

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 796

Introduced by DeKay, 40.

Read first time January 07, 2026

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend section
2 38-2850, Reissue Revised Statutes of Nebraska; to change provisions
3 relating to the practice of pharmacy; and to repeal the original
4 section.

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

1 **Section 1.** Section 38-2850, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-2850 As authorized by the Uniform Credentialing Act, the practice
4 of pharmacy may be engaged in by a pharmacist, a pharmacist intern, or a
5 practitioner with a pharmacy license. The practice of pharmacy shall not
6 be construed to include any of the following:

7 (1) Practitioners, other than veterinarians, certified nurse
8 midwives, certified registered nurse anesthetists, nurse practitioners,
9 and physician assistants, who dispense drugs or devices as an incident to
10 the practice of their profession, except that if such practitioner
11 engages in dispensing such drugs or devices to his or her patients for
12 which such patients are charged, such practitioner shall obtain a
13 pharmacy license;

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

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

20 (4) Licensed veterinarians practicing within the scope of their
21 profession;

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

26 (6) Optometrists who prescribe or dispense eyeglasses or contact
27 lenses to their own patients, including contact lenses that contain and
28 deliver ocular pharmaceutical agents as authorized under the Optometry
29 Practice Act, and ophthalmologists who prescribe or dispense eyeglasses
30 or contact lenses to their own patients, including contact lenses that
31 contain and deliver ocular pharmaceutical agents;

1 (7) Registered nurses or licensed practical nurses employed by a
2 hospital who administer pursuant to a chart order, or procure for such
3 purpose, single doses of drugs or devices from original drug or device
4 containers or properly labeled repackaged or prepackaged drug or device
5 containers to persons registered as patients and within the confines of
6 the hospital;

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

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

15 (10) A person accredited by an accrediting body who, pursuant to a
16 medical order, (a) administers, dispenses, or distributes medical gas or
17 medical gas devices to patients or ultimate users or (b) purchases or
18 receives medical gas or medical gas devices for administration,
19 dispensing, or distribution to patients or ultimate users; and

20 (11) A person accredited by an accrediting body who, pursuant to a
21 medical order, (a) sells, delivers, or distributes devices described in
22 subsection (2) of section 38-2841 to patients or ultimate users or (b)
23 purchases or receives such devices with intent to sell, deliver, or
24 distribute to patients or ultimate users.

25 **Sec. 2.** Original section 38-2850, Reissue Revised Statutes of
26 Nebraska, is repealed.