

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 742

Introduced by Janssen, 15; Dw. Pedersen, 39

Read first time January 20, 1999

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health; to amend sections 28-441 and
2 28-442, Reissue Revised Statutes of Nebraska; to change
3 drug paraphernalia provisions to exclude certain
4 hypodermic syringes and needles; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-441, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-441. (1) It shall be unlawful for any person to use,
4 or to possess with intent to use, drug paraphernalia to
5 manufacture, inject, ingest, inhale, or otherwise introduce into
6 the human body a controlled substance in violation of ~~sections~~
7 ~~28-101, 28-431, and 28-439 to 28-444~~ the Uniform Controlled
8 Substances Act, but drug paraphernalia shall not include hypodermic
9 syringes or needles obtained from a practitioner for the prevention
10 of the spread of infectious diseases or obtained from a
11 practitioner as a part of a needle exchange program.

12 (2) Any person who violates this section shall be guilty
13 of an infraction.

14 Sec. 2. Section 28-442, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 28-442. (1) It shall be unlawful for any person to
17 deliver, possess with intent to deliver, or manufacture with intent
18 to deliver, drug paraphernalia, knowing, or under circumstances
19 ~~where in which~~ one reasonably should know, that it will be used to
20 manufacture, inject, ingest, or inhale, or otherwise be used to
21 introduce into the human body a controlled substance in violation
22 of sections 28-101, 28-431, and 28-439 to 28-444 the Uniform
23 Controlled Substances Act.

24 (2) This section shall not include practitioners who
25 provide hypodermic syringes or needles for the prevention of the
26 spread of infectious diseases or as a part of a needle exchange
27 program.

28 (3) ~~(2)~~ Any person who violates this section shall be

1 guilty of a Class II misdemeanor.

2 Sec. 3. Original sections 28-441 and 28-442, Reissue

3 Revised Statutes of Nebraska, are repealed.