

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 759

Introduced by Hudkins, 21; Johnson, 37; McDonald, 41; Preister, 5.

Read first time January 09, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to prescription drugs; to amend section
2 71-2431, Revised Statutes Supplement, 2007; to change
3 provisions relating to relabeling and redispensing; to
4 provide an operative date; and to repeal the original
5 section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-2431, Revised Statutes Supplement,
2 2007, is amended to read:

3 71-2431 (1) Prescription drugs or devices which have been
4 delivered to a community health center, a correctional facility,
5 or a jail for dispensing to a patient of such health center or an
6 inmate of such correctional facility or jail pursuant to a valid
7 prescription, but which are not dispensed or administered to such
8 patient or inmate, may be delivered to a pharmacist or pharmacy
9 under contract with the community health center, correctional
10 facility, or jail for relabeling and redispensing to another
11 patient of such health center or inmate of such correctional
12 facility or jail pursuant to a valid prescription if:

13 (a) The decision to accept delivery of the drug or device
14 for relabeling and redispensing rests solely with the contracting
15 pharmacist or pharmacy;

16 (b) The drug or device has been in the control of the
17 community health center, correctional facility, or jail at all
18 times;

19 (c) The drug or device is in the original and unopened
20 labeled container with a tamper-evident seal intact. Such container
21 shall bear the expiration date or calculated expiration date and
22 lot number; and

23 (d) The relabeling and redispensing is not otherwise
24 prohibited by law.

25 (2) For purposes of this section:

1 (a) Administer has the definition found in section
2 38-2806;

3 (b) Calculated expiration date has the definition found
4 in section 38-2884;

5 (c) Community health center means a community health
6 center established pursuant to the Health Centers Consolidation Act
7 of 1996, 42 U.S.C. 201 et seq., as such act existed on May 7, 2005;

8 (d) Deliver or delivery has the definition found in
9 section 38-2813;

10 (e) Dispense or dispensing has the definition found in
11 section 38-2817;

12 (f) Prescription has the definition found in section
13 38-2840; and

14 (g) Prescription drug or device has the definition found
15 in section 38-2841.

16 (3) The Department of Health and Human Services, in
17 consultation with the Board of Pharmacy, may adopt and promulgate
18 rules and regulations to carry out this section.

19 Sec. 2. This act becomes operative on December 1, 2008.

20 Sec. 3. Original section 71-2431, Revised Statutes
21 Supplement, 2007, is repealed.