

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 634

Introduced by McKinney, 11.

Read first time January 18, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to cannabis; to amend sections 28-439, 43-292,
2 60-6,211.08, 77-2701.02, 77-2701.48, 77-2704.09, 77-4301, 77-4302,
3 77-4303, 77-4304, 77-4305, 77-4306, 77-4309, 77-4310.01, and
4 77-4310.03, Reissue Revised Statutes of Nebraska, and sections
5 28-401, 28-405, 28-416, 28-476, 28-1354, 28-1701, 71-5727,
6 77-27,132, 81-2,239, and 81-2,263, Revised Statutes Cumulative
7 Supplement, 2022; to adopt the Cannabis Control Act and Cannabis
8 Conviction Clean Slate Act; to remove cannabis as a controlled
9 substance under the Uniform Controlled Substances Act; to change
10 provisions relating to penalties for possession of a synthetic
11 cannabinoid and drug paraphernalia; to define, redefine, and
12 eliminate terms; to change provisions relating to termination of
13 parental rights, visitation, custody, and other parenting matters;
14 to prohibit possession of an open container of cannabis in a motor
15 vehicle; to provide for the applicability of the Nebraska Clean
16 Indoor Air Act and the Nebraska Pure Food Act; to impose a higher
17 sales and use tax rate on sales of cannabis; to provide for the
18 distribution of tax revenue; to remove cannabis from the cannabis
19 and controlled substances tax; to rename a fund; to eliminate
20 obsolete provisions; to harmonize provisions; to provide
21 severability; to repeal the original sections; and to outright
22 repeal sections 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and
23 28-469, Reissue Revised Statutes of Nebraska.

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

1 Section 1. Sections 1 to 178 of this act shall be known and may be
2 cited as the Cannabis Control Act.

3 Sec. 2. For purposes of the Cannabis Control Act, the definitions
4 found in sections 3 to 36 of this act apply.

5 Sec. 3. (1) Cannabis means all parts of the plant of the genus
6 cannabis, whether growing or not, the seeds thereof, and every compound,
7 manufacture, salt, derivative, mixture, extract, or preparation of such
8 plant or its seeds.

9 (2) Cannabis includes cannabis in all forms, including, but not
10 limited to, cannabis products and concentrated cannabis.

11 (3) Cannabis does not include the mature stalks of such plant, fiber
12 produced from such stalks, oil or cake made from the seeds of such plant,
13 any other compound, manufacture, salt, derivative, mixture, or
14 preparation of such mature stalks, the sterilized seed of such plant
15 which is incapable of germination, or cannabidiol contained in a drug
16 product approved by the federal Food and Drug Administration or obtained
17 pursuant to sections 28-463 to 28-468.

18 (4) Cannabis does not include hemp.

19 (5) When the weight of cannabis is referred to in the Cannabis
20 Control Act:

21 (a) It means its weight at or about the time it is seized or
22 otherwise comes into the possession of law enforcement authorities,
23 whether cured or uncured at that time; and

24 (b) It does not include the weight of any other ingredient combined
25 with cannabis to prepare topical or oral administrations, food, drink, or
26 some other cannabis product.

27 Sec. 4. Cannabis accessories means any equipment, products, or
28 materials of any kind which are used, intended for use, or designed for
29 use in:

30 (1) Planting, propagating, cultivating, growing, harvesting,
31 manufacturing, compounding, converting, producing, processing, preparing,

1 testing, analyzing, packaging, repackaging, storing, consuming, smoking,
2 vaporizing, or containing cannabis; or

3 (2) Ingesting, inhaling, or otherwise introducing cannabis into the
4 human body.

5 Sec. 5. Cannabis product means a product comprised of cannabis and
6 other ingredients and that is intended for use by consumption, other than
7 by smoking. Cannabis product includes, but is not limited to, edible
8 products, concentrated cannabis, ointments, and tinctures.

9 Sec. 6. Cannabis store means a person licensed by the commission
10 to:

11 (1) Purchase cannabis from cultivators;

12 (2) Purchase cannabis products from products manufacturers and other
13 cannabis stores; and

14 (3) Sell cannabis and cannabis products to consumers twenty-one
15 years of age and older and to other cannabis stores.

16 Sec. 7. (1) Canopy means an area used to cultivate cannabis that
17 shall be calculated in square feet and measured using clearly
18 identifiable boundaries of all areas that will contain mature cannabis
19 plants at any point in time, including all of the space within the
20 boundaries.

21 (2) A canopy may be noncontiguous, but each unique area included in
22 the total canopy calculation shall be separated by an identifiable
23 boundary. A boundary may include, but is not limited to, any of the
24 following: Interior walls, shelves, greenhouse walls, hoop house walls,
25 garden benches, hedge rows, fencing, garden beds, or garden plots.

26 (3) If mature plants are being cultivated using a shelving system,
27 the surface area of each level shall be included in the total canopy
28 calculation.

29 Sec. 8. Commission means the Nebraska Cannabis Enforcement
30 Commission.

31 Sec. 9. (1) Concentrated cannabis means the resin extracted from

1 any part of the plant of the genus cannabis and every compound,
2 manufacture, salt, derivative, mixture, or preparation of that resin.
3 This includes inhalable concentrates which may be comprised of cannabis
4 and other ingredients inside a device that uses a heating element to
5 create a vapor, including, but not limited to, vaporizer cartridges and
6 vaporizer pens.

7 (2) When resins extracted from hemp are in the possession of a
8 person as authorized under the Nebraska Hemp Farming Act, they are not
9 considered concentrated cannabis for purposes of the Cannabis Control
10 Act.

11 Sec. 10. Cultivator means a person licensed by the commission to
12 cultivate cannabis pursuant to the Cannabis Control Act for sale to
13 cannabis stores, to products manufacturers, and to other cultivators, but
14 not to consumers.

15 Sec. 11. Disproportionately impacted area means an area within the
16 State of Nebraska that satisfies the following criteria, as determined by
17 the commission, in consultation with the Department of Economic
18 Development:

19 (1) The area meets at least one of the following criteria:

20 (a) The average poverty rate in the area is twenty percent or more
21 for the total federal census tract or tracts or federal census block
22 group or block groups in the area;

23 (b) Seventy-five percent or more of the children in the area qualify
24 for free or reduced-price lunches under United States Department of
25 Agriculture child nutrition programs;

26 (c) At least twenty percent of the households in the area receive
27 assistance under the federal Supplemental Nutrition Assistance Program;
28 or

29 (d) The average rate of unemployment in the area during the period
30 covered by the most recent federal decennial census or American Community
31 Survey 5-Year Estimate by the United States Bureau of the Census is at

1 least one hundred fifty percent of the average rate of unemployment in
2 the state during the same period; and

3 (2) The area has high rates of arrest, conviction, and incarceration
4 related to the sale, possession, use, cultivation, manufacture, or
5 transport of cannabis.

6 Sec. 12. (1) Disqualifying offense means a felony, of which a
7 person was convicted in the preceding ten years, that is:

8 (a) A violent offense;

9 (b) A violation of the Cannabis Control Act; or

10 (c) A violation of subdivision (4)(a)(i) or subsection (5) of
11 section 28-416.

12 (2) An offense is not a disqualifying offense if it has been
13 pardoned, expunged, or set aside.

14 (3) For purposes of this section:

15 (a) Serious bodily injury has the same meaning as in section 28-109;

16 (b) Sexual contact and sexual penetration have the same meanings as
17 in section 28-318; and

18 (c) Violent offense means:

19 (i) A violation of any of the following sections: 28-303, 28-304,
20 28-305, 28-306, 28-308, 28-309, 28-310.01, 28-311, 28-311.01, 28-311.03,
21 28-311.08, 28-313, 28-314, 28-316.01, 28-319, 28-319.01, 28-320,
22 28-320.01, 28-320.02, 28-322.02, 28-322.03, 28-322.04, 28-322.05, 28-323,
23 28-324, 28-386, 28-391, 28-392, 28-393, 28-394, 28-397, 28-398, 28-502,
24 28-503, 28-507, 28-703, 28-707, 28-813.01, 28-831, 28-833, 28-904,
25 28-905, 28-912, 28-929, 28-930, 28-931, 28-931.01, 28-932, 28-933,
26 28-934, 28-1005, 28-1009, 28-1105.01, 28-1205, 28-1212.02, 28-1212.04,
27 28-1221, 28-1222, 28-1223, 28-1224, 28-1351, 28-1463.03, or 28-1463.05,
28 or 42-924;

29 (ii) An offense that has as an element:

30 (A) Sexual contact or sexual penetration; or

31 (B) The threat to inflict serious bodily injury or death on another

1 person, the infliction of serious bodily injury on another person, or
2 causing the death of another person; or

3 (iii) Attempt, solicitation, aiding or abetting, being an accessory,
4 or conspiracy to commit an offense listed in subdivision (3)(c)(i) or
5 (ii) of this section.

6 Sec. 13. Employment authorization means authorization granted by
7 the commission for an individual to work for a licensee as provided in
8 sections 164 to 168 of this act.

9 Sec. 14. Extraction means a process by which cannabinoids are
10 separated from cannabis plant material through chemical or physical
11 means.

12 Sec. 15. Hemp has the same meaning as in section 2-503.

13 Sec. 16. Immature plant means a nonflowering cannabis plant that
14 is:

15 (1) No taller than eight inches;

16 (2) No wider than eight inches;

17 (3) Produced from a cutting, clipping, or seedling; and

18 (4) In a cultivating container.

19 Sec. 17. Implementation date means a date selected by the
20 commission that is:

21 (a) After the commission has adopted rules and regulations necessary
22 to carry out the Cannabis Control Act; and

23 (b) On or before January 1, 2025.

24 Sec. 18. Infusion means a process by which cannabis, cannabinoids,
25 or concentrated cannabis is directly incorporated into a product
26 formulation to produce a cannabis product.

27 Sec. 19. Kief means the resinous trichomes of a cannabis plant that
28 have been separated from the cannabis plant.

29 Sec. 20. License means a license issued by the commission pursuant
30 to the Cannabis Control Act. License does not include an employment
31 authorization or any other permit or certification issued by the

1 commission.

2 Sec. 21. Licensed premises means the premises specified in an
3 application for a license under the Cannabis Control Act, which are owned
4 by or in the possession of the licensee and within which the licensee is
5 authorized to cultivate, manufacture, distribute, sell, or test cannabis
6 in accordance with the Cannabis Control Act.

7 Sec. 22. Licensee means a person licensed by the commission
8 pursuant to the Cannabis Control Act.

9 Sec. 23. Local governing body means (1) the city council or village
10 board of trustees of a city or village within which the licensed premises
11 are located or (2) if the licensed premises are not within the corporate
12 limits of a city or village, the county board of the county within which
13 the licensed premises are located.

14 Sec. 24. Location means a particular parcel of land that may be
15 identified by an address or other descriptive means.

16 Sec. 25. Ordinance means any ordinance, regulation, resolution, or
17 other law duly enacted by a local governing body.

18 Sec. 26. Premises means a distinctly identified and definite
19 location, as required by the commission, and may include a building, a
20 part of a building, a room, or any other definite contiguous area.

21 Sec. 27. Private residence means a house, an apartment unit, a
22 mobile home, or other similar dwelling.

23 Sec. 28. Process or processing means to harvest, dry, cure, trim,
24 and separate parts of the cannabis plant by manual or mechanical means.

25 Sec. 29. Products manufacturer means a person licensed by the
26 commission to manufacture cannabis products pursuant to the Cannabis
27 Control Act for sale and distribution to cannabis stores and other
28 products manufacturers, but not to consumers.

29 Sec. 30. School means a public, private, denominational, or
30 parochial preschool, elementary, vocational, or secondary school, a
31 private postsecondary career school as defined in section 85-1603, a

1 community college, a public or private college, a junior college, or a
2 university.

3 Sec. 31. (1) Social equity applicant means an applicant for a
4 license that meets either of the criteria described in subsection (2) or
5 (3) of this section.

6 (2) An applicant shall be eligible to apply as a social equity
7 applicant if at least thirty-three percent of the applicant is owned and
8 controlled by, and thirty-three percent of the applicant's profits are
9 shared by, individuals who:

10 (a) Have resided for at least five of the ten years preceding the
11 date of application in a disproportionately impacted area;

12 (b) Have been arrested for, convicted of, or adjudicated for any
13 offense that is eligible for clean slate relief under the Cannabis
14 Conviction Clean Slate Act; or

15 (c) Are a parent, legal guardian, child, spouse, or dependent of an
16 individual described in subdivision (2)(b) of this section.

17 (3) An applicant that will have at least ten full-time employees
18 shall be eligible to apply as a social equity applicant if:

19 (a) At least sixty percent of such full-time employees are
20 individuals described in subdivision (2)(a), (b), or (c) of this section;
21 and

22 (b) Such employees share in at least ten percent of the applicant's
23 profits.

24 Sec. 32. Testing facility means a person licensed under the
25 Cannabis Control Act to analyze, test, and certify cannabis, including
26 for potency and the presence of contaminants.

27 Sec. 33. THC means tetrahydrocannabinol.

28 Sec. 34. Transfer means to grant, convey, hand over, assign, sell,
29 exchange, or barter, in any manner or by any means, with or without
30 consideration.

31 Sec. 35. Transporter means an entity or person that is licensed to

1 transport cannabis from one licensee to another and to temporarily store
2 the transported cannabis at its licensed premises, but which is not
3 authorized to sell cannabis under any circumstances.

4 Sec. 36. Unreasonably impracticable means that the measures
5 necessary to comply with the rules and regulations adopted and
6 promulgated pursuant to the Cannabis Control Act or the ordinances
7 enacted by a local governing body pursuant to the act would subject a
8 licensee to unreasonable risk or require such a high investment of risk,
9 money, time, or any other resource or asset that a reasonably prudent
10 businessperson would not operate as a licensee.

11 Sec. 37. The Cannabis Control Act sets forth the exclusive means by
12 which a person in Nebraska may engage in the cultivation, manufacture,
13 sale, distribution, transfer, dispensing, testing, possession, and use of
14 cannabis.

15 Sec. 38. Nothing in the act permits the transfer of cannabis to a
16 person under the age of twenty-one years or allows a person under the age
17 of twenty-one years to purchase, possess, use, transport, cultivate, or
18 consume cannabis.

19 Sec. 39. The following conduct relating to cannabis shall be lawful
20 under state and local law when conducted in accordance with the Cannabis
21 Control Act. An individual twenty-one years of age or older may:

22 (1) Possess, process, transport, purchase, obtain, or give away to
23 persons twenty-one years of age or older without any compensation
24 whatsoever, not more than one ounce of cannabis in any form;

25 (2) Possess, grow, plant, cultivate, harvest, dry, or process
26 cannabis plants as provided in section 40 of this act;

27 (3) Smoke, ingest, or otherwise consume cannabis; and

28 (4) Possess, transport, purchase, obtain, use, manufacture, or give
29 away cannabis accessories to persons twenty-one years of age or older
30 without any compensation whatsoever.

31 Sec. 40. (1) An individual who is twenty-one years of age or older

1 may cultivate not more than six living cannabis plants and possess the
2 cannabis produced by such plants, subject to the following restrictions:

3 (a) At least three of the cannabis plants being cultivated at any
4 time shall be immature cannabis plants;

5 (b) The individual shall keep the living plants and any cannabis
6 produced by the plants in excess of one ounce:

7 (i) Within the person's private residence in such a manner that such
8 plants and cannabis are not visible from a public place with normal,
9 unaided vision;

10 (ii) Within a structure on the grounds of the person's private
11 residence that is fully enclosed and kept locked and such plants and
12 cannabis are not visible from a public place with normal, unaided vision;

13 or

14 (iii) Unless prohibited by an ordinance of a local governing body as
15 provided in subsection (3) of section 41 of this act, on the grounds of
16 the person's private residence in an area that is kept locked and such
17 plants and cannabis are not visible from a public place with normal,
18 unaided vision; and

19 (c) The person plants, cultivates, harvests, dries, processes, and
20 possesses such plants and cannabis in accordance with any ordinances of a
21 local governing body adopted under section 41 of this act.

22 (2) Cannabis plants and cannabis produced from such plants in
23 compliance with this section does not count toward the limit stated in
24 subdivision (1) of section 40 of this act or in section 47 of this act.

25 (3) A violation of this section involving:

26 (a) Less than twelve plants is:

27 (i) For a first offense, a Class V misdemeanor;

28 (ii) For a second offense, a Class IV misdemeanor;

29 (iii) For a third offense, a Class III misdemeanor; and

30 (iv) For a fourth offense or subsequent violation, a Class IV
31 felony;

1 (b) Twelve plants but less than twenty-four plants is a Class IIIA
2 felony; and

3 (c) Twenty-four plants or more is a Class IIA felony.

4 (4) This section does not apply to a licensee acting within the
5 scope of activities permitted under its license.

6 Sec. 41. (1) Except as provided in subsection (2) of this section,
7 a local governing body may enact and enforce ordinances to reasonably
8 regulate the activities permitted by section 40 of this act.

9 (2) A local governing body shall not completely prohibit an
10 individual from engaging in conduct protected by section 40 of this act
11 if the individual is keeping and cultivating the cannabis plants and
12 cannabis produced by such plants in accordance with subdivision (1)(b)(i)
13 or (ii) or section 40 of this act.

14 (3) A local governing body may completely prohibit persons from
15 engaging in conduct under subdivision (1)(b)(iii) of section 40 of this
16 act.

17 Sec. 42. (1) A person shall not smoke or otherwise consume cannabis
18 or cannabis products in any public place, in or upon the licensed
19 premises of any licensee, or in a motor vehicle.

20 (2) A person who violates this section shall be guilty of an
21 infraction, receive a citation, and be fined not more than three hundred
22 dollars.

23 Sec. 43. (1) Except as provided in section 157 of this act, no
24 person under the age of twenty-one years shall possess cannabis.

25 (2) No person under the age of twenty-one years shall consume
26 cannabis.

27 (3) A violation of this section is a Class III misdemeanor.

28 Sec. 44. (1) Except as provided in section 157 of this act, no
29 person under the age of twenty-one years shall falsely represent that
30 such person is twenty-one years of age in order to obtain cannabis or
31 cannabis products.

1 (2) A violation of this section is a Class III misdemeanor.

2 Sec. 45. (1) A person shall not knowingly give cannabis to any
3 person under twenty-one years of age or knowingly leave or deposit
4 cannabis in any place with the intent that it will come into the
5 possession of a person under twenty-one years of age. A violation of this
6 subsection is a Class II misdemeanor.

7 (2) A person shall not knowingly give cannabis to any person under
8 eighteen years of age or knowingly leave or deposit cannabis in any place
9 with the intent that it will come into the possession of a person under
10 eighteen years of age. A violation of this subsection is a Class I
11 misdemeanor.

12 Sec. 46. (1) Except as provided in subsection (2) of this section,
13 a person who intentionally makes a materially false statement to a law
14 enforcement official or employee of the commission about any fact or
15 circumstance relating to the use of cannabis to avoid arrest,
16 prosecution, or imposition of any civil sanction or penalty is guilty of
17 a Class III misdemeanor.

18 (2) A licensee or applicant for licensure under the Cannabis Control
19 Act who knowingly makes a materially false statement to the commission or
20 the Department of Revenue is guilty of a Class IV felony.

21 Sec. 47. (1) Except as provided in section 40 of this act and
22 subsection (4) of this section, a person commits an offense if such
23 person possesses more than one ounce of cannabis in any form.

24 (2) The following penalties shall apply to a violation of this
25 section involving cannabis, other than concentrated cannabis:

26 (a) Possession of more than one ounce but not more than two ounces
27 is an infraction;

28 (b) Possession of more than two ounces but not more than six ounces
29 is a Class I misdemeanor;

30 (c) Possession of more than six ounces but not more than twelve
31 ounces of cannabis is a Class IV felony; and

1 (d) Possession of more than twelve ounces of is a Class IIIA felony.

2 (3) The following penalties shall apply to a violation of this
3 section involving concentrated cannabis:

4 (a) Possession of more than one ounce but not more than two ounces
5 is an infraction;

6 (b) Possession of more than two ounces but not more than three
7 ounces is a Class I misdemeanor;

8 (c) Possession of more than three ounces but not more than twelve
9 ounces is a Class IV felony; and

10 (d) Possession of more than twelve ounces is a Class IIIA felony.

11 (4) This section does not apply to a licensee acting within the
12 scope of activities permitted under its license.

13 Sec. 48. A person other than a licensee who transfers more than one
14 ounce of cannabis to another person without consideration is guilty of an
15 infraction.

16 Sec. 49. (1) A person other than a cannabis store, cultivator, or
17 products manufacturer shall not sell cannabis to another person.

18 (2) A violation of this section involving:

19 (a) Four ounces or less of cannabis or two ounces or less of
20 concentrated cannabis is a Class I misdemeanor for a first offense and a
21 Class IV felony for a second or subsequent offense;

22 (b) More than four ounces but not more than twelve ounces of
23 cannabis or more than two ounces but not more than six ounces of
24 concentrated cannabis is a Class IIIA felony;

25 (c) More than twelve ounces but not more than five pounds of
26 cannabis or more than six ounces but not more than two and one-half
27 pounds of concentrated cannabis is a Class III felony;

28 (d) More than five pounds but not more than fifty pounds of cannabis
29 or more than two and one-half pounds but not more than twenty-five pounds
30 of concentrated cannabis is a Class IIA felony; and

31 (e) More than fifty pounds of cannabis or more than twenty-five

1 pounds of concentrated cannabis is a Class II felony.

2 (2) For purposes of this section, sell means to exchange or barter
3 in any manner or by any means whatsoever for consideration.

4 Sec. 50. (1) A person who knowingly allows another person to
5 cultivate cannabis on such person's property in violation of section 40
6 of this act is guilty of an offense.

7 (2) A violation of this section involving:

8 (a) Less than twelve plants shall be a Class III misdemeanor for a
9 first offense and a Class IV felony for a second or subsequent offense;

10 (b) Twelve plants or more but less than twenty-four plants is a
11 Class IV felony; and

12 (c) Twenty-four plants or more is a Class III felony.

13 Sec. 51. A person shall not manufacture cannabis or cannabis
14 products by chemical extraction or chemical synthesis unless done
15 pursuant to a products manufacturer license issued under the Cannabis
16 Control Act or as otherwise authorized by such act. A violation of this
17 section is a Class IV felony.

18 Sec. 52. Nothing in the Cannabis Control Act permits any person to
19 engage in or prevents the imposition of any civil, criminal, or other
20 penalties for:

21 (1) Undertaking any task that would constitute negligence or
22 professional malpractice due to the use of cannabis or being under the
23 influence of cannabis;

24 (2) Operating, navigating, or being in actual physical control of
25 any motor vehicle, aircraft, train, or motorboat or working on
26 transportation property, equipment, or facilities, while using or being
27 under the influence of cannabis; or

28 (3) Using cannabis in violation of the Nebraska Clean Indoor Air
29 Act.

30 Sec. 53. Nothing in the Cannabis Control Act:

31 (1) Requires an employer to permit or accommodate the use,

1 consumption, possession, transfer, display, transportation, sale, or
2 cultivation of cannabis in the workplace; or

3 (2) Affects the ability of an employer to have a policy restricting
4 the use of cannabis by employees.

5 Sec. 54. Nothing in the Cannabis Control Act prohibits a person,
6 employer, school, hospital, detention facility, corporation, or any other
7 entity, whether public or private, who occupies, owns, or controls a
8 property from prohibiting or otherwise regulating the possession,
9 consumption, use, display, transfer, distribution, sale, transportation,
10 or cultivation of cannabis on or in that property.

11 Sec. 55. Except as otherwise provided in the Cannabis Control Act,
12 a person shall not be arrested, prosecuted, penalized, sanctioned, or
13 otherwise denied any benefit and shall not be subject to seizure or
14 forfeiture of assets for possessing, using, purchasing, cultivating,
15 processing, or manufacturing cannabis in accordance with the Cannabis
16 Control Act.

17 Sec. 56. Except as otherwise provided in the Cannabis Control Act,
18 a person shall not be arrested, prosecuted, penalized, sanctioned, or
19 otherwise denied any benefit and shall not be subject to seizure or
20 forfeiture of assets for allowing property the person owns, occupies, or
21 manages to be used for any of the activities conducted lawfully under the
22 Cannabis Control Act or for enrolling or employing a person who engages
23 in cannabis-related activities lawfully under the Cannabis Control Act.

24 Sec. 57. (1) A landlord shall not prohibit the possession of
25 cannabis or consumption of cannabis, by means other than smoking, within
26 a single-family dwelling or a mobile home, by a person authorized to do
27 so under the Cannabis Control Act, unless:

28 (a) The residence is incidental to detention or the provision of
29 medical, geriatric, educational, counseling, religious, or similar
30 service;

31 (b) The residence is a transitional housing facility; or

1 (c) Failing to prohibit cannabis possession or consumption would
2 violate federal law or regulations or cause the landlord to lose a
3 monetary or licensing-related benefit under federal law or regulations.

4 (2) For purposes of this section:

5 (a) Landlord includes a landlord as defined in sections 76-1410 and
6 76-1462;

7 (b) Mobile home has the same meaning as in section 76-1463; and

8 (c) Single-family dwelling has the same meaning as single-family
9 residence in section 76-1410.

