

ONE HUNDRED NINTH LEGISLATURE - SECOND SESSION - 2026
COMMITTEE STATEMENT
LB796

Hearing Date: Thursday February 26, 2026
Committee On: Health and Human Services
Introducer: DeKay
One Liner: Change provisions relating to the practice of pharmacy

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 7 Senators Hardin, Ballard, Fredrickson, Hansen, Meyer, G., Quick, Riepe
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Barry DeKay
Ryan McIntosh

Representing:

Opening Presenter
Nebraska Pharmacists Association

Opponents:

Representing:

Neutral:

Dr. Timothy Tesmer

Representing:

Department of Health and Human Services

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 796 amends provisions relating to the practice of pharmacy. Specifically, this bill amends section 38-2850 of the Pharmacy Practice Act by adding the words "any of the following" before the list of exclusions to the practice of pharmacy.

Explanation of amendments:

AM2328 to LB 796 strikes the original sections of LB 796 and inserts the following new sections.

SECTION BY SECTION SUMMARY:

Section 1: Amends 38-2801 by adding new Section 2 to the Pharmacy Practice Act.

Section 2: A new section of law which provides that individuals employed by a facility where dispensed drugs and devices are delivered from a pharmacy to be picked up by a patient or caregiver, as requested by the patient, shall



not be considered to be engaging in the practice of pharmacy if the following conditions exist: First, the drug or device has been prepaid by the patient or caregiver. Second, the dispensing patient has offered patient counseling either prior to, or at the time of, dispensing. Third, the drug or device is maintained in the packaging as received from the dispensing pharmacy and stored in accordance with the manufacturer's recommendations and kept in a separate area from other drugs held by the facility. Fourth, the drug or device being delivered is not a controlled substance. Fifth, a drug or device that is not picked up within thirty days after the delivery is donated or destroyed by the facility or returned to the pharmacy and is not eligible for a refund of any amount paid. Sixth, the facility has implemented a written policy relating to the donation or destruction of a drug or device that is not picked up by a patient or caregiver within thirty days after delivery to the facility. Seventh and finally, the facility maintains documentation of the delivery of the drug or device under subsection (1) of this section, including the date received, the name of the pharmacy, the name of the patient, the signature and printed name of the individual picking up the drug or device, the date it was picked up, and the date of donation, destruction, or return to a pharmacy.

In addition, a facility other than a pharmacy, acting in accordance with subsection (1) of this section shall not be liable for the contents of a drug or device delivered to a patient. Further, the decision to accept a drug or device for delivery to a patient rests solely with the receiving facility. Lastly, the Department of Health and Human Services, with the recommendation of the State Board of Health, may adopt and promulgate rules and regulations for the administration of this section.

Section 3: Amends section 38-2850 to include individuals described in new section 2 within the current exceptions to the practice of pharmacy.

Section 4: Repealer

Brian Hardin, Chairperson

