

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 195

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

Read first time January 14, 2025

Committee:

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

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

1 **Section 1.** Section 28-470, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 28-470 (1) A health professional who is authorized to prescribe or
4 dispense an opioid overdose reversal medication naloxone, if acting with
5 reasonable care, may prescribe, administer, or dispense such medication
6 ~~naloxone~~ to any of the following persons without being subject to
7 administrative action or criminal prosecution:

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

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

13 (2) A family member, friend, or other person, including school
14 personnel, who is in a position to assist a person who is apparently
15 experiencing or who is likely to experience an opioid-related overdose,
16 other than an emergency responder or peace officer, is not subject to
17 actions under the Uniform Credentialing Act, administrative action, or
18 criminal prosecution if the person, acting in good faith, obtains an
19 opioid overdose reversal medication naloxone from a health professional
20 or a prescription for such medication ~~naloxone~~ from a health professional
21 and administers such medication ~~the naloxone obtained from the health~~
22 ~~professional or acquired pursuant to the prescription~~ to a person who is
23 apparently experiencing an opioid-related overdose.

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

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

30 (b) Personally liable in any civil action to respond in damages as a
31 result of his or her acts of commission or omission arising out of and in

1 the course of his or her rendering such care or services or arising out
2 of his or her failure to act to provide or arrange for further medical
3 treatment or care for the person who is apparently experiencing an
4 opioid-related overdose, unless the emergency responder caused damage or
5 injury by his or her willful, wanton, or grossly negligent act of
6 commission or omission. This subdivision shall not affect the liability
7 of such emergency medical service organization for the emergency
8 responder's acts of commission or omission.

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

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

25 (5) For purposes of this section:

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

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

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

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

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

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

11 (g) Opioid overdose reversal medication means any lifesaving
12 medication approved by the United States Food and Drug Administration for
13 reversing an opioid overdose, and includes, but is not limited to,
14 naloxone and nalmeфene ~~Naloxone means naloxone hydrochloride;~~ and

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

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