10 Sec. 58. (1) Cannabis and cannabis accessories obtained,
11 manufactured, and distributed pursuant to the Cannabis Control Act and
12 associated property are not subject to forfeiture under section 28-431.

13 (2) Cannabis and cannabis accessories obtained, manufactured, and
14 distributed pursuant to the Cannabis Control Act are not contraband, nor
15 subject to seizure, and no conduct made lawful in the Cannabis Control
16 Act shall constitute a basis for detention, search, or arrest.

17 Sec. 59. (1) The use of cannabis shall not disqualify a person from
18 any needed medical procedure or treatment, including an organ or a tissue
19 transplant.

20 (2) The use of cannabis shall not constitute the use of an illicit
21 substance for medical purposes or otherwise disqualify a person from
22 needed medical care.

23 Sec. 60. An attorney shall not be subject to disciplinary action
24 for providing legal assistance to a prospective licensee, licensee, or
25 another person or entity who is engaged in activities that are no longer
26 subject to criminal penalties under state law pursuant to the Cannabis
27 Control Act.

28 Sec. 61. A contract entered into by a licensee or its employees or
29 agents, or by those who allow their property to be used by a licensee or
30 its employees or agents, shall not be unenforceable on the basis that
31 cultivating, obtaining, manufacturing, distributing, dispensing,

1 transporting, selling, possessing, or using cannabis is prohibited by
2 federal law. It is the public policy of the State of Nebraska that such
3 contracts shall be enforceable to the same extent as other contracts.

4 Sec. 62. (1) A financial institution may loan money to, accept
5 deposits from, and otherwise do business with any licensee to the same
6 extent as other persons, subject to any restrictions of the Cannabis
7 Control Act.

8 (2) For purposes of this section, financial institution means a
9 bank, savings bank, credit card bank, savings and loan association,
10 building and loan association, trust company, or credit union organized
11 under the laws of any state or organized under the laws of the United
12 States.

13 Sec. 63. (1) The state or any local government shall not restrict,
14 revoke, suspend, or otherwise infringe upon a person's right to own or
15 possess a firearm or ammunition based on the person engaging in conduct
16 permitted under the Cannabis Control Act.

17 (2) The state or any local government shall not restrict, revoke,
18 suspend, or otherwise infringe upon a person's right receive any firearm
19 certification, including, but not limited to, a certification under
20 sections 69-2401 to 69-2425 or a permit under the Concealed Handgun
21 Permit Act based on the person engaging in conduct protected by the
22 Cannabis Control Act.

23 (3) The state or any local government shall not provide any
24 assistance, including information, to federal authorities who may use the
25 information to restrict, revoke, suspend, or otherwise infringe upon a
26 person's right to own or possess a firearm or ammunition based on the
27 person engaging in conduct protected by the Cannabis Control Act.

28 (4) The state or any local government shall not provide any
29 assistance, including information, to federal authorities who may use the
30 information to restrict a person's benefits or rights under federal law
31 based on the person engaging in conduct protected by the Cannabis Control

1 Act.

2 Sec. 64. The state or any local government shall not employ or use
3 the results of any test of cannabis conducted by a laboratory unless such
4 laboratory is a testing facility or otherwise accredited for the
5 particular field of testing in accordance with the rules and regulations
6 of the commission.

7 Sec. 65. (1) For the purpose of regulating and controlling the
8 licensing of the cultivation, manufacture, distribution, and sale of
9 cannabis in this state, the Nebraska Cannabis Enforcement Commission is
10 created.

11 (2) The power to regulate all phases of the control of the
12 cultivation, manufacture, distribution, processing, sale, and traffic of
13 cannabis, except as specifically delegated in the Cannabis Control Act,
14 is vested exclusively in the commission.

15 Sec. 66. (1) The commission shall consist of three commissioners to
16 be appointed by the Tax Commissioner. No more than two commissioners
17 shall be members of the same political party, and no two commissioners
18 shall be residents of the same congressional district. On or before
19 November 1, 2023, the Tax Commissioner shall appoint the commissioners.
20 The terms of the commissioners shall be four years, except that the terms
21 of the initial commissioners shall be staggered so that one member is
22 appointed for a term of one year, one for a term of two years, and one
23 for a term of three years, as determined by the Tax Commissioner.

24 (2) The Tax Commissioner shall appoint commissioners based on their
25 experience or expertise in public health, law enforcement, social
26 justice, the regulation of businesses or consumer commodities, and
27 matters related to cannabis.

28 (3) The commissioners shall appoint one of their members as
29 chairperson. The chairperson shall preside over all official activities
30 of the commission.

31 (4) Any commissioner may be removed by the Tax Commissioner, after

1 an opportunity to be heard, for malfeasance, misfeasance, or neglect in
2 office. No person shall be appointed to the commission, or continue to
3 hold that office after appointment, while holding any other office or
4 position under the laws of this state, any other state, or of the United
5 States.

6 (5) Any vacancy occurring for any reason other than the expiration
7 of a term shall be filled for the unexpired term in the same manner as
8 the original appointment.

9 Sec. 67. The commission shall have an executive director, to be
10 appointed by the commission subject to the approval of the Tax
11 Commissioner. The executive director shall keep a record of all
12 proceedings, transactions, communications, and official acts of the
13 commission. The executive director shall be the custodian of all records
14 and perform such other duties as the commission may prescribe.

15 Sec. 68. No person shall be appointed as a commissioner or the
16 executive director of the commission who is not a citizen of the United
17 States and who has not resided within the State of Nebraska successively
18 for two years next preceding the date of appointment.

19 Sec. 69. (1) A majority of the commission shall constitute a quorum
20 to transact business, but no vacancy shall impair the right of the
21 remaining commissioners to exercise all of the powers of the commission.

22 (2) Every act of a majority of the members of the commission shall
23 be deemed to be the act of the commission.

24 Sec. 70. (1) The commission may expend for such investigators and
25 clerical and other assistants as may be necessary for the performance of
26 its duties.

27 (2) The commission may, with the advice and approval of the Tax
28 Commissioner, employ a chief investigator and other investigators to aid
29 in enforcement of the Cannabis Control Act and to make all necessary and
30 appropriate investigations for that enforcement.

31 Sec. 71. Before entering upon the duties of office, each

1 commissioner and the executive director shall be bonded or insured as
2 required by section 11-201. Employees of the commission who are
3 accountable for public funds shall be bonded or insured as required by
4 section 11-201 to secure the safety of such funds. The premium shall be
5 paid by the State of Nebraska out of the General Fund.

6 Sec. 72. (1) Except as otherwise provided in subsection (2) of this
7 section, a commissioner, the executive director, or any employee of the
8 commission shall not:

9 (a) Directly or indirectly, individually, as a member of a
10 partnership, as a member of a limited liability company, or as a
11 shareholder of a corporation, have any interest whatsoever in the
12 cultivation, manufacture, processing, distribution, or sale of cannabis
13 or hemp; or

14 (b) Receive any compensation or profit from an activity described in
15 subdivision (1)(a) of this section or have any interest whatsoever in the
16 purchases or sales made by the persons authorized by the Cannabis Control
17 Act to purchase or sell cannabis.

18 (2) With the written approval of the executive director, an employee
19 of the commission, other than the executive director or a division
20 manager, may accept part-time or seasonal employment with a licensee.

21 (3) This section shall not prevent any commissioner, the executive
22 director, or any employee from purchasing and keeping in their possession
23 for the use of themselves or members of their family or guests any
24 cannabis which may be purchased or kept by any person pursuant to the
25 Cannabis Control Act.

26 Sec. 73. (1) Except as provided in subsection (2) of section 72 of
27 this act, a commissioner, the executive director, or any person employed
28 by the commission shall not:

29 (a) Solicit or accept any gift, gratuity, emolument, or employment
30 from any person subject to the Cannabis Control Act or from any officer,
31 agent, or employee of such person; or

1 (b) Solicit, request from, or recommend, directly or indirectly, to
2 any person subject to the Cannabis Control Act or to any officer, agent,
3 or employee of such person the appointment of any person to any place or
4 position.

5 (2) Except as provided in subsection (2) of section 72 of this act,
6 any person subject to the Cannabis Control Act and every officer, agent,
7 or employee of such person shall not offer to any commissioner, the
8 executive director, or any person employed by the commission any gift,
9 gratuity, emolument, or employment.

10 (3) If a commissioner, the executive director, or any person
11 employed by the commission violates this section, such person shall be
12 removed from such office or employment.

13 (4) A violation of this section is a Class II misdemeanor.

14 Sec. 74. (1) A commissioner, the executive director, or a
15 commission employee with regulatory oversight responsibilities for
16 licensees shall not work for, represent, or provide consulting services
17 to or otherwise derive pecuniary gain from a licensee or other business
18 entity established for the primary purpose of providing services to the
19 cannabis industry for a period of six months following such person's last
20 day of employment with the commission.

21 (2) A violation of this section is a Class II misdemeanor.

22 Sec. 75. (1) Each commissioner shall receive an annual salary of
23 not to exceed twelve thousand five hundred dollars, to be fixed by the
24 Tax Commissioner, payable monthly, and in addition actual and necessary
25 expenses incurred on behalf of the commission as provided in this
26 section. The salary of the executive director shall be fixed by the
27 commission, payable monthly.

28 (2) The commissioners, the executive director of the commission, and
29 all employees of the commission shall be reimbursed for expenses incurred
30 in the discharge of their official duties as provided in sections 81-1174
31 to 81-1177. The commission may also incur necessary expenses for office

1 furniture and other incidental expenses. No commissioner, executive
2 director, or employee of the commission shall request or be allowed
3 mileage or other traveling expenses unless such sections are strictly
4 complied with.

5 Sec. 76. The office of the commission shall be in Lincoln, but the
6 commission may, with the approval of the Tax Commissioner, establish and
7 maintain branch offices at other places.

8 Sec. 77. The commission shall hold regular meetings at least once a
9 month and may hold such special meetings as it deems necessary at any
10 time and at any place within the state.

11 Sec. 78. (1) The commission may, for authentication of its records,
12 process, and proceedings, adopt, keep, and use a common seal, of which
13 seal judicial notice shall be taken in all of the courts of the state.

14 (2) Any process, notice, or other paper which the commission is
15 authorized by law to issue shall be deemed sufficient if signed by the
16 chairperson and executive director and authenticated by such seal.

17 (3) All acts, orders, proceedings, rules, regulations, entries,
18 minutes, and other records of the commission and all reports and
19 documents filed with the commission may be proved in any court of this
20 state by copy thereof certified to by the executive director attached.

21 Sec. 79. The Attorney General shall designate an assistant attorney
22 general or assistant attorneys general, when requested by the commission
23 and directed by the Tax Commissioner, and the services of such assistant
24 attorney general or assistant attorneys general shall be available to the
25 commission whenever demanded. The compensation of such assistant attorney
26 general or assistant attorneys general as are assigned to the commission
27 shall be paid by the office of the Attorney General.

28 Sec. 80. The commission shall hold a public hearing before the
29 adoption, amendment, or repeal of any rule or regulation.

30 Sec. 81. On or before January 1, 2026, and annually thereafter, the
31 commission shall annually publish a full report of its actions during the

1 preceding year, including a comprehensive description of its activities
2 and including the number of licensees of each class issued; enforcement
3 actions in which fines, suspension, revocations, or other disciplinary
4 sanctions were issued; and a statement of revenue and expenses of the
5 commission.

6 Sec. 82. The commission shall study cannabis commerce and may make
7 recommendations to the Legislature regarding changes in the laws of the
8 state that further the intent of the Cannabis Control Act.

9 Sec. 83. The commission and the Department of Agriculture,
10 Department of Revenue, and Department of Health and Human Services shall
11 work collaboratively in furtherance of the intent of the Cannabis Control
12 Act and to ensure that the cultivation, manufacture, distribution, and
13 sale of cannabis in this state is conducted in accordance with the act.

14 Sec. 84. (1) On or before September 1, 2024, the commission shall
15 adopt and promulgate rules and regulations necessary for the proper
16 regulation and control of the cultivation, manufacture, distribution,
17 sale, and testing of cannabis and for the enforcement of the Cannabis
18 Control Act. Such rules and regulations shall include, but shall not be
19 limited to:

20 (a) Procedures and requirements for the issuance and renewal of
21 licenses, permits, certificates, and employment authorizations, payment
22 of fees, investigating and deciding disciplinary proceedings, and
23 imposing sanctions for violations of the Cannabis Control Act or rules
24 and regulations adopted and promulgated thereunder;

25 (b) Qualifications and procedures for licensure under the Cannabis
26 Control Act;

27 (c) Requirements and procedures for testing cannabis for potency,
28 the presence of contaminants, and to otherwise ensure the safety of
29 consumers;

30 (d) Rules relating to acceptable testing and research practices,
31 including, but not limited to, research methods, standards, quality

1 control analysis, equipment certification and calibration, and chemical
2 identification;

3 (e) Rules and regulations regarding social equity applicants and the
4 duties imposed by section 101 of this act and other procedures and
5 policies to promote and encourage full participation in the regulation of
6 the cannabis industry by people from communities that have previously
7 been disproportionately harmed by cannabis prohibition and to positively
8 impact those communities;

9 (f) Specifications of duties of officers and employees of the
10 commission;

11 (g) Instructions for local governing bodies and law enforcement
12 officers;

13 (h) Requirements for inspections, investigations, searches,
14 seizures, forfeitures, and such additional enforcement activities as may
15 become necessary from time to time;

16 (i) Documentation for identifying licensees and their owners,
17 officers, managers, and employees;

18 (j) A schedule of penalties for violations and procedures for
19 issuing and appealing citations for violations of statutes and rules and
20 issuing administrative citations;

21 (k) Rules and regulations concerning signage, marketing, and
22 advertising of cannabis, including, but not limited to:

23 (i) A prohibition on mass-marketing campaigns that have a high
24 likelihood of reaching persons under twenty-one years of age;

25 (ii) Rules on cannabis accessory packaging and branding;

26 (iii) A prohibition on unsolicited pop-up advertising on the
27 Internet;

28 (iv) A prohibition on banner ads on mass-market web sites;

29 (v) A prohibition on opt-in marketing that does not permit an easy
30 and permanent opt-out feature; and

31 (vi) A prohibition on marketing directed towards location-based

1 devices, including, but not limited to, cellular phones, unless the
2 marketing is a mobile device application installed on the device by the
3 owner of the device who is twenty-one years of age or older and includes
4 a permanent and easy opt-out feature;

5 (l) Requirements for the security of licensed premises, including,
6 at a minimum, lighting, physical security, video, and alarm requirements,
7 and other minimum procedures for internal control as deemed necessary by
8 the commission to properly administer and enforce the provisions of the
9 Cannabis Control Act, including reporting requirements for changes,
10 alterations, or modifications to the licensed premises. Such requirements
11 shall not prohibit the cultivation of cannabis outdoors in greenhouses;

12 (m) Regulations on the storage of, warehouses for, and
13 transportation of cannabis;

14 (n) A seed-to-sale tracking system for tracking cannabis from either
15 seed or immature plant stage until sold in a cannabis store or otherwise
16 disposed of in accordance with the act and the rules and regulations of
17 the commission;

18 (o) Rules regarding the records to be kept by licensees to ensure
19 that licensees keep complete and accurate electronic records for all
20 transactions involving cannabis, including, but not limited to, rules
21 regarding the types of records each licensee shall maintain, retention
22 schedules, the required availability of the records, and inspection
23 procedures;

24 (p) Rules concerning disposal of cannabis by licensees, consumers,
25 and others as deemed necessary or appropriate by the commission;

26 (q) Rules concerning limited access areas as defined in section 127
27 of this act;

28 (r) Health and safety regulations and standards for the manufacture
29 of cannabis products and cultivation of cannabis;

30 (s) Sanitary requirements for cannabis stores;

31 (t) Limitations on the display of cannabis in cannabis stores;

1 (u) Specification of acceptable forms of government-issued
2 identification documents for proof of age that a cannabis store may
3 accept when verifying a transfer or sale;

4 (v) Rules for transport licensees, and drivers and other employees
5 of such licensees, including, but not limited to, insurance requirements;
6 acceptable time frames for transport, storage, and delivery; requirements
7 for transport vehicles; and requirements for licensed premises; and

8 (w) Such other matters as are necessary for the fair, impartial,
9 stringent, and comprehensive administration of the Cannabis Control Act.

10 (2) After September 1, 2024, the commission may adopt and promulgate
11 rules and regulations necessary to carry out the Cannabis Control Act.

12 Sec. 85. The commission may develop such forms, applications, and
13 other documentation as are necessary or convenient in the discretion of
14 the commission for the administration of the Cannabis Control Act or any
15 rules and regulations adopted and promulgated thereunder.

16 Sec. 86. (1) On or before September 1, 2024, the commission shall
17 adopt and promulgate rules and regulations establishing:

18 (a) The equivalence of one ounce of cannabis flower to various
19 cannabis products, including concentrated cannabis;

20 (b) A standardized cannabis serving size amount for edible cannabis
21 products that does not contain more than ten milligrams of active THC.
22 Such serving size is designed only to provide consumers with information
23 about the total number of servings of active THC in a particular cannabis
24 product, not as a limitation on the total amount of THC in any particular
25 item; and

26 (c) Labeling requirements regarding servings for edible cannabis
27 products and regarding the total content of THC per unit of weight.

28 (2) In carrying out this section the commission may contract for a
29 scientific study if necessary.

30 (3) For purposes of this section, cannabis flower means the raw
31 flower, kief, leaves, and buds of a plant of the genus Cannabis that have

1 been harvested, dried, and cured for consumption by means of inhalation,
2 but prior to any processing whereby the plant material is transformed
3 into a concentrate, including, but not limited to, concentrated cannabis,
4 or an edible or topical product containing cannabis or concentrated
5 cannabis and other ingredients. Cannabis flower does not include the stem
6 of the plant or leaves not containing a significant quantity of THC-
7 containing trichomes.

8 Sec. 87. (1) On or before September 1, 2024, the commission shall
9 adopt and promulgate rules and regulations regarding conditions under
10 which holders of appropriate licenses are authorized to transfer fibrous
11 waste to a person other than a licensee for the purpose of producing only
12 industrial fiber products. The conditions must include contract
13 requirements that stipulate that fibrous waste will only be used to
14 produce industrial fiber products; recordkeeping requirements; security
15 measures related to the transport and transfer of fibrous waste;
16 requirements on handling contaminated fibrous waste; and processes
17 associated with handling fibrous waste. The rules shall not require
18 licensees to alter fibrous waste from its natural state prior to
19 transfer.

20 (2) For purposes of this section:

21 (a) Fibrous waste means any roots, stalks, or stems from a cannabis
22 plant; and

23 (b) Industrial fiber products means intermediate or finished
24 products made from fibrous waste that are not intended for human or
25 animal consumption and are not usable or recognizable as cannabis.
26 Industrial fiber products include, but are not limited to, cordage,
27 paper, fuel, textiles, bedding, insulation, construction materials,
28 compost materials, and industrial materials.

29 Sec. 88. (1) On or before December 1, 2023, the commission shall
30 convene a group to make recommendations for rules and regulations on how
31 edible cannabis products can be clearly identifiable, when practicable,

1 to indicate that such products contain cannabis and are not for
2 consumption by children.

3 (2) The group shall include, but need not be limited to,
4 representatives of the Department of Health and Human Services,
5 representatives of the cannabis industry, child abuse prevention experts,
6 and advocates for children's health.

7 Sec. 89. Nothing in the Cannabis Control Act shall be construed as
8 delegating to the commission the power to fix prices for cannabis.

9 Sec. 90. Rules and regulations adopted and promulgated pursuant to
10 the Cannabis Control Act and any ordinance enacted by a local governing
11 body shall not:

12 (1) Make it unreasonably impracticable to operate as a licensee;

13 (2) Require testing of cannabis before the commission has licensed
14 any cannabis testing facilities or, if such facilities have been
15 licensed, before such facilities are capable of performing any required
16 tests in a timely manner;

17 (3) Require a customer to provide a cannabis store with identifying
18 information other than identification to determine the customer's age;

19 (4) Require a cannabis store to acquire or record personal
20 information about customers other than information typically required in
21 a retail transaction; or

22 (5) Prohibit cultivation of cannabis using inorganic cultivation
23 methods.

24 Sec. 91. (1) The commission shall provide without charge to any
25 licensee a copy of the Cannabis Control Act, any rules and regulations
26 adopted and promulgated thereunder, and any other information which the
27 commission deems important in the area of cannabis control in the State
28 of Nebraska.

29 (2) The information may be printed in a booklet, a pamphlet, or any
30 other form the commission may determine to be appropriate.

31 (3) The commission may update such material as often as it deems

1 necessary.

2 (4) The commission may provide such material to any other person
3 upon request and may charge a fee for the material. The fee shall be
4 reasonable and shall not exceed any reasonable or necessary costs of
5 producing the material for distribution.

6 Sec. 92. The commission may:

7 (1) Call upon other departments of the state, political
8 subdivisions, law enforcement agencies, and prosecutors for such
9 information and assistance as the commission deems necessary in the
10 performance of its duties; and

11 (2) Recommend ordinances to local governing bodies not inconsistent
12 with the Cannabis Control Act.

13 Sec. 93. The commission may request the State Fire Marshal to
14 inspect any licensed premises or premises for which a licensee is sought
15 for fire safety pursuant to section 81-502. The State Fire Marshal shall
16 assess a fee for such inspection pursuant to section 81-505.01 payable by
17 such licensee or applicant. The State Fire Marshal may delegate the
18 authority to make such inspections to qualified local fire prevention
19 personnel pursuant to section 81-502.

20 Sec. 94. (1) The commission shall maintain the confidentiality of
21 reports or other information obtained from a licensee:

22 (a) Containing any individualized data, information, or records
23 related to the licensee or its operation, including sales information,
24 financial records, tax returns, credit reports, cultivation information,
25 testing results, or security information and plans;

26 (b) Which reveals any customer information; or

27 (c) Which are otherwise made confidential or exempt from public
28 disclosure pursuant to state or federal law.

29 (2) Confidential information and reports shall only be used for
30 purposes authorized by the Cannabis Control Act or for any other state or
31 local law enforcement purpose. Any customer information may be used only

1 for a purpose authorized by the Cannabis Control Act.

2 (3) A person who discloses confidential records or information in
3 violation of the Cannabis Control Act shall be guilty of a Class II
4 misdemeanor.

5 Sec. 95. (1) There shall be the following classes of licenses under
6 the Cannabis Control Act:

- 7 (a) Cannabis store;
- 8 (b) Cultivator;
- 9 (c) Products manufacturer;
- 10 (d) Testing facility; and
- 11 (e) Transporter.

12 (2) There shall be the following tiers of cultivator licenses, based
13 on canopy size:

- 14 (a) Tier 1 - Less than ten thousand square feet;
- 15 (b) Tier 2 - Ten thousand feet or more but less than twenty-thousand
16 square feet; and
- 17 (c) Tier 3 - Twenty-thousand square feet or more but no more than
18 thirty-thousand square feet.

19 (3) There shall be the following subtypes of products manufacturer
20 licenses:

- 21 (a) Extraction-only;
- 22 (b) Infusion-only; and
- 23 (c) Extraction and infusion.

24 (4)(a) An extraction-only licensee may:

- 25 (i) Process cannabis plants and engage in extraction and sell such
26 processed cannabis and extractions to other product manufacturers; and
- 27 (ii) Manufacture cannabis products such as pre-rolls and kief that
28 do not require the infusion of cannabis and sell such cannabis products
29 to cannabis stores and other products manufacturers, other than infusion-
30 only licensees.

31 (b) An extraction-only licensee shall not manufacture products that

1 require infusion.

2 (5)(a) An infusion-only licensee may manufacture cannabis products
3 that require the infusion of cannabis, such as concentrated cannabis,
4 edible products, or vaporizer cartridges or refills, and sell such
5 products to cannabis stores and other products manufacturers, other than
6 extraction-only licensees.

7 (b) An infusion-only licensee shall not process cannabis plants or
8 engage in extraction.

9 (6) An extraction and infusion licensee may engage in extraction and
10 infusion and manufacture and sell cannabis products in all forms
11 permitted by the Cannabis Control Act to cannabis stores and other
12 products manufacturers, subject to the same limits on sales to infusion-
13 only licensees and extraction-only licensees set forth in subsections (4)
14 and (5) of this section.

15 Sec. 96. (1) The commission shall not issue licenses in excess of
16 the following limits:

17 (a) For cultivation licenses:

18 (i) Tier 2 - twenty licenses; and

19 (ii) Tier 3 - forty licenses;

20 (b) For products manufacturers:

21 (i) Extraction-only - four licenses per congressional district;

22 (ii) Infusion-only - ten licenses per congressional district; and

23 (iii) Extraction and infusion - twenty licenses per congressional
24 district;

25 (c) Cannabis stores - fifty licenses per congressional district; and

26 (d) Testing facilities - ten licenses.

27 (2) License types not referred to in this section are not subject to
28 the limits provided in this section.

29 Sec. 97. (1) Beginning on the implementation date, a person may
30 apply for a license under the Cannabis Control Act. An application for
31 issuance or renewal of a license shall be in the form and manner required

1 by the commission, shall be accompanied by the fee required by section 98
2 of this act, and shall be verified by oath or affirmation of the persons
3 prescribed by the commission.

