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delegated dispensing agreement. The Board of Pharmacy may determine that the approval of a formulary isn't necessary in certain cases. The amendment outright repeals several sections and has also an emergency clause. That will conclude my opening, Mr. President. The committee statement on LB 398 contains a more thorough description of other provisions of the amendment. I would simply urge the adoption of the committee amendment. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Jensen. You've heard the opening on the committee amendment by Chairman Jensen. Open for discussion on those amendments. Senator Hilgert, followed by Senator Janssen.

SENATOR HILGERT: Thank you, Mr. President and members. If I could ask the chairman regarding the committee amendments, I have a couple of questions.

SENATOR CUDABACK: Senator...Senator Jensen, would you yield?

SENATOR HILGERT: On page 11, on line 11-16, reading this with all the changes in place, "It is unlawful for any practitioner or other person, while in a state of intoxication, to prescribe or administer any poison, drug, or medicine to another person which endangers the life of such person. A violation of this section is a Class VI felony". My question for you is, so they have to be...it's not under the influence, but you have to have intoxication, and if you have to have intoxication, what's the percentage amount that you're using for the...for intoxication under this felony provision?

SENATOR JENSEN: You want to know what percentage?

SENATOR HILGERT: Yeah. Do you need a .08, is it .10, is it a .16? I mean, are we talking about impaired? Right...in the language here, it has to be intoxicated, so it's okay if you're under the influence. It's okay if you have been drinking, but you just can't be intoxicated. And since you've chosen to have that nuance in the law, I was wondering how do you define that?

SENATOR JENSEN: Senator Hilgert, that is a very good question.