

AMENDMENTS TO LB912

Introduced by DeKay, 40.

1 1. Insert the following new sections:

2 **Sec. 6.** Section 38-2801, Revised Statutes Cumulative Supplement,  
3 2024, is amended to read:

4 38-2801 Sections 38-2801 to 38-28,117 and section 7 of this act and  
5 the Nebraska Drug Product Selection Act shall be known and may be cited  
6 as the Pharmacy Practice Act.

7 **Sec. 7.** (1) Individuals employed by a facility where dispensed  
8 drugs and devices are delivered from a pharmacy to be picked up by a  
9 patient or caregiver, as requested by the patient, shall not be  
10 considered to be engaging in the practice of pharmacy if:

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

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

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

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

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

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

27 (g) The facility maintains documentation of the delivery of a drug

1 or device under this subsection, including the date received, the name of  
2 the pharmacy, the name of the patient, the signature and printed name of  
3 the individual picking up the drug or device, the date it was picked up,  
4 and the date of donation, destruction, or return to a pharmacy.

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

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

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

13 **Sec. 8.** Section 38-2850, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 38-2850 As authorized by the Uniform Credentialing Act, the practice  
16 of pharmacy may be engaged in by a pharmacist, a pharmacist intern, or a  
17 practitioner with a pharmacy license. The practice of pharmacy shall not  
18 be construed to include:

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

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

29 (3) Medical representatives, detail persons, or persons known by  
30 some name of like import, but only to the extent of permitting the  
31 relating of pharmaceutical information to health care professionals;

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

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

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

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

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

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

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

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

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

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