

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 173

Introduced by Gay, 14.

Read first time January 12, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to prescription drugs; to provide for
2 relabeling and redispensing at certain correctional
3 facilities.
4 Be it enacted by the people of the State of Nebraska,

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

11 (2) (a) The decision to accept return of a prescription
12 drug or device for relabeling and redispensing rests solely with
13 the contracting pharmacist or pharmacy.

14 (b) A prescription drug or device shall be properly
15 stored and in the control of the facility or jail at all times
16 prior to the return of the drug or device for relabeling and
17 redispensing. The drug or device shall be returned in the original
18 and unopened labeled container dispensed by the pharmacist or
19 pharmacy with the tamper-evident seal intact, and the container
20 shall bear the expiration date or calculated expiration date and
21 lot number of the drug or device.

22 (c) A prescription drug or device shall not be
23 re-labeled and redispensed under this section if the relabeling and
24 redispensing is otherwise prohibited by law.

25 (3) For purposes of this section:

- 1 (a) Administer has the definition found in section
2 38-2806;
- 3 (b) Calculated expiration date has the definition found
4 in section 38-2884;
- 5 (c) Criminal detention facility has the definition found
6 in section 83-4,125;
- 7 (d) Department of Correctional Services facility has the
8 definition of facility found in section 83-170;
- 9 (e) Dispense or dispensing has the definition found in
10 section 38-2817;
- 11 (f) Jail has the definition found in section 47-117;
- 12 (g) Juvenile detention facility has the definition found
13 in section 83-4,125;
- 14 (h) Prescription has the definition found in section
15 38-2840; and
- 16 (i) Prescription drug or device has the definition found
17 in section 38-2841.
- 18 (4) The Jail Standards Board, in consultation with the
19 Board of Pharmacy, shall adopt and promulgate rules and regulations
20 to carry out this section, including, but not limited to, rules and
21 regulations relating to (a) persons authorized to administer the
22 prescription drug or device to a patient and (b) the proper storage
23 and protection of the drug or device consistent with the directions
24 contained on the label or package insert provided by the pharmacist
25 or pharmacy for the drug or device.

1 (5) Any person or entity which exercises reasonable care
2 in accepting, distributing, or dispensing drugs under this section
3 or rules and regulations adopted and promulgated under this section
4 shall be immune from civil or criminal liability or professional
5 disciplinary action of any kind for any injury, death, or loss to
6 person or property relating to such activities.