

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB457

Hearing Date: Monday February 10, 2025
Committee On: Banking, Commerce and Insurance
Introducer: Bostar
One Liner: Require anaphylaxis policies for school districts and licensed child care facilities and provide a limit on the amount an insured is required to pay by an insurance policy or benefit plan for epinephrine injectors

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

Vote Results:

Aye:	7	Senators Bostar, Dungan, Hallstrom, Hardin, Jacobson, Wordekemper, von Gillern
Nay:		
Absent:		
Present Not Voting:	1	Senator Riepe

Testimony:

Proponents:

Senator Eliot Bostar
Hana Niebur
Katherine White
Jennifer Schmitz
Karla Lester
Fabian Ubben
Elizabeth Everett

Representing:

Opening Presenter
Nebraska Medical Association, NAAAI
Self
self
Nebraska Chapter American Academy of Pediatrics
Self
First Five Nebraska

Opponents:

Representing:

Neutral:

Robert Bell

Representing:

Nebraska Insurance Federation

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 457 creates four new sections of law and amends Neb. Rev. Stat. § 71-1908. Generally, the bill would require the Department of Health and Human Services (DHHS), in consultation with the State Department of Education, to develop model anaphylaxis policies available for use in school districts and licensed child care programs. The policies are intended to prevent anaphylaxis and treat anaphylaxis during a medical emergency resulting from anaphylaxis. The bill also includes an insurance mandate.



Section-by-Section Summary:

Section 1: States what the policies must include, creates a reexamination requirement of the policies, creates publication requirements, and provides for the definition of licensed child care program and school district as those terms are used in the section.

Section 2: Makes section 3 of the bill part of the Child Care Licensing Act.

Section 3: Requires licensed child care programs that do not already have an anaphylaxis policy to create one by July 1, 2026 and states that such a policy may use a model policy created pursuant to section 1 of the bill. The section also provides policy publication requirements. Finally, the section states that nothing in the section shall be construed to change the personal rights, liabilities, and immunities granted pursuant to Neb. Rev. Stat. § 25-21,280 of certain individuals responding to or treating life-threatening asthma or systemic allergic reactions.

Section 4: This section is the same as section 3 of the bill, but applies to anaphylaxis policies for school boards and school districts. However, the section does state that a policy shall not conflict with or hinder the implementation of an individualized anaphylaxis plan of a student and shall be consistent with Neb. Rev. Stat. § 79-224 relating to self-management by a student. A grandfather clause is included for existing school district anaphylaxis policies.

Section 5: Except as otherwise provided for, and beginning January 1, 2026, an insurance mandate is created regarding certain insurance policies and self-funded employee benefit plans that provide coverage for medically necessary epinephrine injectors to limit the total amount that a covered individual is required to pay for a two-pack of medically necessary epinephrine injectors at an amount not to exceed \$60, regardless of the type of epinephrine injector.

If the requirements of section 5 of the bill would result in the ineligibility of a health savings account under section 223 of the Internal Revenue Code, such requirement for such health savings account will only apply after the enrollee has satisfied the minimum deductible under section 223 of the Internal Revenue Code, except that for items or services that are preventive care pursuant to section 223(c)(2)(C) of the Internal Revenue Code, such requirement will apply regardless of whether the minimum deductible under section 223 of the Internal Revenue Code has been satisfied.

Section 6: Repealer clause.

Mike Jacobson, Chairperson

