

AMENDMENTS TO LB1009

Introduced by Judiciary.

1           1. Insert the following new sections:

2           Sec. 10. If any section in this act or any part of any section is  
3 declared invalid or unconstitutional, the declaration shall not affect  
4 the validity or constitutionality of the remaining portions.

5           Sec. 12. Since an emergency exists, this act takes effect when  
6 passed and approved according to law.

7           2. On page 9, strike lines 18 through 31 and insert the following  
8 new subdivision:

9           "(44) Lookalike substance means a product or substance, not  
10 specifically designated as a controlled substance in section 28-405, that  
11 is either portrayed in such a manner by a person to lead another person  
12 to reasonably believe that it produces effects on the human body that  
13 replicate, mimic, or are intended to simulate the effects produced by a  
14 controlled substance or that possesses one or more of the following  
15 indicia or characteristics:

16           (a) The packaging or labeling of the product or substance suggests  
17 that the user will achieve euphoria, hallucination, mood enhancement,  
18 stimulation, or another effect on the human body that replicates or  
19 mimics those produced by a controlled substance;

20           (b) The name or packaging of the product or substance uses images or  
21 labels suggesting that it is a controlled substance or produces effects  
22 on the human body that replicate or mimic those produced by a controlled  
23 substance;

24           (c) The product or substance is marketed or advertised for a  
25 particular use or purpose and the cost of the product or substance is  
26 disproportionately higher than other products or substances marketed or  
27 advertised for the same or similar use or purpose;

1       (d) The packaging or label on the product or substance contains  
2 words or markings that state or suggest that the product or substance is  
3 in compliance with state and federal laws regulating controlled  
4 substances;

5       (e) The owner or person in control of the product or substance uses  
6 evasive tactics or actions to avoid detection or inspection of the  
7 product or substance by law enforcement authorities;

8       (f) The owner or person in control of the product or substance makes  
9 a verbal or written statement suggesting or implying that the product or  
10 substance is a synthetic drug or that consumption of the product or  
11 substance will replicate or mimic effects on the human body to those  
12 effects commonly produced through use or consumption of a controlled  
13 substance;

14       (g) The owner or person in control of the product or substance makes  
15 a verbal or written statement to a prospective customer, buyer, or  
16 recipient of the product or substance implying that the product or  
17 substance may be resold for profit; or

18       (h) The product or substance contains a chemical or chemical  
19 compound that does not have a legitimate relationship to the use or  
20 purpose claimed by the seller, distributor, packer, or manufacturer of  
21 the product or substance or indicated by the product name, appearing on  
22 the product's packaging or label or depicted in advertisement of the  
23 product or substance."

24       3. On page 10, strike lines 1 through 28.

25       4. Renumber the remaining section accordingly.