

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB659

Hearing Date: Monday February 28, 2011
Committee On: Transportation and Telecommunications
Introducer: Karpisek
One Liner: Prohibit driving with controlled substances in bodily fluids

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh,
Louden, Price

Nay:

Absent:

Present Not Voting:

Proponents:

Senator Russ Karpisek
Marty Conboy

Representing:

Introducer
City of Omaha; NPAMC/IBH/NTLC Model Law
Committee

Opponents:

Brian Mary
Jacob Nowatzke

Representing:

self
self

Neutral:

Representing:

Summary of purpose and/or changes:

LB 659 creates a new classification of a DUI when the person has any amount of a Schedule I - IV controlled substance in his or her system.

The bill amends Sec. 60-6,196 to create a new subdivision for when it is unlawful to be in control of a motor vehicle. It is unlawful when the person has any amount of a Schedule I controlled substance in any of his or her bodily fluids.

In addition, it is unlawful when the person has any amount of a Schedule II, III, or IV controlled substance in any of his or her bodily fluids.

The section does provide an affirmative defense under this subdivision for a person who has been prescribed the Schedule II, III, or IV controlled substance by a health care professional and is using the substance in accordance with the health care professional's directions. The defense only applies to the prescribed controlled substance and not to any other substance found.

The bill also provides a disclaimer that except for the exclusion outlined above, the fact a person was legally entitled to consume alcohol or use a controlled substance does not constitute a defense against a DUI.

Deb Fischer, Chairperson