

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 383

Introduced by Pahls, 31.

Read first time January 16, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Uniform Controlled Substances Act;
2 to amend section 28-401.01, Reissue Revised Statutes
3 of Nebraska; to provide for limited immunity from
4 prosecution as prescribed; to harmonize provisions; and
5 to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) A person who, in good faith, seeks medical
2 assistance for a person experiencing a drug-related overdose shall
3 not be charged or prosecuted for possession of a controlled
4 substance pursuant to section 28-416 if the evidence for the charge
5 of possession of a controlled substance was gained as a result of
6 seeking medical assistance.

7 (2) A person who experiences a drug-related overdose and
8 seeks medical assistance shall not be charged or prosecuted for
9 possession of a controlled substance pursuant to section 28-416 if
10 the evidence for the charge of possession of a controlled substance
11 was gained as a result of the overdose and the need for medical
12 assistance.

13 (3) The act of seeking medical assistance for a person
14 who is experiencing a drug-related overdose may be used as a
15 mitigating factor in a criminal prosecution pursuant to the Uniform
16 Controlled Substances Act.

17 Sec. 2. Section 28-401.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 28-401.01 Sections 28-401 to 28-456.01 and section 1 of
20 this act shall be known and may be cited as the Uniform Controlled
21 Substances Act.

22 Sec. 3. Original section 28-401.01, Reissue Revised
23 Statutes of Nebraska, is repealed.