

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 660**

Introduced by Karpisek, 32.

Read first time January 19, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Uniform Controlled Substances Act; to  
2 amend section 28-401.01, Reissue Revised Statutes of  
3 Nebraska; to create an offense for providing a bodily  
4 fluid sample containing a controlled substance; to  
5 provide penalties; to provide an absolute affirmative  
6 defense; to harmonize provisions; and to repeal the  
7 original section.

8 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 28-401.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   28-401.01 Sections 28-401 to 28-456.01 and section 2 of  
4 this act shall be known and may be cited as the Uniform Controlled  
5 Substances Act.

6                   Sec. 2. Any person who provides a sample of bodily fluid  
7 containing any amount of a controlled substance commits an offense  
8 punishable in the same manner as if the person otherwise possessed  
9 that substance. The fact that a person charged with violating this  
10 section is or was legally entitled to use the controlled substance  
11 shall constitute an absolute affirmative defense against such charge  
12 with regard to the particular controlled substance but no other  
13 substance and not with regard to a charge under any other law.

14                   Sec. 3. Original section 28-401.01, Reissue Revised  
15 Statutes of Nebraska, is repealed.