4 (2) An application for issuance or renewal of a license shall
5 include:

6 (a) The name and address of the applicant and how long the applicant
7 has resided in Nebraska;

8 (b) The names and addresses of the applicant's officers, directors,
9 or managers;

10 (c) The particular premises for which a license is desired
11 designating the premises by street and number, if practicable, or by such
12 other description as definitely locates the premises;

13 (d) The name of the owner of the premises upon which the business
14 licensed is to be carried on;

15 (e) A statement that the applicant is a resident of Nebraska and
16 legally able to work in Nebraska, that the applicant and the spouse of
17 the applicant are not less than twenty-one years of age, and that such
18 applicant has never been convicted of or pleaded guilty or nolo
19 contendere to a disqualifying offense;

20 (f) A statement that the applicant intends to carry on the business
21 authorized by the license on the applicant's own behalf and not as the
22 agent of any other person and that if licensed the applicant will carry
23 on such business on the applicant's own behalf and not as the agent for
24 any other person;

25 (g) A statement that the applicant intends to superintend in person
26 the management of the business licensed and that if so licensed the
27 applicant will superintend in person the management of the business;

28 (h) If the applicant is a social equity applicant, information to
29 establish eligibility as such as determined by the commission; and

30 (i) Such other information as the commission may from time to time
31 direct.

1 (3)(a) An applicant for initial issuance shall also submit two
2 legible sets of fingerprints to be furnished to the Federal Bureau of
3 Investigation through the Nebraska State Patrol for a national criminal
4 history record check and the fee for such record check payable to the
5 patrol. The applicant shall authorize release of the national criminal
6 history record check to the commission.

7 (b) The commission may require an applicant for renewal to comply
8 with subdivision (3)(a) of this section when there is a demonstrated
9 investigative need.

10 (4)(a) An application for issuance of a license shall be accompanied
11 by plans and specifications for the interior of any building on the
12 licensed premises, if the building to be occupied is in existence at the
13 time of the application. If such building is yet to be constructed, the
14 applicant shall file a plot plan and a detailed sketch for the interior
15 and submit an architect's drawing of the building to be constructed.

16 (b) The commission shall not issue or renew a license until it is
17 established that the applicant is, or will be, entitled to possession of
18 the premises for which application is made under a lease, rental
19 agreement, or other arrangement for possession of the premises or by
20 virtue of ownership of the premises.

21 (5) If any false statement is made in any part of an application,
22 the applicant shall be deemed guilty of perjury, and upon conviction
23 thereof the license shall be revoked and the applicant subjected to the
24 penalties set forth in section 28-915.

25 Sec. 98. (1) An application for initial issuance of a license shall
26 be accompanied by a nonrefundable application fee and a refundable
27 initial issuance fee. If issuance of the license is denied, or if after
28 application and with the commission's permission, the applicant withdraws
29 an application, the initial issuance fee shall be refunded. Except as
30 provided in subsections (3), (4), and (5) of this section, the fees for
31 application for initial issuance of a license shall be:

<u>Type of License</u>	<u>Application Fee,</u>	<u>Initial Issuance</u>	<u>Total Due at</u>
	<u>in Dollars</u>	<u>Fee, in Dollars</u>	<u>Application,</u>
			<u>in Dollars</u>
Cannabis Store	5,000	2,000	7,000
<u>Cultivator (by tier)</u>			
Tier 1	5,000	1,500	6,500
Tier 2	7,000	2,000	9,000
Tier 3	9,000	3,000	12,000
<u>Products Manufacturer</u>			
<u>(by subtype)</u>			
Extraction-only	5,000	1,500	6,500
Infusion-only	5,000	1,500	6,500
Extraction and			
infusion	7,000	1,500	8,500
Testing Facility	1,000	1,500	2,500
Transporter	1,000	4,400	5,400

(2) An application for renewal of a license shall be accompanied by a nonrefundable application fee and a refundable renewal fee. If renewal of the license is denied, or if after application and with the commission's permission, the applicant withdraws an application, the renewal fee shall be refunded. Except as provided in subsections (3) and (5) of this section, the fees for application for renewal of a license shall be:

<u>Type of License</u>	<u>Application Fee,</u>	<u>Renewal Fee,</u>	<u>Total Due at</u>
	<u>in Dollars</u>	<u>in Dollars</u>	<u>Application,</u>
			<u>in Dollars</u>
Cannabis Store	300	1,500	1,800
<u>Cultivator (by tier)</u>			
Tier 1	300	1,500	1,800
Tier 2	500	2,000	2,500

1	<u>Tier 3</u>	<u>1,000</u>	<u>3,000</u>	<u>4,000</u>
2	<u>Products Manufacturer</u>			
3	<u>(by subtype)</u>			
4	<u>Extraction-only</u>	<u>300</u>	<u>1,500</u>	<u>1,800</u>
5	<u>Infusion-only</u>	<u>300</u>	<u>1,500</u>	<u>1,800</u>
6	<u>Extraction and infusion</u>	<u>1,000</u>	<u>3,000</u>	<u>4,000</u>
7	<u>Testing Facility</u>	<u>300</u>	<u>1,500</u>	<u>1,800</u>
8	<u>Transporter</u>	<u>300</u>	<u>4,400</u>	<u>4,700</u>

9 (3) Beginning January 1, 2027, and on each fifth occurrence of
10 January 1 thereafter, the commission shall adjust the upper fee limit of
11 any fee set forth in this section to reflect the percentage change for
12 such five-year period in the Consumer Price Index for All Urban Consumers
13 published by the United States Department of Labor, Bureau of Labor
14 Statistics. If the amount so adjusted is not a multiple of one hundred
15 dollars, the amount shall be rounded to the nearest multiple of one
16 hundred dollars.

17 (4) Until January 1, 2026, the commission may raise the application
18 fee for applications for initial issuance of a license, for a specific
19 type or types of licenses or for all license types, if the commission
20 determines that a greater fee is necessary to carry out the commission's
21 responsibilities under the Cannabis Control Act. Such increase shall
22 remain in effect beyond January 1, 2026, unless reduced by the
23 commission.

24 (5)(a) The commission shall waive fifty percent of all fees under
25 subsection (1) or (2) of this section for a social equity applicant if
26 the applicant, any person with an ownership interest of ten percent or
27 more in the applicant, or any parent company, subsidiary, or affiliate of
28 the applicant:

29 (i) Has less than a total of seven hundred fifty thousand dollars in
30 income in the previous calendar year; and

31 (ii) Has no more than two other licenses.

1 (b) An applicant seeking a fee waiver under this subsection shall
2 attest that the applicant meets the requirements of this subsection and
3 provide evidence of income and other eligibility requirements to the
4 commission in a form and manner prescribed by the commission.

5 (c) If the commission determines that an applicant who sought a fee
6 waiver under this subsection is not eligible for the waiver, the
7 applicant shall have an additional ten days to provide additional
8 evidence of eligibility, to pay the remainder of the waived fee, or to
9 withdraw the application.

10 (d) If a licensee who has been granted a fee waiver under this
11 section transfers ownership of the license, within five years after its
12 initial issuance, to a person who does not apply and qualify for a fee
13 waiver in a manner prescribed by the commission, the commission shall not
14 approve the transfer of the license unless the transferee pays to the
15 commission the balance of any waived fees.

16 (6) Application and licensing fees paid to the commission shall be
17 remitted to the State Treasurer for credit as follows:

18 (a) Fifty percent to the Cannabis Control Fund; and

19 (b) Fifty percent shall be transferred to the local governing body
20 with jurisdiction over the licensee.

21 (7) On or before September 1, 2024, the commission shall adopt and
22 promulgate rules and regulations as necessary to carry out this section.

23 Sec. 99. Upon receipt of an application for issuance or renewal of
24 a license, the commission shall notify the city clerk, village clerk, or
25 county clerk of the local governing body in whose jurisdiction the
26 license is sought and shall include one copy of the application with the
27 notice. No such license shall be issued or denied by the commission until
28 the expiration of the time allowed for the receipt of a recommendation of
29 denial or an objection requiring a hearing under subdivision (1)(a) or
30 (b) of section 102 of this act. During the period of forty-five days
31 after the date of receipt by mail or electronic delivery of such

1 application from the commission, the local governing body may submit
2 recommendations to the commission regarding issuance or renewal of such
3 license.

4 Sec. 100. (1) If no hearing is required pursuant to subdivision (1)
5 (a) or (b) of section 102 of this act and the commission has no
6 objections pursuant to subdivision (1)(c) of such section, the commission
7 may waive the forty-five-day objection period and, if not otherwise
8 prohibited by law and subject to the limits set forth in section 96 of
9 this act, issue or renew a license as a matter of course.

10 (2) A license may be issued if the commission finds that:

11 (a) The applicant is fit, willing, and able to properly provide the
12 service proposed within the city, village, or county where the premises
13 described in the application are located;

14 (b) The applicant can conform to all provisions and requirements of
15 and rules and regulations adopted pursuant to the Cannabis Control Act;

16 (c) The applicant has demonstrated that the type of management and
17 control to be exercised over the premises described in the application
18 will be sufficient to ensure that the licensed business can conform to
19 all provisions and requirements of and rules and regulations adopted
20 pursuant to the act; and

21 (d) The issuance of the license is or will be required by the
22 present or future public convenience and necessity.

23 (3) In making its determination pursuant to subsection (2) of this
24 section the commission shall consider:

25 (a) The recommendation of the local governing body;

26 (b) The existence of a citizens' protest made in accordance with
27 section 102 of this act;

28 (c) The existing population of the city, village, or county and its
29 projected growth;

30 (d) The nature of the neighborhood or community of the location of
31 the proposed licensed premises;

1 (e) The existence or absence of other licensees with similar
2 privileges within the neighborhood or community of the location of the
3 proposed licensed premises and whether, as evidenced by substantive,
4 corroborative documentation, the issuance of such license would result in
5 or add to an undue concentration of licenses with similar privileges and,
6 as a result, require the use of additional law enforcement resources;

7 (f) The existing motor vehicle and pedestrian traffic flow in the
8 vicinity of the proposed licensed premises;

9 (g) The adequacy of existing law enforcement;

10 (h) Zoning restrictions;

11 (i) The sanitation or sanitary conditions on or about the proposed
12 licensed premises;

13 (j) Whether the type of business or activity proposed to be operated
14 in conjunction with the proposed license is and will be consistent with
15 the public interest;

16 (k) The long-term financial stability of the applicant;

17 (l) The ability of the applicant to provide appropriate security
18 measures; and

19 (m) When relevant, the technical expertise of the applicant.

20 (4) Licenses issued or renewed by the commission shall be mailed or
21 delivered to the clerk of the city, village, or county who shall deliver
22 the license to the licensee upon receipt from the licensee of proof of
23 payment of:

24 (a) Any fee for publication of notice of hearing before the local
25 governing body upon the application for the license; and

26 (b) Occupation or other taxes, if any, imposed by such city,
27 village, or county.

28 Sec. 101. (1) Twenty percent of all licenses granted by the
29 commission shall be to social equity applicants.

30 (2) Licensees who are social equity applicants shall annually report
31 to the commission, in a form and manner prescribed by the commission,

1 information that will allow the commission to assess the extent of
2 diversity in various aspects of the cannabis industry and to identify
3 methods for reducing and eliminating barriers to entry.

4 (3) The commission, in consultation with the Department of Economic
5 Development, shall provide technical assistance and support to persons
6 wishing to apply as social equity applicants in preparing applications
7 and obtaining licensure.

8 (4) On or before January 1, 2026, and annually thereafter, the
9 commission shall electronically submit a report to the Legislature
10 regarding social equity in the cannabis industry. The report shall
11 include data regarding the numbers of licensees who are social equity
12 applicants, the numbers of applications by social equity applicants
13 granted and denied, and recommendations on increasing diversity in the
14 cannabis industry and reducing or eliminating barriers to entry.

15 Sec. 102. (1) The commission shall set for hearing before it any
16 application for issuance or renewal of a license, relative to which it
17 has received:

18 (a) Within forty-five days after the date of receipt of such
19 application by the city, village, or county clerk, a recommendation of
20 denial from the city, village, or county;

21 (b) Within ten days after the receipt of a recommendation from the
22 city, village, or county, or, if no recommendation is received, within
23 forty-five days after the date of receipt of such application by the
24 city, village, or county clerk, objections in writing by not less than
25 three persons residing within such city, village, or county, protesting
26 the issuance of the license. Withdrawal of the protest does not prohibit
27 the commission from conducting a hearing based upon the protest as
28 originally filed and making an independent finding as to whether the
29 license should or should not be issued; or

30 (c) Within forty-five days after the date of receipt of such
31 application by the city, village, or county clerk, objections by the

1 commission or any duly appointed employee of the commission, protesting
2 the issuance of the license;

3 (2) Hearings upon such applications shall be in the following
4 manner: Notice indicating the time and place of such hearing shall be
5 mailed or electronically delivered to the applicant, the local governing
6 body, and each individual protesting a license pursuant to subdivision
7 (1)(b) of this section at least fifteen days prior to such hearing. The
8 notice shall state that the commission will receive evidence for the
9 purpose of determining whether to approve or deny the application.
10 Mailing or electronic delivery to the attorney of record of a party shall
11 be deemed to fulfill the purposes of this section. The commission may
12 receive evidence, including testimony and documentary evidence, and may
13 hear and question witnesses concerning the application. The commission
14 shall not use electronic delivery with respect to an applicant or a
15 protestor under this section without the consent of the recipient to
16 electronic delivery.

17 (3) In conducting a hearing under this section, the commission may
18 administer oaths and issue subpoenas to require the presence of persons
19 and the production of papers, books, and records necessary to the
20 determination of any hearing.

21 Sec. 103. (1) In addition to the factors set forth in section 100
22 of this act, the commission may deny issuance or renewal of a license for
23 good cause.

24 (2) For purposes of this section, good cause means:

25 (a) The licensee or applicant has violated, does not meet, or has
26 failed to comply with any of the terms, conditions, or provisions of the
27 Cannabis Control Act, any rules and regulations adopted and promulgated
28 thereunder, or any local ordinance;

29 (b) The licensee or applicant has made a materially false statement
30 to the commission;

31 (c) The licensee or applicant has failed to comply with any special

1 terms or conditions that were placed on its license pursuant to an order
2 of the commission; or

3 (d) The licensed premises have been operated in a manner that
4 adversely affects the public health or the safety of the immediate
5 neighborhood in which the establishment is located.

6 Sec. 104. A license provided by the Cannabis Control Act shall not
7 be issued to or held by:

8 (1) Any person who has been convicted of or pleaded guilty or nolo
9 contendere to a disqualifying offense;

10 (2) A person or entity if any of its officers, directors,
11 stockholders, or owners have been convicted of or pleaded guilty or nolo
12 contendere to a disqualifying offense;

13 (3) A person financed in whole or in part by any other person who
14 has been convicted of or pleaded guilty or nolo contendere to a
15 disqualifying offense;

16 (4) A person under twenty-one years of age;

17 (5) A licensee or former licensee who, during a period of licensure,
18 or who, at the time of application, has failed to:

19 (a) File any tax return related to a licensee; or

20 (b) Pay any taxes, interest, or penalties due, as determined by
21 final agency action, relating to a licensee;

22 (6) Any state, county, municipality, or other political unit, any
23 branch, department, agency, or subdivision of any of the foregoing, and
24 any corporation or other entity established by law to carry out any
25 governmental function;

26 (7) A peace officer, employee of a jail or the Department of
27 Corrections, or an official or employee of a local governing body;

28 (8) A person who is not a resident of Nebraska or not legally able
29 to work in Nebraska; or

30 (9) A publicly traded company.

31 Sec. 105. A license is valid for a period of one year after the

1 date of issuance unless revoked or suspended pursuant to the Cannabis
2 Control Act or the rules and regulations adopted and promulgated
3 thereunder.

4 Sec. 106. Each license issued under the Cannabis Control Act shall:

5 (1) Specify the date of issuance, the type of license, the period of
6 licensure, the name of the licensee, and the premises licensed; and

7 (2) Be signed by the chairperson of the commission and attested by
8 the executive director over the seal of the commission.

9 Sec. 107. (1) At all times, a licensee shall possess and maintain
10 possession of the premises for which the license is issued by ownership,
11 lease, rental, or other arrangement for possession of the premises.

12 (2) At all times, a licensee shall maintain a copy of the license in
13 a conspicuous place on the licensed premises.

14 Sec. 108. (1) Each licensee shall personally manage the licensed
15 premises or employ a separate and distinct manager on the licensed
16 premises and shall report the name of the manager to the commission.

17 (2) The licensee shall report any change in manager to the
18 commission within seven days after the change.

19 Sec. 109. (1) Ninety days prior to the expiration date of an
20 existing license, the commission shall notify the licensee of the
21 expiration date by first-class mail at the licensee's address of record
22 with the commission.

23 (2) A licensee may apply for the renewal of an existing license to
24 the commission not earlier than thirty days prior to the date of
25 expiration. The commission, in its discretion, subject to the
26 requirements of this section and based upon reasonable grounds, may waive
27 this requirement.

28 (3)(a) A licensee whose license has been expired for not more than
29 ninety days may file a late renewal application upon the payment to the
30 commission of an additional nonrefundable late application fee of five
31 hundred dollars.

1 (b) A licensee who files a late renewal application and pays the
2 requisite fees may continue to operate until the commission takes final
3 action to approve or deny the licensee's late renewal application unless
4 the commission summarily suspends the license.

5 Sec. 110. (1) A license is not transferable without approval of the
6 commission as provided in this section. An application for transfer of
7 ownership of a license shall be in the form and manner required by the
8 commission, shall be accompanied by a nonrefundable fee of one thousand
9 dollars, and shall be verified by oath or affirmation of the persons
10 prescribed by the commission.

11 (2) An application for transfer of ownership shall include:

12 (a) The name and address of each party and how long the transferee
13 has resided in Nebraska;

14 (b) The names and addresses of the transferee's officers, directors,
15 or managers;

16 (c) The particular premises of the licensed premises, designating
17 the premises by street and number if practicable or, if not, by such
18 other description as definitely locates the premises;

19 (d) The name of the owner of the premises upon which the business
20 licensed is to be carried on;

21 (e) A statement that each party is a resident of Nebraska and
22 legally able to work in Nebraska, that each party and the spouse of each
23 party are not less than twenty-one years of age, and that neither party
24 has been convicted of or pleaded guilty or nolo contendere to a
25 disqualifying offense;

26 (f) A statement that the transferee intends to carry on the business
27 authorized by the license on its own behalf and not as the agent of any
28 other persons and that if licensed, the transferee will carry on such
29 business on its own behalf and not as the agent for any other person;

30 (g) A statement that the transferee intends to superintend in person
31 the management of the business licensed and that if licensed the

1 transferee will superintend in person the management of the business; and
2 (h) Such other information as the commission may direct.

3 (3) If any false statement is made in any part of an application,
4 the applicant shall be deemed guilty of perjury, and upon conviction
5 thereof the license shall be revoked and the applicant subjected to the
6 penalties set forth in section 28-915.

7 (4) Upon receipt of an application, the transfer shall be considered
8 in the same manner as provided for applications for issuance or renewal
9 of a license as set forth in sections 98 to 103 of this act, except that
10 the commission may by rule or regulation modify or streamline the
11 procedures or requirements, or the factors to be considered in granting
12 transfer of ownership in light of the fact that the licensed premises is
13 already in operation.

14 Sec. 111. (1) A licensee shall not relocate the licensed premises
15 from the place specified in the license without approval of the
16 commission as provided in this section. An application for relocation of
17 a licensed premises shall be in the form and manner required by the
18 commission, shall be accompanied by a nonrefundable fee of one thousand
19 dollars, and shall be verified by oath or affirmation of the persons
20 prescribed by the commission.

21 (2) An application for relocation of a licensed premises shall
22 include:

23 (a) The name and address of the applicant;

24 (b) The names and addresses of the applicant's officers, directors,
25 or managers;

26 (c) The current location of the licensed premises, designating the
27 same by street and number if practicable or, if not, by such other
28 description as definitely locates the licensed premises;

29 (d) The location to which the licensed premises is sought to be
30 relocated, designating the licensed premises by street and number if
31 practicable or, if not, by such other description as definitely locates

1 the new location;

2 (e) The name of the owner of the premises to which the licensed
3 premises is sought to be relocated; and

4 (f) Such other information as the commission may direct.

5 (3) If any false statement is made in any part of an application,
6 the applicant shall be deemed guilty of perjury, and upon conviction
7 thereof the license shall be revoked and the applicant subjected to the
8 penalties set forth in section 28-915.

9 (4) Upon receipt of an application, the relocation shall be
10 considered in the same manner as provided for applications for issuance
11 or renewal of a license as set forth in sections 98 to 103 of this act.

12 Sec. 112. The commission, in its discretion, may revoke or elect
13 not to renew any license if it determines that the licensed premises have
14 been inactive, without good cause, for at least one year.

15 Sec. 113. A local governing body shall have the following powers,
16 functions, and duties with respect to licenses:

17 (1) To revoke for cause a license, issued to persons for premises
18 within its jurisdiction, subject to the right of appeal to the
19 commission;

20 (2) To enter or to authorize any peace officer to enter at any time
21 upon any licensed premises to determine whether any provision of the
22 Cannabis Control Act, any rule or regulation adopted and promulgated
23 thereunder, or any ordinance has been or is being violated and at such
24 time examine the licensed premises in connection with such determination.

25 Any peace officer who determines that the act, any rule or regulation
26 adopted and promulgated thereunder, or any ordinance has been or is being
27 violated shall report such violation in writing to the executive director

28 (a) within thirty days after determining that such violation has
29 occurred, (b) within thirty days after the conclusion of an ongoing
30 police investigation, or (c) within thirty days after the verdict in a
31 prosecution related to such an ongoing police investigation if the

1 prosecuting attorney determines that reporting such violation prior to
2 the verdict would jeopardize such prosecution, whichever is later;

3 (3) To receive a signed complaint from any citizen within its
4 jurisdiction that any provision of the act, any rule or regulation
5 adopted and promulgated thereunder, or any ordinance relating to cannabis
6 has been or is being violated and to act upon such complaints in the
7 manner provided in the act;

8 (4) To examine or cause to be examined any applicant or any licensee
9 upon whom notice of revocation or other sanction has been served as
10 provided in the act, to examine or cause to be examined the books and
11 records of any applicant or licensee, and to hear testimony and to take
12 proof for its information in the performance of its duties. For purposes
13 of obtaining any of the information desired, the local governing body may
14 authorize its agent or attorney to act on its behalf;

15 (5) To revoke or impose sanctions on its own motion any license if,
16 upon the same notice and hearing as provided in section 115 of this act,
17 it determines that the licensee has violated the act, any rule or
18 regulation adopted and promulgated thereunder, or any ordinance relating
19 to cannabis. Such order of revocation or sanction may be appealed to the
20 commission within thirty days after the date of the order by filing a
21 notice of appeal with the commission. The commission shall handle the
22 appeal in the manner provided for hearing on an application in section
23 102 of this act; and

24 (6) Upon receipt from the commission of the notice and copy of
25 application as provided in section 99 of this act, to fix a time and
26 place for a hearing at which the local governing body shall receive
27 evidence, either orally or by affidavit from the applicant and any other
28 person, bearing upon the propriety of the issuance or renewal of a
29 license. Notice of the time and place of such hearing shall be published
30 in a legal newspaper in or of general circulation in such city, village,
31 or county one time not less than seven and not more than fourteen days

1 before the time of the hearing. Such notice shall include, but not be
2 limited to, a statement that all persons desiring to give evidence before
3 the local governing body in support of or in protest against the issuance
4 or renewal of such license may do so at the time of the hearing. Such
5 hearing shall be held not more than forty-five days after the date of
6 receipt of the notice from the commission, and after such hearing the
7 local governing body shall cause to be recorded in the minute record of
8 their proceedings a resolution recommending either issuance or refusal of
9 such license. The clerk of such city, village, or county shall mail to
10 the commission by first-class mail, postage prepaid, a copy of the
11 resolution which shall state the cost of the published notice, except
12 that failure to comply with this provision shall not void any license
13 issued by the commission. If the commission refuses to issue or renew
14 such a license, the cost of publication of notice shall be paid by the
15 commission from the security for costs.

16 Sec. 114. Any five residents of jurisdiction of the local governing
17 body in which a licensed premises is located shall have the right to file
18 a complaint with the local governing body stating that any licensee
19 subject to the jurisdiction of such local governing body has been or is
20 violating the Cannabis Control Act, any rule or regulation adopted and
21 promulgated thereunder, or any ordinance regulating cannabis. Such
22 complaint shall be in writing in the form prescribed by the local
23 governing body and shall be signed and sworn to by the parties
24 complaining. The complaint shall state the particular statute, rule or
25 regulation, or ordinance believed to have been violated and the facts in
26 detail upon which belief is based. If the local governing body is
27 satisfied that the complaint substantially charges a violation and that
28 from the facts alleged there is reasonable cause for such belief, it
29 shall set the matter for hearing within ten days from the date of the
30 filing of the complaint and shall serve notice upon the licensee of the
31 time and place of such hearing and of the particular charge in the

1 complaint. The complaint shall in all cases be disposed of by the local
2 governing body within thirty days from the date the complaint was filed
3 by resolution thereof, which resolution shall be deemed the final order
4 for purposes of appeal to the commission as provided in section 121 of
5 this act.

