy determines that the pharmacy is likely to fill more than 250

prescriptions, the pharmacy must be staffed at least 75 percent of the time that day that the pharmacy is open for business to the public between the hours of 9 a.m. and 9 p.m. with:

(a) At least two pharmacists who are fully dedicated to providing dispensing services and, if the pharmacy provides nondispensing services, nondispensing services; and

(b) If the pharmacy determines that the pharmacy is likely to fill more than 500 prescriptions, at least one pharmacist in addition to the pharmacists required by paragraph (a) who is, except as otherwise provided in this paragraph, fully dedicated to providing or supervising nondispensing services, except during his or her scheduled meal breaks. The pharmacist may assist in providing dispensing services, including, without limitation, the dispensing of controlled substances or dangerous drugs, if, in the professional judgment of the pharmacist, the care and safety of patients are not compromised.

3. Except as otherwise provided in section 3 of this regulation, at all times during which a pharmacy is staffed by only one pharmacist, the pharmacy must be staffed with at least:

(a) If the pharmacy does not operate a drive-through facility, one pharmaceutical technician or one intern pharmacist employed by the pharmacy.

(b) If the pharmacy operates a drive-through facility:

(1) Two pharmaceutical technicians employed by the pharmacy;

(2) Two intern pharmacists employed by the pharmacy; or

(3) One pharmaceutical technician and one intern pharmacist employed by the pharmacy.

4. A determination made by a pharmacy pursuant to subsection 2 concerning the number of prescriptions the pharmacy is likely to fill on a day must be based on the following factors:

(a) The number of prescriptions filled on the same day in the previous annum;

(b) Recent historical dispensing data;

(c) Patient demographics;

(d) Market trends;

(e) Seasonal trends; and

(f) Predictive analytics.

5. The provisions of subsection 2 do not apply to a pharmacy located in a rural area, as defined in NRS 484A.225.

6. As used in this section, "drive-through facility" has the meaning ascribed to it in NAC 639.526.

Sec. 3. *1. A pharmacy is not required to comply with the requirements of subsections 2 and 3 of section 2 of this regulation if one of the following reasons prevents the pharmacy from complying with those requirements:*

(a) An emergency;

(b) A natural or man-made disaster;

(c) The existence of a state of emergency or declaration of disaster proclaimed by the State or Federal Government; or

(d) Any other reason the Board determines is reasonable for the noncompliance of the pharmacy with the requirements.

2. If a reason specified in subsection 1 prevents the pharmacy from complying with the requirements of subsections 2 and 3 of section 2 of this regulation:

(a) The pharmacy must make an effort to provide reasonable accommodations; and

(b) The manager of the pharmacy shall disperse the total number of hours that the pharmacy is required to comply with the provisions of subsection 2 of section 2 of this

regulation for that day throughout the week in which the day falls. The manager must disperse the hours in a manner which prioritizes coverage during periods in which the pharmacy has the highest volume of dispensing and nondispensing services.

3. Failure by a pharmacy to comply with the requirements of subsections 2 and 3 of section 2 of this regulation for any reason other than a reason specified in subsection 1 constitutes unprofessional conduct pursuant to subsection 4 of NRS 639.210 and may serve as the basis for such disciplinary action as the Board deems appropriate.

4. As used in this section, "week" means a period of 7 consecutive calendar days beginning at 12:01 a.m. Sunday and ending at midnight Saturday.

Sec. 4. *1. In addition to the requirements of section 2 of this regulation, a pharmacy that dispenses controlled substances or dangerous drugs must be staffed:*

(a) In a manner that meets the demands of the pharmacy and prioritizes the care and safety of patients; and

(b) Sufficiently at all times in order to minimize fatigue, distraction or other conditions which interfere with the ability of a pharmacist to practice competently and safely.

2. A pharmacy that dispenses controlled substances or dangerous drugs must provide a pharmacist who is employed by the pharmacy with sufficient time to complete his or her professional duties and responsibilities.

Sec. 5. *1. A pharmacy that dispenses controlled substances or dangerous drugs shall develop and implement a process by which a member of the staff of the pharmacy may submit to the managing pharmacist or a pharmacist designated by the managing pharmacist to assume the duties of the managing pharmacist in his or her absence a written:*

(a) Request for additional staff; or

(b) Report of a concern regarding staffing.

2. Except as otherwise provided in subsection 3, if the managing pharmacist or his or her designee receives a request or report submitted pursuant to subsection 1, the managing pharmacist or his or her designee shall, in a timely manner to ensure a safe working environment for the staff of the pharmacy, but in no event later than 72 hours after the receipt of the request or report:

(a) Address each issue presented in the request or report;

(b) Document the actions taken by the managing pharmacist or his or her designee to address each issue; and

(c) Provide the person who submitted the request or report a written response.

