LB548
2023

LEGISLATURE OF NEBRASKA

ONE HUNDRED EIGHTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 548

Introduced by Ballard, 21.

Read first time January 17, 2023

Committee: Health and Human Services

A BILL FOR AN ACT relating to the Pharmacy Practice Act; to amend sections 38-2852 and 38-2867.01, Reissue Revised Statutes of Nebraska; to change an examination requirement for licensure as a pharmacist; to change compounding standards for persons authorized to compound; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

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Section 1. Section 38-2852, Reissue Revised Statutes of Nebraska, is amended to read:

38-2852 Every applicant for licensure as a pharmacist shall be required to attain a grade to be determined by the board in an examination in pharmacy and ~~a grade of seventy-five~~ in an examination in jurisprudence of pharmacy.

Sec. 2. Section 38-2867.01, Reissue Revised Statutes of Nebraska, is amended to read:

38-2867.01 (1) Any person authorized to compound shall compound in compliance with the standards of chapters 795 and 797 of The United States Pharmacopeia and The National Formulary, as such chapters existed on January 1, 2023 ~~2015~~, and shall compound (a) as the result of a practitioner's medical order or initiative occurring in the course of practice based upon the relationship between the practitioner, patient, and pharmacist, (b) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale or dispensing, or (c) for office use only and not for resale.

(2) Compounding in a hospital pharmacy may occur for any hospital which is part of the same health care system under common ownership or which is a member of or an affiliated member of a formal network or partnership agreement.

(3)(a) Any authorized person may reconstitute a commercially available drug product in accordance with directions contained in approved labeling provided by the product's manufacturer and other manufacturer directions consistent with labeling.

(b) Any authorized person using beyond-use dating must follow the approved product manufacturer's labeling or the standards of The United States Pharmacopeia and The National Formulary if the product manufacturer's labeling does not specify beyond-use dating.

(c) Any authorized person engaged in activities listed in this subsection is not engaged in compounding, except that any variance from

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the approved product manufacturer's labeling will result in the person being engaged in compounding.

(4) Any authorized person splitting a scored tablet along scored lines or adding flavoring to a commercially available drug product is not engaged in compounding.

(5) No person shall compound:

(a) A drug that has been identified by the federal Food and Drug Administration as withdrawn or removed from the market because the drug was found to be unsafe or ineffective;

(b) A drug that is essentially a copy of an approved drug unless there is a drug shortage as determined by the board or unless a patient has an allergic reaction to the approved drug; or

(c) A drug that has been identified by the federal Food and Drug Administration or the board as a product which may not be compounded.

Sec. 3. Original sections 38-2852 and 38-2867.01, Reissue Revised Statutes of Nebraska, are repealed.