6 Sec. 115. (1) The commission may, on its own motion or on
7 complaint, after investigation and opportunity for a public hearing at
8 which the licensee must be afforded an opportunity to be heard, sanction
9 a licensee for a violation by the licensee or by its agents or employees
10 of the Cannabis Control Act, any rules and regulations adopted and
11 promulgated thereunder, any ordinance regulating cannabis, or of any of
12 the terms, conditions, or provisions of the license.

13 (2) The commission shall provide written notice of the hearing, by
14 mailing the notice to the licensee at the address contained in the
15 license and, if different, at the last address furnished to the
16 commission by the licensee.

17 (3) All proceedings for the suspension or revocation of a license or
18 imposition of other sanction against a licensee shall be before the
19 commission, and the proceedings shall be in accordance with rules and
20 regulations adopted and promulgated by the commission not inconsistent
21 with law.

22 (4) No licensee shall be subject to sanctions except after a hearing
23 by the commission with reasonable notice to the licensee and opportunity
24 to appear and defend.

25 (5) In conducting a hearing under this section, the commission may
26 administer oaths and issue subpoenas to require the presence of persons
27 and the production of papers, books, and records necessary to the
28 determination of any hearing.

29 (6) Any license may be summarily suspended by the commission without
30 notice pending any prosecution, investigation, or public hearing of a
31 licensee.

1 (7) If a licensee is convicted of or pleads guilty or nolo
2 contendere to a violation of the Cannabis Control Act, any rule or
3 regulation adopted and promulgated thereunder, or any ordinance
4 regulating cannabis, the court shall promptly notify the commission and
5 the local governing body.

6 Sec. 116. Upon the completion of any hearing held regarding
7 discipline of a license, the director may dismiss the action or impose
8 any of the following sanctions:

9 (1) Censure;

10 (2) Probation;

11 (3) Limitation;

12 (4) Civil penalty;

13 (5) Suspension for up to six months;

14 (6) Seizure of cannabis that is the subject of a violation of the
15 Cannabis Control Act; or

16 (7) Revocation.

17 Sec. 117. (1) If a civil penalty is imposed pursuant to section 116
18 of this act, it shall not exceed twenty thousand dollars.

19 (2) Any fine or civil penalty assessed and unpaid shall constitute a
20 debt to the State of Nebraska which may be collected in the manner of a
21 lien foreclosure or sued for and recovered in a proper form of action in
22 the name of the state in the district court of the county in which the
23 violator resides or owns property. In such action the commission may also
24 collect attorney's fees and costs incurred in the collection of the civil
25 penalty. The commission shall, within thirty days from receipt, remit any
26 collected civil penalty to the State Treasurer to be disposed of in
27 accordance with Article VII, section 5, of the Constitution of Nebraska.

28 Sec. 118. (1) If the commission determines that cannabis in the
29 possession of a licensee is involved in a violation of the Cannabis
30 Control Act, the rules and regulations of the commission, an ordinance
31 regulating cannabis, or any terms or conditions of a license, the

1 commission may declare such cannabis to be contraband and seize and
2 destroy or dispose of it in accordance with rules and regulations of the
3 commission. The commission may also seize and dispose of associated
4 property.

5 (2) Following issuance of a final decision by the commission
6 authorizing seizure and destruction of cannabis or associated property of
7 a licensee, the licensee shall have fifteen days to file a petition for a
8 stay. The petition shall be filed in the district court of Lancaster
9 County. The district court shall expeditiously issue a preliminary ruling
10 upon the petition determining whether the licensee has a substantial
11 likelihood of success on judicial review so as to warrant a temporary
12 stay of the seizure and destruction or disposal of the cannabis and any
13 associated property. If the court grants a temporary stay, the court
14 shall issue an order setting forth terms and conditions pursuant to which
15 the licensee may maintain possession of the cannabis and associated
16 property pending a final decision on the merits of the licensee's
17 petition. Such order shall prohibit the licensee from using,
18 distributing, or disposing of the cannabis and any associated property.

19 (3) If the licensee fails to timely file a petition under subsection
20 (2) of this section, the commission may destroy or dispose of the seized
21 cannabis and any associated property.

22 (4) A county attorney shall notify the commission if the county
23 attorney begins investigating a licensee for violations of the Cannabis
24 Control Act. Upon receipt of such a notification, the commission shall
25 not destroy or dispose of any cannabis or associated property of such
26 licensee until the county attorney has completed such investigation.

27 (5) For purposes of this section, associated property means
28 containers, equipment, supplies, and other property closely associated
29 with the conduct that is the subject of the violation.

30 Sec. 119. The state, local governments, and any state or local
31 agency shall not be required to cultivate or care for any cannabis seized

1 for a violation of the Cannabis Control Act.

2 Sec. 120. (1) A copy of the rule, regulation, order, or decision of
3 the commission denying an application or suspending, revoking, or
4 imposing another sanction against a licensee or of any notice required by
5 any proceeding before it, certified under the seal of the commission,
6 shall be served upon each party of record to the proceeding before the
7 commission. Service upon any attorney of record for any such party shall
8 be deemed to be service upon such party. Each party appearing before the
9 commission shall enter the party's appearance and indicate to the
10 commission the party's address for such service. The mailing of a copy of
11 any rule, regulation, order, or decision of the commission or of any
12 notice by the commission, in the proceeding, to such party at such
13 address shall be deemed to be service upon such party.

14 (2) Within thirty days after the service described in subsection (1)
15 of this section, such party may apply for a rehearing with respect to any
16 matters determined by the commission. The commission shall receive and
17 consider such application for a rehearing within thirty days after its
18 filing with the executive director of the commission. If such application
19 for rehearing is granted, the commission shall proceed as promptly as
20 possible to consider the matters presented by such application. No appeal
21 shall be allowed from any decision of the commission except as provided
22 in section 121 of this act.

23 (3) Upon final disposition of any proceeding, costs shall be paid by
24 the party or parties against whom a final decision is rendered. Only one
25 rehearing referred to in subsection (2) of this section shall be granted
26 by the commission on application of any one party.

27 (4) For purposes of this section, party of record means:

28 (a) The applicant or licensee;

29 (b) Any individual protesting pursuant to subdivision (1)(b) of
30 section 102 of this act;

31 (c) The local governing body if it is entering an appearance to

1 protest or requesting a hearing pursuant to subdivision (1)(c) of section
2 102 of this act; and

3 (d) The commission.

4 Sec. 121. Any order or decision by the commission granting or
5 denying issuance or renewal of a license, a request to transfer ownership
6 of a license, or a request to relocate a licensed premises; suspending,
7 revoking, or imposing another sanction against a licensee; or refusing to
8 suspend, revoke, or impose another sanction against a licensee may be
9 appealed in accordance with the Administrative Procedure Act.

10 Sec. 122. (1) A person holding the appropriate licenses may operate
11 as a cannabis store, cultivator, products manufacturer, and transporter
12 at the same location if approved by the commission and if the location is
13 within the jurisdiction of a local governing body that does not prohibit
14 such joint operations.

15 (2) A licensee operating a cannabis store as a joint operation shall
16 maintain separate licensed premises for such store, including separate
17 entrances, exits, inventories, point-of-sale operations, and
18 recordkeeping.

19 Sec. 123. (1) A local governing body may adopt ordinances
20 regulating state licensees that are more strict than those set forth in
21 the Cannabis Control Act. Such standards may include, but are not limited
22 to:

23 (a) Distance restrictions between licensed premises of any type or
24 the same type;

25 (b) A prohibition of joint operations under section 122 of this act;

26 (c) Reasonable restrictions on the size of a licensed premises; and

27 (d) Any other requirements necessary to ensure the local control of
28 licensees to aid enforcement of the Cannabis Control Act, ordinances, or
29 the terms and conditions of a license.

30 (2) Any ordinance regulating conduct authorized by the Cannabis
31 Control Act shall not make it unreasonably impracticable to operate as a

1 licensee, except that this restriction does not apply to a prohibition of
2 joint operations under section 122 of this act.

3 Sec. 124. Nothing in the Cannabis Control Act shall be construed to
4 limit a law enforcement agency's ability to investigate unlawful activity
5 in relation to a licensee.

6 Sec. 125. No licensee shall:

7 (1) Sell or transfer cannabis to any person under twenty-one years
8 of age;

9 (2) Allow any person under twenty-one years of age on its premises;
10 or

11 (3) Employ or retain persons under twenty-one years of age or
12 without an employment authorization.

13 Sec. 126. No licensee shall transport cannabis, in any form,
14 outside the State of Nebraska.

15 Sec. 127. (1) For purposes of this section:

16 (a) Escorted means appropriately checked into the limited access
17 area and accompanied by a person authorized by the commission; except
18 that trade craftspeople not normally engaged in the business of
19 cultivating, processing, or selling cannabis need not be accompanied on a
20 full-time basis, but only reasonably monitored; and

21 (b) Limited access area means a building, room, or other contiguous
22 area upon a licensed premises where cannabis is cultivated, stored,
23 weighed, packaged, or tested, under control of the licensee.

24 (2) Only those persons authorized by a commission and those visitors
25 escorted by a person authorized by the commission may enter a limited
26 access area. All areas of ingress or egress to limited access areas shall
27 be clearly identified as such by a sign as designated by the commission.

28 Sec. 128. All cultivation, processing, and manufacture of cannabis
29 shall:

30 (1) Take place at a licensed premises approved by the commission and
31 within an area that is enclosed and locked in a manner that restricts

1 access only to persons authorized to access that area. The area may be
2 uncovered only if it is enclosed with security fencing that is designed
3 to prevent unauthorized entry and that is at least ten feet high;

4 (2) Not be visible from a public place by normal unaided vision; and

5 (3) Take place on property in the licensee's lawful possession or
6 with the consent of the person in lawful physical possession of the
7 property.

8 Sec. 129. Each licensee shall:

9 (1) Secure every entrance to the licensed premises so that access to
10 areas containing cannabis is restricted to persons authorized to possess
11 cannabis; and

12 (2) Secure the inventory and equipment of the licensed premises
13 during and after operating hours to deter and prevent theft of cannabis.

14 Sec. 130. (1) Each licensee shall keep a complete set of all
15 records necessary to fully show the business transactions of the
16 licensee, all of which shall be open at all times during business hours
17 for the inspection and examination by the commission or its designee.

18 (2) The commission may require any licensee to furnish such
19 information as the commission considers necessary for the proper
20 administration of the Cannabis Control Act and may require an audit to be
21 made of the books of account and records on such occasions as the
22 commission may consider necessary by an auditor to be selected by the
23 commission who shall likewise have access to all books and records of the
24 licensee, and the expense thereof shall be paid by the licensee.

25 (3) The commission or its designee may examine and inspect or
26 provide for the examination and inspection of any licensee, licensed
27 premises, or the records or operations of any licensee in such manner and
28 at such times as provided in rules and regulations adopted and
29 promulgated by the commission. The commission shall issue an examination
30 and inspection report and provide a copy of the report to the licensee
31 within ten working days after the completion of an examination and

1 inspection. The commission shall then post a copy of the report on its
2 web site.

3 (4) The refusal, impediment, obstruction, or interference with an
4 inspection of the licensed premises or records of a licensee by a
5 licensee or its agent or employee is a violation of the Cannabis Control
6 Act.

7 (5) If a licensee or an agent or employee of a licensee fails to
8 maintain or provide the records required pursuant to the Cannabis Control
9 Act, the licensee shall be subject to a citation and fine of up to
10 fifteen thousand dollars per individual violation.

11 Sec. 131. (1) Every sale or transfer of cannabis from one licensee
12 to another licensee shall be recorded on a sales invoice or receipt.
13 Sales invoices and receipts may be maintained electronically. Sales
14 invoices and receipts shall:

15 (a) Be filed in such manner as to be readily accessible for
16 examination by employees of the commission; and

17 (b) Shall not be commingled with invoices covering other
18 commodities.

19 (2) Each sales invoice or receipt shall include the name and address
20 of the seller and shall include the following information:

21 (a) Name and address of the purchaser;

22 (b) Date and sale of invoice and number;

23 (c) Kind, quantity, size, and capacity of packages of cannabis sold;

24 (d) The cost to the purchaser, together with any discount applied to
25 the price as shown on the invoice;

26 (e) The place from which transport of the cannabis was made unless
27 transport was made from the premises of the licensee; and

28 (f) Any other information specified by the commission.

29 Sec. 132. Any licensee may provide a sample of its cannabis or
30 cannabis products to a testing facility for testing and research
31 purposes. The licensee shall maintain a record of what was provided to

1 the testing facility, the identity of the testing facility, and the
2 testing results.

3 Sec. 133. The commission shall adopt and promulgate rules and
4 regulations for testing requirements for testing facilities. The
5 commission may adopt standards based on those of the International
6 Organization for Standardization. The testing requirements shall include:

7 (1) Determining accurately, with respect to cannabis:

8 (a) The concentration of THC and cannabidiol;

9 (b) The presence and identification of mold and fungus;

10 (c) The composition; and

11 (d) The presence of chemicals, including, but not limited to,
12 pesticides, herbicides, or growth regulators; and

13 (2) Demonstrating the validity and accuracy of the methods used to
14 test cannabis.

15 Sec. 134. The commission may adopt and promulgate rules and
16 regulations that limit the amount of cannabis inventory that a cannabis
17 store may have on hand. Any such limitation must be commercially
18 reasonable and consider factors including a store's sales history.

19 Sec. 135. Every cannabis store shall display at all times in a
20 prominent place a printed sign with a minimum height of twenty inches and
21 a width of fourteen inches, with each letter to be a minimum one-fourth
22 inch in height, which shall read as follows:

23 WARNING TO PERSONS UNDER 21: YOU ARE SUBJECT TO NOTIFICATION OF
24 PARENTS OR GUARDIAN AND YOU ARE SUBJECT TO A PENALTY OF UP TO \$500 FINE,
25 3 MONTHS IN JAIL, OR BOTH IF YOU ARE UNDER 21 AND YOU CONSUME, PURCHASE,
26 ATTEMPT TO PURCHASE, OR HAVE IN YOUR POSSESSION CANNABIS OR CANNABIS
27 PRODUCTS IN THIS ESTABLISHMENT.

28 WARNING TO ADULTS: YOU ARE SUBJECT TO A PENALTY OF UP TO \$1,000
29 FINE, 1 YEAR IN JAIL, OR BOTH, IF YOU ARE 21 OR OVER AND YOU PURCHASE
30 CANNABIS OR CANNABIS PRODUCTS FOR A PERSON UNDER 21.

31 Sec. 136. A display case in a cannabis store containing

1 concentrated cannabis must include the potency of the concentrated
2 cannabis next to the name of the product.

3 Sec. 137. (1) No person shall add harmful additives to any cannabis
4 or cannabis product, including, but not limited to, those that are toxic,
5 designed to make the product addictive, designed to make the product
6 appealing to children, or misleading to consumers. This section does not
7 prohibit the addition of common baking or cooking ingredients.

8 (2) No person shall sell cannabis mixed with nicotine or alcohol.

9 Sec. 138. No licensee shall cultivate, manufacture, sell, or
10 otherwise transact business with any products containing cannabinoids
11 other than those that were produced, distributed, and taxed in compliance
12 with the Cannabis Control Act or the Nebraska Hemp Farming Act.

13 Sec. 139. A products manufacturer shall:

14 (1) Process and prepare cannabis into a form allowable under the
15 Cannabis Control Act prior to distribution to any cannabis store or other
16 products manufacturer; and

17 (2) Contract with an independent testing facility, subject to
18 approval by the commission, for purposes of testing products made by the
19 products manufacturer as to chemical composition, contamination, and
20 consistency.

21 Sec. 140. The commission shall adopt and promulgate rules and
22 regulations for the packaging of cannabis, cannabis products, and
23 concentrated cannabis which shall include:

24 (a) Special packaging requirements to protect children from
25 ingesting or consuming cannabis;

26 (b) Requirements for dividing each serving within a package
27 containing multiple servings in a manner that allows consumers to easily
28 identify a single serving;

29 (c) Requirements to ensure that packaging and labels are not
30 attractive to children.

31 Sec. 141. (1) Prior to transfer or sale to a consumer by a cannabis

1 store, all cannabis, cannabis products, and concentrated cannabis shall
2 be labeled and placed in an opaque, resealable, and child-resistant
3 package in accordance with the Cannabis Control Act and all rules and
4 regulations adopted and promulgated thereunder.

5 (2) For purposes of this section:

6 (a) Opaque means that the packaging does not allow the product to be
7 seen without opening the packaging material; and

8 (b) Resealable means that the package continues to function within
9 effectiveness specifications, which shall be established by the
10 commission, similar to the federal Poison Prevention Packaging Act of
11 1970, 15 U.S.C. 1471 et seq., as such act existed on January 1, 2023, for
12 the number of opening and closings customary for its size and contents,
13 which shall be determined by the commission.

14 Sec. 142. The label required by section 141 of this act shall
15 include the following information prominently displayed in a clear and
16 legible fashion and in a font size no smaller than nine-point Arial or
17 ten-point Times New Roman:

18 (1) The source and date of cultivation, the type of product, and the
19 date of manufacturing and packaging.

20 (2) Text warning of the unidentified health risks that reads:
21 "Warning: This product has intoxicating effects. There may be health
22 risks associated with consumption of this product.";

23 (3) If the cannabis is intended for consumption by smoking, text
24 stating "Smoking is hazardous to your health.";

25 (4) Text warning of the risks of addiction or dependence that reads:
26 "May be habit forming and addictive.";

27 (5) Text that makes clear the age requirement that reads: "For use
28 only by adults aged 21 years and older. Keep out of reach of children.";

29 (6) Text warning of the risks to vulnerable populations that reads:
30 "There may be additional health risks associated with the consumption of
31 this product for women who are pregnant, breastfeeding, or planning on

1 becoming pregnant.";

2 (7) Text that reads: "Cannabis impairs concentration, coordination,
3 and judgment. It is illegal to drive a motor vehicle while under the
4 influence of cannabis.";

5 (8) Text that reads: "This product is a controlled substance under
6 federal law. This product may be unlawful outside the State of
7 Nebraska.";

8 (9) A list of any solvents, nonorganic pesticides, herbicides, and
9 fertilizers that were used in the cultivation, production, and
10 manufacture of such cannabis, cannabis product, or concentrated cannabis;

11 (10) For cannabis products and concentrated cannabis, a list of the
12 pharmacologically active ingredients, including, but not limited to,
13 tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid
14 content; the THC and other cannabinoid amount in milligrams per serving;
15 servings per package; the THC and other cannabinoid amount in milligrams
16 for the package total; and the potency of cannabis by reference to the
17 amount of tetrahydrocannabinol and cannabidiol in each serving; and

18 (11) Any other information or statement required by the commission.

19 Sec. 143. The principal display area of any packaging or label
20 required by section 141 of this act shall:

21 (1) Include a universal symbol, established by the commission,
22 indicating the package contains cannabis; and

23 (2) Have text that reads: "Contains cannabis. Keep out of reach of
24 children.".

25 Sec. 144. The label required under section 141 of this act shall,
26 for edible cannabis products:

27 (1) Have text that reads: "Caution: This product is infused with
28 cannabis. The intoxicating effects of this product may be delayed by two
29 or more hours.";

30 (2) List all ingredients and disclose nutritional information in the
31 same manner as the federal nutritional labeling requirements in 21 C.F.R.

1 101.9, as such section existed on January 1, 2023; and

2 (3) Shall include a warning if nuts or other allergens are used.

3 Sec. 145. The commission may by rule or regulation exempt multi-
4 serving liquid cannabis products from the labeling requirements of
5 section 142 of this act when such requirements are unreasonably
6 impracticable, if:

7 (1) The multi-serving liquid is packaged in a structure that uses a
8 single mechanism to achieve both child-resistance and accurate pouring
9 measurement of each liquid serving in increments equal to or less than
10 ten milligrams of active THC per serving, with no more than one hundred
11 milligrams of active THC total per package; and

12 (2) The measurement component is within the child-resistant cap or
13 closure of the bottle and is not a separate component.

14 Sec. 146. A sealed internal package of cannabis products shall
15 contain no more than one hundred milligrams of active THC.

16 Sec. 147. (1) The commission may issue a centralized distribution
17 permit to a cultivator authorizing temporary storage on its licensed
18 premises of concentrated cannabis and cannabis products received from a
19 products manufacturer for the sole purpose of transfer to the permit
20 holder's commonly owned cannabis stores.

21 (2) A cultivator may apply for a centralized distribution permit in
22 a form and manner prescribed by the commission. There shall be a
23 nonrefundable fee of twenty dollars for an application. The permit may be
24 renewed annually in a form and manner prescribed by the commission. There
25 shall be a nonrefundable renewal fee of twenty dollars.

26 (3) Prior to exercising the privileges of a centralized distribution
27 permit, a licensee shall, at the time of application to the commission,
28 send a copy of the application or supplemental application for a
29 centralized distribution permit to the local governing body in which the
30 licensed premises is located.

31 (4) The commission shall notify the local governing body of its

1 decision regarding the centralized distribution permit. The commission
2 may deny issuance or renewal of a permit for any reasons set forth in
3 section 103 of this act.

4 (5) The centralized distribution activities authorized by this
5 section shall occur on the licensed premises. All security and
6 surveillance requirements that otherwise apply to the licensed premises
7 apply to such activities.

8 (6) A licensee shall not store concentrated cannabis or cannabis
9 products pursuant to this section for more than ninety days.

10 (7) A licensee shall not accept any concentrated cannabis or
11 cannabis products pursuant to a centralized distribution permit unless
12 the concentrated cannabis or cannabis products are packaged and labeled
13 for sale to a consumer as required by the Cannabis Control Act and rules
14 and regulations of the commission.

15 (8) All concentrated cannabis and cannabis products stored and
16 prepared for transport on a cultivator's licensed premises pursuant to a
17 centralized distribution permit shall only be transferred to a
18 cultivator's commonly owned cannabis stores.

19 (9) All transfers of concentrated cannabis and cannabis products by
20 a licensee pursuant to a centralized distribution permit shall be:

21 (a) Without consideration; and

22 (b) Tracked in the licensee's seed-to-sale system.

23 (10) The commission shall adopt and promulgate rules and regulations
24 as necessary to carry out this section, including, but not limited to,
25 application requirements and procedures, recordkeeping requirements, and
26 restrictions and procedures for using a centralized distribution permit.

27 (11) For purposes of this section, commonly owned means licenses
28 that have an ownership structure with at least one natural person with a
29 minimum of five percent ownership in each license.

30 Sec. 148. (1) A person who has an interest in a testing facility
31 shall not have any interest in any cannabis store, cultivator, or

1 products manufacturer.

2 (2) A person that has an interest in a cannabis store, cultivator,
3 or products manufacturer shall not have any interest in a testing
4 facility.

5 Sec. 149. (1) Except as provided in subsection (2) of this section,
6 a license shall not be issued or renewed for a testing facility unless
7 the facility is accredited by a body that is itself recognized by the
8 International Laboratory Accreditation Cooperation in an appropriate
9 category of testing pursuant to the International Organization for
10 Standardization.

11 (2) The commission may by rule and regulation establish conditions
12 for providing extensions to a newly licensed testing facility to obtain
13 accreditation required by this section for a period not to exceed twelve
14 months. Extensions may be granted for good cause, which includes, but
15 shall not be limited to, when an application for accreditation has been
16 submitted and is pending with a recognized accrediting body.

17 Sec. 150. (1) Subject to this section, a licensee may provide
18 samples of cannabis to no more than five managers employed by the
19 licensee for purposes of quality control and product development. The
20 licensee may designate no more than five managers per calendar month as
21 such recipients.

22 (2)(a) A cultivator may provide a sample of cannabis and
23 concentrated cannabis to a manager.

24 (b) A sample authorized pursuant to this subsection is limited to
25 one gram of cannabis per batch and one-quarter gram of a concentrated
26 cannabis per batch, except that the limit is one-half gram of
27 concentrated cannabis if the intended use of the final product is to be
28 used in a device that can be used to deliver concentrated cannabis in a
29 vaporized form to the person inhaling from the device.

30 (c) A manager shall not receive more than one ounce total of
31 cannabis or eight grams of concentrated cannabis samples per calendar

1 month, regardless of the number of licenses that the manager is
2 associated with.

3 (3)(a) A products manufacturer may provide a sample of cannabis
4 products and concentrated cannabis to a manager.

5 (b) A sample authorized pursuant to this section is limited to one
6 serving size of an edible cannabis product not exceeding ten milligrams
7 of THC or its applicable equivalent serving size of nonedible cannabis
8 product and one-quarter gram of concentrated cannabis, except that the
9 limit is one-half gram of concentrated cannabis if the intended use of
10 the final product is to be used in a device that can be used to deliver
11 concentrated cannabis in a vaporized form to the person inhaling from the
12 device.

13 (c) A manager shall not receive more than a total of fourteen
14 individual serving-size edible cannabis products or its applicable
15 equivalent in nonedible cannabis products or eight grams of concentrated
16 cannabis per calendar month, regardless of the number of licenses that
17 the manager is associated with.

18 (4) A sample authorized pursuant to this section shall be labeled
19 and packaged pursuant to the rules and regulations of the commission.

