

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 511**

Introduced by Christensen, 44.

Read first time January 18, 2011

Committee: General Affairs

A BILL

1 FOR AN ACT relating to tobacco; to amend sections 28-439, 28-1420,  
2 and 77-4007, Reissue Revised Statutes of Nebraska; to  
3 restrict the use and sale of blunt wrap tobacco wrappers  
4 as prescribed; and to repeal the original sections.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 28-439, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   28-439 As used in sections ~~28-101, 28-431,~~ and 28-439 to  
4 28-444, or elsewhere in the Nebraska Criminal Code, unless the  
5 context otherwise requires, drug paraphernalia ~~shall mean~~ means all  
6 equipment, products, and materials of any kind which are used,  
7 intended for use, or designed for use, in manufacturing, injecting,  
8 ingesting, inhaling, or otherwise introducing into the human body a  
9 controlled substance in violation of sections ~~28-101, 28-431,~~ and  
10 28-439 to 28-444 or the Uniform Controlled Substances Act. It shall  
11 include, but not be limited to, the following:

12                   (1) Diluents and adulterants, such as quinine  
13 hydrochloride, mannitol, mannite, dextrose, and lactose, used,  
14 intended for use, or designed for use in cutting controlled  
15 substances;

16                   (2) Separation gins and sifters used, intended for use,  
17 or designed for use in removing twigs and seeds from, or in otherwise  
18 cleaning or refining, marijuana;

19                   (3) Hypodermic syringes, needles, and other objects used,  
20 intended for use, and designed for use in parenterally injecting  
21 controlled substances into the human body; and

22                   (4) Objects used, intended for use, or designed for use  
23 in ingesting, inhaling, or otherwise introducing marijuana, cocaine,  
24 hashish, or hashish oil into the human body, which shall include but  
25 not be limited to the following:

1           (a) Metal, wooden, acrylic, glass, stone, plastic, or  
2 ceramic pipes with or without screens, permanent screens, hashish  
3 heads, or punctured metal bowls;

4           (b) Water pipes;

5           (c) Carburetion tubes and devices;

6           (d) Smoking and carburetion masks;

7           (e) Roach clips, meaning objects used to hold burning  
8 material, such as a marijuana cigarette, which has become too small  
9 or too short to be held in the hand;

10          (f) Miniature cocaine spoons, and cocaine vials;

11          (g) Chamber pipes;

12          (h) Carburetor pipes;

13          (i) Electric pipes;

14          (j) Air-driven pipes;

15          (k) Chillums;

16          (l) Bongs; ~~and~~

17          (m) Ice pipes or chillers; and -

18          (n) Blunt wrap tobacco wrappers, meaning individual  
19 tobacco wrappers made wholly or in part from tobacco, including  
20 reconstituted tobacco, in the form of a tobacco leaf, sheet, or tube,  
21 if such a wrap is designed to be sold to individuals.

22           Sec. 2. Section 28-1420, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           28-1420 (1) It shall be unlawful for any person,  
25 partnership, limited liability company, or corporation to sell, keep

1 for sale, or give away in course of trade, any cigars, tobacco,  
2 cigarettes, or cigarette material to anyone without first obtaining a  
3 license as provided in sections 28-1421 and 28-1422.

4 (2) It shall also be unlawful for any wholesaler to sell  
5 or deliver any cigars, tobacco, cigarettes, or cigarette material to  
6 any person, partnership, limited liability company, or corporation  
7 who, at the time of such sale or delivery, is not the recipient of a  
8 valid tobacco license for the current year to retail the same as  
9 provided in such sections.

10 (3) It shall also be unlawful for any person,  
11 partnership, limited liability company, or corporation to purchase or  
12 receive, for purposes of resale, any cigars, tobacco, cigarettes, or  
13 cigarette material if such person, partnership, limited liability  
14 company, or corporation is not the recipient of a valid tobacco  
15 license to retail such tobacco products at the time the same are  
16 purchased or received.

17 (4) Cigars, tobacco, or tobacco products shall not  
18 include blunt wrap tobacco wrappers made wholly or in part from  
19 tobacco, including reconstituted tobacco, in the form of a tobacco  
20 leaf, sheet, or tube, if such a wrap is designed to be sold to  
21 individuals.

22 (5) Whoever shall be found guilty of violating this  
23 section shall be guilty of a Class III misdemeanor for each offense.

24 Sec. 3. Section 77-4007, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1                   77-4007 Tobacco products shall mean (1) cigars, (2)  
2 cheroots, (3) stogies, (4) periques, (5) granulated, plug cut, crimp  
3 cut, ready rubbed, and other smoking tobacco, (6) snuff, (7) snuff  
4 flour, (8) cavendish, (9) plug and twist tobacco, (10) fine cut and  
5 other chewing tobacco, (11) shorts, refuse scraps, clippings,  
6 cuttings, and sweepings of tobacco, and (12) other kinds and forms of  
7 tobacco, prepared in such manner as to be suitable for chewing or  
8 smoking in a pipe or otherwise or both for chewing and smoking,  
9 except that tobacco products shall not mean cigarettes as defined in  
10 section 77-2601 or blunt wrap tobacco wrappers.

11                   Sec. 4. Original sections 28-439, 28-1420, and 77-4007,  
12 Reissue Revised Statutes of Nebraska, are repealed.