

**ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017**  
**COMMITTEE STATEMENT**  
**LB296**

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**Hearing Date:** Thursday January 26, 2017  
**Committee On:** Judiciary  
**Introducer:** McCollister  
**One Liner:** Change immunity provisions with respect to asthma and allergic reactions

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Baker, Chambers, Ebke, Halloran, Hansen, Morfeld, Krist, Pansing Brooks

**Nay:**

**Absent:**

**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**

Senator John McCollister  
Randy Kohl

Andrea Holka

Kurt Schmeckpeper  
Anne Mullin  
Matt Schaefer

**Opponents:**

John Lindsay

**Neutral:**

Stephanie Mack  
Vincent Litwinowicz

**Representing:**

Introducer  
Nebr. Medical Assn., Nebr. Academy of Family Physicians, Asthma Anaphylaxis Intervention Resources & Education  
Asthma Anaphylaxis Intervention Resources & Education  
Nebraska Academy of Physician Assistants  
Nebraska Academy of Physician Assistants  
Nebraska Medical Association

**Representing:**

Nebraska Association of Trial Attorneys

**Representing:**

self  
self

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**Summary of purpose and/or changes:**

LB 296 would provide immunity from civil liability to a health care professional who prescribes or a pharmacist who dispenses medication to a school, educational service unit, or program that is not a patient-specific prescription for the purpose of implementing emergency response to life-threatening asthma or systemic allergic reactions protocols. The bill, however, would not provide immunity in the event damage or injury is caused by the willful or wanton act or omission of a health care professional or pharmacist under such circumstances.

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**Explanation of amendments:**

The amendment adjusts the language of the bill to provide express authority for a doctor to prescribe and for a pharmacist to dispense the non-patient-specific medication necessary for implementing emergency response to

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life-threatening asthma or systemic allergic reactions protocols. The amendment further provides to a doctor or pharmacist immunity from civil liability so long as their conduct is reasonable under the circumstances. The amendment further clarifies that such a doctor or pharmacist cannot be held liable for the negligent conduct of the person administering the emergency protocols.

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Laura Ebke, Chairperson