20 (5) A sample provided pursuant to this section shall be tracked with
21 the seed-to-sale tracking system. Prior to a manager receiving a sample,
22 a manager must be designated in the seed-to-sale tracking system as a
23 recipient of quality control and product development samples. The
24 licensee shall maintain documentation of all samples and shall make the
25 documentation available to the commission upon request.

26 (6) Prior to a manager receiving a sample pursuant to this section,
27 the licensee shall provide a standard operating procedure to the manager
28 explaining requirements pursuant to the Cannabis Control Act and personal
29 possession limits.

30 (7) A manager shall not:

31 (a) Sell or transfer the sample to any other person; or

1 (b) Consume the sample on the licensed premises.

2 (8) A licensee shall not use samples under this section as a means
3 of compensation.

4 (9) The commission shall adopt and promulgate rules and regulations
5 to carry out this section, including, but not limited to, rules and
6 regulations regarding:

7 (a) The quantity limits set forth on samples in this section;

8 (b) Which employees qualify as managers for purposes of this
9 section; and

10 (c) If the commission deems it necessary, additional inventory
11 tracking and recordkeeping requirements.

12 Sec. 151. (1) A cannabis store may sell cannabis to consumers
13 twenty-one years of age and older and to other cannabis stores pursuant
14 to the requirements and restrictions of the Cannabis Control Act.

15 (2) A cannabis store may purchase cannabis from a cultivator, a
16 products manufacturer, or another cannabis store. A cannabis store may
17 cultivate its own cannabis if the licensee also obtains a cultivator
18 license.

19 (3) A cannabis store shall track all of its cannabis from the point
20 that it is transferred from a cultivator or products manufacturer to the
21 point of sale.

22 Sec. 152. (1) A cannabis store shall not sell to a consumer:

23 (a) More than one ounce of cannabis or its equivalent in cannabis
24 products or concentrated cannabis during a single transaction; or

25 (b) More than two ounces of cannabis or its equivalent in cannabis
26 products or concentrated cannabis within a twenty-four hour period.

27 (2) This section does not apply to nonedible, nonpsychoactive
28 cannabis products, including ointments, lotions, balms, and other
29 nontransdermal topical products.

30 (3) For purposes of this section, equivalent means the equivalent
31 amount established by the commission under section 86 of this act.

1 Sec. 153. (1) A cannabis store may only sell cannabis, cannabis
2 products, concentrated cannabis, cannabis accessories, nonconsumable
3 products such as apparel, and cannabis-related products, such as
4 childproof packaging containers.

5 (2) A cannabis store shall be prohibited from selling or giving away
6 any consumable product, including, but not limited to, cigarettes or
7 alcohol, or edible products that do not contain cannabis, including, but
8 not limited to, sodas, candies, or baked goods.

9 Sec. 154. A cannabis store may sell cannabis using an automatic
10 dispensing machine. Any such sales shall be done in compliance with rules
11 and regulations adopted and promulgated by the commission.

12 Sec. 155. A cannabis store shall not sell cannabis to a consumer
13 unless the consumer is physically present in the licensed premises.

14 Sec. 156. (1) A cannabis store shall not sell or transfer cannabis
15 to a consumer unless the consumer presents documentation which reasonably
16 appears to be a valid government-issued identification card showing that
17 the consumer is twenty-one years of age or older.

18 (2) If a person under twenty-one years of age presents a fraudulent
19 proof of age, any action reasonably relying on the fraudulent proof shall
20 not be grounds for the revocation or suspension of any license issued
21 under the Cannabis Control Act.

22 Sec. 157. (1) In order to further the public policy of deterring
23 licensees or other persons from violating section 45 of this act, a
24 person who is at least fifteen years of age but under twenty-one years of
25 age may assist a peace officer in determining compliance with such
26 section if:

27 (a) The parent or legal guardian of the person has given written
28 consent for the person to participate in such compliance check if such
29 person is under nineteen years of age;

30 (b) The person is an employee, a volunteer, or an intern with a
31 state or local law enforcement agency;

1 (c) The person is acting within the scope of such person's assigned
2 duties as part of a law enforcement investigation;

3 (d) The person does not use or consume cannabis as part of such
4 duties; and

5 (e) The person is not actively assigned to a diversion program, is
6 not a party to a pending criminal proceeding or a proceeding pending
7 under the Nebraska Juvenile Code, and is not on probation.

8 (2) Any person under the age of twenty-one years acting in
9 accordance with and under the authority of this subsection shall not be
10 in violation of section 43 or 44 of this act.

11 Sec. 158. (1) If an employee of a cannabis store has reasonable
12 cause to believe that a person is under twenty-one years of age and is
13 exhibiting fraudulent proof of age in an attempt to obtain any cannabis,
14 the employee is authorized to confiscate such fraudulent proof of age, if
15 possible, and shall, within seventy-two hours after the confiscation,
16 remit it to a state or local law enforcement agency.

17 (2) The failure to confiscate such fraudulent proof of age or to
18 remit to a state or local law enforcement agency within seventy-two hours
19 after the confiscation does not constitute a criminal offense.

20 (3) If an employee of a cannabis store has reasonable cause to
21 believe that a person is under twenty-one years of age and is exhibiting
22 fraudulent proof of age in an attempt to obtain any cannabis, the
23 employee or any peace officer, acting in good faith and upon probable
24 cause based upon reasonable grounds therefor, may detain and question
25 such person in a reasonable manner for the purpose of ascertaining
26 whether the person is guilty of any unlawful act regarding the purchase
27 or possession or attempted purchase or possession of cannabis.

28 (4) The questioning of a person by an employee or a peace officer
29 does not render the licensee, the employee, or the peace officer civilly
30 or criminally liable for slander, false arrest, false imprisonment,
31 malicious prosecution, or unlawful detention.

1 Sec. 159. (1) Subject to the applicable limit for the cultivator's
2 license tier, a cultivator may cultivate cannabis for sale to cannabis
3 stores, to products manufacturers, and to other cultivators, but not to
4 consumers, in accordance with the Cannabis Control Act.

5 (2) A cultivator shall track the cannabis it cultivates using a
6 seed-to-sale tracking system which tracks the cannabis from seed or
7 immature plant to wholesale purchase.

8 Sec. 160. (1) A products manufacturer may manufacture cannabis
9 products for sale and distribution as permitted by the license subtype as
10 provided in section 95 of this act and in accordance with the Cannabis
11 Control Act. A products manufacturer shall not sell cannabis products to
12 consumers.

13 (2) A products manufacturer may cultivate its own cannabis if it
14 obtains a cultivator license, or it may purchase cannabis from a separate
15 licensed cultivator.

16 (3) A products manufacturer shall track all of its cannabis and
17 cannabis products from the point of acquisition until sold or transferred
18 to another licensee in accordance with the Cannabis Control Act.

19 Sec. 161. (1) A testing facility may analyze, test, and certify
20 cannabis, including for potency and the presence of contaminants, in
21 accordance with the Cannabis Control Act.

22 (2) When a testing facility has completed testing a sample of
23 cannabis, the sample shall be disposed of in accordance with the rules
24 and regulations of the commission.

25 (3) A testing facility shall track all cannabis from its receipt
26 until its disposal.

27 Sec. 162. (1) A transporter may, in accordance with the Cannabis
28 Control Act:

29 (a) Transport cannabis from the licensed premises of one licensee to
30 the licensed premises of another licensee; and

31 (b) Temporarily store cannabis to be transported at its own licensed

1 premises. The commission may approve multiple licensed premises in
2 different locations for a single licensee, subject to sections 98 to 103
3 of this act.

4 (2) A transporter shall not sell cannabis.

5 (3) A transporter shall track all cannabis from receipt to delivery.

6 (4) A cannabis store, cultivator, or products manufacturer may
7 transport and distribute its own cannabis without obtaining a transport
8 license.

9 Sec. 163. (1) Except as provided in subsections (2) and (3) of this
10 section, the following employees or agents of a licensee shall possess an
11 employee authorization:

12 (a) Any natural person who possesses, cultivates, manufactures,
13 tests, dispenses, sells, transports, or delivers cannabis as permitted by
14 privileges of a license;

15 (b) Any natural person who has access to the inventory tracking
16 system or point-of-sale system of a licensee; and

17 (c) Any natural person with unescorted access to a limited access
18 area.

19 (2) The person or persons who signed a license application as an
20 applicant or applicants are not required to obtain a separate employment
21 authorization from the commission when working in or managing the
22 licensed premises that was the subject of the approved license
23 application.

24 (3) This section does not apply to independent contractors or other
25 persons providing services that are unrelated to the cultivation,
26 processing, distribution, or sale of cannabis, such as plumbers,
27 carpenters, electricians, painters, other trades people, accountants, and
28 attorneys. The commission shall by rule and regulation set forth other
29 similar positions and types of work that do not require employment
30 authorization and rules and procedures for escorting such non-employees
31 into limited access areas.

1 (4) For purposes of this section, escorted and limited access area
2 have the same meaning as in section 127 of this act.

3 Sec. 164. (1) An application for issuance of an employment
4 authorization shall be in the form and manner required by the commission,
5 shall be accompanied by a nonrefundable fee of one hundred dollars, and
6 shall be verified by oath or affirmation of the applicant.

7 (2) An application for issuance of an employment authorization shall
8 include:

9 (a) The name and address of the applicant and how long the applicant
10 has resided in Nebraska;

11 (b) A statement that the applicant meets the requirements of section
12 165 of this act; and

13 (c) Such other information as the commission may from time to time
14 direct.

15 (3)(a) An applicant for initial issuance shall also submit two
16 legible sets of fingerprints to be furnished to the Federal Bureau of
17 Investigation through the Nebraska State Patrol for a national criminal
18 history record check and the fee for such record check payable to the
19 patrol. The applicant shall authorize release of the national criminal
20 history record check to the commission.

21 (b) The commission may require an applicant for renewal to comply
22 with subdivision (3)(a) of this section when there is a demonstrated
23 investigative need.

24 (4) If any false statement is made in any part of an application,
25 the applicant shall be deemed guilty of perjury, and upon conviction
26 thereof the authorization shall be revoked and the applicant subjected to
27 the penalties set forth in section 28-915.

28 Sec. 165. (1) In order to receive an employment authorization, a
29 person shall:

30 (a) Be a Nebraska resident and legally able to work in Nebraska;

31 (b) Be at least twenty-one years of age;

1 (c) Not have been convicted of or pleaded guilty or nolo contendere
2 to a disqualifying offense;

3 (d) Not be a participating physician or employed by the commission
4 or the Department of Revenue;

5 (e) Not be a peace officer, employee of a jail or the Department of
6 Correctional Services, or an official or employee of a local governing
7 body; and

8 (f) Not be a related person to or living in the same dwelling as a
9 person employed by the commission.

10 (2) For purposes of this section, related person means a spouse,
11 child, stepchild, grandchild, parent, stepparent, grandparent, sibling,
12 stepsibling, half-sibling, aunt, uncle, niece, or nephew, or spouse of
13 any thereof, of the individual or of the individual's spouse.

14 Sec. 166. The commission shall approve an application for an
15 employment authorization if the applicant meets the requirements of
16 section 165 of this act and submits an application and fee in conformance
17 with section 164 of this act. An employment authorization is valid for
18 two years from the date of issuance.

19 Sec. 167. A person may apply for the renewal of an employment
20 authorization by submitting an application to the commission not earlier
21 than thirty days prior to the date of expiration. The application shall
22 be in a form and submitted in a manner as prescribed by the commission
23 and accompanied by a nonrefundable fee of seventy-five dollars.

24 Sec. 168. (1) The employment authorization of any person who
25 violates the Cannabis Control Act, any rule or regulation adopted or
26 promulgated thereunder, or an ordinance regulating cannabis may be
27 suspended or revoked or subject to such other sanction as the commission
28 deems appropriate under section 116 of this act, except that any civil
29 penalty issued shall not exceed one thousand dollars.

30 (2) A denial of issuance or renewal, revocation, or imposition of a
31 sanction against an employment authorization may be appealed in

1 accordance with the Administrative Procedure Act.

2 Sec. 169. (1) For purposes of this section:

3 (a) Approved training program means a training program offered by a
4 provider and approved by the commission as provided in this section;

5 (b) Licensee or store means a cannabis store;

6 (c) Mandatory participants means the employees, managers, owners,
7 and other persons associated with a licensee that are required by the
8 commission to take part in an approved training program;

9 (d) Provider means a person providing training to stores and their
10 managers and employees;

11 (2) On or before January 1, 2025, the commission shall develop
12 standards for approved training programs. At a minimum, a program shall
13 be taught in a classroom setting in a minimum of a two-hour period and
14 shall include:

15 (a) Program standards that specify, at a minimum, who must attend,
16 the time frame for new staff to attend, recertification requirements,
17 recordkeeping, testing and assessment protocols, and effectiveness
18 evaluations; and

19 (b) A core curriculum of pertinent statutory and regulatory
20 provisions which includes, but need not be limited to, information
21 regarding:

22 (i) Licensure, employment authorization, age requirements, registry
23 verification documents, maintenance of records, privacy issues, and
24 unlawful acts;

25 (ii) Administrative and criminal liability and license and court
26 sanctions;

27 (iii) Statutory and regulatory requirements for employees and
28 licensees;

29 (iv) Acceptable forms of identification documents;

30 (v) Local ordinances; and

31 (vi) Information on serving size, THC and cannabinoid potency, and

1 impairment.

2 (3) In developing standards under subsection (2) of this section,
3 the commission may consider input nationally from other state agencies,
4 local governing bodies, and the cannabis industry.

5 (4)(a) A provider may apply to the commission for approval of a
6 responsible vendor training program by submitting an application in a
7 form and manner prescribed by the commission together with an eight-
8 hundred-dollar fee.

9 (b) If the commission approves a provider's training program, the
10 commission shall issue a certificate to the provider. The certificate
11 shall be valid for two years and may be renewed by filing a form
12 prescribed by the commission and payment of a one-hundred-dollar fee.

13 (c) A provider of an approved training program shall maintain its
14 training records at its principal place of business for at least three
15 years. The provider shall make the records available for inspection by
16 the commission during normal business hours.

17 (5) The commission may revoke a provider's certification for failure
18 to meet the standards set forth in this section.

19 (6)(a) A licensee may receive a responsible vendor designation from
20 a program provider after successfully completing an approved training
21 program. A responsible vendor designation is valid for two years from the
22 date of issuance.

23 (b) Successful completion of an approved training program is
24 achieved when the program has been attended by and, as determined by the
25 program provider, satisfactorily completed by all mandatory participants.

26 (c) In order to maintain the responsible vendor designation, the
27 licensee must have each new employee or person who is a mandatory
28 participant attend and satisfactorily complete an approved training
29 program within ninety days of hire. A licensee shall maintain
30 documentation of completion of the program by all mandatory participants.

31 (7) A licensee who receives a responsible vendor designation shall

1 maintain information on all mandatory participants who have been trained
2 in an approved training program. The information includes the date,
3 place, time, and duration of training and a list of persons attending
4 each specific training program.

5 (8) If the commission or a local governing body initiates an
6 administrative action against a licensee who holds a responsible vendor
7 designation, the commission or local governing body shall consider the
8 designation as a mitigating factor when imposing sanctions or penalties
9 on the licensee.

10 Sec. 170. (1) The commission, in consultation with the Department
11 of Agriculture, shall develop a permitting system to allow pesticide
12 manufacturers to obtain limited quantities of cannabis in order to
13 conduct research to establish safe and effective protocols for the use of
14 pesticides on cannabis. To apply, a pesticide manufacturer shall submit a
15 fee of five hundred dollars to the commission with an application, on a
16 form and in a manner prescribed by the commission. If the commission
17 grants the application it shall enter into an agreement with the
18 pesticide manufacturer, setting forth the terms and conditions under
19 which the pesticide manufacturer may obtain, use, and dispose of
20 cannabis. The permit shall be renewable annually for a fee of one hundred
21 dollars, on such terms and conditions as the commission may prescribe.

22 (2) The commission may revoke a permit granted under this section
23 for any violation of the Cannabis Control Act or the rules and
24 regulations adopted and promulgated thereunder. A revocation may be
25 appealed to the commission and such appeal shall be subject to the
26 Administrative Procedure Act.

27 (3) A pesticide manufacturer acting under a permit issued pursuant
28 to this section shall:

29 (a) Conduct such research within Nebraska;

30 (b) Only possess at any time the quantity of cannabis authorized by
31 the commission;

1 (c) Only use such cannabis for the research purposes authorized
2 pursuant to this section and its agreement with the commission;

3 (d) Only permit persons twenty-one years of age or older to possess
4 or handle cannabis;

5 (e) Dispose of cannabis in accordance with the commission's rules
6 and regulations; and

7 (f) Not apply pesticides for research purposes on any licensed
8 premises.

9 Sec. 171. (1) The Cannabis Control Fund is created. The fund shall
10 consist of all fees, gifts, grants, and other money, excluding fines and
11 civil penalties, received or collected by the commission under the
12 Cannabis Control Act.

13 (2) The commission shall use the fund for the administration and
14 enforcement of the Cannabis Control Act. The fund may be used to cover
15 any such administrative or enforcement costs, including, but not limited
16 to, salary and benefits, expenses incurred by the commission in producing
17 or distributing the forms, materials, and other documentation required by
18 the act, costs of equipment needed to enforce the act, and defraying
19 costs associated with electronic regulatory transactions, industry
20 education events, and enforcement training.

21 (3) Transfers may be made from the Cannabis Control Fund to the
22 General Fund at the direction of the Legislature.

23 (4) Any money in the Cannabis Control Fund available for investment
24 shall be invested by the state investment officer pursuant to the
25 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
26 Act.

27 Sec. 172. For purposes of sections 172 to 177 of this act:

28 (1) Affiliated means licensees that are owned or controlled by the
29 same or related interests;

30 (2) Average market rate means the average price, as determined by
31 the commission on a quarterly basis, of all unprocessed cannabis that is

1 sold or transferred from cultivators in the state to products
2 manufacturers or cannabis stores, less taxes paid on the sales or
3 transfers. An average market rate may be based on the purchaser or
4 transferee of unprocessed cannabis or on the nature of the unprocessed
5 cannabis that is sold or transferred. The average market rate shall
6 include one or more rates that cover unprocessed cannabis that is
7 allocated to extractions, and the initial rates for these product types
8 must be lower than the rate for unprocessed cannabis that is allocated
9 for direct sale to consumers.

10 (3) Consumer means an individual twenty-one years of age or older
11 who purchases cannabis for personal use by individuals twenty-one years
12 of age or older but not for resale to others;

13 (4) Contract price means the invoice price charged by a cultivator
14 to each licensed purchaser for each sale or transfer of unprocessed
15 cannabis, exclusive of any tax that is included in the written invoice
16 price, and exclusive of any discount or other reduction. In the case of
17 multiple invoices reflecting multiple prices for the same transaction,
18 contract price is the highest such price;

19 (5) Excise tax means the tax imposed by section 173 of this act;

20 (6) Related interests includes individuals who are related by blood
21 or marriage or entities that are directly or indirectly controlled by an
22 entity or individual or related individuals;

23 (7) Sale means any exchange or barter, in any manner or by any means
24 whatsoever, for consideration; and

25 (8) Unprocessed cannabis means cannabis at the time of the first
26 transfer or sale from a cannabis cultivator to a products manufacturer, a
27 cannabis store, or an unaffiliated cannabis cultivator.

28 Sec. 173. (1) There is levied and shall be collected an excise tax
29 on the first sale or transfer of unprocessed cannabis by a cannabis
30 cultivator to a products manufacturer, a cannabis store, or an
31 unaffiliated cultivator. The tax shall be at a rate of fifteen percent

1 of:

2 (a) The average market rate of the unprocessed cannabis if the
3 transaction is between affiliated licensees; or

4 (b) The contract price for unprocessed cannabis if the transaction
5 is between unaffiliated licensees.

6 (2) The excise tax imposed by this section shall be in addition to
7 all other occupation or privilege taxes imposed by this state or by any
8 political subdivision of the state, subject to section 178 of this act.

9 Sec. 174. (1) Every cannabis cultivator shall keep at each licensed
10 premises complete and accurate electronic records for that licensed
11 premises, including itemized invoices of all cannabis cultivated, held,
12 shipped, or otherwise transported or sold to any other licensee.

13 (2) The records required by subsection (1) of this section shall
14 include the names and addresses of licensees to which unprocessed
15 cannabis is sold or transferred, the inventory of all unprocessed
16 cannabis on hand, and other pertinent papers and documents relating to
17 the sale or transfer of unprocessed cannabis.

18 (3) A cannabis cultivator shall keep itemized invoices of all
19 unprocessed cannabis transferred to cannabis stores owned or controlled
20 by the owners of the cannabis cultivator.

21 (4) Every cannabis store shall keep at its place of business
22 complete and accurate records to show that all cannabis received by the
23 cannabis store was purchased from a cannabis cultivator or a products
24 manufacturer. The cannabis store shall provide a copy of such records to
25 the commission if so requested. The commission may establish the
26 acceptable form of such records.

27 Sec. 175. (1) Every cannabis cultivator shall file a return with
28 the commission by the twentieth day of the month following the month
29 reported and with the report shall remit the amount of excise tax due.

30 (2) The return, which shall be upon forms prescribed and furnished
31 by the commission, shall contain, among other things, the total amount of

1 unprocessed cannabis sold or transferred during the preceding month and
2 the amount of tax due thereon.

3 (3) The commission may require cannabis cultivators to file tax
4 returns electronically and to remit payments due by electronic funds
5 transfers.

6 Sec. 176. (1) A products manufacturer or cannabis store shall not
7 accept any cannabis from a cultivator unless the manufacturer or store is
8 provided with evidence that the excise tax was paid.

9 (2) A cultivator shall not accept any cannabis from an unaffiliated
10 cultivator unless provided with evidence that the excise tax was paid.

11 (3) A cultivator shall, prior to delivery of any cannabis to a
12 products manufacturer, a cannabis store, or an unaffiliated cultivator,
13 provide evidence that any applicable excise tax on the cannabis was paid.

14 Sec. 177. (1) The commission shall collect the excise tax and shall
15 account for and remit to the State Treasurer at least once each month all
16 money collected pursuant to such tax for credit to the Cannabis Control
17 Fund.

18 (2) After deducting amounts necessary for the commission to
19 administer and enforce the Cannabis Control Act, the State Treasurer
20 shall credit the remaining revenue collected from the excise tax as
21 follows:

22 (a) Ten percent of the remainder shall be distributed to the
23 Department of Health and Human Services for drug education and treatment
24 programs;

25 (b) Ten percent of the remainder shall be transferred to the
26 Affordable Housing Trust Fund; and

27 (c) Eighty percent of the remainder shall be transferred to the
28 Property Tax Credit Cash Fund.

29 Sec. 178. No city, village, county, or other political subdivision
30 shall impose an occupation tax on a licensee which annually exceeds two
31 times the amount of the initial license fee required to be paid to the

1 commission by such licensee under section 98 of this act.

2 Sec. 179. Sections 179 to 190 of this act shall be known and may be
3 cited as the Cannabis Conviction Clean Slate Act.

4 Sec. 180. For purposes of the Cannabis Conviction Clean Slate Act,
5 the definitions found in the Cannabis Control Act, the Security, Privacy,
6 and Dissemination of Criminal History Information Act and sections 181
7 and 182 of this act apply.

8 Sec. 181. The terms conviction and adjudication include a
9 conviction or adjudication following trial or entry of a guilty plea or
10 plea of nolo contendere and include a forfeiture of bail, bond, or other
11 security deposited to secure appearance by a person charged with an
12 offense.

13 Sec. 182. Qualified offense means:

14 (1) A violation of section 28-416 as such section existed prior to
15 the effective date of this act involving cannabis, except an offense
16 involving distribution to a person under eighteen years of age;

17 (2) A violation of section 28-441 or 28-442 as such sections existed
18 prior to the effective date of this act involving cannabis;

19 (3) Violation of an ordinance substantially similar to an offense
20 described in subsection (1) or (2) of this section; or

21 (4) Attempt, solicitation, aiding or abetting, being an accessory,
22 or conspiracy to commit an offense listed in subdivision (1), (2), or (3)
23 of this section.

24 Sec. 183. (1) Beginning June 1, 2024, a person shall automatically
25 be eligible for clean slate relief under sections 186 and 187 of this act
26 for a qualified offense if:

27 (a) The qualified offense was committed on or after January 1, 2010;

28 (b) As of June 1, 2024, such person has completed the sentence for
29 such offense; and

30 (c) As of June 1, 2024, such person has paid all court-ordered
31 financial obligations related to such offense.

1 (2) Eligibility for relief under this section shall be determined
2 internally and administratively by the State Court Administrator and does
3 not require any involvement by the person in interest.

4 (3) On or before June 1, 2024, the State Court Administrator shall:

5 (a) Identify all persons eligible for relief under subsection (1) of
6 this section; and

7 (b) Notify the court of conviction or adjudication of such
8 determination.

9 (4) Each court of conviction or adjudication shall, on or before
10 August 1, 2024, issue orders for clean slate relief under sections 186
11 and 187 of this act for each person for whom the court received a
12 notification under subsection (3) of this section.

13 (5) The State Court Administrator is not required to proceed under
14 subsection (3) of this section if the State Court Administrator
15 determines that the person in interest is deceased.

