

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 515**

Introduced by Quick, 35.

Read first time January 21, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend section
- 2 38-28,104, Revised Statutes Cumulative Supplement, 2024; to provide
- 3 requirements for certain prescription refills as prescribed; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 38-28,104, Revised Statutes Cumulative  
2 Supplement, 2024, is amended to read:

3           38-28,104 (1) A prescription for a legend drug which is not a  
4 controlled substance must contain the following information prior to  
5 being filled by a pharmacist or a practitioner who holds a pharmacy  
6 license under subdivision (1) of section 38-2850: Patient's name, or if  
7 not issued for a specific patient, the words "for emergency use" or "for  
8 use in immunizations"; name of the drug, device, or biological; strength  
9 of the drug or biological, if applicable; dosage form of the drug or  
10 biological; quantity of drug, device, or biological prescribed; number of  
11 authorized refills; directions for use; date of issuance; prescribing  
12 practitioner's name; and if the prescription is written, prescribing  
13 practitioner's signature. Prescriptions for controlled substances must  
14 meet the requirements of sections 28-414 and 28-414.01.

15           (2) If a pharmacist receives a request for a prescription refill  
16 with no refill authorization and the pharmacist is unable to readily  
17 obtain refill authorization from the prescribing practitioner, the  
18 pharmacist may dispense an emergency refill of no more than a thirty-day  
19 supply of the prescription, or the amount dispensed on the most recent  
20 refill, whichever is less, if:

21           (a) The pharmacist obtains prescription information from: (i) A  
22 prescription label; (ii) a prescription record located in any pharmacy;  
23 or (iii) a common database;

24           (b) The prescription refill is not for a controlled substance;

25           (c) The prescription refill is for a maintenance medication; and

26           (d) In the pharmacist's professional judgment, the interruption of  
27 therapy may produce undesirable consequences or may be detrimental to the  
28 patient's welfare and cause physical or mental discomfort.

29           **Sec. 2.** Original section 38-28,104, Revised Statutes Cumulative  
30 Supplement, 2024, is repealed.