

AMENDMENTS TO LB 173

Introduced by Health and Human Services.

1           1. Strike the original section and insert the following  
2 new section:

3           Section 1. (1) Prescription drugs or devices which have  
4 been dispensed pursuant to a valid prescription and delivered  
5 to a Department of Correctional Services facility, a criminal  
6 detention facility, a juvenile detention facility, or a jail for  
7 administration to a prisoner or detainee held at such facility or  
8 jail, but which are not administered to such prisoner or detainee,  
9 may be returned to the dispensing pharmacy under contract with  
10 the facility or jail for credit or for relabeling and redispensing  
11 and administration to another prisoner or detainee held at such  
12 facility or jail pursuant to a valid prescription as provided in  
13 this section.

14           (2) (a) The decision to accept return of a dispensed  
15 prescription drug or device for credit or for relabeling and  
16 redispensing rests solely with the pharmacist at the contracting  
17 pharmacy.

18           (b) A dispensed prescription drug or device shall be  
19 properly stored and in the control of the facility or jail at all  
20 times prior to the return of the drug or device for credit or for  
21 relabeling and redispensing. The drug or device shall be returned  
22 in the original and unopened labeled container dispensed by the  
23 pharmacist with the tamper-evident seal intact, and the container

1 shall bear the expiration date or calculated expiration date and  
2 lot number of the drug or device.

3 (c) A prescription drug or device shall not be returned  
4 or relabeled and redispensed under this section if the drug  
5 or device is a controlled substance or if the relabeling and  
6 redispensing is otherwise prohibited by law.

7 (3) For purposes of this section:

8 (a) Administration has the definition found in section  
9 38-2807;

10 (b) Calculated expiration date has the definition found  
11 in subdivision (3)(a) of section 71-2421;

12 (c) Criminal detention facility has the definition found  
13 in section 83-4,125;

14 (d) Department of Correctional Services facility has the  
15 definition of facility found in section 83-170;

16 (e) Dispense or dispensing has the definition found in  
17 section 38-2817;

18 (f) Jail has the definition found in section 47-117;

19 (g) Juvenile detention facility has the definition found  
20 in section 83-4,125;

21 (h) Prescription has the definition found in section  
22 38-2840; and

23 (i) Prescription drug or device has the definition found  
24 in section 38-2841.

25 (4) The Jail Standards Board, in consultation with the  
26 Board of Pharmacy, shall adopt and promulgate rules and regulations  
27 to carry out contracts with respect to relabeling, redispensing,

1 and providing credit pursuant to this section, including, but not  
2 limited to, rules and regulations relating to (a) education and  
3 training of persons authorized to administer the prescription drug  
4 or device to a prisoner or detainee, (b) the proper storage and  
5 protection of the drug or device consistent with the directions  
6 contained on the label or written drug information provided by the  
7 pharmacist for the drug or device, (c) limits on quantity to be  
8 dispensed, (d) transferability of drugs or devices for prisoners  
9 or detainees between facilities, (e) container requirements, (f)  
10 establishment of a drug formulary, and (g) fees for the dispensing  
11 pharmacy to accept the returned drug or device.

12 (5) Any person or entity which exercises reasonable care  
13 in accepting, distributing, or dispensing prescription drugs or  
14 devices under this section or rules and regulations adopted and  
15 promulgated under this section shall be immune from civil or  
16 criminal liability or professional disciplinary action of any kind  
17 for any injury, death, or loss to person or property relating to  
18 such activities.