

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 546

Introduced by Morfeld, 46.

Read first time January 21, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to
- 2 amend sections 28-101 and 28-401.01, Revised Statutes Cumulative
- 3 Supplement, 2014; to authorize the administration of naloxone as
- 4 prescribed; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 28-101 Sections 28-101 to 28-1357, 28-1418.01, and 28-1429.03 and
4 section 3 of this act shall be known and may be cited as the Nebraska
5 Criminal Code.

6 Sec. 2. Section 28-401.01, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 28-401.01 Sections 28-401 to 28-456.01 and 28-458 to 28-462 and
9 section 3 of this act shall be known and may be cited as the Uniform
10 Controlled Substances Act.

11 Sec. 3. (1) A health professional who is authorized to prescribe
12 naloxone, if acting with reasonable care, may prescribe, administer, or
13 dispense naloxone to any of the following persons without being subject
14 to administrative action or criminal prosecution;

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

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

20 (2) A family member, friend, or other person who is in a position to
21 assist a person who is apparently experiencing or who is likely to
22 experience an opioid-related overdose, other than an emergency responder
23 or peace officer, is not subject to actions under the Uniform
24 Credentialing Act, administrative action, or criminal prosecution if the
25 person, acting in good faith, obtains naloxone from a health professional
26 or a prescription for naloxone from a health professional and administers
27 the naloxone obtained from the health professional or acquired pursuant
28 to the prescription to a person who is apparently experiencing an opioid-
29 related overdose.

30 (3) An emergency responder is not subject to administrative action
31 or criminal prosecution if the emergency responder, acting in good faith,

1 obtains naloxone from the emergency responder's emergency medical service
2 organization and administers the naloxone to a person who is apparently
3 experiencing an opioid-related overdose.

4 (4) A peace officer is not subject to administrative action or
5 criminal prosecution if the peace officer, acting in good faith, obtains
6 naloxone from the peace officer's law enforcement agency and administers
7 the naloxone to a person who is apparently experiencing an opioid-related
8 overdose.

9 (5) For purposes of this section:

10 (a) Administer means the direct application of a drug to a person by
11 inhalation or injection;

12 (b) Dispense means sell, leave with, give away, dispose of, or
13 deliver;

14 (c) Emergency responder means first responder, emergency medical
15 technician, emergency medical technician-intermediate, or emergency
16 medical technician-paramedic licensed under the Emergency Medical
17 Services Practice Act;

18 (d) Health professional means a physician, physician assistant,
19 nurse practitioner, or pharmacist licensed under the Uniform
20 Credentialing Act;

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

23 (f) Naloxone means naloxone hydrochloride; and

24 (g) Peace officer has the same meaning as in section 49-801.

25 Sec. 4. Original sections 28-101 and 28-401.01, Revised Statutes
26 Cumulative Supplement, 2014, are repealed.