

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1002

Introduced by Bostelman, 23.

Read first time January 15, 2020

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 71-7436 and 71-7444, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to wholesale drug distribution for
4 emergency medical services; to redefine terms; to repeal the
5 original sections; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-7436, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-7436 (1) Emergency medical reasons means the alleviation of a
4 temporary shortage by transfers of prescription drugs between any of the
5 following: (a) Holders of pharmacy licenses, (b) health care practitioner
6 facilities as defined in section 71-414, ~~and~~ (c) hospitals as defined in
7 section 71-419, and (d) emergency medical services as defined in section
8 38-1207.

9 (2) Emergency medical reasons does not include regular and
10 systematic sales to practitioners as defined in section 38-2838 of
11 prescription drugs that will be used for routine office procedures.

12 Sec. 2. Section 71-7444, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 71-7444 (1) Wholesale drug distribution means the distribution of
15 prescription drugs to a person other than a consumer or patient.

16 (2) Wholesale drug distribution does not include:

17 (a) Intracompany sales of prescription drugs, including any
18 transaction or transfer between any division, subsidiary, or parent
19 company and an affiliated or related company under common ownership or
20 common control;

21 (b) The sale, purchase, or trade of or an offer to sell, purchase,
22 or trade a prescription drug by a charitable organization described in
23 section 501(c)(3) of the Internal Revenue Code, a state, a political
24 subdivision, or any other governmental agency to a nonprofit affiliate of
25 the organization, to the extent otherwise permitted by law;

26 (c) The sale, purchase, or trade of or an offer to sell, purchase,
27 or trade a prescription drug among hospitals or other health care
28 entities operating under common ownership or common control;

29 (d) The sale, purchase, or trade of or an offer to sell, purchase,
30 or trade a prescription drug for (i) emergency medical reasons, (ii) an
31 emergency medical service to use for the provision of emergency medical

1 care, not to exceed five percent of sales as provided in section 71-7454,
2 or (iii) ~~for~~ a practitioner to use for routine office procedures, not to
3 exceed five percent of sales as provided in section 71-7454;

4 (e) The sale, purchase, or trade of, an offer to sell, purchase, or
5 trade, or the dispensing of a prescription drug pursuant to a
6 prescription;

7 (f) The distribution of drug samples by representatives of a
8 manufacturer or of a wholesale drug distributor;

9 (g) The sale, purchase, or trade of blood and blood components
10 intended for transfusion; or

11 (h) The delivery of or the offer to deliver a prescription drug by a
12 common carrier solely in the usual course of business of transporting
13 such drugs as a common carrier if the common carrier does not store,
14 warehouse, or take legal ownership of such drugs.

15 Sec. 3. Original sections 71-7436 and 71-7444, Reissue Revised
16 Statutes of Nebraska, are repealed.

17 Sec. 4. Since an emergency exists, this act takes effect when
18 passed and approved according to law.