3. If the managing pharmacist or his or her designee receives a request or report submitted pursuant to subsection 1 and determines that he or she does not have the authority to address an issue in the request or report, the managing pharmacist or his or her designee shall report the issue to a person who has the authority to address the issue not later than 24 hours after receipt of the request or report. The person shall, in a timely manner to ensure a safe working environment for the staff of the pharmacy, but in no event later than 72 hours after the receipt of the report of the issue:

(a) Address the issue;

(b) Document the actions taken by the person to address the issue; and

(c) Provide the person who submitted the request or report a written response.

4. A copy of each request or report submitted pursuant to subsection 1 and each written response provided pursuant to subsection 2 or 3 must be maintained on the premises of the pharmacy for at least 3 years in such a manner as to make the document readily accessible for

inspection by a member of the Board or a person conducting an inspection or investigation on behalf of the Board.

5. A pharmacy shall not discipline or retaliate in any way against an employee of the pharmacy who, in good faith, submits a request or report pursuant to subsection 1, including, without limitation, by:

(a) Removing or suspending the employee from employment;

(b) Withholding from the employee any salary increase or employee benefit to which the employee is otherwise entitled;

(c) Transferring or reassigning the employee;

(d) Denying the employee a promotion that he or she would have otherwise received; or

(e) Reducing the pay, position or scheduled work hours of the employee.

Sec. 6. *1. A pharmacy shall develop and implement a policy that allows a pharmacist to:*

(a) Limit the provision of immunizations and other nondispensing services if, in the professional judgment of the pharmacist, the provision of such services cannot be safely provided or may negatively impact the access of patients to medications. The policy required by this paragraph must require that, if the pharmacist limits the provision of immunizations and other nondispensing services, the staff of the pharmacy shall make an appointment for a patient or refer the patient to another pharmacy offering such services.

(b) Limit the points of access to the pharmacy if, in the professional judgment of the pharmacist, imposing such limitations will minimize fatigue, distraction or other conditions which interfere with the ability of a pharmacist to practice competently and safely. Any limitation on any point of access to a pharmacy pursuant to a policy required by this

paragraph must not interfere with the ability of a patient to drop off or receive dispensed prescriptions during the posted hours of operation of the pharmacy.

2. A pharmacy shall not override the decision of a pharmacist to limit the provision of immunizations and other nondispensing services or limit the points of access to the pharmacy made in accordance with the policy required by paragraph (a) or (b) of subsection 1, as applicable.

3. A pharmacy shall not discipline or retaliate against a pharmacist who limits the provision of immunizations and other nondispensing services or limits the points of access to the pharmacy in accordance with the policy required by paragraph (a) or (b) of subsection 1, as applicable, including, without limitation, by:

(a) Removing or suspending the pharmacist from employment;

(b) Withholding from the pharmacist any salary increase or employee benefit to which the pharmacist is otherwise entitled;

(c) Transferring or reassigning the pharmacist;

(d) Denying the pharmacist a promotion that he or she would have otherwise received; or

(e) Reducing the pay, position or scheduled work hours of the pharmacist.

4. A pharmacy shall maintain a copy of each of the policies required by subsection 1 on the premises of the pharmacy in such a manner as to make the document readily accessible for inspection by a member of the Board or a person conducting an inspection or investigation on behalf of the Board.

5. The provisions of this section do not apply to a pharmacy that is not open to the public.

Sec. 7. *1. A pharmacy that dispenses controlled substances or dangerous drugs and the managing pharmacist of such a pharmacy shall ensure that the pharmacy complies with sections 2 to 6, inclusive, of this regulation to the extent applicable.*

2. A pharmacist who is a member of the staff of a pharmacy that dispenses controlled substances or dangerous drugs, including, without limitation, the managing pharmacist of such a pharmacy, shall report to the Board any failure of the pharmacy to meet the requirements of sections 2 to 6, inclusive, of this regulation if, in the professional judgment of the pharmacist, the failure may have compromised the care and safety of any patient.

Sec. 8. *1. Except as otherwise provided in subsection 2, a pharmacy or medical products provider shall fill a prescription for a dangerous drug or medical product not later than 3 business days after:*

(a) Receipt of the prescription; or

(b) If the prescription is a refill, receipt of a request by the patient to refill the prescription.

