

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 307

Introduced by Hunt, 8.

Read first time January 11, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to
- 2 amend section 28-442, Revised Statutes Cumulative Supplement, 2022;
- 3 to authorize pharmacies and local public health programs to provide
- 4 hypodermic syringes or needles to prevent the spread of infectious
- 5 disease; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-442, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 28-442 (1) It shall be unlawful for any person to deliver, possess
4 with intent to deliver, or manufacture with intent to deliver, drug
5 paraphernalia, knowing, or under circumstances in which one reasonably
6 should know, that it will be used to manufacture, inject, ingest, or
7 inhale or otherwise be used to introduce into the human body a controlled
8 substance in violation of sections 28-101, 28-431, and 28-439 to 28-444.

9 (2) This section shall not apply to:

10 (a) Pharmacies, pharmacists, pharmacist interns, pharmacy
11 technicians, and pharmacy clerks who sell hypodermic syringes or needles
12 for the prevention of the spread of infectious diseases; or -

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

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

19 Sec. 2. Original section 28-442, Revised Statutes Cumulative
20 Supplement, 2022, is repealed.