

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT
LB1009

Hearing Date: Thursday January 28, 2016
Committee On: Judiciary
Introducer: Williams
One Liner: Prohibit the sale and use of certain synthetic drugs under the Uniform Controlled Substances Act and the Uniform Deceptive Trade Practices Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Chambers, Coash, Morfeld, Pansing Brooks, Seiler, Williams
Nay:
Absent:
Present Not Voting: 2 Senators Ebke, Krist

Verbal Testimony:

Proponents:

MATT WILLIAMS
KALI SMITH
COREY O'BRIEN
JOE KELLY

SPIKE EICKHOLT
JIM PESCHONG

CELESTE LAIRD

Representing:

INTRODUCER
TJS PURPLE PROJECT
NE ATTORNEY GENERAL'S OFFICE
LANCASTER COUNTY ATTORNEY, NE COUNTY
ATTORNEYS ASSOCIATION
NCDAA
CITY OF LINCOLN AND POLICE OFFICERS
ASSOCIATION OF NEBRASKA
NE STATE PATROL

Opponents:

Representing:

Neutral:

MARVIN HAVLAT

Representing:

SELF

Summary of purpose and/or changes:

Section 1 would amend 28-101 to add Section 4 of this act to the Nebraska Criminal Code.

Section 2 would amend 28-401 to add the term "lookalike substance" to the definition section of the Controlled Substances Act.

Section 3 would amend 28-401.01 to add section 4 of this act to the Controlled Substances Act.

Section 4 would create a new offense relating to the sale or marketing of a "lookalike substance". The penalty for this offense would be a Class IV felony. This section would provide an exception; the new offense would not apply to the sale of a "lookalike substance" for use in research authorized by state or federal law.

Section 5 would amend 28-1439.02 to update internal references.

Section 6 would amend 28-1439.03 to update internal references.

Section 7 would amend 28-431 to add "lookalike substances" to the forfeiture statute, and would update internal references accordingly.

Section 8 would amend 87-301 to add the term "substance" to the definition section of the Uniform Deceptive Trade Practices Act. The term would have the same meaning as "lookalike substance" as defined in Section 2. This section would also update outdated language.

Section 9 would amend 87-302 to add "manufacture, production, importation, distribution, promotion, display for sale, offer for sale, attempt to sell, or sale of" a lookalike substance in a deceptive or misleading way to the Uniform Deceptive Trade Practices Act (UDTPA).

The penalty for a violation of the UDTPA is a class II misdemeanor, except as otherwise provided; (87-303.08) the penalty for a violation of certain provisions of the UDTPA is a civil penalty of up to \$2,000 (87-303.11).

Section 10 would repeal the sections amended by this act.

Explanation of amendments:

AM1960 would make the following changes to LB1009:

In section 2, clarify the definition of "lookalike substance" by striking the existing language. The new definition makes no substantive changes.

Insert a new section 10 to add a severability clause.

Insert a new section 12 to add an emergency clause.

Les Seiler, Chairperson