

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB274

Hearing Date: Wednesday January 26, 2011
Committee On: Health and Human Services
Introducer: Gloor
One Liner: Change provisions relating to the return of dispensed drugs and devices

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:
Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman
Nay:
Absent:
Present Not Voting:

Proponents: Senator Mike Gloor Joni Cover Bill Mueller Kathy Siefken	Representing: District #35 Nebraska Pharmacists Association Pharmaceutical Research Manufacturers of America (PhRMA) Nebraska Grocery Industry Association
Opponents:	Representing:
Neutral:	Representing:

Summary of purpose and/or changes:

LB 274 changes provisions for collecting drugs and devices for disposal. Currently Section 71-2421 states that dispensed drugs or devices may be returned to the dispensing pharmacy for immediate destruction, in response to a recall, or if the device is defective. LB 274 allows dispensed drugs or devices to be returned to a pharmacy (not limited to the dispensing pharmacy) for recall, if the device is defective, or collected (not immediately destroyed) for disposal. The bill allows returned dispensed drugs or devices to be retained until disposed or relabeled or redispensed as specified.

Additionally, the bill states that dispensed drugs or devices shall not be returned to saleable inventory nor made available for subsequent relabeling and redispensing, except when returned from a long-term care facility to the pharmacy from which they were dispensed for credit or for relabeling and redispensing as specified in statute.

Pharmacies are allowed to charge a fee for collecting dispensed drugs or devices for disposal or from a long-term care facility for credit or for relabeling and redispensing.

Also, LB 274 allows immunity from civil or criminal liability or professional disciplinary actions for any injury, death, or loss to person or property relating to the collecting of dispensed drugs or devices for disposal or relabeling and redispensing pursuant to the bill as long as reasonable care is exercised.

LB 274 changes the definition of calculated expiration date. Currently Section 71-2421(4)(a) defines a calculated

expiration date as an expiration date on the prepackaged product which is greater than twenty five percent of the time between the date of repackaging and the expiration date of the bulk container nor greater than six months from the date of repackaging. The bill changes the definition for calculated expiration date to the expiration date on the manufacturer's, packager's, or distributor's container, or one year from the date the drug or device is repackaged, whichever is earlier.

Kathy Campbell, Chairperson