16 Sec. 184. (1) Beginning July 1, 2024, a person shall automatically
17 be eligible for clean slate relief under sections 186 and 187 of this act
18 for a qualified offense if:

19 (a) The qualified offense was committed on or after January 1, 2010;

20 (b) Such person has completed the sentence for such offense; and

21 (c) Such person has paid all court-ordered financial obligations
22 related to such offense.

23 (2) Eligibility for relief under this section shall be determined
24 internally and administratively by the State Court Administrator and does
25 not require any involvement by the person in interest.

26 (3) Beginning July 1, 2024, the State Court Administrator shall, on
27 a monthly basis:

28 (a) Identify all persons eligible for relief under subsection (1) of
29 this section; and

30 (b) Notify the court of conviction or adjudication of such
31 determination.

1 (4) Each court of conviction or adjudication shall, on a monthly
2 basis, issue orders for clean slate relief under sections 186 and 187 of
3 this act for each person for whom the court received a notification under
4 subsection (3) of this section.

5 (5) The State Court Administrator is not required to proceed under
6 subsection (3) of this section if the State Court Administrator
7 determines that the person in interest is deceased.

8 (6) This section terminates on January 1, 2029.

9 Sec. 185. (1) A person convicted of, or adjudicated for, a
10 qualified offense may petition the court for clean slate relief under
11 sections 186 and 187 of this act if such person has completed the
12 sentence for such offense and paid all court-ordered financial
13 obligations related to such offense.

14 (2) This section applies to a qualified offense regardless of when
15 it was committed.

16 (3) The petition shall be filed in the court of conviction or
17 adjudication. There shall be no filing or docketing fee charged by the
18 court for the filing of a petition except for the fee authorized by this
19 subsection. The court may charge a filing fee in an amount set by the
20 State Court Administrator. The fee shall be set at an amount to recoup
21 the costs associated with administering the Clean Slate Act, but shall
22 not exceed forty dollars.

23 (4) The court shall provide notice of the filing of the petition to
24 the appropriate county attorney or city attorney within ten days. Within
25 thirty days after receipt of notice, the county attorney or city attorney
26 may file objections to the petition. If no objection is timely filed, the
27 court shall grant the petition without further hearing if the
28 requirements of this section have been met.

29 (5) If the court determines that the person in interest meets the
30 eligibility requirements of this section, the court shall grant the
31 petition.

1 (6) Upon granting a petition under this section, the court shall
2 issue an order for clean slate relief under sections 186 and 187 of this
3 act.

4 (7) An order granting or denying a petition under this section is a
5 final, appealable order for purposes of section 25-1902.

6 Sec. 186. (1) An order for clean slate relief shall:

7 (a) Nullify the conviction;

8 (b) Remove all civil disabilities and disqualifications imposed as a
9 result of the conviction; and

10 (c) Notify the person in interest that such person should consult
11 with an attorney regarding the effect of the order, if any, on such
12 person's ability to possess a firearm under state or federal law.

13 (2) An order for clean slate relief shall not:

14 (a) Require the reinstatement of any office, employment, or position
15 which was previously held and lost or forfeited as a result of the
16 conviction; or

17 (b) Affect eligibility for, or obligations relating to, a commercial
18 driver's license.

19 Sec. 187. (1) Following entry of a court order granting a person
20 clean slate relief under section 186 of this act, a criminal justice
21 agency shall respond to a public inquiry in the same manner as if there
22 were no criminal history record information and criminal history record
23 information shall not be disseminated to any person other than a criminal
24 justice agency, except as provided in subsections (4) and (5) of this
25 section.

26 (2) In issuing an order for clean slate relief, the court shall:

27 (a) Order that all records, including any information or other data
28 concerning any proceedings relating to the case, including the arrest,
29 taking into custody, petition, complaint, indictment, information, trial,
30 hearing, adjudication, correctional supervision, dismissal, or other
31 disposition or sentence, are not part of the public record and shall not

1 be disseminated to persons other than criminal justice agencies, except
2 as provided in subsections (4) and (5) of this section;

3 (b) Send notice of the order to (i) the Nebraska Commission on Law
4 Enforcement and Criminal Justice, (ii) the Nebraska State Patrol, and
5 (iii) law enforcement agencies, county attorneys, and city attorneys
6 referenced in the court record;

7 (c) If the order relates to an adjudication, send notice of the
8 order to (i) the Department of Motor Vehicles, if the adjudication
9 included impoundment or prohibition to obtain a license or permit
10 pursuant to section 43-287, and (ii) the Department of Health and Human
11 Services, if the person in interest was a ward of the state at the time
12 the proceeding was initiated or if the department was a party in the
13 proceeding;

14 (d) Order all parties notified under subdivisions (2)(b) and (c) of
15 this section to seal all records pertaining to the case; and

16 (e) If the case was transferred from one court to another, send
17 notice of the order to seal the record to the original, transferring
18 court.

19 (3) In any application for employment, bonding, license, education,
20 or other right or privilege, any appearance as a witness, or any other
21 public inquiry, a person shall not be questioned with respect to any
22 offense for which the record is sealed. If an inquiry is made in
23 violation of this subsection, the person may respond as if the offense
24 never occurred.

25 (4) A criminal justice agency may, with respect to criminal history
26 record information sealed under this section, disclose, disseminate,
27 respond to inquiries regarding, or allow inspection of such criminal
28 history record information:

29 (a) If the person in interest has made a notarized request for the
30 release of information, to the extent authorized in such release;

31 (b) If the person in interest is currently the subject of

1 prosecution or correctional control as the result of a separate arrest;

2 (c) If the person in interest is currently an announced candidate
3 for or holder of public office;

4 (d) If the criminal history record information is kept unidentified,
5 and the record is used for purposes of surveying or summarizing
6 individual or collective law enforcement agency activity or practices, or
7 the dissemination is requested consisting only of release of criminal
8 history record information showing (i) dates of arrests, (ii) reasons for
9 arrests, and (iii) the nature of the dispositions, including, but not
10 limited to, reasons for not prosecuting the case or cases;

11 (e) To individuals and agencies for the express purpose of research,
12 evaluative, or statistical activities pursuant to an agreement with a
13 criminal justice agency that specifically authorizes access to the
14 information, limits the use of the information to research, evaluative,
15 or statistical activities, and ensures the confidentiality and security
16 of the information; and

17 (f) In response to an inquiry for employment, security, or other
18 purposes to the extent disclosure of such criminal history record
19 information is required by:

20 (i) Federal law, including rules and regulations and rules and
21 regulations promulgated by a self-regulatory organization created under
22 federal law; or

23 (ii) State law, including rules or regulations, relating to
24 operation of a motor vehicle or caring for or interacting with children,
25 including, but not limited to, determining whether an application filed
26 or a license issued under sections 71-1901 to 71-1906.01, the Child Care
27 Licensing Act, or the Children's Residential Facilities and Placing
28 Licensure Act or a certificate issued under sections 79-806 to 79-815
29 should be denied, suspended, or revoked.

30 (5) In addition to disclosures authorized under subsection (4) of
31 this section, inspection of criminal history record information relating

1 to an adjudication that has been sealed under this section may be made by
2 the persons and for the purposes authorized in section 43-2,108.05.

3 Sec. 188. An appeal by a person in interest who is denied clean
4 slate relief shall be expedited. If, on appeal, it is determined that the
5 person in interest was wrongfully denied clean slate relief, the state
6 shall pay such person's attorney's fees for the appeal.

7 Sec. 189. (1) Upon petition of the county attorney or city
8 attorney, and with notice to the person in interest and opportunity to be
9 heard, the court shall vacate an order for clean slate relief issued
10 pursuant to section 183 or 184 of this act if the court determines that
11 the order was erroneously entered and not in accordance with the Cannabis
12 Conviction Clean Slate Act.

13 (2) Upon entry of an order under subsection (1) of this section, the
14 court shall send notice of such order as provided in subdivision (2)(b)
15 of section 187 of this act.

16 Sec. 190. The State Court Administrator may adopt and promulgate
17 rules and regulations as necessary to carry out the Cannabis Conviction
18 Clean Slate Act.

19 Sec. 191. Section 28-401, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 28-401 As used in the Uniform Controlled Substances Act, unless the
22 context otherwise requires:

23 (1) Administer means to directly apply a controlled substance by
24 injection, inhalation, ingestion, or any other means to the body of a
25 patient or research subject;

26 (2) Agent means an authorized person who acts on behalf of or at the
27 direction of another person but does not include a common or contract
28 carrier, public warehouse keeper, or employee of a carrier or warehouse
29 keeper;

30 (3) Administration means the Drug Enforcement Administration of the
31 United States Department of Justice;

1 (4) Cannabis has the same meaning as in section 3 of this act;

2 (5) ~~(4)~~ Controlled substance means a drug, biological, substance, or
3 immediate precursor in Schedules I through V of section 28-405.
4 Controlled substance does not include distilled spirits, wine, malt
5 beverages, tobacco, cannabis, hemp, or any nonnarcotic substance if such
6 substance may, under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
7 301 et seq., as such act existed on January 1, 2014, and the law of this
8 state, be lawfully sold over the counter without a prescription;

9 (6) ~~(5)~~ Counterfeit substance means a controlled substance which, or
10 the container or labeling of which, without authorization, bears the
11 trademark, trade name, or other identifying mark, imprint, number, or
12 device, or any likeness thereof, of a manufacturer, distributor, or
13 dispenser other than the person or persons who in fact manufactured,
14 distributed, or dispensed such substance and which thereby falsely
15 purports or is represented to be the product of, or to have been
16 distributed by, such other manufacturer, distributor, or dispenser;

17 (7) ~~(6)~~ Department means the Department of Health and Human
18 Services;

19 (8) ~~(7)~~ Division of Drug Control means the personnel of the Nebraska
20 State Patrol who are assigned to enforce the Uniform Controlled
21 Substances Act;

22 (9) ~~(8)~~ Dispense means to deliver a controlled substance to an
23 ultimate user or a research subject pursuant to a medical order issued by
24 a practitioner authorized to prescribe, including the packaging,
25 labeling, or compounding necessary to prepare the controlled substance
26 for such delivery;

27 (10) ~~(9)~~ Distribute means to deliver other than by administering or
28 dispensing a controlled substance;

29 (11) ~~(10)~~ Prescribe means to issue a medical order;

30 (12) ~~(11)~~ Drug means (a) articles recognized in the official United
31 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United

1 States, official National Formulary, or any supplement to any of them,
2 (b) substances intended for use in the diagnosis, cure, mitigation,
3 treatment, or prevention of disease in human beings or animals, and (c)
4 substances intended for use as a component of any article specified in
5 subdivision (a) or (b) of this subdivision, but does not include devices
6 or their components, parts, or accessories;

7 ~~(13) (12)~~ Deliver or delivery means the actual, constructive, or
8 attempted transfer from one person to another of a controlled substance,
9 whether or not there is an agency relationship;

10 ~~(14) (13)~~ Hemp has the same meaning as in section 2-503;

11 ~~(14)(a) Marijuana means all parts of the plant of the genus~~
12 ~~cannabis, whether growing or not, the seeds thereof, and every compound,~~
13 ~~manufacture, salt, derivative, mixture, or preparation of such plant or~~
14 ~~its seeds.~~

15 ~~(b) Marijuana does not include the mature stalks of such plant,~~
16 ~~hashish, tetrahydrocannabinols extracted or isolated from the plant,~~
17 ~~fiber produced from such stalks, oil or cake made from the seeds of such~~
18 ~~plant, any other compound, manufacture, salt, derivative, mixture, or~~
19 ~~preparation of such mature stalks, the sterilized seed of such plant~~
20 ~~which is incapable of germination, or cannabidiol contained in a drug~~
21 ~~product approved by the federal Food and Drug Administration.~~

22 ~~(c) Marijuana does not include hemp.~~

23 ~~(d) When the weight of marijuana is referred to in the Uniform~~
24 ~~Controlled Substances Act, it means its weight at or about the time it is~~
25 ~~seized or otherwise comes into the possession of law enforcement~~
26 ~~authorities, whether cured or uncured at that time.~~

27 ~~(e) When industrial hemp as defined in section 2-5701 is in the~~
28 ~~possession of a person as authorized under section 2-5701, it is not~~
29 ~~considered marijuana for purposes of the Uniform Controlled Substances~~
30 ~~Act;~~

31 (15) Manufacture means the production, preparation, propagation,

1 conversion, or processing of a controlled substance, either directly or
2 indirectly, by extraction from substances of natural origin,
3 independently by means of chemical synthesis, or by a combination of
4 extraction and chemical synthesis, and includes any packaging or
5 repackaging of the substance or labeling or relabeling of its container.
6 Manufacture does not include the preparation or compounding of a
7 controlled substance by an individual for his or her own use, except for
8 the preparation or compounding of components or ingredients used for or
9 intended to be used for the manufacture of methamphetamine, or the
10 preparation, compounding, conversion, packaging, or labeling of a
11 controlled substance: (a) By a practitioner as an incident to his or her
12 prescribing, administering, or dispensing of a controlled substance in
13 the course of his or her professional practice; or (b) by a practitioner,
14 or by his or her authorized agent under his or her supervision, for the
15 purpose of, or as an incident to, research, teaching, or chemical
16 analysis and not for sale;

17 (16) Narcotic drug means any of the following, whether produced
18 directly or indirectly by extraction from substances of vegetable origin,
19 independently by means of chemical synthesis, or by a combination of
20 extraction and chemical synthesis: (a) Opium, opium poppy and poppy
21 straw, coca leaves, and opiates; (b) a compound, manufacture, salt,
22 derivative, or preparation of opium, coca leaves, or opiates; or (c) a
23 substance and any compound, manufacture, salt, derivative, or preparation
24 thereof which is chemically equivalent to or identical with any of the
25 substances referred to in subdivisions (a) and (b) of this subdivision,
26 except that the words narcotic drug as used in the Uniform Controlled
27 Substances Act does not include decocainized coca leaves or extracts of
28 coca leaves, which extracts do not contain cocaine or ecgonine, or
29 isoquinoline alkaloids of opium;

30 (17) Opiate means any substance having an addiction-forming or
31 addiction-sustaining liability similar to morphine or being capable of

1 conversion into a drug having such addiction-forming or addiction-
2 sustaining liability. Opiate does not include the dextrorotatory isomer
3 of 3-methoxy-n methylmorphinan and its salts. Opiate includes its racemic
4 and levorotatory forms;

5 (18) Opium poppy means the plant of the species *Papaver somniferum*
6 L., except the seeds thereof;

7 (19) Poppy straw means all parts, except the seeds, of the opium
8 poppy after mowing;

9 (20) Person means any corporation, association, partnership, limited
10 liability company, or one or more persons;

11 (21) Practitioner means a physician, a physician assistant, a
12 dentist, a veterinarian, a pharmacist, a podiatrist, an optometrist, a
13 certified nurse midwife, a certified registered nurse anesthetist, a
14 nurse practitioner, a scientific investigator, a pharmacy, a hospital, or
15 any other person licensed, registered, or otherwise permitted to
16 distribute, dispense, prescribe, conduct research with respect to, or
17 administer a controlled substance in the course of practice or research
18 in this state, including an emergency medical service as defined in
19 section 38-1207;

20 (22) Production includes the manufacture, planting, cultivation, or
21 harvesting of a controlled substance;

22 (23) Immediate precursor means a substance which is the principal
23 compound commonly used or produced primarily for use and which is an
24 immediate chemical intermediary used or likely to be used in the
25 manufacture of a controlled substance, the control of which is necessary
26 to prevent, curtail, or limit such manufacture;

27 (24) State means the State of Nebraska;

28 (25) Ultimate user means a person who lawfully possesses a
29 controlled substance for his or her own use, for the use of a member of
30 his or her household, or for administration to an animal owned by him or
31 her or by a member of his or her household;

1 (26) Hospital has the same meaning as in section 71-419;

2 (27) Cooperating individual means any person, other than a
3 commissioned law enforcement officer, who acts on behalf of, at the
4 request of, or as agent for a law enforcement agency for the purpose of
5 gathering or obtaining evidence of offenses punishable under the Uniform
6 Controlled Substances Act;

7 ~~(28)(a) Hashish or concentrated cannabis means (i) the separated~~
8 ~~resin, whether crude or purified, obtained from a plant of the genus~~
9 ~~cannabis or (ii) any material, preparation, mixture, compound, or other~~
10 ~~substance which contains ten percent or more by weight of~~
11 ~~tetrahydrocannabinols.~~

12 ~~(b) When resins extracted from (i) industrial hemp as defined in~~
13 ~~section 2-5701 are in the possession of a person as authorized under~~
14 ~~section 2-5701 or (ii) hemp as defined in section 2-503 are in the~~
15 ~~possession of a person as authorized under the Nebraska Hemp Farming Act,~~
16 ~~they are not considered hashish or concentrated cannabis for purposes of~~
17 ~~the Uniform Controlled Substances Act.~~

18 ~~(c) Hashish or concentrated cannabis does not include cannabidiol~~
19 ~~contained in a drug product approved by the federal Food and Drug~~
20 ~~Administration;~~

21 (28) ~~(29)~~ Exceptionally hazardous drug means (a) a narcotic drug,
22 (b) thiophene analog of phencyclidine, (c) phencyclidine, (d)
23 amobarbital, (e) secobarbital, (f) pentobarbital, (g) amphetamine, or (h)
24 methamphetamine;

25 (29) ~~(30)~~ Imitation controlled substance means a substance which is
26 not a controlled substance or controlled substance analogue but which, by
27 way of express or implied representations and consideration of other
28 relevant factors including those specified in section 28-445, would lead
29 a reasonable person to believe the substance is a controlled substance or
30 controlled substance analogue. A placebo or registered investigational
31 drug manufactured, distributed, possessed, or delivered in the ordinary

1 course of practice or research by a health care professional shall not be
2 deemed to be an imitation controlled substance;

3 (30)(a) ~~(31)(a)~~ Controlled substance analogue means a substance (i)
4 the chemical structure of which is substantially similar to the chemical
5 structure of a Schedule I or Schedule II controlled substance as provided
6 in section 28-405 or (ii) which has a stimulant, depressant, analgesic,
7 or hallucinogenic effect on the central nervous system that is
8 substantially similar to or greater than the stimulant, depressant,
9 analgesic, or hallucinogenic effect on the central nervous system of a
10 Schedule I or Schedule II controlled substance as provided in section
11 28-405. A controlled substance analogue shall, to the extent intended for
12 human consumption, be treated as a controlled substance under Schedule I
13 of section 28-405 for purposes of the Uniform Controlled Substances Act;
14 and

15 (b) Controlled substance analogue does not include (i) a controlled
16 substance, (ii) any substance generally recognized as safe and effective
17 within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
18 301 et seq., as such act existed on January 1, 2014, (iii) any substance
19 for which there is an approved new drug application, or (iv) with respect
20 to a particular person, any substance if an exemption is in effect for
21 investigational use for that person, under section 505 of the Federal
22 Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
23 January 1, 2014, to the extent conduct with respect to such substance is
24 pursuant to such exemption;

25 (31) ~~(32)~~ Anabolic steroid means any drug or hormonal substance,
26 chemically and pharmacologically related to testosterone (other than
27 estrogens, progestins, and corticosteroids), that promotes muscle growth
28 and includes any controlled substance in Schedule III(d) of section
29 28-405. Anabolic steroid does not include any anabolic steroid which is
30 expressly intended for administration through implants to cattle or other
31 nonhuman species and has been approved by the Secretary of Health and

1 Human Services for such administration, but if any person prescribes,
2 dispenses, or distributes such a steroid for human use, such person shall
3 be considered to have prescribed, dispensed, or distributed an anabolic
4 steroid within the meaning of this subdivision;

5 (32) ~~(33)~~ Chart order means an order for a controlled substance
6 issued by a practitioner for a patient who is in the hospital where the
7 chart is stored or for a patient receiving detoxification treatment or
8 maintenance treatment pursuant to section 28-412. Chart order does not
9 include a prescription;

10 (33) ~~(34)~~ Medical order means a prescription, a chart order, or an
11 order for pharmaceutical care issued by a practitioner;

12 (34) ~~(35)~~ Prescription means an order for a controlled substance
13 issued by a practitioner. Prescription does not include a chart order;

14 (35) ~~(36)~~ Registrant means any person who has a controlled
15 substances registration issued by the state or the Drug Enforcement
16 Administration of the United States Department of Justice;

17 (36) ~~(37)~~ Reverse distributor means a person whose primary function
18 is to act as an agent for a pharmacy, wholesaler, manufacturer, or other
19 entity by receiving, inventorying, and managing the disposition of
20 outdated, expired, or otherwise nonsaleable controlled substances;

21 (37) ~~(38)~~ Signature means the name, word, or mark of a person
22 written in his or her own hand with the intent to authenticate a writing
23 or other form of communication or a digital signature which complies with
24 section 86-611 or an electronic signature;

25 (38) ~~(39)~~ Facsimile means a copy generated by a system that encodes
26 a document or photograph into electrical signals, transmits those signals
27 over telecommunications lines, and reconstructs the signals to create an
28 exact duplicate of the original document at the receiving end;

29 (39) ~~(40)~~ Electronic signature has the definition found in section
30 86-621;

31 (40) ~~(41)~~ Electronic transmission means transmission of information

1 in electronic form. Electronic transmission includes computer-to-computer
2 transmission or computer-to-facsimile transmission;

3 ~~(41)~~ ~~(42)~~ Long-term care facility means an intermediate care
4 facility, an intermediate care facility for persons with developmental
5 disabilities, a long-term care hospital, a mental health substance use
6 treatment center, a nursing facility, or a skilled nursing facility, as
7 such terms are defined in the Health Care Facility Licensure Act;

8 ~~(42)~~ ~~(43)~~ Compounding has the same meaning as in section 38-2811;

9 ~~(43)~~ ~~(44)~~ Cannabinoid receptor agonist means any chemical compound
10 or substance that, according to scientific or medical research, study,
11 testing, or analysis, demonstrates the presence of binding activity at
12 one or more of the CB1 or CB2 cell membrane receptors located within the
13 human body. Cannabinoid receptor agonist does not include cannabidiol
14 contained in a drug product approved by the federal Food and Drug
15 Administration or cannabis; and

16 ~~(44)~~ ~~(45)~~ Lookalike substance means a product or substance, not
17 specifically designated as a controlled substance in section 28-405, that
18 is either portrayed in such a manner by a person to lead another person
19 to reasonably believe that it produces effects on the human body that
20 replicate, mimic, or are intended to simulate the effects produced by a
21 controlled substance or that possesses one or more of the following
22 indicia or characteristics:

23 (a) The packaging or labeling of the product or substance suggests
24 that the user will achieve euphoria, hallucination, mood enhancement,
25 stimulation, or another effect on the human body that replicates or
26 mimics those produced by a controlled substance;

27 (b) The name or packaging of the product or substance uses images or
28 labels suggesting that it is a controlled substance or produces effects
29 on the human body that replicate or mimic those produced by a controlled
30 substance;

31 (c) The product or substance is marketed or advertised for a

1 particular use or purpose and the cost of the product or substance is
2 disproportionately higher than other products or substances marketed or
3 advertised for the same or similar use or purpose;

4 (d) The packaging or label on the product or substance contains
5 words or markings that state or suggest that the product or substance is
6 in compliance with state and federal laws regulating controlled
7 substances;

8 (e) The owner or person in control of the product or substance uses
9 evasive tactics or actions to avoid detection or inspection of the
10 product or substance by law enforcement authorities;

11 (f) The owner or person in control of the product or substance makes
12 a verbal or written statement suggesting or implying that the product or
13 substance is a synthetic drug or that consumption of the product or
14 substance will replicate or mimic effects on the human body to those
15 effects commonly produced through use or consumption of a controlled
16 substance;

17 (g) The owner or person in control of the product or substance makes
18 a verbal or written statement to a prospective customer, buyer, or
19 recipient of the product or substance implying that the product or
20 substance may be resold for profit; or

21 (h) The product or substance contains a chemical or chemical
22 compound that does not have a legitimate relationship to the use or
23 purpose claimed by the seller, distributor, packer, or manufacturer of
24 the product or substance or indicated by the product name, appearing on
25 the product's packaging or label or depicted in advertisement of the
26 product or substance.

