

AMENDMENTS TO LB657

(Amendments to Final Reading copy)

Introduced by Wayne, 13.

1 1. On page 2, line 17, strike "and" and insert the following new
2 subdivision:

3 "(6) Facilitate interstate commerce by not impeding the shipment of
4 hemp into and out of this state; and"; and in line 18 strike "(6)" and
5 insert "(7)".

6 2. On page 5, line 16, after "cultivators" insert "and processor-
7 handlers" and after "cultivated" insert ", processed, or handled"; and in
8 line 18 after "act" insert ". The department may, at its discretion,
9 conduct other inspections of a cultivator's or processor-handler's
10 operation, including all sites registered with the department".

11 3. On page 17, strike lines 9 through 19 and insert the following
12 new subsections:

13 "(3) Any person other than a cultivator or processor-handler who is
14 transporting hemp shall carry with such hemp being transported (a) a bill
15 of lading indicating the owner of the hemp, the point of origin of the
16 hemp, and the destination of the hemp and (b) either a copy of the test
17 results pertaining to such hemp or other documentation affirming that the
18 hemp was produced in compliance with section 10113 of the federal
19 Agricultural Improvement Act of 2018, Public Law 115-334, as such section
20 existed on January 1, 2019.

21 (4)(a) The department may develop a form bill of lading for use by a
22 person other than a cultivator or processor-handler transporting hemp
23 pursuant to subsection (3) of this section for hemp originating in this
24 state. Such bill of lading shall, at a minimum, identify the transporting
25 person and indicate the owner, point of origin, and destination of the
26 hemp.

1 (b) The department, in consultation with the Nebraska State Patrol,
2 may adopt and promulgate rules and regulations regulating the carrying or
3 transporting of hemp in this state to ensure that marijuana or any other
4 controlled substance is not disguised as hemp and carried or transported
5 into, within, or through this state.

6 (c) No person shall carry or transport hemp in this state unless
7 such hemp is:

8 (i) Produced in compliance with:

9 (A) For hemp originating in this state, the requirements of section
10 10113 of the federal Agricultural Improvement Act of 2018, Public Law
11 115-334, as such section existed on January 1, 2019, and the Nebraska
12 Hemp Farming Act and any rules and regulations adopted and promulgated
13 thereunder; or

14 (B) For hemp originating outside this state, the requirements of
15 section 10113 of the federal Agricultural Improvement Act of 2018, Public
16 Law 115-334, as such section existed on January 1, 2019; and

17 (ii) Carried or transported:

18 (A) By a cultivator or processor-handler as provided in subsections
19 (1) and (2) of this section; or

20 (B) By a person other than a cultivator or processor-handler as
21 provided in subsection (3) of this section.

22 (d) No person shall transport hemp in this state concurrently with
23 any other plant material that is not hemp.

24 (5)(a) A peace officer may detain any person carrying or
25 transporting hemp in this state if such person does not provide the
26 documentation required by this section. Unless the peace officer has
27 probable cause to believe the hemp is, or is being carried or transported
28 with, marijuana or any other controlled substance, the peace officer
29 shall immediately release the hemp and the person carrying or
30 transporting such hemp upon production of such documentation.

31 (b) The failure of a person detained as described in this subsection

1 to produce documentation required by this section shall constitute
2 probable cause to believe the hemp may be marijuana or any other
3 controlled substance. In such case, a peace officer may collect a
4 reasonable sample amount of such hemp for testing to determine the
5 delta-9 tetrahydrocannabinol concentration in the hemp, and, if the peace
6 officer has probable cause to believe the person detained is carrying or
7 transporting marijuana or any other controlled substance in violation of
8 state or federal law, the peace officer may seize and impound the hemp or
9 marijuana or other controlled substance and arrest such person.

10 (c) This subsection does not limit or restrict in any way the power
11 of a peace officer to enforce violations of the Uniform Controlled
12 Substances Act and federal law regulating marijuana and other controlled
13 substances.

14 (6) In addition to any other penalties provided by law, including
15 those imposed under the Nebraska Hemp Farming Act, any person who
16 intentionally violates this section shall be guilty of a Class IV
17 misdemeanor and fined not more than one thousand dollars."