

# One Hundred Fifth Legislature - Second Session - 2018

## Introducer's Statement of Intent

### LB789

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**Chairperson: Senator Jim Smith**

**Committee: Revenue**

**Date of Hearing:**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB789 repeals the drug tax stamp act. The first drug tax stamp law enacted in the United States was the federal Marihuana Tax Act passed into law in August 1937. This federal law was also the first federal law against cannabis. The Supreme Court of the United States found in *Leary v. United States*, 395 U.S. 6 (1969), that enforcement of the law violated constitutional protections against self-incrimination. The 1937 tax law was repealed by the Comprehensive Drug Abuse Prevention and Control Act of 1970. However, in the 1980s and 1990s these drug stamp laws started returning on the state level as part of the nationwide war on drugs effort. Nebraska's drug tax stamp law went into effect in 1990.

This repeal is to alleviate Constitutional concerns of entrapment, self-incrimination, and double jeopardy, and to ensure that Nebraska's tax provisions are properly focused on state and local revenue needs. Repeal of the tax does not legalize any drugs and also reduces the likelihood of appeal from convictions for drug-related offenses in light of developing case law in other states.

**Principal Introducer:** \_\_\_\_\_

Senator Laura Ebke