2. A pharmacy or medical products provider is not required to comply with the requirements of subsection 1 if:

(a) A prior authorization or contact for clarification with the prescribing practitioner of the prescribed dangerous drug or medical product is required;

(b) The insurance carrier of the patient refuses to pay for the prescription and the patient is unable to pay for the prescription by cash;

(c) The prescribing practitioner cancels the prescription;

(d) The prescription is determined to be therapeutically inappropriate after a review of the record of the patient pursuant to subsection 4 of NAC 639.707;

(e) The prescription is determined to be unlawful, fraudulent or not issued for a legitimate medical purpose;

(f) The prescribed dangerous drug or medical product is not available because:

(1) There is a documented shortage of the dangerous drug or medical product;

(2) The dangerous drug or medical product is on back order;

(3) The dangerous drug or medical product is not available from the distributor of the pharmacy or medical products provider; or

(4) The pharmacy or medical products provider does not stock the dangerous drug or medical product and is required to order the dangerous drug or medical product to fill the prescription as prescribed;

(g) The pharmacy or medical products provider cannot process the prescription because of a temporary technological or electronic failure, including, without limitation, a power outage, in the computer system that is necessary to process the prescription;

(h) The pharmacy or medical products provider cannot process the prescription because of:

(1) A natural or man-made disaster;

(2) An outbreak of a pandemic;

(3) The existence of a state of emergency or declaration of disaster that has been declared by the State or Federal Government; or

(4) Any other incident that significantly impacts the ability of the pharmacy or medical products provider to timely process the prescription;

(i) The prescription is for a compounded product;

(j) For a prescription that is a refill, the patient is not yet due for a refill based on when the patient last filled a prescription for the same drug or dosage; or

(k) The Board determines that there is a reasonable reason why the pharmacy or medical products provider could not timely process the prescription.

3. A pharmacy or medical products provider that fails to fill a prescription within the time required by subsection 1 shall readily provide to a member of the Board or a person conducting an inspection or investigation on behalf of the Board, upon request, the reason for the failure.

4. As used in this section:

(a) "Medical product" has the meaning ascribed to it in NAC 639.6935.

(b) "Medical products provider" has the meaning ascribed to it in NAC 639.6936.

Sec. 9. NAC 639.010 is hereby amended to read as follows:

639.010 As used in this chapter, unless the context otherwise requires:

1. "Automated drug dispensing system" means a system that performs operations, other than compounding or administration, related to the storage and dispensing of drugs.

2. ~~[~~"Board" means the State Board of Pharmacy.~~]~~

~~3. "Controlled substance" has the meaning ascribed to it in NRS 0.031.~~

~~4.]~~ "Dangerous drug" has the meaning ascribed to it in NRS 454.201.

~~[5.]~~ ***3.*** "Direct supervision" means the direction given by a supervising pharmacist or dispensing practitioner who is:

(a) On the premises of the pharmacy or telepharmacy at all times when the person he or she is supervising is working at the pharmacy or telepharmacy or at a remote site or satellite consultation site; and

(b) Aware of the activities of that person related to the preparation and dispensing of medications, including the maintenance of appropriate records.

~~[6.]~~ ***4.*** "Dispensing practitioner" means:

(a) A practitioner to whom the Board has issued a certificate of registration pursuant to NAC 639.742 to dispense controlled substances or dangerous drugs, or both, for human consumption;

(b) A licensed veterinarian to whom the Board has issued a certificate of registration pursuant to NAC 639.7423 to dispense controlled substances or dangerous drugs, or both, not for human consumption; or

(c) A registered nurse to whom the Board has issued a certificate of registration pursuant to section 1 of LCB File No. R013-24 to dispense dangerous drugs for human consumption.

~~[7.]~~ ***5. "Dispensing services" means the filling and dispensing of prescriptions.***

6. "Dispensing technician" means a person who performs technical services in a pharmacy under the direct supervision of a dispensing practitioner and is registered with the Board pursuant to NAC 639.7425.

~~[8.]~~ ***7.*** "Dispensing technician in training" means a person who is registered with the Board pursuant to NAC 639.7424 in order to obtain the training and experience required to be a dispensing technician pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NAC 639.7425.

~~[9.]~~ ***8.*** "Executive Secretary" means the Executive Secretary employed by the Board pursuant to NRS 639.040.

~~[10.]~~ ***9.*** "Facility for treatment with narcotics" has the meaning ascribed to it in NAC 449.1542.

~~[11.]~~ ***10.*** "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

~~[12.]~~ ***11.*** "Federally-qualified health center vehicle" means a vehicle that meets the requirements of paragraph (c) of subsection 1 of NAC 639.7422.

~~[13.]~~ ***12.*** "Licensed veterinarian" has the meaning ascribed to it in NRS 638.007.

13. "Nondispensing services" means all activities performed by a pharmacist that are not dispensing services.

14. "Oncology group practice" means two or more dispensing practitioners who practice oncology in a group practice.

