

LEGISLATIVE BILL 550

Approved by the Governor May 9, 1997

Introduced by Dierks, 40

AN ACT relating to controlled substances; to amend sections 28-406 and 28-407, Reissue Revised Statutes of Nebraska, and section 28-410, Revised Statutes Supplement, 1996; to change registration fees and provide for biennial registration; to provide a time period for preparing registrant inventories; to harmonize provisions; to repeal the original sections; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 28-406, Reissue Revised Statutes of Nebraska, is amended to read:

28-406. (1) The department is authorized to promulgate rules and regulations relating to the registration and control of the manufacture, distribution, prescribing, and dispensing of controlled substances within this state. The registration shall be the responsibility of the Bureau of Examining Boards. Registrations and reregistrations which become effective on or after September 1, 1997, shall be issued on a biennial basis.

(2) The various fees to be paid by applicants for registrations and annual renewals thereof reregistrations, as required under the Uniform Controlled Substances Act, shall be as follows:

(a) Registration or reregistration to manufacture controlled substances, not less than fifty one hundred dollars and not more than one three hundred fifty dollars except as provided in subdivision (f) of this subsection:

(b) Registration or reregistration to distribute controlled substances, not less than fifty one hundred dollars and not more than one three hundred fifty dollars except as provided in subdivision (f) of this subsection:

(c) Registration or reregistration to prescribe, administer, or dispense controlled substances, not less than ten twenty dollars and not more than seventy five one hundred fifty dollars except as provided in subdivision (f) of this subsection:

(d) Registration or reregistration to engage in research on the use and effects of controlled substances, not less than twenty five fifty dollars and not more than one two hundred dollars except as provided in subdivision (f) of this subsection: and

(e) Registration or reregistration to engage in laboratory and analytical analysis of controlled substances, not less than twenty five fifty dollars and not more than one two hundred dollars except as provided in subdivision (f) of this subsection: and

(f) Registration as provided in subdivisions (a) through (e) of this subsection which becomes effective on or after the effective date of this act and expires on August 31, 1997, an amount equal to one-half of the fees established under such subdivisions.

(3) All registrations and reregistrations effective prior to September 1, 1997, shall expire on August 31, 1997. All registrations and reregistrations which become effective on or after September 1, 1997, shall expire on August 31 of each odd-numbered year. Registration shall be automatically denied without a hearing for nonpayment of fees. Any registration or reregistration not renewed by payment of annual renewal fees by October 1 of odd-numbered years shall be automatically denied and canceled on October 1 of odd-numbered years without a hearing.

Sec. 2. Section 28-407, Reissue Revised Statutes of Nebraska, is amended to read:

28-407. (1) Every person who manufactures, prescribes, distributes, administers, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, prescribing, administering, distribution, or dispensing of any controlled substance within this state, shall obtain ~~annually~~ a registration issued by the Bureau of Examining Boards in accordance with the rules and regulations adopted and promulgated by the department.

(2) The following persons shall not be required to register and may lawfully possess controlled substances under the provisions of the Uniform Controlled Substances Act:

(a) An agent, or an employee thereof, of any practitioner, registered manufacturer, distributor, or dispenser of any controlled substance

if such agent is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman warehouse keeper, or an employee thereof, whose possession of any controlled substance is in the usual course of his or her business or employment; and

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner.

(3) A separate registration shall be required at each principal place of business of professional practice where the applicant manufactures, distributes, or dispenses controlled substances, except that no registration shall be required in connection with the placement of an emergency box within an institution pursuant to the provisions of the Emergency Box Drug Act.

(4) The Bureau of Examining Boards is authorized to inspect the establishment of a registrant or applicant for registration in accordance with the rules and regulations promulgated by the department.

Sec. 3. Section 28-410, Revised Statutes Supplement, 1996, is amended to read:

28-410. Each registrant manufacturing, distributing, or dispensing controlled substances in Schedule I, II, III, IV, or V of section 28-405 shall keep and maintain a complete and accurate record of all stocks of such controlled substances on hand. Such records shall be maintained for seven years. ~~Each two-year period, at a time provided for by rule and regulation to be promulgated by the department~~ During the month of April or May in odd-numbered years, each registrant manufacturing, distributing, or dispensing controlled substances shall prepare an inventory of each controlled substance in his or her possession. Records and inventories shall contain such information as shall be required by rules and regulations promulgated by the department. All registration and reregistration fees shall be remitted to the Bureau of Examining Boards and credited to the Pharmacy Fund for the express purpose of the enforcement responsibilities of the department in accordance with the provisions of the Uniform Controlled Substances Act. This section shall not apply to practitioners who lawfully prescribe, administer, or occasionally dispense as a part of their professional practice, controlled substances listed in Schedule II, III, IV, or V of section 28-405, unless such practitioner regularly engages in dispensing any such drug or drugs to his or her patients for which they are charged either separately or together with charges for other professional services.

Sec. 4. Original sections 28-406 and 28-407, Reissue Revised Statutes of Nebraska, and section 28-410, Revised Statutes Supplement, 1996, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.