

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 217

Introduced By: Ashford, 20
Read first time: January 9, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-1437, Revised Statutes Cumulative Supplement, 2006; to
3 change provisions relating to unlawful acts regarding drug
4 substances; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1437, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 28-1437. (1) It shall be unlawful for any person knowingly
4 or intentionally to possess or to acquire or obtain or to attempt to
5 acquire or obtain by means of misrepresentation, fraud, forgery,
6 deception, or subterfuge possession of any drug substance not
7 classified as a controlled substance under the Uniform Controlled
8 Substances Act, but which can only be lawfully distributed, under
9 federal statutes in effect on April 16, 1996, upon the written or oral
10 order of a practitioner authorized to prescribe such substances.

11 (2) Such substances as referred to in subsection (1) of this
12 section shall be known as legend drug substances, which shall be
13 defined as including all drug substances not classified as controlled
14 substances under the Uniform Controlled Substances Act, but which
15 require a written or oral prescription from a practitioner authorized
16 to prescribe such substances and which may only be lawfully dispensed
17 by a duly licensed pharmacist, in accordance with the provisions of
18 the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 to 392, in
19 effect on April 16, 1996.

20 (3) A prescription for a legend drug may be transmitted by
21 the practitioner or the practitioner's agent to a pharmacy by
22 facsimile or electronic transmission. Except as otherwise provided in
23 section 28-414 for prescriptions for Schedule II, III, IV, or V
24 controlled substances, the facsimile or electronic transmission shall
25 serve as the original prescription for purposes of this ~~subsection.~~
26 section.

27 Sec. 2. Original section 28-1437, Revised Statutes

1 Cumulative Supplement, 2006, is repealed.