15. "Pharmaceutical technician" means a person who performs technical services in a pharmacy under the direct supervision of a pharmacist and is registered with the Board pursuant to NAC 639.240.

16. "Pharmaceutical technician in training" means a person who is registered with the Board pursuant to NAC 639.242 in order to obtain the training and experience required to be a pharmaceutical technician pursuant to subparagraph (3) of paragraph (d) of subsection 2 of NAC 639.240, or who is enrolled in a program of training for pharmaceutical technicians that is approved by the Board.

17. ~~["Practitioner" has the meaning ascribed to it in NRS 639.0125.~~

~~18.]~~ "Prescription drug" means a drug or medicine as defined in NRS 639.007 which:

(a) May be dispensed only upon a prescription order that is issued by a practitioner; and

(b) Is labeled with the symbol "Rx only" pursuant to federal law or regulation.

~~[19.]~~ ***18.*** "Public or nonprofit agency" means a health center as defined in 42 U.S.C. § 254b(a) which:

(a) Provides health care primarily to medically underserved persons in a community;

(b) Is receiving a grant issued pursuant to 42 U.S.C. § 254b or, although qualified to receive such a grant directly from the Federal Government, is receiving money from such a grant under a contract with the recipient of that grant; and

(c) Is not a medical facility as defined in NRS 449.0151.

~~[20.]~~ ***19.*** "Reproductive healthcare center" means a health facility owned and operated by a nonprofit corporation or a public health center, as defined in subsection 9 of NRS 449.260, as amended by section 225 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3718, principally engaged in providing family planning services and reproductive healthcare, including, without limitation, the testing, diagnosis and treatment of, or providing of medication to prevent, a sexually transmitted infection or other infection of the urogenital system.

~~[21.]~~ ***20.*** "Surgical center for ambulatory patients" has the meaning ascribed to it in NRS 449.019.

~~[22.]~~ ***21.*** "User-based access technology" means software or hardware that restricts access to an automated drug dispensing system to authorized users by requiring two-factor authentication. Authentication factors may include, without limitation, knowledge, hardware tokens or biometric information.

Sec. 10. NAC 639.250 is hereby amended to read as follows:

639.250 Except as otherwise provided in NAC 639.258:

1. Except as otherwise provided in subsection 5, in ~~[a hospital,]~~ ***an institutional pharmacy or a pharmacy in a correctional institution,*** a pharmacist who is dispensing prescriptions may not supervise more than a total of three pharmaceutical technicians at one time. A pharmacist who is supervising distributive functions may not supervise more than a total of two

pharmaceutical technicians and one pharmaceutical technician in training while the trainee is performing technician functions in on-the-job training.

2. ~~[Except as otherwise provided in subsection 5, in]~~ ***In*** any pharmacy, other than ~~[a hospital]~~ ***an institutional*** pharmacy, ***pharmacy in a correctional institution,*** telepharmacy, remote site, satellite consultation site or nondispensing pharmacy, a pharmacist may not supervise more than a total of ~~[three]~~ ***four*** pharmaceutical technicians or ~~[one]~~ ***two*** pharmaceutical ~~[technician]~~ ***technicians*** and two pharmaceutical technicians in training at one time.

3. In any telepharmacy, remote site or satellite consultation site, a pharmacist may not supervise more than a total of three pharmaceutical technicians at one time.

4. In any nondispensing pharmacy, a pharmacist may not supervise more than a total of eight pharmaceutical technicians or six pharmaceutical technicians and two pharmaceutical technicians in training at one time.

5. A pharmacist ***in an institutional pharmacy or a pharmacy in a correctional institution*** may supervise more pharmaceutical technicians and pharmaceutical technicians in training at one time than are otherwise allowed pursuant to ~~[subsections]~~ ***subsection*** 1 ~~[and 2]~~ if:

(a) Not more than three of the pharmaceutical technicians or pharmaceutical technicians in training are performing the duties of a pharmaceutical technician as set forth in NAC 639.245; and

(b) The record kept by the pharmacy pursuant to NAC 639.245 identifies the pharmaceutical technicians and pharmaceutical technicians in training who are performing the duties of a pharmaceutical technician as set forth in NAC 639.245.

6. ***A pharmacist who is a member of the staff of a pharmacy, including, without limitation, the managing pharmacist of such a pharmacy, shall report to the Board when the pharmacy fails to meet the requirements of this section.***

7. As used in this section, "nondispensing pharmacy" means a pharmacy that is licensed pursuant to this chapter and chapter 639 of NRS that does not dispense, including, without limitation, drugs, controlled substances, poisons, medicines or chemicals.

Sec. 11. This regulation becomes effective 90 days after the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.