27 Sec. 192. Section 28-405, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 28-405 The following are the schedules of controlled substances
30 referred to in the Uniform Controlled Substances Act, unless specifically
31 contained on the list of exempted products of the Drug Enforcement

1 Administration of the United States Department of Justice as the list
2 existed on January 31, 2021:

3 Schedule I

4 (a) Any of the following opiates, including their isomers, esters,
5 ethers, salts, and salts of isomers, esters, and ethers, unless
6 specifically excepted, whenever the existence of such isomers, esters,
7 ethers, and salts is possible within the specific chemical designation:

- 8 (1) Acetylmethadol;
- 9 (2) Allylprodine;
- 10 (3) Alphacetylmethadol, except levo-alphacetylmethadol which is also
11 known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
- 12 (4) Alphameprodine;
- 13 (5) Alphamethadol;
- 14 (6) Benzethidine;
- 15 (7) Betacetylmethadol;
- 16 (8) Betameprodine;
- 17 (9) Betamethadol;
- 18 (10) Betaprodine;
- 19 (11) Clonitazene;
- 20 (12) Dextromoramide;
- 21 (13) Difenoxyin;
- 22 (14) Diampromide;
- 23 (15) Diethylthiambutene;
- 24 (16) Dimenoxadol;
- 25 (17) Dimepheptanol;
- 26 (18) Dimethylthiambutene;
- 27 (19) Dioxaphetyl butyrate;
- 28 (20) Dipipanone;
- 29 (21) Ethylmethylthiambutene;
- 30 (22) Etonitazene;
- 31 (23) Etoxadine;

- 1 (24) Furethidine;
- 2 (25) Hydroxypethidine;
- 3 (26) Ketobemidone;
- 4 (27) Levomoramide;
- 5 (28) Levophenacymorphan;
- 6 (29) Morpheridine;
- 7 (30) Noracymethadol;
- 8 (31) Norlevorphanol;
- 9 (32) Normethadone;
- 10 (33) Norpipanone;
- 11 (34) Phenadoxone;
- 12 (35) Phenampromide;
- 13 (36) Phenomorphan;
- 14 (37) Phenoperidine;
- 15 (38) Piritramide;
- 16 (39) Proheptazine;
- 17 (40) Properidine;
- 18 (41) Propiram;
- 19 (42) Racemoramide;
- 20 (43) Trimeperidine;
- 21 (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl-4-
- 22 piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)
- 23 piperidine;
- 24 (45) Tilidine;
- 25 (46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
- 26 phenylpropanamide, its optical and geometric isomers, salts, and salts of
- 27 isomers;
- 28 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical
- 29 isomers, salts, and salts of isomers;
- 30 (48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine, its
- 31 optical isomers, salts, and salts of isomers;

1 (49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-phenethyl)-4-
2 piperidinyl)-N-phenylacetamide, its optical isomers, salts, and salts of
3 isomers;

4 (50) Alpha-methylthiofentanyl, N-(1-methyl-2-(2-thienyl)ethyl-4-
5 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
6 of isomers;

7 (51) Benzylfentanyl, N-(1-benzyl-4-piperidyl)-N-phenylpropanamide,
8 its optical isomers, salts, and salts of isomers;

9 (52) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-phenethyl)-4-
10 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
11 of isomers;

12 (53) Beta-hydroxy-3-methylfentanyl, (other name: N-(1-(2-hydroxy-2-
13 phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide), its optical and
14 geometric isomers, salts, and salts of isomers;

15 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-thienyl)ethyl-4-
16 piperidinyl)-N-phenylpropanamide, its optical and geometric isomers,
17 salts, and salts of isomers;

18 (55) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
19 (thenylfentanyl), its optical isomers, salts, and salts of isomers;

20 (56) Thiofentanyl, N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-
21 propanamide, its optical isomers, salts, and salts of isomers;

22 (57) Para-fluorofentanyl, N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-
23 piperidinyl)propanamide, its optical isomers, salts, and salts of
24 isomers;

25 (58) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
26 methylbenzamide;

27 (59) 4-Fluoroisobutyryl Fentanyl;

28 (60) Acetyl Fentanyl;

29 (61) Acyrloylfentanyl;

30 (62) AH-7921; 3, 4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]
31 benzamide;

- 1 (63) Butyryl fentanyl;
- 2 (64) Cyclopentyl fentanyl;
- 3 (65) Cyclopropyl fentanyl;
- 4 (66) Furanyl fentanyl;
- 5 (67) Isobutyryl fentanyl;
- 6 (68) Isotonitazene;
- 7 (69) Methoxyacetyl fentanyl;
- 8 (70) MT-45; 1-cyclohexyl-4-(1,2-diphenylethyl) piperazine;
- 9 (71) Tetrahydrofuranyl fentanyl;
- 10 (72) 2-fluorofentanyl; N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-
- 11 yl) propionamide;
- 12 (73) Ocfentanil;
- 13 (74) Ortho-Fluorofentanyl;
- 14 (75) Para-chloroisobutyryl fentanyl;
- 15 (76) Para-Fluorobutyryl Fentanyl;
- 16 (77) Valeryl fentanyl;
- 17 (78) Phenyl Fentanyl;
- 18 (79) Para-Methylfentanyl;
- 19 (80) Thiofuranyl Fentanyl;
- 20 (81) Beta-methyl Fentanyl;
- 21 (82) Beta'-Phenyl Fentanyl;
- 22 (83) Crotonyl Fentanyl;
- 23 (84) 2'-Fluoro Ortho-Fluorofentanyl;
- 24 (85) 4'-Methyl Acetyl Fentanyl;
- 25 (86) Ortho-Fluorobutyryl Fentanyl;
- 26 (87) Ortho-Methyl Acetylfentanyl;
- 27 (88) Ortho-Methyl Methoxyacetyl Fentanyl;
- 28 (89) Ortho-Fluoroacryl Fentanyl;
- 29 (90) Fentanyl Carbamate;
- 30 (91) Ortho-Fluoroisobutyryl Fentanyl;
- 31 (92) Para-Fluoro Furanyl Fentanyl;

1 (93) Para-Methoxybutyryl Fentanyl; and
2 (94) Brorphine (other name: 1-(1-(1-(4-bromophenyl) ethyl)
3 piperidin-4-yl-1,3-dihydro-2H-benzo[D]imidazole-2-one).

4 (b) Any of the following opium derivatives, their salts, isomers,
5 and salts of isomers, unless specifically excepted, whenever the
6 existence of such salts, isomers, and salts of isomers is possible within
7 the specific chemical designation:

- 8 (1) Acetorphine;
- 9 (2) Acetyldihydrocodeine;
- 10 (3) Benzylmorphine;
- 11 (4) Codeine methylbromide;
- 12 (5) Codeine-N-Oxide;
- 13 (6) Cyprenorphine;
- 14 (7) Desomorphine;
- 15 (8) Dihydromorphine;
- 16 (9) Drotebanol;
- 17 (10) Etorphine, except hydrochloride salt;
- 18 (11) Heroin;
- 19 (12) Hydromorphinol;
- 20 (13) Methyldesorphine;
- 21 (14) Methyldihydromorphine;
- 22 (15) Morphine methylbromide;
- 23 (16) Morphine methylsulfonate;
- 24 (17) Morphine-N-Oxide;
- 25 (18) Myrophine;
- 26 (19) Nicocodeine;
- 27 (20) Nicomorphine;
- 28 (21) Normorphine;
- 29 (22) Pholcodine; and
- 30 (23) Thebacon.

31 (c) Any material, compound, mixture, or preparation which contains

1 any quantity of the following hallucinogenic substances, their salts,
2 isomers, and salts of isomers, unless specifically excepted, whenever the
3 existence of such salts, isomers, and salts of isomers is possible within
4 the specific chemical designation, and, for purposes of this subdivision
5 only, isomer shall include the optical, position, and geometric isomers:

6 (1) Bufotenine. Trade and other names shall include, but are not
7 limited to: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-
8 dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-
9 dimethyltryptamine; and mappine;

10 (2) 4-bromo-2,5-dimethoxyamphetamine. Trade and other names shall
11 include, but are not limited to: 4-bromo-2,5-dimethoxy-alpha-
12 methylphenethylamine; and 4-bromo-2,5-DMA;

13 (3) 4-methoxyamphetamine. Trade and other names shall include, but
14 are not limited to: 4-methoxy-alpha-methylphenethylamine; and
15 paramethoxyamphetamine, PMA;

16 (4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other names shall
17 include, but are not limited to: 4-methyl-2,5-dimethoxy-alpha-
18 methylphenethylamine; DOM; and STP;

19 (5) Para-methoxymethamphetamine. Trade and other names shall
20 include, but are not limited to: 1-(4-Methoxyphenyl)-N-methylpropan-2-
21 amine, PMMA, and 4-MMA;

22 (6) Ibogaine. Trade and other names shall include, but are not
23 limited to: 7-Ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-
24 methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole; and Tabernanthe
25 iboga;

26 (7) Lysergic acid diethylamide;

27 ~~(8) Marijuana;~~

28 ~~(8) (9) Mescaline;~~

29 (9) ~~(10)~~ Peyote. Peyote shall mean all parts of the plant presently
30 classified botanically as *Lophophora williamsii* Lemaire, whether growing
31 or not, the seeds thereof, any extract from any part of such plant, and

1 every compound, manufacture, salts, derivative, mixture, or preparation
2 of such plant or its seeds or extracts;

3 (10) ~~(11)~~ Psilocybin;

4 (11) ~~(12)~~ Psilocyn;

5 (12) Synthetic tetrahydrocannabinols ~~(13) Tetrahydrocannabinols,~~
6 including, but not limited to, synthetic equivalents of the substances
7 contained in the plant or in the resinous extractives of cannabis, sp. or
8 synthetic substances, derivatives, and their isomers with similar
9 chemical structure and pharmacological activity such as the following:
10 Delta 1 cis or trans tetrahydrocannabinol and their optical isomers,
11 excluding dronabinol in a drug product approved by the federal Food and
12 Drug Administration; Delta 6 cis or trans tetrahydrocannabinol and their
13 optical isomers; and Delta 3,4 cis or trans tetrahydrocannabinol and its
14 optical isomers. Since nomenclature of these substances is not
15 internationally standardized, compounds of these structures shall be
16 included regardless of the numerical designation of atomic positions
17 covered. Tetrahydrocannabinols does not include cannabidiol contained in
18 a drug product approved by the federal Food and Drug Administration or
19 naturally occurring tetrahydrocannabinols extracted or derived from
20 cannabis;

21 (13) ~~(14)~~ N-ethyl-3-piperidyl benzilate;

22 (14) ~~(15)~~ N-methyl-3-piperidyl benzilate;

23 (15) ~~(16)~~ Thiophene analog of phencyclidine. Trade and other names
24 shall include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-
25 piperidine; 2-thienyl analog of phencyclidine; TPCP; and TCP;

26 ~~(17) Hashish or concentrated cannabis;~~

27 (16) ~~(18)~~ Parahexyl. Trade and other names shall include, but are
28 not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
29 dibenzo(b,d)pyran; and Synhexyl;

30 (17) ~~(19)~~ Ethylamine analog of phencyclidine. Trade and other names
31 shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine;

1 (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
2 cyclohexamine; and PCE;

3 ~~(18)~~ ~~(20)~~ Pyrrolidine analog of phencyclidine. Trade and other names
4 shall include, but are not limited to: 1-(1-phenylcyclohexyl)-
5 pyrrolidine; PCPy; and PHP;

6 ~~(19)~~ ~~(21)~~ Alpha-ethyltryptamine. Some trade or other names:
7 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
8 indole; alpha-ET; and AET;

9 ~~(20)~~ ~~(22)~~ 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

10 ~~(21)~~ ~~(23)~~ 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

11 ~~(22)~~ ~~(24)~~ Alpha-methyltryptamine, which is also known as AMT;

12 ~~(23)~~ ~~(25)~~ Salvia divinorum or Salvinorin A. Salvia divinorum or
13 Salvinorin A includes all parts of the plant presently classified
14 botanically as Salvia divinorum, whether growing or not, the seeds
15 thereof, any extract from any part of such plant, and every compound,
16 manufacture, derivative, mixture, or preparation of such plant, its
17 seeds, or its extracts, including salts, isomers, and salts of isomers
18 whenever the existence of such salts, isomers, and salts of isomers is
19 possible within the specific chemical designation;

20 ~~(24)~~ ~~(26)~~ Any material, compound, mixture, or preparation containing
21 any quantity of synthetically produced cannabinoids as listed in
22 subdivisions (A) through (L) of this subdivision, including their salts,
23 isomers, salts of isomers, and nitrogen, oxygen, or sulfur-heterocyclic
24 analogs, unless specifically excepted elsewhere in this section. Since
25 nomenclature of these synthetically produced cannabinoids is not
26 internationally standardized and may continually evolve, these structures
27 or compounds of these structures shall be included under this
28 subdivision, regardless of their specific numerical designation of atomic
29 positions covered, so long as it can be determined through a recognized
30 method of scientific testing or analysis that the substance contains
31 properties that fit within one or more of the following categories:

1 (A) Tetrahydrocannabinols: Meaning synthetic equivalents of
2 tetrahydrocannabinols naturally contained in a plant of the genus
3 cannabis (cannabis plant), as well as synthetic equivalents of the
4 substances contained in the plant, or in the resinous extractives of
5 cannabis, sp. and/or synthetic substances, derivatives, and their isomers
6 with similar chemical structure and pharmacological activity such as the
7 following: Delta 1 cis or trans tetrahydrocannabinol, and their optical
8 isomers; Delta 6 cis or trans tetrahydrocannabinol, and their optical
9 isomers; Delta 3,4 cis or trans tetrahydrocannabinol, and its optical
10 isomers. This subdivision does not include cannabidiol contained in a
11 drug product approved by the federal Food and Drug Administration;

12 (B) Naphthoylindoles: Any compound containing a 3-(1-
13 naphthoyl)indole structure with substitution at the nitrogen atom of the
14 indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
15 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
16 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
17 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
18 tetrahydropyranylmethyl group, whether or not further substituted in or
19 on any of the listed ring systems to any extent;

20 (C) Naphthylmethylinindoles: Any compound containing a 1 H-indol-3-
21 yl-(1-naphthyl)methane structure with substitution at the nitrogen atom
22 of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
23 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
24 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
25 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
26 tetrahydropyranylmethyl group, whether or not further substituted in or
27 on any of the listed ring systems to any extent;

28 (D) Naphthoylpyrroles: Any compound containing a 3-(1-
29 naphthoyl)pyrrole structure with substitution at the nitrogen atom of the
30 pyrrole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
31 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,

1 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
2 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
3 tetrahydropyranylmethyl group, whether or not further substituted in or
4 on any of the listed ring systems to any extent;

5 (E) Naphthylideneindenes: Any compound containing a
6 naphthylideneindene structure with substitution at the 3-position of the
7 indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
8 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
9 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
10 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
11 tetrahydropyranylmethyl group, whether or not further substituted in or
12 on any of the listed ring systems to any extent;

13 (F) Phenylacetylindoles: Any compound containing a 3-
14 phenylacetylindole structure with substitution at the nitrogen atom of
15 the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
16 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
17 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
18 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
19 tetrahydropyranylmethyl group, whether or not further substituted in or
20 on any of the listed ring systems to any extent;

21 (G) Cyclohexylphenols: Any compound containing a 2-(3-
22 hydroxycyclohexyl)phenol structure with substitution at the 5-position of
23 the phenolic ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
24 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
25 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
26 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
27 tetrahydropyranylmethyl group, whether or not substituted in or on any of
28 the listed ring systems to any extent;

29 (H) Benzoylindoles: Any compound containing a 3-(benzoyl)indole
30 structure with substitution at the nitrogen atom of the indole ring by an
31 alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl,

1 cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-
2 piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
3 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
4 further substituted in or on any of the listed ring systems to any
5 extent;

6 (I) Adamantoylindoles: Any compound containing a 3-adamantoylindole
7 structure with substitution at the nitrogen atom of the indole ring by an
8 alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl,
9 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
10 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
11 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
12 further substituted in or on any of the listed ring systems to any
13 extent;

14 (J) Tetramethylcyclopropanoylindoles: Any compound containing a 3-
15 tetramethylcyclopropanoylindole structure with substitution at the
16 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
17 alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
18 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
19 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
20 tetrahydropyranylmethyl group, whether or not further substituted in or
21 on any of the listed ring systems to any extent;

22 (K) Indole carboxamides: Any compound containing a 1-indole-3-
23 carboxamide structure with substitution at the nitrogen atom of the
24 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
25 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
26 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
27 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
28 tetrahydropyranylmethyl group, substitution at the carboxamide group by
29 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,
30 phenyl, aminoalkyl group, or quinolinyl group, whether or not further
31 substituted in or on any of the listed ring systems to any extent or to

1 the adamantyl, 1-naphthyl, phenyl, aminoalkyl, benzyl, or
2 propionaldehyde groups to any extent;

3 (L) Indole carboxylates: Any compound containing a 1-indole-3-
4 carboxylate structure with substitution at the nitrogen atom of the
5 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
6 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
7 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
8 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
9 tetrahydropyranylmethyl group, substitution at the carboxylate group by
10 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,
11 phenyl, aminoalkyl group, or quinolinyl group, whether or not further
12 substituted in or on any of the listed ring systems to any extent or to
13 the adamantyl, 1-naphthyl, phenyl, aminoalkyl, benzyl, or
14 propionaldehyde groups to any extent; and

15 (M) Any nonnaturally occurring substance, chemical compound,
16 mixture, or preparation, not specifically listed elsewhere in these
17 schedules and which is not approved for human consumption by the federal
18 Food and Drug Administration, containing or constituting a cannabinoid
19 receptor agonist as defined in section 28-401. This subdivision (M) does
20 not apply to any product or preparation containing solely
21 tetrahydrocannabinols which are naturally occurring and extracted or
22 derived from cannabis;

23 ~~(25) (27)~~ Any material, compound, mixture, or preparation containing
24 any quantity of a substituted phenethylamine as listed in subdivisions
25 (A) through (C) of this subdivision, unless specifically excepted, listed
26 in another schedule, or specifically named in this schedule, that is
27 structurally derived from phenylethan-2-amine by substitution on the
28 phenyl ring with a fused methylenedioxy ring, fused furan ring, or a
29 fused tetrahydrofuran ring; by substitution with two alkoxy groups; by
30 substitution with one alkoxy and either one fused furan, tetrahydrofuran,
31 or tetrahydropyran ring system; or by substitution with two fused ring

1 systems from any combination of the furan, tetrahydrofuran, or
2 tetrahydropyran ring systems, whether or not the compound is further
3 modified in any of the following ways:

4 (A) Substitution of the phenyl ring by any halo, hydroxyl, alkyl,
5 trifluoromethyl, alkoxy, or alkylthio groups; (B) substitution at the 2-
6 position by any alkyl groups; or (C) substitution at the 2-amino nitrogen
7 atom with alkyl, dialkyl, benzyl, hydroxybenzyl or methoxybenzyl groups,
8 and including, but not limited to:

9 (i) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine, which is also known
10 as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine;

11 (ii) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine, which is also known
12 as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine;

13 (iii) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine, which is also known
14 as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine;

15 (iv) 2-(2,5-Dimethoxyphenyl)ethanamine, which is also known as 2C-H
16 or 2,5-Dimethoxyphenethylamine;

17 (v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is also known as
18 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;

19 (vi) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine, which is also known
20 as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine;

21 (vii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine, which is also
22 known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine;

23 (viii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine, which is
24 also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine;

25 (ix) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine, which is
26 also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine;

27 (x) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine, which is also known
28 as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine;

29 (xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine, which is also
30 known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine;

31 (xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine, which is also

- 1 known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;
- 2 (xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane, which is also
- 3 known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;
- 4 (xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine, which is also
- 5 known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;
- 6 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
- 7 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe; 25B-
- 8 NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;
- 9 (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
- 10 methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe; 25I-
- 11 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;
- 12 (xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine,
- 13 which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-
- 14 methoxybenzyl)phenethylamine;
- 15 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
- 16 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or
- 17 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;
- 18 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine,
- 19 which is also known as 2CB-5-hemiFLY;
- 20 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-
- 21 yl)ethanamine, which is also known as 2C-B-FLY;
- 22 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
- 23 yl)ethanamine, which is also known as 2C-B-butterFLY;
- 24 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-
- 25 b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-
- 26 NBOMe;
- 27 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine,
- 28 which is also known as bromo-benzodifuranylisopropylamine or bromo-
- 29 dragonFLY;
- 30 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which
- 31 is also known as 2C-INBOH or 25I-NBOH;

1 (xxv) 5-(2-Aminopropyl)benzofuran, which is also known as 5-APB;
2 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;
3 (xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known
4 as 5-APDB;
5 (xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also
6 known as 6-APDB;
7 (xxix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-
8 dimethoxy- α -methylphenethylamine; 2, 5-DMA;
9 (xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;
10 (xxxi) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also
11 known as 2C-T-7;
12 (xxxii) 5-methoxy-3,4-methylenedioxy-amphetamine;
13 (xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as
14 4-methyl-2,5-dimethoxy- α -methylphenethylamine; DOM and STP;
15 (xxxiv) 3,4-methylenedioxy amphetamine, which is also known as MDA;
16 (xxxv) 3,4-methylenedioxymethamphetamine, which is also known as
17 MDMA;
18 (xxxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is also known
19 as N-ethyl- α -methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA;
20 (xxxvii) 3,4,5-trimethoxy amphetamine; and
21 (xxxviii) n-hydroxy-3,4-Methylenedioxy-N-Hydroxyamphetamine, which
22 is also known as N-hydroxyMDA;
23 (26) ~~(28)~~ Any material, compound, mixture, or preparation containing
24 any quantity of a substituted tryptamine unless specifically excepted,
25 listed in another schedule, or specifically named in this schedule, that
26 is structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also
27 known as tryptamine, by mono- or di-substitution of the amine nitrogen
28 with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom
29 in a cyclic structure whether or not the compound is further substituted
30 at the alpha position with an alkyl group or whether or not further
31 substituted on the indole ring to any extent with any alkyl, alkoxy,

1 halo, hydroxyl, or acetoxy groups, and including, but not limited to:

2 (A) 5-methoxy-N,N-diallyltryptamine, which is also known as 5-MeO-
3 DALT;

4 (B) 4-acetoxy-N,N-dimethyltryptamine, which is also known as 4-AcO-
5 DMT or OAcetylpsilocin;

6 (C) 4-hydroxy-N-methyl-N-ethyltryptamine, which is also known as 4-
7 HO-MET;

8 (D) 4-hydroxy-N,N-diisopropyltryptamine, which is also known as 4-
9 HO-DIPT;

10 (E) 5-methoxy-N-methyl-N-isopropyltryptamine, which is also known as
11 5-MeOMiPT;

12 (F) 5-Methoxy-N,N-Dimethyltryptamine, which is also known as 5-MeO-
13 DMT;

14 (G) 5-methoxy-N,N-diisopropyltryptamine, which is also known as 5-
15 MeO-DiPT;

16 (H) Diethyltryptamine, which is also known as N,N-Diethyltryptamine,
17 DET; and

18 (I) Dimethyltryptamine, which is also known as DMT; and

19 ~~(27)(A)~~ ~~(29)(A)~~ Any substance containing any quantity of the
20 following materials, compounds, mixtures, or structures:

21 (i) 3,4-methylenedioxymethcathinone, or bk-MDMA, or methydone;

22 (ii) 3,4-methylenedioxypyrovalerone, or MDPV;

23 (iii) 4-methylmethcathinone, or 4-MMC, or mephedrone;

24 (iv) 4-methoxymethcathinone, or bk-PMMA, or PMMC, or methedrone;

25 (v) Fluoromethcathinone, or FMC;

26 (vi) Naphthylpyrovalerone, or naphyrone; or

27 (vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or
28 butylone; or

29 (B) Unless listed in another schedule, any substance which contains
30 any quantity of any material, compound, mixture, or structure, other than
31 bupropion, that is structurally derived by any means from 2-

1 aminopropan-1-one by substitution at the 1-position with either phenyl,
2 naphthyl, or thiophene ring systems, whether or not the compound is
3 further modified in any of the following ways:

4 (i) Substitution in the ring system to any extent with alkyl,
5 alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents,
6 whether or not further substituted in the ring system by one or more
7 other univalent substituents;

8 (ii) Substitution at the 3-position with an acyclic alkyl
9 substituent; or

10 (iii) Substitution at the 2-amino nitrogen atom with alkyl or
11 dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic
12 structure.

13 (d) Unless specifically excepted or unless listed in another
14 schedule, any material, compound, mixture, or preparation which contains
15 any quantity of the following substances having a depressant effect on
16 the central nervous system, including its salts, isomers, and salts of
17 isomers whenever the existence of such salts, isomers, and salts of
18 isomers is possible within the specific chemical designation:

19 (1) Mecloqualone;

20 (2) Methaqualone; and

21 (3) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-
22 hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium
23 Oxybate; and Sodium Oxybutyrate.

24 (e) Unless specifically excepted or unless listed in another
25 schedule, any material, compound, mixture, or preparation which contains
26 any quantity of the following substances having a stimulant effect on the
27 central nervous system, including its salts, isomers, and salts of
28 isomers:

29 (1) Fenethylamine;

30 (2) N-ethylamphetamine;

31 (3) Amphetamine; amphetamine; 2-amino-5-phenyl-2-oxazoline; or 4,5-

1 dihydro-5-phenyl-2-oxazolamine;

2 (4) Cathinone; 2-amino-1-phenyl-1-propanone; alpha-
3 aminopropiophenone; 2-aminopropiophenone; and norephedrone;

4 (5) Methcathinone, its salts, optical isomers, and salts of optical
5 isomers. Some other names: 2-(methylamino)-propiophenone; alpha-
6 (methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-
7 N-methylaminopropiophenone; methylcathinone; monomethylpropion;
8 ephedrone; N-methylcathinone; AL-464; AL-422; AL-463; UR1432; and 4-MEC;

9 (6) (+/-)cis-4-methylaminorex; and (+/-)cis-4,5-dihydro-4-methyl-5-
10 phenyl-2-oxazolamine;

11 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine;
12 and N,N-alpha-trimethylphenethylamine;

13 (8) Benzylpiperazine, 1-benzylpiperazine; and

14 (9) 4,4'-dimethylaminorex (other names: 4,4'-DMAR, 4,5-dihydro-4-
15 methyl-5-(4-methylphenyl)-2-oxazolamine).

