

ENGROSSED LEGISLATIVE BILL 195

Introduced by Meyer, 17; Cavanaugh, M., 6; DeBoer, 10; Guereca, 7; Hunt, 8;
Juarez, 5; Hallstrom, 1.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-470, Revised Statutes Cumulative Supplement, 2024; to provide for immunity for conduct relating to opioid overdose reversal medications; to provide and eliminate definitions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

(a) Obtains an opioid overdose reversal medication from a health professional, pursuant to a prescription, or over the counter; and

(b) Administers such medication to a person who is apparently experiencing an opioid-related overdose.

(3) An emergency responder who, acting in good faith, obtains an opioid overdose reversal medication from the emergency responder's emergency medical service organization and administers such medication to a person who is apparently experiencing an opioid-related overdose shall not be:

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

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

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

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

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

(5) For purposes of this section:

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

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

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

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

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

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

(g) Opioid overdose reversal medication means any lifesaving medication approved by the United States Food and Drug Administration for reversing an opioid overdose, whether obtained by prescription, from a health professional, or over the counter, and includes, but is not limited to, naloxone and nalmefene; and

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

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

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 195 was passed by the One Hundred Ninth
Legislature of Nebraska at its First Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR