

AMENDMENTS TO LB195

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 28-470, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

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

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

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

15 (2) A family member, friend, or any other person, including school
16 personnel, who is in a position to assist a person who is apparently
17 experiencing or who is likely to experience an opioid-related overdose,
18 other than an emergency responder or peace officer, is not subject to
19 actions under the Uniform Credentialing Act, administrative action, or
20 criminal prosecution if the person, acting in good faith:

21 (a) Obtains an opioid overdose reversal medication ~~, obtains~~
22 ~~naloxone~~ from a health professional, pursuant to ~~or a prescription, or~~
23 over the counter; ~~for naloxone from a health professional and~~

24 (b) Administers such medication ~~administers the naloxone obtained~~
25 ~~from the health professional or acquired pursuant to the prescription to~~
26 a person who is apparently experiencing an opioid-related overdose.

27 (3) An emergency responder who, acting in good faith, obtains an

1 opioid overdose reversal medication naloxone from the emergency
2 responder's emergency medical service organization and administers such
3 medication ~~the naloxone~~ to a person who is apparently experiencing an
4 opioid-related overdose shall not be:

5 (a) Subject to administrative action or criminal prosecution; or
6 (b) Personally liable in any civil action to respond in damages as a
7 result of his or her acts of commission or omission arising out of and in
8 the course of his or her rendering such care or services or arising out
9 of his or her failure to act to provide or arrange for further medical
10 treatment or care for the person who is apparently experiencing an
11 opioid-related overdose, unless the emergency responder caused damage or
12 injury by his or her willful, wanton, or grossly negligent act of
13 commission or omission. This subdivision shall not affect the liability
14 of such emergency medical service organization for the emergency
15 responder's acts of commission or omission.

16 (4) A peace officer or law enforcement employee who, acting in good
17 faith, obtains an opioid overdose reversal medication naloxone from the
18 peace officer's or employee's law enforcement agency and administers such
19 medication ~~the naloxone~~ to a person who is apparently experiencing an
20 opioid-related overdose shall not be:

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

1 (5) For purposes of this section:

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

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

4 (c) Emergency responder means an emergency medical responder, an
5 emergency medical technician, an advanced emergency medical technician,
6 or a paramedic licensed under the Emergency Medical Services Practice Act
7 or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

8 (d) Health professional means a physician, physician assistant,
9 nurse practitioner, or pharmacist licensed under the Uniform
10 Credentialing Act;

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

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

18 (g) Opioid overdose reversal medication means any lifesaving
19 medication approved by the United States Food and Drug Administration for
20 reversing an opioid overdose, whether obtained by prescription, from a
21 health care practitioner, or over the counter, and includes, but is not
22 limited to, naloxone and nalmefene ~~Naloxone means naloxone hydrochloride;~~
23 and

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

25 **Sec. 2.** Original section 28-470, Revised Statutes Cumulative
26 Supplement, 2024, is repealed.