

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 27, 2005 LB 117

these products at point of sale, all of that that's in this bill would become nongermane, or would not be needed, if the federal government required prescription. Is that accurate?

SENATOR FLOOD: Are you talking about the federal preemption of a state law issue that we may have if we pass this and the federal government goes a step higher than us?

SENATOR BEUTLER: Yes.

SENATOR FLOOD: That's a legitimate question. It would appear on its face that it would be a health and safety regulation that the federal government could preempt here with...

SENATOR CUDABACK: One minute.

SENATOR FLOOD: ...tougher federal law. I guess I would be hesitant to comment on whether the preemption would actually occur, because it's a complicated analysis, and I'm not familiar with what the federal government has done on this level before.

SENATOR BEUTLER: Okay. Well, I'm not suggesting that we do nothing because the federal government may do something. You never know what the federal government may do, obviously. And especially in these tight fiscal times, they may be reluctant to get into more...anything more that requires any expenditures on their part. And I don't know if this would require significant additional expenditures on their part to regulate or not. But what I wanted to get to...and I'm not going to be able to do it with the time I have left, so I'll move to it next time. But I want to ask you about what a prescription means. I want to go back one step and be sure I understand when you require a prescription and when you don't, and why you do, and for what purpose, and whether there's a logbook with prescriptions, because I always have to sign...

SENATOR CUDABACK: Time, Senator Beutler.

SENATOR BEUTLER: ...when I get a prescription. Other people tell me they don't. So I want to know the basics of that law a little bit.