

AMENDMENTS TO LB 379

1 1. Insert the following new sections:

2 "Sec. 2. Section 28-412, Revised Statutes Supplement,
3 1998, is amended to read:

4 28-412. It shall be unlawful for any duly licensed
5 practicing physician to prescribe, or for any duly licensed
6 practicing physician, physician assistant, dentist, or
7 veterinarian, to administer, in any manner or form, any cocaine,
8 alpha or beta eucaine, morphine, or opium, or any salt, compound,
9 or derivative of any of the foregoing substances, or any
10 preparation, product, or compound, containing any of the foregoing
11 substances or any of their salts, compounds, or derivatives, for,
12 or to, any person addicted to the habitual use of cocaine, alpha or
13 beta eucaine, morphine, or opium, or any salt, compound, or
14 derivative of any of the foregoing substances, or any preparation,
15 product, or compound containing any of the foregoing substances or
16 any of their salts, compounds, or derivatives, except that a
17 reputable and duly licensed practicing physician may personally
18 administer to a patient who is a habitual user of such drugs, or
19 any of them, necessary doses thereof, when it has been in good
20 faith determined by two reputable and duly licensed practicing
21 physicians, in consultation, to be absolutely necessary in the
22 medical treatment of such patient, in which case, the physician
23 administering such drugs, or any of them, shall make and keep a
24 record in writing of the name and address of the person to whom

1 such drugs, or any of them, were administered, the date
2 administered, the form and quantity of drug administered, the name
3 and address of the consulting physician, and the date and place of
4 consultation. Such record shall be retained and preserved within
5 the State of Nebraska, and the county where administered, for a
6 period of at least seven years, and shall always be open for
7 inspection by the Department of Health and Human Services
8 Regulation and Licensure, state, county and city health officers,
9 county attorneys, grand juries, and all officers of the law, and by
10 agents appointed by them, or any of them, for the purpose of making
11 an inspection. The record shall be made at the time of each
12 administration of such drugs, or any of them, and a copy of the
13 record shall, within five days after each administration of such
14 drugs, or any of them, as in this section provided, be filed with
15 the county attorney of the county in which the administering took
16 place, by the physician administering the drugs, or any of them,
17 and shall have affixed thereto the signature and address of the
18 administering physician.

19 Any person violating any of the provisions or
20 requirements of this section or any part thereof shall be guilty of
21 a Class IV felony.

22 Sec. 3. Section 28-415, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 28-415. (1) Whenever a manufacturer sells or dispenses a
25 narcotic drug and whenever a wholesaler sells or dispenses a
26 narcotic drug in a package prepared by him or her, he or she shall
27 securely affix to each package in which the drug is contained a

1 label showing in legible English the name and address of the vendor
2 and the quantity, kind, and form of narcotic drug contained
3 therein. No person, except an apothecary for the purpose of
4 filling a prescription under ~~this article~~ the Uniform Controlled
5 Substances Act, shall alter, deface, or remove any label so
6 affixed.

7 (2) Whenever an apothecary sells or dispenses any
8 narcotic drug on a prescription issued by a physician, physician
9 assistant, dentist, podiatrist, or veterinarian, he or she shall
10 affix to the container in which such drug is sold or dispensed a
11 label in accordance with the requirements stated in subdivisions
12 (4)(f) and (g) of section 28-414. No person shall alter, deface,
13 or remove any label so affixed."

14 2. On page 3, line 15, after the first comma insert
15 "physician assistant,".

16 3. On page 11, line 10, strike "section" and insert
17 "sections 28-415 and"; and in line 11 strike "section 28-401" and
18 insert "sections 28-401 and 28-412".

19 4. Renumber the remaining sections accordingly.