

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 195**

FINAL READING

Introduced by Meyer, 17; Cavanaugh, M., 6; DeBoer, 10; Guereca, 7; Hunt, 8; Juarez, 5; Hallstrom, 1.

Read first time January 14, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to
- 2 amend section 28-470, Revised Statutes Cumulative Supplement, 2024;
- 3 to provide for immunity for conduct relating to opioid overdose
- 4 reversal medications; to provide and eliminate definitions; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1       **Section 1.** Section 28-470, Revised Statutes Cumulative Supplement,  
2       2024, is amended to read:

3       28-470 (1) A health professional who is authorized to prescribe or  
4       dispense an opioid overdose reversal medication ~~naloxone~~, if acting with  
5       reasonable care, may prescribe, administer, or dispense such medication  
6       ~~naloxone~~ to any of the following persons without being subject to  
7       administrative action or criminal prosecution:

8       (a) A person who is apparently experiencing or who is likely to  
9       experience an opioid-related overdose; or

10       (b) A family member, friend, or other person in a position to assist  
11       a person who is apparently experiencing or who is likely to experience an  
12       opioid-related overdose.

13       (2) A family member, friend, or any other person, including school  
14       personnel, who is in a position to assist a person who is apparently  
15       experiencing or who is likely to experience an opioid-related overdose,  
16       other than an emergency responder or peace officer, is not subject to  
17       actions under the Uniform Credentialing Act, administrative action, or  
18       criminal prosecution if the person, acting in good faith:

19       (a) Obtains an opioid overdose reversal medication ~~, obtains~~  
20       ~~naloxone~~ from a health professional, pursuant to or a prescription, or  
21       over the counter; for naloxone from a health professional and

22       (b) Administers such medication ~~administers the naloxone obtained~~  
23       ~~from the health professional or acquired pursuant to the prescription to~~  
24       a person who is apparently experiencing an opioid-related overdose.

25       (3) An emergency responder who, acting in good faith, obtains an  
26       opioid overdose reversal medication ~~naloxone~~ from the emergency  
27       responder's emergency medical service organization and administers such  
28       medication ~~the naloxone~~ to a person who is apparently experiencing an  
29       opioid-related overdose shall not be:

30       (a) Subject to administrative action or criminal prosecution; or

31       (b) Personally liable in any civil action to respond in damages as a

1 result of his or her acts of commission or omission arising out of and in  
2 the course of his or her rendering such care or services or arising out  
3 of his or her failure to act to provide or arrange for further medical  
4 treatment or care for the person who is apparently experiencing an  
5 opioid-related overdose, unless the emergency responder caused damage or  
6 injury by his or her willful, wanton, or grossly negligent act of  
7 commission or omission. This subdivision shall not affect the liability  
8 of such emergency medical service organization for the emergency  
9 responder's acts of commission or omission.

10 (4) A peace officer or law enforcement employee who, acting in good  
11 faith, obtains an opioid overdose reversal medication ~~naloxone~~ from the  
12 peace officer's or employee's law enforcement agency and administers such  
13 medication ~~the naloxone~~ to a person who is apparently experiencing an  
14 opioid-related overdose shall not be:

15 (a) Subject to administrative action or criminal prosecution; or

16 (b) Personally liable in any civil action to respond in damages as a  
17 result of his or her acts of commission or omission arising out of and in  
18 the course of his or her rendering such care or services or arising out  
19 of his or her failure to act to provide or arrange for further medical  
20 treatment or care for the person who is apparently experiencing an  
21 opioid-related overdose, unless the peace officer or employee caused  
22 damage or injury by his or her willful, wanton, or grossly negligent act  
23 of commission or omission. This subdivision shall not affect the  
24 liability of such law enforcement agency for the peace officer's or  
25 employee's acts of commission or omission.

26 (5) For purposes of this section:

27 (a) Administer has the same meaning as in section 38-2806;

28 (b) Dispense has the same meaning as in section 38-2817;

29 (c) Emergency responder means an emergency medical responder, an  
30 emergency medical technician, an advanced emergency medical technician,  
31 or a paramedic licensed under the Emergency Medical Services Practice Act

1 or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

2 (d) Health professional means a physician, physician assistant,  
3 nurse practitioner, or pharmacist licensed under the Uniform  
4 Credentialing Act;

5 (e) Law enforcement agency means a police department, a town  
6 marshal, the office of sheriff, or the Nebraska State Patrol;

7 (f) Law enforcement employee means an employee of a law enforcement  
8 agency, a contractor of a law enforcement agency, or an employee of such  
9 contractor who regularly, as part of his or her duties, handles,  
10 processes, or is likely to come into contact with any evidence or  
11 property which may include or contain opioids;

12 (g) Opioid overdose reversal medication means any lifesaving  
13 medication approved by the United States Food and Drug Administration for  
14 reversing an opioid overdose, whether obtained by prescription, from a  
15 health professional, or over the counter, and includes, but is not  
16 limited to, naloxone and nalmeffene ~~Naloxone means naloxone hydrochloride;~~  
17 and

18 (h) Peace officer has the same meaning as in section 49-801.

19 **Sec. 2.** Original section 28-470, Revised Statutes Cumulative  
20 Supplement, 2024, is repealed.