

AMENDMENTS TO LB307

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 28-441, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 28-441 (1) It shall be unlawful for any person to use, or to possess
6 with intent to use, drug paraphernalia to manufacture, inject, ingest,
7 inhale, or otherwise introduce into the human body a controlled substance
8 in violation of sections 28-101, 28-431, and 28-439 to 28-444.

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

11 (3) A person shall not be in violation of this section if section
12 28-472 or 28-1701 applies.

13 (4) This section does not apply to:

14 (a) The staff of a public or behavioral health program, authorized
15 by a local jurisdiction, who distribute hypodermic needles for the
16 purpose of prevention of the spread of infectious diseases; or

17 (b) A person identified by such a program as a program participant.

18 Sec. 2. Section 28-442, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

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

26 (2) This section shall not apply to:

27 (a) Pharmacies, pharmacists, pharmacist interns, pharmacy

1 technicians, and pharmacy clerks who sell hypodermic syringes or needles
2 for the prevention of the spread of infectious diseases; -

3 (b) The staff of a public or behavioral health program, authorized
4 by a local jurisdiction, who distribute hypodermic needles for the
5 purpose of prevention of the spread of infectious diseases; or

6 (c) A person identified by such a program as a program participant.

7 (3) Any person who violates this section shall be guilty of a Class
8 II misdemeanor.

9 Sec. 3. Original sections 28-441 and 28-442, Revised Statutes
10 Cumulative Supplement, 2022, are repealed.