

February 27, 1980

SENATOR CLARK: Senator Nichol, for what purpose do you arise?

SENATOR NICHOL: Mr. Chairman, I was just ready to go on #6 if you are ready.

SENATOR CLARK: Pardon me?

SENATOR NICHOL: #6 on the agenda, I was just ready to go on that if you were ready.

SENATOR CLARK: You are up.

SENATOR NICHOL: Mr. President, members of the Legislature, the Speaker has purposely asked us to keep this short. It is Request #1598 for the introduction of a new bill at this late date. We hope you won't discuss it to death but merely decide on whether or not you wish to introduce the bill. I am doing this at the request of Senator Venditte and since he is a smooth man and smooth talker, he talked me into doing this for him. He may wish to add a couple of words but the bill is intended to control the manufacture, advertisement, sale, use or possession of so-called drug paraphernalia. In just the past few years the availability of drug paraphernalia has reached epidemic levels. An industry has developed which promotes, even glamorizes the illegal use of drugs by adults and children alike. Sale of drugs paraphernalia has now mushroomed into an industry so well entrenched that it has its own trade magazines and associations. This bill was drafted by the Drug Enforcement Administration of the United States Department of Justice. The bill will enable state and local jurisdictions to cope with the paraphernalia problem. Other state laws aimed at controlling drug paraphernalia are often too vaguely worded and too limited in coverage to withstand a constitutional attack or to be very effective. This act has been drafted to withstand constitutional attack. Section 1 provides a comprehensive definition of the term "drug paraphernalia" and includes particular descriptions of the most common forms of paraphernalia. Section 2 outlines the more relevant factors the court shall consider in determining whether an object comes within the definition. Sections 3 through 6 set out the four criminal offenses intended to prohibit the manufacture, advertisement, delivery, use of, possession of drug paraphernalia. The delivery of paraphernalia to a minor is a special offense carrying a Class I misdemeanor penalty. These sections clearly define what conduct is prohibited and it specifies what criminal state of mind must accompany such act. In addition to that, some cities have passed ordinances whereby they attempt to control such sale of drug paraphernalia. In the area around Omaha I understand there are some drug paraphernalia sales institutions and this bill would also cover those. So, I urge your support of letting us go ahead with a hearing on this request. Thank you.