

ENGROSSED LEGISLATIVE BILL 727

Introduced by Kauth, 31.

A BILL FOR AN ACT relating to law enforcement; to authorize law enforcement agencies to obtain, maintain, and possess epinephrine autoinjectors and nasal epinephrine for use by a law enforcement officer as prescribed; to require training; and to provide powers and duties to the Department of Health and Human Services.

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

Section 1. (1) For purposes of this section:

(a) Authorized forms of epinephrine means an epinephrine autoinjector or nasal epinephrine;

(b) Administer means the direct application of an authorized form of epinephrine to the body of an individual;

(c) Department means the Department of Health and Human Services;

(d) Epinephrine autoinjector means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body;

(e) Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol;

(f) Law enforcement officer means any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of any city or village, or any other public official authorized by a city or village to enforce state or local laws, rules, regulations, or ordinances; and

(g) Nasal epinephrine means a needle-free, prescription nasal spray containing epinephrine intended for the emergency treatment of allergic reactions.

(2) Subject to the requirements of this section and any rules and regulations of the department:

(a) A law enforcement agency may obtain, maintain, and possess authorized

forms of epinephrine to be provided to or made available to such agency's law enforcement officers pursuant to this section for use while in the performance of official duties; and

(b) A law enforcement officer may administer authorized forms of epinephrine in response to an emergency situation while in the performance of such officer's official duties.

(3) The department shall, in consultation with law enforcement agencies, approve one or more educational training programs relating to responding to an anaphylaxis event, including the use of authorized forms of epinephrine, that law enforcement officers may complete in order to be provided and administer authorized forms of epinephrine pursuant to this section. Any such program shall provide a law enforcement officer with a certificate of completion for successful completion of such program.

(4)(a) A law enforcement agency shall not provide or make available authorized forms of epinephrine to a law enforcement officer until such officer has provided such law enforcement agency with a copy of a certificate of completion of a program described in subsection (3) of this section.

(b) A law enforcement officer shall complete an approved educational training program pursuant to subsection (3) of this section and provide a certificate of completion to the officer's agency prior to administering authorized forms of epinephrine in the performance of such officer's official duties.

(5) Nothing in this section shall require:

(a) A law enforcement agency to obtain authorized forms of epinephrine or make such authorized forms of epinephrine available to law enforcement officers; or

(b) A law enforcement officer to carry or administer authorized forms of epinephrine.

(6) The department may issue a standing order authorizing law enforcement agencies to purchase authorized forms of epinephrine.

(7) The department may adopt and promulgate rules and regulations to carry

out this section.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 727 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

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

GOVERNOR