

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER XXIV

NEBRASKA STATE PATROL

Nebraska State Patrol Drug Control and Education Cash Fund

NEBRASKA ADMINISTRATIVE CODE

TITLE 272 NAC XXIV

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Title 272 – NEBRASKA STATE PATROL

Chapter XXIV - NEBRASKA STATE PATROL DRUG CONTROL AND EDUCATION
CASH FUND

001 DEFINITIONS

- 001.01 Agent - Shall mean an authorized person who acts on behalf of or at the direction of another person but shall not include a common or contract carrier; public warehouse keeper, or employee of a carrier or warehouse keeper;
- 001.02 Controlled substance - Shall mean a drug, biological, substance, or immediate precursor in Schedules I to V of section [28-405](#). Controlled substance shall not include distilled spirits, wine, malt beverages, tobacco, or any nonnarcotic substance if such substance may, under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., as such act existed on January 1, 2009, and the law of this state, be lawfully sold over the counter without a prescription;
- 001.03 Department - Shall mean the Department of Health and Human Services;
- 001.04 Drug - Shall mean (a) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them, (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals, and (c) substances intended for use as a component of any article specified in subdivision (a) or (b) of this subdivision, but shall not include devices or their components, parts, or accessories;
- 001.05 Deliver or delivery - Shall mean the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship;
- 001.06 Narcotic Drug - Shall mean any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (a) Opium, opium poppy and poppy straw, coca leaves, and opiates; (b) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates; or (c) a substance and any compound, manufacture, salt, derivative, or preparation

thereof which is chemically equivalent to or identical with any of the substances referred to in subdivisions (a) and (b) of this subdivision, except that the words narcotic drug as used in the Uniform Controlled Substances Act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine, or isoquinoline alkaloids of opium;

001.07 Cooperating Individual - Shall mean any person, other than a commissioned law enforcement officer, who acts on behalf of, at the request of, or as agent for a law enforcement agency for the purpose of gathering or obtaining evidence of offenses punishable under the Uniform Controlled Substances Act.

002 COOPERATION

002.01 The Nebraska State Patrol shall cooperate with federal agencies, the Department, other state agencies, elementary and secondary schools and Law Enforcement and Education Fund Boards in discharging their responsibilities concerning traffic in controlled substances and in conducting drug education activities. The Nebraska State Patrol is authorized to:

002.01A Arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances;

002.01B Coordinate and cooperate in training programs on controlled substance law enforcement and education at the local and state levels;

002.01C Establish a centralized unit which will accept, catalog, file, and collect statistics, including records of drug dependent persons and other controlled substance law offenders within the state, and make such information available for federal, state, and local law enforcement purposes on request;

002.01D Cooperate in locating, eradicating, and destroying wild or illicit growth of plant species from which controlled substances may be extracted, and for these purposes a peace officer is hereby authorized to enter onto property upon which there are no buildings or upon which there are only uninhabited buildings without first obtaining a search warrant or consent;

002.01E Develop a priority program so as to focus the bulk of its efforts on the reduction and elimination of the most damaging drugs including narcotic drugs, depressant and stimulant drugs, and hallucinogenic drugs; and

002.01F Develop and conduct drug education activities in cooperation with elementary and secondary schools in Nebraska and with County Drug Law Enforcement and Education Fund Boards.

003 INVESTIGATIVE CASH FUNDS

003.01 A permissible use of the fund is for obtaining evidence for enforcement of any state law relating to control of drug abuse.

003.02 Investigative Expenses shall be maintained with a record of withdrawals and deposits from the Investigative Cash funds for auditing purposes.

004 EDUCATION CASH FUNDS

004.01 A permissible use of the Nebraska State Patrol Drug Control and Education Cash Fund is for drug education activities.

004.01A Drug education activities should be developed with the County Drug Law Enforcement and Education Fund Boards.

005 LEGISLATIVE OVERSIGHT

005.01 The Nebraska State Patrol shall prepare and deliver to the Clerk of the Legislature at the commencement of each succeeding session a detailed report which shall contain, but not be limited to:

005.01A Current total in the cash fund;

005.01B Total amount of expenditures;

005.01C Purpose of the expenditures, to include

005.01C(1) Salaries and expenses of all agents and informants;

005.01C(2) Front money for drug purposes;

005.01C(3) Names of drugs & quantity of purchases;

005.01C(4) Amount of front money recovered; and

005.01C(5) Drug education activities.

005.01D Total number of informants on the payroll who have received funds in the previous year;

005.01E Amounts delivered to patrol supervisors for distribution to agents and informants and the method for accounting such transactions and the results procured through such transactions; and

005.01F A description of the drug education activities conducted since the date of the previous report.

005.02 Each member of the Legislature shall receive a copy of such report upon making a request for the same to the superintendent.