

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB1035

Hearing Date: Wednesday January 31, 2024
Committee On: Health and Human Services
Introducer: Hughes
One Liner: Adopt the Prescription Drug Donation Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 7 Senators Ballard, Cavanaugh, M., Day, Hansen, Hardin, Riepe, Walz
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Jana Hughes
Maggie Ballard
John Rosmann
Amy Holman
Haley Pertzborn
Jalene Carpenter
Maclenzie Farr

Representing:

Opening Presenter
Heartland Family Service
SafenetRX
Nebraska Pharmacists' Association
Nebraska Pharmacists' Association
Nebraska Health Care Association
Nebraska Pharmacists' Association

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 1035 creates the Prescription Drug Donation Program. Definitions are provided. DHHS is required to approve the new program. Individuals may donate prescription drugs to this program. Donated prescription drugs must meet requirements relating to packaging, inspection and expiration dates. Immunity provisions are provided.

Sec. 1: Cites the Prescription Drug Donation Program Act.

Sec. 2: Definitions:



- Department is DHHS;
- Health Care Facility has the current definition in current law (i.e. hospital, assisted living, nursing facility, ICFDD, long-term care hospital) and includes the office of an individual licensed to practice medicine and surgery or osteopathic medicine and surgery;
- Pharmacy has the current definition in state law (facility advertised as a pharmacy);
- Prescribing practitioner means a health care practitioner licensed under the UCA who is authorized to prescribe drugs;
- Prescription drug has the current definition in state law (federal labeling and dispensing requirements) excluding controlled substances;
- Program is the Prescription Drug Donation Program.

Sec. 3: DHHS is required to approve a prescription drug donation program that meets the new section 5 of this Act and may designate or appoint an individual to administer the program. Participation in the program shall be voluntary.

Sec. 4: Any individual, including, but not limited to, a prescription drug manufacturer or health care facility, may donate prescription drugs, over the counter medicines and products, and supplies to the program. A health care facility or pharmacy may charge a handling fee for distributing or dispensing prescription drugs or supplies under this program.

Sec. 5: DHHS shall ensure that donated prescription drugs meet the following requirements:

- A prescription drug/supply is in its original, unopened, sealed, and tamper-evident packaging. A prescription drug packaged in single unit does may be accepted and dispensed if the outside packaging is opened, but the single-unit dose packaging is unopened. There are no limitations on the number of doses that can be donated to the program;
- The prescription drug/supply is inspected by the program before the drug/supply is dispensed by a licensed pharmacist and such drugs are only dispensed pursuant to a prescription. Such drugs may be distributed to another health care facility or pharmacy for dispensing;
- The prescription drug bears an expiration date (6 months after the drug was donated except for drugs in high demand), is not adulterated or misbranded, has not expired, and does not have restricted distribution by the FDA.

Sec. 6: The program shall comply with all state and federal laws relating to storage, distribution, and dispensing and not resell donated prescription drugs and supplies. Nothing in the Act shall be construed to restrict the use of samples by a prescribing practitioner during the course of their duties at a health care facility or pharmacy.

Sec. 7: Immunity provisions regarding civil/criminal liability or professional disciplinary actions are provided for those individuals participating in the program. Also, a drug manufacturer participating in the program, shall not, in the absence of bad faith or gross negligence, be subject to criminal prosecution or tort liability.



Ben Hansen, Chairperson

