

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 521

Introduced by Walz, 15.

Read first time January 17, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to
- 2 amend section 28-470, Revised Statutes Cumulative Supplement, 2022;
- 3 to change provisions relating to immunity for administering
- 4 naloxone; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-470, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

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

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

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

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

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

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

27 (b) Personally liable in any civil action to respond in damages as a
28 result of his or her acts of commission or omission arising out of and in
29 the course of his or her rendering such care or services or arising out
30 of his or her failure to act to provide or arrange for further medical
31 treatment or care for the person who is apparently experiencing an

1 opioid-related overdose, unless the emergency responder caused damage or
2 injury by his or her willful, wanton, or grossly negligent act of
3 commission or omission. This subdivision shall not affect the liability
4 of such emergency medical service organization for the emergency
5 responder's acts of commission or omission.

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

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

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

21 (5) For purposes of this section:

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

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

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

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

31 (e) Law enforcement agency means a police department, a town

1 marshal, the office of sheriff, or the Nebraska State Patrol;

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

7 (g) Naloxone means naloxone hydrochloride; and

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

9 Sec. 2. Original section 28-470, Revised Statutes Cumulative
10 Supplement, 2022, is repealed.