

AMENDMENTS TO LB322

(Amendments to Standing Committee amendments, AM271)

Introduced by Crawford, 45.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 28-1419, Revised Statutes Supplement, 2019, is
4 amended to read:

5 28-1419 (1) whoever shall sell, give, or furnish, in any way, any
6 tobacco in any form whatever, or any cigars, cigarettes, cigarette paper,
7 electronic nicotine delivery systems, or alternative nicotine products,
8 to any person under nineteen years of age, is guilty of a Class III
9 misdemeanor for each offense.

10 (2)(a) In order to further the public policy of deterring licensees
11 or other persons from violating subsection (1) of this section, a person
12 who is at least fifteen years of age but under nineteen years of age may
13 assist a peace officer in determining compliance with such subsection if:

14 (i) The parent or legal guardian of the person has given written
15 consent for the person to participate in such compliance check;

16 (ii) The person is an employee, a volunteer, or an intern with a
17 state or local law enforcement agency;

18 (iii) The person is acting within the scope of his or her assigned
19 duties as part of a law enforcement investigation;

20 (iv) The person does not use or consume a tobacco product as part of
21 such duties; and

22 (v) The person is not actively assigned to a diversion program, is
23 not a party to a pending criminal proceeding or a proceeding pending
24 under the Nebraska Juvenile Code, and is not on probation.

25 (b) Any person under the age of nineteen years acting in accordance
26 with and under the authority of this subsection shall not be in violation

1 of section 28-1427.

2 Sec. 2. Section 28-1427, Revised Statutes Supplement, 2019, is
3 amended to read:

4 28-1427 Except as provided in subsection (2) of section 28-1419,
5 any Any person under the age of nineteen years who obtains cigars,
6 tobacco, cigarettes, cigarette material, electronic nicotine delivery
7 systems, or alternative nicotine products from a licensee by representing
8 that he or she is of the age of nineteen years or over is guilty of a
9 Class V misdemeanor.

10 Sec. 3. Original sections 28-1419 and 28-1427, Revised Statutes
11 Supplement, 2019, are repealed.