

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1211

Introduced by Riepe, 12.

Read first time January 21, 2026

Committee:

- 1 A BILL FOR AN ACT relating to the Automated Medication Systems Act; to
- 2 amend section 71-2444, Reissue Revised Statutes of Nebraska, and
- 3 section 71-2449, Revised Statutes Cumulative Supplement, 2024; to
- 4 provide requirements for automated medication systems operated by
- 5 certain pharmacies; to harmonize provisions; and to repeal the
- 6 original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 71-2444, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-2444 Sections 71-2444 to 71-2452 and section 3 of this act shall
4 be known and may be cited as the Automated Medication Systems Act.

5 **Sec. 2.** Section 71-2449, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 71-2449 (1) An automated medication distribution machine:

8 (a) Is subject to the requirements of section 71-2447 and, if it is
9 in a long-term care automated pharmacy, is subject to section 71-2451;
10 ~~and~~

11 (b) Subject to section 71-2451, may be operated or used in a
12 hospital, long-term care facility, or assisted-living facility for
13 medication administration pursuant to a chart order or prescription by a
14 licensed health care professional; and -

15 (c) Subject to section 71-2447 and section 3 of this act, may be
16 operated in connection with a pharmacy located on property owned or
17 leased by the licensed pharmacy, whether within the interior of the
18 pharmacy building or affixed to, or situated on, the exterior of the
19 building.

20 (2) Drugs placed in an automated medication distribution machine
21 shall be in the manufacturer's original packaging or in containers
22 repackaged in compliance with state and federal laws, rules, and
23 regulations relating to repackaging, labeling, and record keeping.

24 (3) The inventory which is transferred to an automated medication
25 distribution machine in a hospital shall be excluded from the percent of
26 total prescription drug sales revenue described in section 71-7454.

27 **Sec. 3.** (1) In order for an automated medication system to be
28 operated by, or under the authority of, a pharmacy licensed under the
29 Health Care Facility Licensure Act and located in Nebraska, the
30 pharmacist in charge of the licensed pharmacy shall annually license the
31 automated medication system when such system is located on property owned

1 or leased by the licensed pharmacy, whether within the interior of the
2 pharmacy building or affixed to, or situated on, the exterior of the
3 building.

4 (2) The pharmacist in charge of a licensed pharmacy shall submit an
5 application for licensure or renewal of licensure to the Division of
6 Public Health of the Department of Health and Human Services with a fee
7 in an amount determined by the Board of Pharmacy, not to exceed fifty
8 dollars. The application shall include:

9 (a) The name and location of the licensed pharmacy;

10 (b) The physical location of the automated medication system,
11 affirming that it is located on property owned or leased by the licensed
12 pharmacy, whether within the interior of the pharmacy building or affixed
13 to, or situated on, the exterior of the building; and

14 (c) The name of the pharmacist in charge of the licensed pharmacy.

15 (3) As part of the application process, the division shall conduct
16 an inspection of the automated medication system by a pharmacy inspector
17 as provided in section 38-28,101. The division shall also conduct
18 inspections of the operation of the automated medication system as
19 necessary.

20 (4) The division shall license an automated medication system which
21 meets the licensure requirements of this section.

22 (5) A pharmacist in charge of a licensed pharmacy shall apply for a
23 separate license for each location at which it operates one or more
24 automated medication systems. The licensed pharmacy shall be the provider
25 pharmacy for the automated medication system.

26 (6) The pharmacist in charge of the licensed pharmacy operating an
27 automated medication system shall:

28 (a) Identify a pharmacist responsible for the operation,
29 supervision, and development of policies and procedures of the automated
30 medication system. Compliance with this subdivision shall be sufficient
31 if the pharmacist monitors the automated medication system electronically

1 and keeps records of compliance with this requirement for a period of
2 five years;

3 (b) Implement the policies and procedures developed to comply with
4 section 71-2447;

5 (c) Assure compliance with the prescription drug storage and record
6 keeping requirements of the Pharmacy Practice Act;

7 (d) Assure compliance with the labeling requirements described in
8 subsection (7) of this section;

9 (e) Develop and implement policies for the verification of a
10 prescription drug by a pharmacist prior to being loaded into an automated
11 medication system or for the verification of a prescription drug by a
12 pharmacist prior to being released to a patient or caregiver; and

13 (f) Assure that each prescription drug is reviewed by a pharmacist
14 prior to the release of a drug by an automated medication system;

15 (7) Each prescription drug dispensed from an automated medication
16 system shall meet the labeling requirements applicable to prescription
17 drugs dispensed by a licensed pharmacist pursuant to section 71-2479.

18 (8) An automated medication system shall not dispense or make
19 available prescription medication to a patient or caregiver unless
20 pharmacist care has been offered and made available in a manner
21 consistent with section 38-2869.

22 (9) An automated medication system that is located outside a fully
23 enclosed building shall not be placed in a manner that exposes
24 medications to adverse environmental conditions or to security risks,
25 unless the Board of Pharmacy determines, through rule or case-specific
26 approval, that the automated medication system employs environmental
27 controls and physical security measures sufficient to protect medication
28 integrity and prevent diversion.

29 (10) An automated medication system operated in accordance with this
30 section shall not store, dispense, or otherwise make available a
31 controlled substance as defined under state or federal law.

1 (11) This section does not apply to a long-term care automated
2 pharmacy or an automated medication system operated in a long-term care
3 facility under section 71-2451.

4 **Sec. 4.** Original section 71-2444, Reissue Revised Statutes of
5 Nebraska, and section 71-2449, Revised Statutes Cumulative Supplement,
6 2024, are repealed.