

## LEGISLATIVE BILL 1067

Approved by the Governor January 19, 1972

Introduced by William F. Swanson, 27th District

AN ACT to amend sections 71-101, 71-2512, and 71-2602, Reissue Revised Statutes of Nebraska, 1943, and section 71-1,142, Revised Statutes Supplement, 1971, relating to public health and welfare; to correct internal references; to clarify the provisions thereof; to eliminate obsolete matter; and to repeal the original sections.

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

Section 1. That section 71-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-101. For the purpose of this act: (1) Board of examiners shall mean one of the boards appointed by the Department of Health to give examinations to applicants for licenses; (2) licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under this act; (3) profession shall mean and refer to any of the several groups named in section 71-102; (4) department shall mean the Department of Health of the State of Nebraska; (5) wherever the masculine gender is used, it shall be construed to include the feminine; and the singular number shall include the plural when consistent with the intent of this act; and (6) this act shall mean and refer to sections 71-101 to ~~71-4,452~~ 71-1,167, which for convenience shall be known as the Uniform Licensing Law.

Sec. 2. That section 71-1,142, Revised Statutes Supplement, 1971, be amended to read as follows:

71-1,142. As used in this act, unless the context otherwise requires:

(1) Practice of pharmacy shall mean (a) the preparing, compounding, and dispensing of drugs and medicinal substances, upon the written or oral order of a medical practitioner; (b) the proper and safe storage and distribution of drugs and medicinal substances to the ultimate user; (c) maintenance of proper records; and (d) the relating of pharmaceutical information concerning such drugs and medicinal substances and their therapeutic values, as a consultant, upon request, and within the

limits of professional judgment;

(2) Pharmacist shall mean any person who (a) is engaged in the business of selling, offering or exposing for sale, drugs and medicinal substances at retail; (b) compounds or dispenses drugs and medicines, or fills the prescriptions of medical practitioners; or (c) advertises Drugs, Drug Store, Pharmacy, Apothecary, Hospital Pharmacy, Dispensary, or any combination of such titles, or any title or description of like import;

(3) Pharmacy shall mean (a) any establishment, place or location, which is advertised as a Pharmacy, Drug Store, Apothecary, or any establishment where the practice of pharmacy is carried on except as exempted in section 71-1,143; and (b) any establishment, place or location which is used as a pick-up point, or drop point, including kiosks, for prescriptions to be filled or where prescription medication is made ready for delivery to the patient;

(4) Drugs, medicines, and medicinal substances, shall mean all poisonous, dangerous or deleterious substances and preparations for external or internal use, and (a) articles recognized in the official United States Pharmacopoeia, the Homeopathic Pharmacopoeia of the United States, the official National Formulary, or any supplement to any of them; (b) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of diseases in man; (c) articles, except food, intended to affect the structure or any function of the body of man; and (d) articles intended for use as a component of any articles specified in subdivision (a), (b), or (c) of this subdivision, except any device or its components, parts or accessories, and except patent and proprietary medicines;

(5) Medical practitioner shall mean any licensed physician, surgeon, podiatrist, dentist, or other person licensed to write prescriptions intended for treatment or prevention of disease or body function in man; and

(6) Pharmacy intern shall mean a student currently enrolled in, or ~~person--licensed--to--write prescriptions--intended--for--treatment--or--prevention--of disease--on--body--function~~ a graduate of, an accredited college or school of pharmacy serving his internship. Such pharmacy intern may compound and dispense drugs and medicines and fill prescriptions only in the presence of and under the immediate personal supervision of a registered pharmacist who must either be the person to whom the pharmacy permit is issued or in the actual employ of the permittee.

Sec. 3. That section 71-2512, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2512. Any person violating any of the provisions of sections 71-162, 71-1109, ~~84-205 to 84-210, 84-243, 84-244, 71-2401 to 71-2404, and 71-2501 to 71-2511, and 28-469,~~ except as specific penalties are herein otherwise imposed, shall, for the first offense, be fined any sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not more than ninety days. Any person, for a second violation of any of the provisions of said sections, wherein another specific penalty is not expressly imposed, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail not more than six months, or both.

Sec. 4. That section 71-2602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2602. ~~Within thirty days after September 14, 1953, the~~ The Governor shall appoint the initial members of the State Board of Health who shall hold office for ~~the following periods of time from September 14, 1953: Two members for a period of one year, two members for a period of two years, and three members for a period of three years.~~ The term of office of the each member of the board ~~who is a member of the Nebraska Pharmaceutical Association initially appointed~~ shall expire on September 14, 1964, at the end of his three-year appointment. Each succeeding member of the board shall be appointed for a term of three years, except members appointed to fill vacancies whose tenure shall be the unexpired term for which they shall be appointed. No member of the board shall serve more than two three-year consecutive terms. If the Legislature is not in session when such members, or one of them, are appointed by the Governor, such members shall take office and act as recess appointees until the Legislature next thereafter convenes.

Sec. 5. That original sections 71-101, 71-2512, and 71-2602, Reissue Revised Statutes of Nebraska, 1943, and section 71-1,142, Revised Statutes Supplement, 1971, are repealed.