

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB326

Hearing Date: Friday March 06, 2015
Committee On: Judiciary
Introducer: Williams
One Liner: Change provisions relating to marijuana, amphetamine, and methamphetamine

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

Vote Results:

Aye: 8 Senators Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams

Nay:

Absent:

Present Not Voting:

Verbal Testimony:

Proponents:

SEN. MATT WILLIAMS
VIRGINIA MOON
COREY O'BRIEN
CHRISTINE GABIG
THOMAS SCHWARTEN
DR. RON BARTZATT
JONI COVER
JOHN JENSEN
PAUL SCHAUB

KALI SMITH
JENNIFER GREEN
AL RISKOWSKI
STEVE TUCKER
JORDAN TUCKER

Representing:

INTRODUCER
NCSA
NE ATTORNEY GENERAL'S OFFICE
DOUGLAS COUNTY SHERIFF
NEBRASKA STATE PATROL
SELF
NE PHARMACISTS ASSOCIATION
CHEYENNE COUNTY SHERIFF
CHEYENNE COUNTY ATTORNEY, COUNTY
ATTORNEYS ASSOCIATION
PURPLE PROJECT
LIVEWISE COALITION
NE FAMILY ALLIANCE
SELF
SELF

Opponents:

JAMES STATZER
JACOB NOVATZKE
AARON WEINER
GREG LAUBY
BRIAN MARY
TONJA PETERSON-WENDT
TERESA MOBERLY

Representing:

CURES NOT WARS
SELF
SELF
SELF
SELF
SELF
SELF

Neutral:

VINCENT LITWINOWICT

Representing:

SELF

Summary of purpose and/or changes:

Section 1 would amend 28-401 to define terms for purposes of the Uniform Controlled Substances Act.

This section would strike the reference to hashish from the definition of "marijuana"; strike the term "hashish or concentrated cannabis" and its definition; change the definition of "manufacture"; and define a new term, "ingestible" as follows: Ingestible means prepared for oral consumption and shall include, but not be limited to, food, candy, and drinks. Ingestible shall not include consumption by inhaling.

Section 2 would amend 28-405 to include certain substances in the Uniform Controlled Substances Act.

Section 3 would amend 28-416 to change penalties for possession of a controlled substance.

On page 42, lines 21 to 23, this section would strike reference to synthetic cannabinoids from subsection (3), which provides that the penalty for possession of a controlled substance, other than marijuana or synthetic cannabinoids, is a Class IV felony.

On page 44, lines 15 to 16, this section would add manufacture of ingestible compounds containing THC to the penalty enhancements described in subsection (5).

On page 45, lines 21 to 24 would add substances containing any detectable amount of amphetamine or methamphetamine to the penalties for possession of amphetamine or methamphetamine described in subsection (10).

On page 46, lines 6 to 8 would create a new subsection (13) to provide that the penalty for possessing any ingestible mixture or substance containing any detectable amount of marijuana or THC is a Class IV felony.

On page 46, lines 9 to 12 would create a new subsection (14) to provide that the penalty for manufacture of an ingestible compound, mixture, or substance containing any detectable amount of marijuana or THC is a Class III felony.

On page 46, lines 14 to 16 would strike reference to synthetic cannabinoids from subsection (15), which provides that the penalty for possession of marijuana or synthetic cannabinoids, is an infraction for the first offense, a Class IV misdemeanor for the second offense, and a Class IIIA misdemeanor for the third and all subsequent offenses.

On page 47, line 8 would add manufacture of ingestible compounds containing THC to the penalty enhancements described in subsection (18).

Section 4 would amend 28-439 to change provisions relating to drug paraphernalia to reflect definitions amended in other sections.

On page 49, lines 18 to 21 would change reference to substances from "marijuana, cocaine, hashish, or hashish oil" to "cocaine or any substances or mixtures containing any chemical or material directly or indirectly derived from the plant of the genus cannabis."

Section 5 would amend 28-1354 to renumber provisions relating to the Public Protection Act to reflect changes made in other sections of this bill.

Section 6 would repeal the sections amended by this act.

Explanation of amendments:

AM1453 to LB326 would strike the original sections, and amend 28-405 to include the following substances in the Uniform Controlled Substances Act:

Synthetic cannabinoids update (pages 7-11)
Bk-MBDB or butylone, a synthetic version of MDMA (page 15)
Lisdexamfetamine, an FDA approved drug used to treat ADHD (page 20)
An immediate precursor to fentanyl, an opiate (page 21, lines 2-3)
Embutramide, a sedative used for veterinary euthanasia (page 21, line 24)
Perampanel (page 21, line 28)
Hydrocodone combination (page 23)
Steroid update (pages 24-27)
Zopiclone (page 29, line 27)
Fospropofol (page 29, line 28)
Alfaxalone (page 29, line 29)
Suvorexant (page 29, line 30)
Carisoprodol (page 29, line 31)
Tramadol (page 31, lines 3-5)
Butorphanol (page 31, line 10)
Lorcaserin (page 31, lines 10-21)

Les Seiler, Chairperson