

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014

COMMITTEE STATEMENT

LB811

Hearing Date: Wednesday February 26, 2014
Committee On: Judiciary
Introducer: Schilz
One Liner: Change provisions and penalties relating to the Uniform Controlled Substances Act

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye: 7 Senators Ashford, Christensen, Coash, Davis, Lathrop, McGill, Seiler
Nay:
Absent: 1 Senator Chambers
Present Not Voting:

Proponents:

SEN. KEN SCHILZ
COREY O'BRIEN

CHRISTINE GABIG
STEVE TUCKER
KALI SMITH
JENNIFER GREEN

Representing:

INTRODUCER
NE ATTORNEY GENERAL'S OFFICE, NE COUNTY
ATTORNEY'S ASSOCIATION
DOUGLAS COUNTY SHERIFF
SELF
TYLER J SMITH PURPLE PROJECT
SELF

Opponents:

CHRISTOPHER EICKHOLT

SENATOR ERNIE CHAMBERS

Representing:

NEBRASKA CRIMINAL DEFENSE ATTORNEYS
ASSOCIATION
SELF

Neutral:

Representing:

Summary of purpose and/or changes:

Section 1 amends section 28-401; updates references to current federal law, expands the definition of "imitation controlled substance" to include reference to controlled substance analogues.

Section 2 amends section 28-405, the Uniform Controlled Substances Act. Section 28-405(c)(25) lists the syntetically produced cannabinoids. LB811 updates and expands the list of substances in 405(c)(25), by:
changing (K) "Adamantylindole carboxamides" to "Indole carboxamides", and by expanding the definition to include halobenzyl and aminooxalkyl groups, whether or not further substituted in any of the ring systems to any extent
adding (L) - "indole carboxylates"
adding (M) - any other compound containing a "cannabinoid receptor agonist"
adding "including, but not limited to" language to each subsection of (c)(25)
updating references to current federal law

Section 3 amends section 28-416, increases the penalty for possession of synthetic cannabinoids, by removing the synthetic cannabinoids listed in (c)(25) from the possession exception for Schedule I drug possession. Currently, the

penalty for possession of synthetic cannabinoids could be an infraction, a Class IV misdemeanor, or a Class IIIA misdemeanor.

Section 4 amends section 28-445 to increase the penalty for manufacture, distribution, delivery or possession with intent to distribute or deliver an imitation controlled substance. The first offense would be increased from a Class III misdemeanor to a Class I misdemeanor. Subsequent offenses would be increased from a Class II misdemeanor to a Class IV felony.

Section 4 also adds to the factors that may be considered in determining whether a substance is an imitation controlled substance, and changes the definition of what property possessed, distributed, or delivered in violation of this section shall be subject to the seizure and forfeiture provisions in section 28-431.

Explanation of amendments:

AM2400 to LB811 strikes the original language, inserts the following provisions.

Section 1 defines the term "cannabinoid receptor agonist", in addition to the amendments to section 28-401 noted above.

Section 2 amends section 28-405, the Uniform Controlled Substances Act, to update the classes of synthetic cannabinoids, and to and update references to current federal law.

Section 28-405(c)(25) lists the synthetically produced cannabinoids. AM2400 removes the "including, but not limited to" language from LB811, and leaves the penalties as they currently exist in section 28-416.

Section 3 amends section 28-445, adds to the factors that may be considered in determining whether a substance is an imitation controlled substance. AM2400 leaves the seizure and forfeiture reference as it exists in the current statute, and leaves the penalties as they currently exist in section 28-445.

Brad Ashford, Chairperson