

AMENDMENTS TO LB137

(Amendments to E&R amendments, ER72)

Introduced by Hunt, 8.

1 1. Insert the following new sections:

2 Section 1. (1) The governing body of a municipality or county may
3 authorize by ordinance or resolution a syringe services program to
4 operate within the bounds of such municipality or county. A county
5 ordinance or resolution shall not be effective within the corporate
6 boundaries of any incorporated municipality located in whole or in part
7 within the county.

8 (2) Participation in a syringe services program authorized by this
9 section shall be limited to persons eighteen years of age or older.

10 (3) A syringe services program authorized by this section shall, at
11 a minimum, offer or arrange for the provision of the following:

12 (a) A needs assessment for program participants;

13 (b) Access to sterile syringes, needles, and other items or
14 equipment used to reduce the risk of disease transmission or other harm;

15 (c) Safe disposal of used syringes, needles, and other items or
16 equipment;

17 (d) Referral information and educational materials regarding
18 substance use disorder prevention and treatment;

19 (e) Information to reduce injection and overdose risks;

20 (f) Naloxone or information about where naloxone can be obtained at
21 low or no cost; and

22 (g) Referral information and educational materials regarding social
23 services, mental health care, and other health care services.

24 (4) A syringe services program authorized by this section shall not
25 be located within five hundred feet of any:

26 (a) Public or private: Child care facility; elementary, vocational,

1 or secondary school; or youth center; or

2 (b) Public: Community recreation center, library, or swimming pool.

3 Sec. 3. Section 28-441, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 28-441 (1) It shall be unlawful for any person to use, or to possess
6 with intent to use, drug paraphernalia to manufacture, inject, ingest,
7 inhale, or otherwise introduce into the human body a controlled substance
8 in violation of sections 28-101, 28-431, and 28-439 to 28-444.

9 (2) Any person who violates this section shall be guilty of an
10 infraction.

11 (3) A person shall not be in violation of this section if section
12 28-472 or 28-1701 applies.

13 (4) This section does not apply to:

14 (a) The staff of a syringe services program authorized by section 1
15 of this act when such staff are engaged in the provision, retrieval, or
16 disposal of syringes, needles, or other items or equipment in connection
17 with the program; or

18 (b) A participant in such a program when the participant is engaged
19 in the retrieval or disposal of syringes, needles, or other items or
20 equipment at or within the immediate vicinity of the program site or
21 facility.

22 Sec. 4. Section 28-442, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 28-442 (1) It shall be unlawful for any person to deliver, possess
25 with intent to deliver, or manufacture with intent to deliver, drug
26 paraphernalia, knowing, or under circumstances in which one reasonably
27 should know, that it will be used to manufacture, inject, ingest, or
28 inhale or otherwise be used to introduce into the human body a controlled
29 substance in violation of sections 28-101, 28-431, and 28-439 to 28-444.

30 (2) This section shall not apply to:

31 (a) Pharmacies, pharmacists, pharmacist interns, pharmacy

1 technicians, and pharmacy clerks who sell hypodermic syringes or needles
2 for the prevention of the spread of infectious diseases; -

3 (b) The staff of a syringe services program authorized by section 1
4 of this act when such staff are engaged in the provision, retrieval, or
5 disposal of syringes, needles, or other items or equipment in connection
6 with the program; or

7 (c) A participant in such a program when the participant is engaged
8 in the retrieval or disposal of syringes, needles, or other items or
9 equipment at or within the immediate vicinity of the program site or
10 facility.

11 (3) Any person who violates this section shall be guilty of a Class
12 II misdemeanor.

13 2. Renumber the remaining sections and correct the repealer
14 accordingly.