

## LEGISLATIVE BILL 1116

Approved by the Governor March 13, 2006

Introduced by McDonald, 41; Combs, 32; Howard, 9; Jensen, 20; Johnson, 37;  
Price, 26

AN ACT relating to drugs; to amend sections 71-2426 and 71-2429, Revised Statutes Supplement, 2005; to change provisions of the Cancer Drug Repository Program Act; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 71-2426, Revised Statutes Supplement, 2005, is amended to read:

71-2426 (1) A cancer drug shall only be accepted or dispensed under the program if such drug is in its original, unopened, sealed, and tamper-evident unit dose packaging. A ~~7~~ except that a cancer drug packaged in single unit doses may be accepted and dispensed if the outside packaging is opened but the single-unit-dose packaging is unopened. There shall be no limitation on the number of doses that can be donated to the program as long as the donated drugs meet the requirements of this section. An injectable cancer drug may be accepted if it does not have temperature requirements other than controlled room temperature.

(2) A cancer drug shall not be accepted or dispensed under the program if (a) such drug bears an expiration date ~~that is earlier than six months after the date the drug was donated or~~ prior to the date of donation, (b) such drug is adulterated or misbranded as described in section 71-2401 or 71-2402, or (c) such drug has expired while in the repository.

(3) Subject to limitations provided in this section, unused cancer drugs dispensed under the medical assistance program established in section 68-1018 may be accepted and dispensed under the program.

Sec. 2. Section 71-2429, Revised Statutes Supplement, 2005, is amended to read:

71-2429 The department, upon the recommendation of the Board of Pharmacy, shall adopt and promulgate rules and regulations to carry out the Cancer Drug Repository Program Act. Such rules and regulations shall include, but not be limited to:

(1) Eligibility criteria and other standards and procedures for participants that accept and distribute or dispense donated cancer drugs;

(2) Necessary forms for administration of the program, including, but not limited to, forms for use by persons or entities that donate, accept, distribute, or dispense cancer drugs under the program. The forms shall include the name of the person to whom the drug was originally prescribed;

(3) The maximum handling fee that may be charged by participants that accept and distribute or dispense donated cancer drugs;

(4) (a) Categories of cancer drugs that the program will accept for dispensing and (b) categories of cancer drugs that the program will not accept for dispensing and the reason that such drugs will not be accepted; and

(5) Maintenance and distribution of the participant registry established in section 71-2430.

Sec. 3. This act becomes operative on July 1, 2006.

Sec. 4. Original sections 71-2426 and 71-2429, Revised Statutes Supplement, 2005, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.