LEGISLATURE OF NEBRASKA

ONE HUNDRED NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1254

Introduced by Prokop, 27; Bostar, 29.

Read first time January 21, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes; to amend section 28-101, Revised
2   Statutes Supplement, 2025; to define a term; to prohibit the retail
3   sale of electronic smoking devices without a child safety feature as
4   provided; to provide a penalty; to harmonize provisions; and to
5   repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1   **Section 1.** Section 28-101, Revised Statutes Supplement, 2025, is

2 amended to read:

3   28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701

4 and section 2 of this act shall be known and may be cited as the Nebraska

5 Criminal Code.

6   **Sec. 2.** (1) For purposes of this section:

7   (a) Electronic smoking device means any product or device containing

8 nicotine, a nicotine analogue, tobacco, or tobacco derivatives that

9 employs a heating element, power source, electronic circuit, or other

10 electronic, chemical, or mechanical means, regardless of shape or size,

11 to simulate smoking by delivering the nicotine, nicotine analogue,

12 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol form

13 to a person inhaling from the product or device; and

14   (b) Nicotine analogue has the same meaning as in section 28-1418.01.

15   (2) It shall be unlawful to sell at retail, offer for retail sale,

16 or distribute for retail sale or promotion in this state any electronic

17 smoking device manufactured on or after the effective date of this act

18 without a child safety feature.

19   (3) Any person who violates this section shall be guilty of a Class

20 IV misdemeanor.

21   (4) This section does not apply to the interstate transportation of

22 electronic smoking devices or the storage of electronic smoking devices

23 in a warehouse or distribution center.

24   **Sec. 3.** Original section 28-101, Revised Statutes Supplement, 2025,

25 is repealed.