

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB322

Hearing Date: Friday February 01, 2019
Committee On: Judiciary
Introducer: Crawford
One Liner: Change provisions relating to enforcement of certain tobacco restriction provisions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Brandt, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:		

Oral Testimony:

Proponents: Senator Sue Crawford Autumn Sky Burns Jeanne Brandner	Representing: Introducer self Administrative Office of the Courts & Probation
Opponents: Kathy Siefken	Representing: Nebraska Grocery Industry Association
Neutral:	Representing:

Summary of purpose and/or changes:

Section 1 Amends section 28-1419 which establishes the crime of providing tobacco and nicotine products to minors to provide for the use of minors in compliance checks. Subsection (2) is added to provide requirements for 15 to 18 year olds to assist in compliance check programs. Requirements include: written consent of the parent or guardian, the minor is associated with an organization conducting the check including law enforcement or licensee, and that the minor does not consume the tobacco product. Subsection (2)(b) provides requirements for the compliance program including consultation with local law enforcement, provide notice to the seller of the compliance check and the outcome if there is no violation. The notice may be in the form of a newspaper legal notice. Minors involved in the program may not be involved in a check more than once every thirty days at a specific location.

Section 2 Amends 28-1427 which establishes penalties for a minor who misrepresents their age to a tobacco seller, to establish an exception for minors involved in a compliance check program outlined in Section 1.

Section 3 Repeals original sections.

Explanation of amendments:

AM 271 limits the compliance checks using minors (ages 15 to 18) to law enforcement agency efforts only (eliminating

licensees, Department of Health and Human services and coalition grantees, and the FDA in the original proposal). The amendment also prohibits using juveniles actively involved in a diversion program, on probation, or subject to a pending criminal proceeding.

Steve Lathrop, Chairperson