

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 586**

Introduced by Dierks, 40.

Read first time January 21, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Veterinary Drug Distribution Licensing  
2 Act; to amend sections 71-8902, 71-8909, 71-8910, and  
3 71-8922, Revised Statutes Cumulative Supplement, 2008; to  
4 exempt veterinarians; to redefine terms; to limit the  
5 validity of veterinary drug orders for certain purposes;  
6 and to repeal the original sections.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-8902, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           71-8902 The purpose of the Veterinary Drug Distribution  
4 Licensing Act is to protect the public health, safety, and  
5 welfare by providing for the authorization and licensure of  
6 veterinary drug distributors in the State of Nebraska and for  
7 the development, establishment, and enforcement of basic standards  
8 for such distributors. The act does not apply to a veterinarian  
9 licensed under the Uniform Credentialing Act acting within the  
10 scope of practice of veterinary medicine and surgery as defined in  
11 section 38-3312.

12          Sec. 2. Section 71-8909, Revised Statutes Cumulative  
13 Supplement, 2008, is amended to read:

14          71-8909 Veterinary drug distributor means any person or  
15 entity, ~~other than a pharmacy,~~ that engages in the distribution  
16 of veterinary legend drugs in the State of Nebraska other than a  
17 pharmacy or a veterinarian licensed under the Uniform Credentialing  
18 Act acting within the scope of practice of veterinary medicine and  
19 surgery as defined in section 38-3312.

20          Sec. 3. Section 71-8910, Revised Statutes Cumulative  
21 Supplement, 2008, is amended to read:

22          71-8910 Veterinary drug order means a lawful order or  
23 prescription of a veterinarian licensed to practice in this  
24 state, which order or prescription is issued pursuant to a bona  
25 fide veterinarian-client-patient relationship. For purposes of the

1 Veterinary Drug Distribution Licensing Act, a veterinary drug order  
2 expires and becomes void one hundred eighty days after the date of  
3 issue.

4           Sec. 4. Section 71-8922, Revised Statutes Cumulative  
5 Supplement, 2008, is amended to read:

6           71-8922 A veterinary drug distributor may distribute  
7 veterinary legend drugs to:

8           (1) A licensed veterinarian or to another veterinary drug  
9 distributor subject to the requirements of section 71-8921; and

10           (2) A layperson responsible for the control of an animal  
11 if:

12           (a) A licensed veterinarian has issued, prior  
13 to such distribution, a veterinary drug order for the  
14 veterinary legend drug in the course of an existing, valid  
15 veterinarian-client-patient relationship;

16           (b) At the time the veterinary legend drug leaves the  
17 licensed location of the veterinary drug distributor, those in the  
18 employ of the veterinary drug distributor possess a copy of the  
19 veterinary drug order for the veterinary legend drug;

20           (c) The original veterinary drug order is retained on  
21 the premises of the veterinary drug distributor or an authorized  
22 central location for three years after the date of the last  
23 transaction affecting the veterinary drug order and includes the  
24 following information:

25           (i) Client name;

- 1           (ii) Veterinarian name;
- 2           (iii) Veterinary legend drug sold or delivered;
- 3           (iv) Quantity of the veterinary legend drug;
- 4           (v) Date of issue of veterinary drug order; and
- 5           (vi) Expiration date of veterinary drug order;
- 6           (d) All veterinary legend drugs distributed on the
- 7 veterinary drug order of a licensed veterinarian are sold in
- 8 the original, unbroken manufacturer's containers; and
- 9           (e) The veterinary legend drugs, once distributed, are
- 10 not returned to the veterinary drug distributor for resale or
- 11 redistribution.

12           Nothing contained in Nebraska statutes governing the

13 practice of pharmacy shall be construed to prohibit a veterinary

14 drug distributor from selling or otherwise distributing a

15 veterinary legend drug pursuant to a veterinary drug order

16 by a veterinarian licensed in this state and, when a valid

17 veterinarian-client-patient relationship exists, to the layperson

18 responsible for the control of the animal. For purposes of the

19 Veterinary Drug Distribution Licensing Act, a veterinary drug order

20 expires and becomes void one hundred eighty days after the date

21 of issue.

22           (3) If all federal labeling requirements are met,

23 labeling provisions of Nebraska laws governing the practice of

24 pharmacy shall not apply to veterinary legend drugs distributed

25 pursuant to the Veterinary Drug Distribution Licensing Act.

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1                   Sec. 5. Original sections 71-8902, 71-8909, 71-8910,  
2 and 71-8922, Revised Statutes Cumulative Supplement, 2008, are  
3 repealed.