

PRESIDENT: Mr. Clerk.

CLERK: Mr. President, there are amendments offered by Senator Kelly which have been printed in full in the Legislative Journal on page 435.

PRESIDENT: Senator Kelly.

SENATOR KELLY: Mr. President, members of the Legislature. If you would find the amendments as they are printed on page 435 in the Journal, it would be helpful as you follow these amendments. First of all, Mr. President, I would request a division of the question. This amendment would consist of three separate ideas and the division would be on the printed amendment in the Journal. On line 15, the word "pharmacist" would be the last word in the first division of the question. From line 15 through line 23 would be the second division of the question. Line 24 through line 27 would be the third division of the question. Line 15 through the word "pharmacist" would be the first division. Then through line 23 would be the second division and through line 27 would be the third division.

PRESIDENT: You're making a request for the division of the question?

SENATOR KELLY: Yes, sir.

PRESIDENT: The Chair would like to look at your request. That's within the rules. There still is substantial question remaining even with the division, so the Chair will rule that your request is in order and we shall divide the question, Senator Moylan, for purposes of debate we will label them, Division Number 1, Division Number 2, and Division Number 3. Then we have to vote on all of them at once, Senator Kelly.

SENATOR KELLY: I certainly thank you, Mr. President, because this is a very important issue to this Legislature and the citizens of Nebraska and the medical delivery services of Nebraska. We should pay close attention and each of these three divisions has its own particular thrust and merit. I would talk first to the first division of the question. To put it simply, the first division to the question would reverse the procedure that is involved in LB 103. The present procedure being that there is a complete, without reservation, ability of the pharmacist on his own cognizance to change the prescription given him by a physician and substitute the generic equivalent and whether that generic equivalent is bio equivalent is another question. This is one that the pharmacist will be answering. The first division of the question would require that the prescribing physician would specifically authorize substitution on that prescription rather than as it is now which means that the physician must specifically prohibit the substitution. It's similar to the standard check off procedure of, say union dues or political action committee contributions or similar to the record of the month club or the book of the month club. If you do not specifically stop it, you'll get it. This is the thrust of the first division of the question. I urge its adoption.

PRESIDENT: Senator Fowler. Do you wish to speak on the first division?