

AMENDMENTS TO LB796

Introduced by Health and Human Services.

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

3 **Section 1.** Section 38-2801, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 38-2801 Sections 38-2801 to 38-28,117 and section 2 of this act and
6 the Nebraska Drug Product Selection Act shall be known and may be cited
7 as the Pharmacy Practice Act.

8 **Sec. 2.** (1) Individuals employed by a facility where dispensed
9 drugs and devices are delivered from a pharmacy to be picked up by a
10 patient or caregiver, as requested by the patient, shall not be
11 considered to be engaging in the practice of pharmacy if:

12 (a) The drug or device has been prepaid by the patient or caregiver;

13 (b) The dispensing pharmacist has offered patient counseling either
14 prior to, or at the time of, dispensing;

15 (c) The drug or device is (i) maintained in the packaging as
16 received from the dispensing pharmacy and stored in accordance with the
17 manufacturer's recommendations and (ii) kept in a separate area from
18 other drugs or devices held by the facility;

19 (d) The drug or device being delivered is not a controlled
20 substance;

21 (e) A drug or device that is not picked up within thirty days after
22 delivery is donated or destroyed by the facility or returned to the
23 pharmacy and is not eligible for a refund of any amount paid;

24 (f) The facility has implemented a written policy relating to the
25 donation or destruction of a drug or device that is not picked up by a
26 patient or caregiver within thirty days after delivery to the facility;
27 and

1 (g) The facility maintains documentation of the delivery of a drug
2 or device under this subsection, including the date received, the name of
3 the pharmacy, the name of the patient, the signature and printed name of
4 the individual picking up the drug or device, the date it was picked up,
5 and the date of donation, destruction, or return to a pharmacy.

6 (2) A facility other than a pharmacy, acting in accordance with
7 subsection (1) of this section, shall not be liable for the contents of a
8 drug or device delivered to a patient.

9 (3) The decision to accept a drug or device for delivery to a
10 patient rests solely with the receiving facility.

11 (4) The department, with the recommendation of the board, may adopt
12 and promulgate rules and regulations for the administration of this
13 section.

14 **Sec. 3.** Section 38-2850, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 38-2850 As authorized by the Uniform Credentialing Act, the practice
17 of pharmacy may be engaged in by a pharmacist, a pharmacist intern, or a
18 practitioner with a pharmacy license. The practice of pharmacy shall not
19 be construed to include:

20 (1) Practitioners, other than veterinarians, certified nurse
21 midwives, certified registered nurse anesthetists, nurse practitioners,
22 and physician assistants, who dispense drugs or devices as an incident to
23 the practice of their profession, except that if such practitioner
24 engages in dispensing such drugs or devices to his or her patients for
25 which such patients are charged, such practitioner shall obtain a
26 pharmacy license;

27 (2) Persons who sell, offer, or expose for sale nonprescription
28 drugs or proprietary medicines, the sale of which is not in itself a
29 violation of the Nebraska Liquor Control Act;

30 (3) Medical representatives, detail persons, or persons known by
31 some name of like import, but only to the extent of permitting the

1 relating of pharmaceutical information to health care professionals;

2 (4) Licensed veterinarians practicing within the scope of their
3 profession;

4 (5) Certified nurse midwives, certified registered nurse
5 anesthetists, nurse practitioners, and physician assistants who dispense
6 sample medications which are provided by the manufacturer and are
7 dispensed at no charge to the patient;

8 (6) Optometrists who prescribe or dispense eyeglasses or contact
9 lenses to their own patients, including contact lenses that contain and
10 deliver ocular pharmaceutical agents as authorized under the Optometry
11 Practice Act, and ophthalmologists who prescribe or dispense eyeglasses
12 or contact lenses to their own patients, including contact lenses that
13 contain and deliver ocular pharmaceutical agents;

14 (7) Registered nurses or licensed practical nurses employed by a
15 hospital who administer pursuant to a chart order, or procure for such
16 purpose, single doses of drugs or devices from original drug or device
17 containers or properly labeled repackaged or prepackaged drug or device
18 containers to persons registered as patients and within the confines of
19 the hospital;

20 (8) Persons employed by a facility where dispensed drugs and devices
21 are delivered from a pharmacy for pickup by a patient or caregiver and no
22 dispensing or storage of drugs or devices occurs;

23 (9) Persons who sell or purchase medical products, compounds,
24 vaccines, or serums used in the prevention or cure of animal diseases and
25 maintenance of animal health if such medical products, compounds,
26 vaccines, or serums are not sold or purchased under a direct, specific,
27 written medical order of a licensed veterinarian;

28 (10) A person accredited by an accrediting body who, pursuant to a
29 medical order, (a) administers, dispenses, or distributes medical gas or
30 medical gas devices to patients or ultimate users or (b) purchases or
31 receives medical gas or medical gas devices for administration,

1 dispensing, or distribution to patients or ultimate users; ~~and~~

2 (11) A person accredited by an accrediting body who, pursuant to a
3 medical order, (a) sells, delivers, or distributes devices described in
4 subsection (2) of section 38-2841 to patients or ultimate users or (b)
5 purchases or receives such devices with intent to sell, deliver, or
6 distribute to patients or ultimate users; and -

7 (12) Individuals described in section 2 of this act.

8 **Sec. 4.** Original section 38-2850, Reissue Revised Statutes of
9 Nebraska, and section 38-2801, Revised Statutes Cumulative Supplement,
10 2024, are repealed.