

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 795

Introduced by Wayne, 13.

Read first time January 18, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to
2 amend section 28-470, Revised Statutes Cumulative Supplement, 2022;
3 to provide for immunity for administration of naloxone or other
4 federally approved opioid antagonists as prescribed; to eliminate
5 and provide definitions; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-470, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 28-470 (1) A health professional who is authorized to prescribe or
4 dispense an opioid antagonist naloxone, if acting with reasonable care,
5 may prescribe, administer, or dispense an opioid antagonist naloxone to
6 any of the following persons without being subject to administrative
7 action or criminal prosecution:

8 (a) A person who is apparently experiencing or who is likely to
9 experience an opioid-related overdose; or

10 (b) A family member, friend, or other person in a position to assist
11 a person who is apparently experiencing or who is likely to experience an
12 opioid-related overdose.

13 (2) A family member, friend, or other person who is in a position to
14 assist a person who is apparently experiencing or who is likely to
15 experience an opioid-related overdose, other than an emergency responder
16 or peace officer, is not subject to actions under the Uniform
17 Credentialing Act, administrative action, or criminal prosecution if the
18 person, acting in good faith, obtains an opioid antagonist naloxone from
19 a health professional or a prescription for an opioid antagonist naloxone
20 from a health professional and administers the opioid antagonist naloxone
21 obtained from the health professional or acquired pursuant to the
22 prescription to a person who is apparently experiencing an opioid-related
23 overdose.

24 (3) An emergency responder who, acting in good faith, obtains an
25 opioid antagonist naloxone from the emergency responder's emergency
26 medical service organization and administers the opioid antagonist
27 naloxone to a person who is apparently experiencing an opioid-related
28 overdose shall not be:

29 (a) Subject to administrative action or criminal prosecution; or

30 (b) Personally liable in any civil action to respond in damages as a
31 result of his or her acts of commission or omission arising out of and in

1 the course of his or her rendering such care or services or arising out
2 of his or her failure to act to provide or arrange for further medical
3 treatment or care for the person who is apparently experiencing an
4 opioid-related overdose, unless the emergency responder caused damage or
5 injury by his or her willful, wanton, or grossly negligent act of
6 commission or omission. This subdivision shall not affect the liability
7 of such emergency medical service organization for the emergency
8 responder's acts of commission or omission.

9 (4) A peace officer or law enforcement employee who, acting in good
10 faith, obtains an opioid antagonist naloxone from the peace officer's or
11 employee's law enforcement agency and administers the opioid antagonist
12 ~~naloxone~~ to a person who is apparently experiencing an opioid-related
13 overdose shall not be:

- 14 (a) Subject to administrative action or criminal prosecution; or
15 (b) Personally liable in any civil action to respond in damages as a
16 result of his or her acts of commission or omission arising out of and in
17 the course of his or her rendering such care or services or arising out
18 of his or her failure to act to provide or arrange for further medical
19 treatment or care for the person who is apparently experiencing an
20 opioid-related overdose, unless the peace officer or employee caused
21 damage or injury by his or her willful, wanton, or grossly negligent act
22 of commission or omission. This subdivision shall not affect the
23 liability of such law enforcement agency for the peace officer's or
24 employee's acts of commission or omission.

25 (5) For purposes of this section:

26 (a) Administer has the same meaning as in section 38-2806;

27 (b) Dispense has the same meaning as in section 38-2817;

28 (c) Emergency responder means an emergency medical responder, an
29 emergency medical technician, an advanced emergency medical technician,
30 or a paramedic licensed under the Emergency Medical Services Practice Act
31 or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

1 (d) Health professional means a physician, physician assistant,
2 nurse practitioner, or pharmacist licensed under the Uniform
3 Credentialing Act;

4 (e) Law enforcement agency means a police department, a town
5 marshal, the office of sheriff, or the Nebraska State Patrol;

6 (f) Law enforcement employee means an employee of a law enforcement
7 agency, a contractor of a law enforcement agency, or an employee of such
8 contractor who regularly, as part of his or her duties, handles,
9 processes, or is likely to come into contact with any evidence or
10 property which may include or contain opioids;

11 (g) Opioid antagonist means naloxone hydrochloride or any other
12 opioid antagonist that is approved by the United States Food and Drug
13 Administration for emergency reversal of known or suspected opioid
14 overdose ~~Naloxone means naloxone hydrochloride;~~ and

15 (h) Peace officer has the same meaning as in section 49-801.

16 Sec. 2. Original section 28-470, Revised Statutes Cumulative
17 Supplement, 2022, is repealed.