

ENGROSSED LEGISLATIVE BILL 10

Introduced by Hughes, 24; Hallstrom, 1.

A BILL FOR AN ACT relating to prescription drugs; to amend section 71-7455, Reissue Revised Statutes of Nebraska; to change a records requirement for wholesale drug distributors; to provide for dispensing of prescription drugs through the prescription drug donation program in a state of emergency; to repeal the original section; and to declare an emergency.

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

Section 1. Section 71-7455, Reissue Revised Statutes of Nebraska, is amended to read:

71-7455 (1) A wholesale drug distributor engaged in the wholesale distribution of prescription drugs in this state shall establish and maintain accurate records of all transactions regarding the receipt and distribution or other disposition of prescription drugs as provided in this section.

(2) The department shall adopt and promulgate rules and regulations to require that all prescription drugs that leave the normal distribution chain be accompanied by a paper or electronic pedigree as provided in section 71-7456. Such rules and regulations shall be adopted and promulgated no later than July 1, 2007.

(3) A wholesale drug distributor engaged in the wholesale distribution of prescription drugs as part of the Prescription Drug Donation Program Act shall not be required to maintain a paper or electronic pedigree pursuant to section 71-7456.

(4) The department shall develop standards and requirements for electronic pedigrees in order to effectively authenticate, track, and trace prescription drugs. Prior to the development of such standards and requirements, the department shall consult with the federal Food and Drug Administration, manufacturers, wholesale drug distributors, pharmacies, and other interested parties regarding the feasibility and the ways, means, and practicality of

requiring that all prescription drugs that leave the normal distribution chain be accompanied by an electronic pedigree. The standards and requirements may prescribe the information required to be included as part of the electronic pedigree. Such standards and requirements shall be developed no later than July 1, 2008. All prescription drugs that leave the normal distribution chain shall not be required to be accompanied solely by an electronic pedigree prior to such date.

(5) A retail pharmacy or chain pharmacy warehouse shall comply with the requirements of this section only if the pharmacy or chain pharmacy warehouse engages in the wholesale distribution of prescription drugs in this state.

(6) A wholesale drug distributor, other than the original manufacturer of the finished form of the prescription drug, shall verify all transactions listed on the pedigree before attempting to further distribute such drug.

(7)(a) The department may receive prescription drugs and supplies directly under the Prescription Drug Donation Program Act and dispense such prescription drugs and supplies through licensed personnel during, or in preparation for, a state of emergency declared by the Governor.

(b) The department may receive and distribute prescription drugs and supplies to any individual who is impacted as a result of a state of emergency declared by the Governor.

Sec. 2. Original section 71-7455, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 10 was passed by the One Hundred Ninth
Legislature of Nebraska at its First Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR