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2025

LEGISLATURE OF NEBRASKA

ONE HUNDRED NINTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 697

Introduced by Strommen, 47; Bosn, 25; DeBoer, 10; DeKay, 40; Dover, 19; Dungan, 26; Fredrickson, 20; Guereca, 7; Hallstrom, 1; Holdcroft, 36; Hunt, 8; Ibach, 44; Kauth, 31; Lonowski, 33; Quick, 35; Rountree, 3; Sorrentino, 39; Spivey, 13; Storer, 43.

Read first time January 22, 2025

Committee:

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend sections 38-2849 and 38-2884, Reissue Revised Statutes of Nebraska, and section 38-2867.01, Revised Statutes Cumulative Supplement, 2024; to change requirements for the Board of Pharmacy; to change requirements relating to compounding and delegated dispensing permits; and to repeal the original sections.

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

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Section 1. Section 38-2849, Reissue Revised Statutes of Nebraska, is amended to read:

38-2849 The board shall be composed of eight ~~five~~ members, including five ~~four~~ actively practicing pharmacists, at least one of whom practices within the confines of a hospital, one pharmacy technician, and two ~~one~~ public members ~~member~~ who are ~~is~~ interested in the health of the people of Nebraska.

Sec. 2. Section 38-2867.01, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-2867.01 (1) Any person authorized to compound shall compound in compliance with the standards of chapters 795 and 797 of The United States Pharmacopeia and The National Formulary, as such chapters existed on January 1, 2023, and shall compound (a) as the result of a practitioner's medical order or initiative occurring in the course of practice based upon the relationship between the practitioner, patient, and pharmacist, (b) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale or dispensing, or (c) for office use only and not for resale by an outsourcing facility operating pursuant to 21 U.S.C. 353b or section 71-470.

(2) Compounding in a hospital pharmacy may occur for any hospital which is part of the same health care system under common ownership or which is a member of or an affiliated member of a formal network or partnership agreement.

(3)(a) Any authorized person may reconstitute a commercially available drug product in accordance with directions contained in approved labeling provided by the product's manufacturer and other manufacturer directions consistent with labeling.

(b) Any authorized person using beyond-use dating must follow the approved product manufacturer's labeling or the standards of The United States Pharmacopeia and The National Formulary if the product manufacturer's labeling does not specify beyond-use dating.

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(c) Any authorized person engaged in activities listed in this subsection is not engaged in compounding, except that any variance from the approved product manufacturer's labeling will result in the person being engaged in compounding.

(4) Any authorized person splitting a scored tablet along scored lines or adding flavoring to a commercially available drug product is not engaged in compounding.

(5) No person shall compound:

(a) A drug that has been identified by the federal Food and Drug Administration as withdrawn or removed from the market because the drug was found to be unsafe or ineffective;

(b) A drug that is essentially a copy of an approved drug unless there is a drug shortage as determined by the board or unless a patient has an allergic reaction to the approved drug; or

(c) A drug that has been identified by the federal Food and Drug Administration or the board as a product which may not be compounded.

Sec. 3. Section 38-2884, Reissue Revised Statutes of Nebraska, is amended to read:

38-2884 Under a delegated dispensing permit for a public health clinic, approved formulary drugs and devices may be dispensed by a public health clinic worker or a health care professional licensed in Nebraska to practice medicine and surgery or licensed in Nebraska as a registered nurse, licensed practical nurse, or physician assistant without the onsite services of a pharmacist if:

(1) The initial dispensing of all prescriptions for approved formulary drugs and devices is conducted by a health care professional licensed in Nebraska to practice medicine and surgery or pharmacy or licensed in Nebraska as a registered nurse, licensed practical nurse, or physician assistant;

(2) The drug or device is dispensed pursuant to a prescription written onsite by a practitioner or by a practitioner licensed in

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Nebraska working in affiliation with a public health clinic pursuant to a delegated dispensing permit;

(3) The only prescriptions to be refilled under the delegated dispensing permit are prescriptions for contraceptives;

(4) Prescriptions are accompanied by patient instructions and written information approved by the director;

(5) The dispensing of authorized refills of contraceptives is done by a licensed health care professional listed in subdivision (1) of this section or by a public health clinic worker;

(6) All drugs or devices are prepackaged by the manufacturer or at a public health clinic by a pharmacist into the quantity to be prescribed and dispensed at the public health clinic;

(7) All drugs and devices stored, received, or dispensed under the authority of public health clinics are properly labeled at all times. For purposes of this subdivision, properly labeled means that the label affixed to the container prior to dispensing contains the following information:

(a) The name of the manufacturer;

(b) The lot number and expiration date from the manufacturer or, if repackaged by a pharmacist, the lot number and calculated expiration date;

(c) Directions for patient use;

(d) The quantity of drug in the container;

(e) The name, strength, and dosage form of the drug; and

(f) Auxiliary labels as needed for proper adherence to any prescription;

(8) The following additional information is added to the label of each container when the drug or device is dispensed:

(a) The patient's name;

(b) The name of the prescribing health care professional;

(c) The prescription number;

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(d) The date dispensed; and

(e) The name and address of the public health clinic;

(9) The only drugs and devices allowed to be dispensed or stored by public health clinics appear on the formulary approved pursuant to section 38-2881; and

(10) At any time that dispensing is occurring from a public health clinic, the delegating pharmacist for the public health clinic or on-call pharmacist in Nebraska is available, either in person or by telephone, to answer questions from clients, staff, public health clinic workers, or volunteers. This availability shall be confirmed and documented at the beginning of each day that dispensing will occur. The delegating pharmacist or on-call pharmacist shall inform the public health clinic if he or she will not be available during the time that his or her availability is required. If a pharmacist is unavailable, no dispensing shall occur.

Sec. 4. Original sections 38-2849 and 38-2884, Reissue Revised Statutes of Nebraska, and section 38-2867.01, Revised Statutes Cumulative Supplement, 2024, are repealed.