

AMENDMENTS TO LB1064

Introduced by Crawford, 45.

1 1. Strike original sections 3 and 7 and insert the following new
2 sections:

3 Sec. 3. 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 ~~twenty-one~~ ~~nineteen~~ years of age, is guilty of a
9 Class III 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 twenty-one years of age
13 may assist a peace officer in determining compliance with such subsection
14 if:

15 (i) The parent or legal guardian of the person has given written
16 consent for the person to participate in such compliance check if such
17 person is under nineteen years of age;

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

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

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

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

27 (b) Any person under the age of twenty-one years acting in

1 accordance with and under the authority of this subsection shall not be
2 in violation of section 28-1427.

3 Sec. 7. Section 28-1427, Revised Statutes Supplement, 2019, is
4 amended to read:

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