16 (f) Any controlled substance analogue to the extent intended for
17 human consumption.

18 Schedule II

19 (a) Any of the following substances except those narcotic drugs
20 listed in other schedules whether produced directly or indirectly by
21 extraction from substances of vegetable origin, independently by means of
22 chemical synthesis, or by combination of extraction and chemical
23 synthesis:

24 (1) Opium and opiate, and any salt, compound, derivative, or
25 preparation of opium or opiate, excluding apomorphine, buprenorphine,
26 thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene,
27 naloxone, and naltrexone and their salts, but including the following:

28 (A) Raw opium;

29 (B) Opium extracts;

30 (C) Opium fluid;

31 (D) Powdered opium;

- 1 (E) Granulated opium;
- 2 (F) Tincture of opium;
- 3 (G) Codeine;
- 4 (H) Ethylmorphine;
- 5 (I) Etorphine hydrochloride;
- 6 (J) Hydrocodone;
- 7 (K) Hydromorphone;
- 8 (L) Metopon;
- 9 (M) Morphine;
- 10 (N) Oxycodone;
- 11 (O) Oxymorphone;
- 12 (P) Oripavine;
- 13 (Q) Thebaine; and
- 14 (R) Dihydroetorphine;
- 15 (2) Any salt, compound, derivative, or preparation thereof which is
- 16 chemically equivalent to or identical with any of the substances referred
- 17 to in subdivision (1) of this subdivision, except that these substances
- 18 shall not include the isoquinoline alkaloids of opium;
- 19 (3) Opium poppy and poppy straw;
- 20 (4) Coca leaves and any salt, compound, derivative, or preparation
- 21 of coca leaves, and any salt, compound, derivative, or preparation
- 22 thereof which is chemically equivalent to or identical with any of these
- 23 substances, including cocaine or ecgonine and its salts, optical isomers,
- 24 and salts of optical isomers, except that the substances shall not
- 25 include decocainized coca leaves or extractions which do not contain
- 26 cocaine or ecgonine; and
- 27 (5) Concentrate of poppy straw, the crude extract of poppy straw in
- 28 either liquid, solid, or powder form which contains the phenanthrene
- 29 alkaloids of the opium poppy.
- 30 (b) Unless specifically excepted or unless in another schedule any
- 31 of the following opiates, including their isomers, esters, ethers, salts,

1 and salts of their isomers, esters, and ethers whenever the existence of
2 such isomers, esters, ethers, and salts is possible within the specific
3 chemical designation, dextrorphan excepted:

- 4 (1) Alphaprodine;
- 5 (2) Anileridine;
- 6 (3) Bezitramide;
- 7 (4) Diphenoxylate;
- 8 (5) Fentanyl;
- 9 (6) Isomethadone;
- 10 (7) Levomethorphan;
- 11 (8) Levorphanol;
- 12 (9) Metazocine;
- 13 (10) Methadone;
- 14 (11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl
15 butane;
- 16 (12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-
17 diphenylpropane-carboxylic acid;
- 18 (13) Norfentanyl (N-phenyl-N-piperidin-4-yl) propionamide;
- 19 (14) Oliceridine;
- 20 (15) Pethidine or meperidine;
- 21 (16) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 22 (17) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
23 carboxylate;
- 24 (18) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
25 carboxylic acid;
- 26 (19) Phenazocine;
- 27 (20) Piminodine;
- 28 (21) Racemethorphan;
- 29 (22) Racemorphan;
- 30 (23) Dihydrocodeine;
- 31 (24) Bulk Propoxyphene in nondosage forms;

1 (25) Sufentanil;

2 (26) Alfentanil;

3 (27) Levo-alphaacetylmethadol which is also known as levo-alpha-
4 acetylmethadol, levomethadyl acetate, and LAAM;

5 (28) Carfentanil;

6 (29) Remifentanil;

7 (30) Tapentadol; and

8 (31) Thiafentanil.

9 (c) Any material, compound, mixture, or preparation which contains
10 any quantity of the following substances having a potential for abuse
11 associated with a stimulant effect on the central nervous system:

12 (1) Amphetamine, its salts, optical isomers, and salts of its
13 optical isomers;

14 (2) Phenmetrazine and its salts;

15 (3) Methamphetamine, its salts, isomers, and salts of its isomers;

16 (4) Methylphenidate; and

17 (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

18 (d) Any material, compound, mixture, or preparation which contains
19 any quantity of the following substances having a potential for abuse
20 associated with a depressant effect on the central nervous system,
21 including their salts, isomers, and salts of isomers whenever the
22 existence of such salts, isomers, and salts of isomers is possible within
23 the specific chemical designations:

24 (1) Amobarbital;

25 (2) Secobarbital;

26 (3) Pentobarbital;

27 (4) Phencyclidine; and

28 (5) Glutethimide.

29 (e) Hallucinogenic substances known as:

30 (1) Nabilone. Another name for nabilone: (+/-)-trans-3-(1,1-
31 dimethylheptyl)- 6,6a,7,8,10,10a-Hexahydro-1-hydroxy-6,6-dimethyl-9H-

1 dibenzo(b,d)pyran-9-one; and

2 (2) Dronabinol in an oral solution in a drug product approved by the
3 federal Food and Drug Administration.

4 (f) Unless specifically excepted or unless listed in another
5 schedule, any material, compound, mixture, or preparation which contains
6 any quantity of the following substances:

7 (1) Immediate precursor to amphetamine and methamphetamine:
8 Phenylacetone. Trade and other names shall include, but are not limited
9 to: Phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl
10 ketone;

11 (2) Immediate precursors to phencyclidine, PCP:

12 (A) 1-phenylcyclohexylamine; or

13 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

14 (3) Immediate precursor to fentanyl; 4-anilino-N-phenethylpiperidine
15 (ANPP).

16 Schedule III

17 (a) Any material, compound, mixture, or preparation which contains
18 any quantity of the following substances having a potential for abuse
19 associated with a stimulant effect on the central nervous system,
20 including their salts, isomers, whether optical, position, or geometric,
21 and salts of such isomers whenever the existence of such salts, isomers,
22 and salts of isomers is possible within the specific chemical
23 designation:

24 (1) Benzphetamine;

25 (2) Chlorphentermine;

26 (3) Clortermine; and

27 (4) Phendimetrazine.

28 (b) Any material, compound, mixture, or preparation which contains
29 any quantity of the following substances having a potential for abuse
30 associated with a depressant effect on the central nervous system:

31 (1) Any substance which contains any quantity of a derivative of

1 barbituric acid or any salt of a derivative of barbituric acid, except
2 those substances which are specifically listed in other schedules of this
3 section;

4 (2) Aprobarbital;

5 (3) Butabarbital;

6 (4) Butalbital;

7 (5) Butethal;

8 (6) Butobarbital;

9 (7) Chlorhexadol;

10 (8) Embutramide;

11 (9) Lysergic acid;

12 (10) Lysergic acid amide;

13 (11) Methyprylon;

14 (12) Perampanel;

15 (13) Secbutabarbital;

16 (14) Sulfondiethylmethane;

17 (15) Sulfonethylmethane;

18 (16) Sulfonmethane;

19 (17) Nalorphine;

20 (18) Talbutal;

21 (19) Thiamylal;

22 (20) Thiopental;

23 (21) Vinbarbital;

24 (22) Any compound, mixture, or preparation containing amobarbital,
25 secobarbital, pentobarbital, or any salt thereof and one or more other
26 active medicinal ingredients which are not listed in any schedule;

27 (23) Any suppository dosage form containing amobarbital,
28 secobarbital, pentobarbital, or any salt of any of these drugs and
29 approved by the federal Food and Drug Administration for marketing only
30 as a suppository;

31 (24) Any drug product containing gamma-hydroxybutyric acid,

1 including its salts, isomers, and salts of isomers, for which an
2 application is approved under section 505 of the Federal Food, Drug, and
3 Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2014;

4 (25) Ketamine, its salts, isomers, and salts of isomers. Some other
5 names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-
6 cyclohexanone; and

7 (26) Tiletamine and zolazepam or any salt thereof. Trade or other
8 names for a tiletamine-zolazepam combination product shall include, but
9 are not limited to: telazol. Trade or other names for tiletamine shall
10 include, but are not limited to: 2-(ethylamino)-2-(2-thienyl)-
11 cyclohexanone. Trade or other names for zolazepam shall include, but are
12 not limited to: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-
13 trimethylpyrazolo-(3,4-e) (1,4)-diazepin-7(1H)-one, and flupyrzapon.

14 (c) Unless specifically excepted or unless listed in another
15 schedule:

16 (1) Any material, compound, mixture, or preparation containing
17 limited quantities of any of the following narcotic drugs, or any salts
18 calculated as the free anhydrous base or alkaloid, in limited quantities
19 as set forth below:

20 (A) Not more than one and eight-tenths grams of codeine per one
21 hundred milliliters or not more than ninety milligrams per dosage unit,
22 with an equal or greater quantity of an isoquinoline alkaloid of opium;

23 (B) Not more than one and eight-tenths grams of codeine per one
24 hundred milliliters or not more than ninety milligrams per dosage unit,
25 with one or more active, nonnarcotic ingredients in recognized
26 therapeutic amounts;

27 (C) Not more than one and eight-tenths grams of dihydrocodeine per
28 one hundred milliliters or not more than ninety milligrams per dosage
29 unit, with one or more active, nonnarcotic ingredients in recognized
30 therapeutic amounts;

31 (D) Not more than three hundred milligrams of ethylmorphine per one

1 hundred milliliters or not more than fifteen milligrams per dosage unit,
2 with one or more active, nonnarcotic ingredients in recognized
3 therapeutic amounts;

4 (E) Not more than five hundred milligrams of opium per one hundred
5 milliliters or per one hundred grams, or not more than twenty-five
6 milligrams per dosage unit, with one or more active, nonnarcotic
7 ingredients in recognized therapeutic amounts; and

8 (F) Not more than fifty milligrams of morphine per one hundred
9 milliliters or per one hundred grams with one or more active, nonnarcotic
10 ingredients in recognized therapeutic amounts; and

11 (2) Any material, compound, mixture, or preparation containing any
12 of the following narcotic drug or its salts, as set forth below:

13 (A) Buprenorphine.

14 (d) Unless contained on the list of exempt anabolic steroids of the
15 Drug Enforcement Administration of the United States Department of
16 Justice as the list existed on January 31, 2021, any anabolic steroid,
17 which shall include any material, compound, mixture, or preparation
18 containing any quantity of the following substances, including its salts,
19 isomers, and salts of isomers whenever the existence of such salts of
20 isomers is possible within the specific chemical designation:

21 (1) 3-beta,17-dihydroxy-5a-androstane;

22 (2) 3-alpha,17-beta-dihydroxy-5a-androstane;

23 (3) 5-alpha-androstan-3,17-dione;

24 (4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-
25 ene);

26 (5) 1-androstenediol (3-alpha,17-beta-dihydroxy-5-alpha-androst-1-
27 ene);

28 (6) 4-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

29 (7) 5-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

30 (8) 1-androstenedione ([5-alpha]-androst-1-en-3,17-dione);

31 (9) 4-androstenedione (androst-4-en-3,17-dione);

- 1 (10) 5-androstenedione (androst-5-en-3,17-dione);
- 2 (11) Bolasterone (7-alpha,17-alpha-dimethyl-17-beta-
3 hydroxyandrost-4-en-3-one);
- 4 (12) Boldenone (17-beta-hydroxyandrost-1,4-diene-3-one);
- 5 (13) Boldione (androsta-1,4-diene-3,17-3-one);
- 6 (14) Calusterone (7-beta,17-alpha-dimethyl-17-beta-hydroxyandrost-4-
7 en-3-one);
- 8 (15) Clostebol (4-chloro-17-beta-hydroxyandrost-4-en-3-one);
- 9 (16) Dehydrochloromethyltestosterone (4-chloro-17-beta-hydroxy-17-
10 alpha-methyl-androst-1,4-dien-3-one);
- 11 (17) Desoxymethyltestosterone (17-alpha-methyl-5-alpha-androst-2-
12 en-17-beta-ol) (a.k.a. 'madol');
- 13 (18) Delta-1-Dihydrotestosterone (a.k.a. '1-testosterone')(17-beta-
14 hydroxy-5-alpha-androst-1-en-3-one);
- 15 (19) 4-Dihydrotestosterone (17-beta-hydroxy-androstan-3-one);
- 16 (20) Drostanolone (17-beta-hydroxy-2-alpha-methyl-5-alpha-
17 androstan-3-one);
- 18 (21) Ethylestrenol (17-alpha-ethyl-17-beta-hydroxyestr-4-ene);
- 19 (22) Fluoxymesterone (9-fluoro-17-alpha-methyl-11-beta,17-beta-
20 dihydroxyandrost-4-en-3-one);
- 21 (23) Formebolone (formebolone); (2-formyl-17-alpha-methyl-11-
22 alpha,17-beta-dihydroxyandrost-1,4-dien-3-one);
- 23 (24) Furazabol (17-alpha-methyl-17-beta-hydroxyandrostan[2,3-c]-
24 furazan);
- 25 (25) 13-beta-ethyl-17-beta-hydroxygon-4-en-3-one;
- 26 (26) 4-hydroxytestosterone (4,17-beta-dihydroxy-androst-4-en-3-one);
- 27 (27) 4-hydroxy-19-nortestosterone (4,17-beta-dihydroxy-estr-4-en-3-
28 one);
- 29 (28) Mestanolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
30 one);
- 31 (29) Mesterolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-

- 1 one);
- 2 (30) Methandienone (17-alpha-methyl-17-beta-hydroxyandrost-1,4-
- 3 dien-3-one);
- 4 (31) Methandriol (17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-
- 5 ene);
- 6 (32) Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-
- 7 beta-ol-3-one);
- 8 (33) Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-
- 9 one);
- 10 (34) 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;
- 11 (35) 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;
- 12 (36) 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;
- 13 (37) 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-
- 14 hydroxy-17-beta-hydroxyestr-4-en-3-one);
- 15 (38) Methyldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-
- 16 dien-3-one);
- 17 (39) Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-
- 18 trien-3-one);
- 19 (40) Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-
- 20 en-3-one);
- 21 (41) Mibolerone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-
- 22 en-3-one);
- 23 (42) 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-
- 24 hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-
- 25 methyl-1-testosterone');
- 26 (43) Nandrolone (17-beta-hydroxyestr-4-en-3-one);
- 27 (44) 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);
- 28 (45) 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);
- 29 (46) 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);
- 30 (47) 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);
- 31 (48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-

- 1 dione);
- 2 (49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 3 (50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 4 (51) Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-
- 5 en-3-one);
- 6 (52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);
- 7 (53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-
- 8 one);
- 9 (54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-
- 10 one);
- 11 (55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-
- 12 androstan-3-one);
- 13 (56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrost-4-
- 14 en-3-one);
- 15 (57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-
- 16 hydroxy-[5-alpha]-androstan-3-one);
- 17 (58) Prostanazol (17-beta-hydroxy-5-alpha-androstano[3,2-
- 18 c]pyrazole);
- 19 (59) Stanozolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-
- 20 androst-2-eno[3,2-c]-pyrazole);
- 21 (60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-
- 22 one);
- 23 (61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-
- 24 oic acid lactone);
- 25 (62) Testosterone (17-beta-hydroxyandrost-4-en-3-one);
- 26 (63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-
- 27 hydroxygon-4,9,11-trien-3-one);
- 28 (64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one);
- 29 (65) [3,2-c]-furazan-5 alpha-androstane-17 beta-ol;
- 30 (66) [3,2-c]pyrazole-androst-4-en-17 beta-ol;
- 31 (67) 17 alpha-methyl-androst-ene-3,17 beta-diol;

- 1 (68) 17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
2 (69) 17 alpha-methyl-androstan-3-hydroxyimine-17 beta-ol;
3 (70) 17 beta-hydroxy-androstano[2,3-d]isoxazole;
4 (71) 17 beta-hydroxy-androstano[3,2-c]isoxazole;
5 (72) 18a-homo-3-hydroxy-estra-2,5(10)-dien-17-one;
6 (73) 2 alpha, 3 alpha-epithio-17 alpha-methyl-5 alpha-androstan-17
7 beta-ol;
8 (74) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3-one;
9 (75) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3,11-
10 dione;
11 (76) 4-chloro-17 alpha-methyl-androst-4-ene-3 beta,17 beta-diol;
12 (77) 4-chloro-17 alpha-methyl-androsta-1,4,diene-3,17 beta-diol;
13 (78) 4-hydroxy-androst-4-ene-3,17-dione;
14 (79) 5 alpha-Androstan-3,6,17-trione;
15 (80) 6-bromo-androst-1,4-diene-3,17-dione;
16 (81) 6-bromo-androstan-3,17-dione;
17 (82) 6 alpha-methyl-androst-4-ene-3,17-dione;
18 (83) Delta 1-dihydrotestosterone;
19 (84) Estra-4,9,11-triene-3,17-dione; and
20 (85) Any salt, ester, or ether of a drug or substance described or
21 listed in this subdivision if the salt, ester, or ether promotes muscle
22 growth.

23 (e) Hallucinogenic substances known as:

- 24 (1) Dronabinol, synthetic, in sesame oil and encapsulated in a soft
25 gelatin capsule in a drug product approved by the federal Food and Drug
26 Administration. Some other names for dronabinol are (6aR-
27 trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo
28 (b,d)pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol.

29 Schedule IV

- 30 (a) Any material, compound, mixture, or preparation which contains
31 any quantity of the following substances, including their salts, isomers,

1 and salts of isomers whenever the existence of such salts, isomers, and
2 salts of isomers is possible within the specific chemical designation:

- 3 (1) Barbital;
- 4 (2) Chloral betaine;
- 5 (3) Chloral hydrate;
- 6 (4) Chlordiazepoxide, but not including librax (chlordiazepoxide
7 hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and
8 water soluble esterified estrogens);
- 9 (5) Clonazepam;
- 10 (6) Clorazepate;
- 11 (7) Diazepam;
- 12 (8) Ethchlorvynol;
- 13 (9) Ethinamate;
- 14 (10) Flurazepam;
- 15 (11) Mebutamate;
- 16 (12) Meprobamate;
- 17 (13) Methohexital;
- 18 (14) Methylphenobarbital;
- 19 (15) Oxazepam;
- 20 (16) Paraldehyde;
- 21 (17) Petrichloral;
- 22 (18) Phenobarbital;
- 23 (19) Prazepam;
- 24 (20) Alprazolam;
- 25 (21) Bromazepam;
- 26 (22) Camazepam;
- 27 (23) Clobazam;
- 28 (24) Clotiazepam;
- 29 (25) Cloxazolam;
- 30 (26) Delorazepam;
- 31 (27) Estazolam;

- 1 (28) Ethyl loflazepate;
- 2 (29) Fludiazepam;
- 3 (30) Flunitrazepam;
- 4 (31) Halazepam;
- 5 (32) Haloxazolam;
- 6 (33) Ketazolam;
- 7 (34) Loprazolam;
- 8 (35) Lorazepam;
- 9 (36) Lormetazepam;
- 10 (37) Medazepam;
- 11 (38) Nimetazepam;
- 12 (39) Nitrazepam;
- 13 (40) Nordiazepam;
- 14 (41) Oxazolam;
- 15 (42) Pinazepam;
- 16 (43) Temazepam;
- 17 (44) Tetrazepam;
- 18 (45) Triazolam;
- 19 (46) Midazolam;
- 20 (47) Quazepam;
- 21 (48) Zolpidem;
- 22 (49) Dichloralphenazone;
- 23 (50) Zaleplon;
- 24 (51) Zopiclone;
- 25 (52) Fospropofol;
- 26 (53) Alfaxalone;
- 27 (54) Suvorexant;
- 28 (55) Carisoprodol;
- 29 (56) Brexanolone; 3 alpha-hydroxy-5 alpha-pregnan-20-one;
- 30 (57) Lemborexant;
- 31 (58) Solriamfetol; 2-amino-3-phenylpropyl carbamate;

1 (59) Remimazolam; and

2 (60) Serdexmethylphenidate.

3 (b) Any material, compound, mixture, or preparation which contains
4 any quantity of the following substance, including its salts, isomers,
5 whether optical, position, or geometric, and salts of such isomers,
6 whenever the existence of such salts, isomers, and salts of isomers is
7 possible: Fenfluramine.

8 (c) Unless specifically excepted or unless listed in another
9 schedule, any material, compound, mixture, or preparation which contains
10 any quantity of the following substances having a stimulant effect on the
11 central nervous system, including their salts, isomers, whether optical,
12 position, or geometric, and salts of such isomers whenever the existence
13 of such salts, isomers, and salts of isomers is possible within the
14 specific chemical designation:

15 (1) Diethylpropion;

16 (2) Phentermine;

17 (3) Pemoline, including organometallic complexes and chelates
18 thereof;

19 (4) Mazindol;

20 (5) Pipradrol;

21 (6) SPA, ((-)-1-dimethylamino- 1,2-diphenylethane);

22 (7) Cathine. Another name for cathine is ((+)-norpseudoephedrine);

23 (8) Fencamfamin;

24 (9) Fenproporex;

25 (10) Mefenorex;

26 (11) Modafinil; and

27 (12) Sibutramine.

28 (d) Unless specifically excepted or unless listed in another
29 schedule, any material, compound, mixture, or preparation which contains
30 any quantity of the following narcotic drugs, or their salts or isomers
31 calculated as the free anhydrous base or alkaloid, in limited quantities

1 as set forth below:

2 (1) Propoxyphene in manufactured dosage forms;

3 (2) Not more than one milligram of difenoxin and not less than
4 twenty-five micrograms of atropine sulfate per dosage unit; and

5 (3) 2-[[dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its
6 salts, optical and geometric isomers, and salts of these isomers to
7 include: Tramadol.

8 (e) Unless specifically excepted or unless listed in another
9 schedule, any material, compound, mixture, or preparation which contains
10 any quantity of the following substance, including its salts:

11 (1) Pentazocine; and

12 (2) Butorphanol (including its optical isomers).

13 (f) Any material, compound, mixture, or preparation which contains
14 any quantity of the following substances, including its salts, isomers,
15 and salts of such isomers, whenever the existence of such salts, isomers,
16 and salts of isomers is possible: Lorcaserin.

17 (g)(1) Unless specifically excepted or unless listed in another
18 schedule, any material, compound, mixture, or preparation which contains
19 any quantity of the following substance, including its salts, optical
20 isomers, and salts of such optical isomers: Ephedrine.

21 (2) The following drug products containing ephedrine, its salts,
22 optical isomers, and salts of such optical isomers, are excepted from
23 subdivision (g)(1) of Schedule IV if they (A) are stored behind a
24 counter, in an area not accessible to customers, or in a locked case so
25 that a customer needs assistance from an employee to access the drug
26 product; (B) are sold by a person, eighteen years of age or older, in the
27 course of his or her employment to a customer eighteen years of age or
28 older with the following restrictions: No customer shall be allowed to
29 purchase, receive, or otherwise acquire more than three and six-tenths
30 grams of ephedrine base during a twenty-four-hour period; no customer
31 shall purchase, receive, or otherwise acquire more than nine grams of

1 ephedrine base during a thirty-day period; and the customer shall display
2 a valid driver's or operator's license, a Nebraska state identification
3 card, a military identification card, an alien registration card, or a
4 passport as proof of identification; (C) are labeled and marketed in a
5 manner consistent with the pertinent OTC Tentative Final or Final
6 Monograph; (D) are manufactured and distributed for legitimate medicinal
7 use in a manner that reduces or eliminates the likelihood of abuse; and
8 (E) are not marketed, advertised, or represented in any manner for the
9 indication of stimulation, mental alertness, euphoria, ecstasy, a buzz or
10 high, heightened sexual performance, or increased muscle mass:

11 (i) Primatene Tablets; and

12 (ii) Bronkaid Dual Action Caplets.

13 Schedule V

14 (a) Any compound, mixture, or preparation containing any of the
15 following limited quantities of narcotic drugs or salts calculated as the
16 free anhydrous base or alkaloid, which shall include one or more
17 nonnarcotic active medicinal ingredients in sufficient proportion to
18 confer upon the compound, mixture, or preparation valuable medicinal
19 qualities other than those possessed by the narcotic drug alone:

20 (1) Not more than two hundred milligrams of codeine per one hundred
21 milliliters or per one hundred grams;

22 (2) Not more than one hundred milligrams of dihydrocodeine per one
23 hundred milliliters or per one hundred grams;

24 (3) Not more than one hundred milligrams of ethylmorphine per one
25 hundred milliliters or per one hundred grams;

26 (4) Not more than two and five-tenths milligrams of diphenoxylate
27 and not less than twenty-five micrograms of atropine sulfate per dosage
28 unit;

29 (5) Not more than one hundred milligrams of opium per one hundred
30 milliliters or per one hundred grams; and

31 (6) Not more than five-tenths milligram of difenoxin and not less

1 than twenty-five micrograms of atropine sulfate per dosage unit.

2 (b) Unless specifically exempted or excluded or unless listed in
3 another schedule, any material, compound, mixture, or preparation which
4 contains any quantity of the following substances having a stimulant
5 effect on the central nervous system, including its salts, isomers, and
6 salts of isomers: Pyrovalerone.

7 (c) Unless specifically exempted or excluded or unless listed in
8 another schedule, any material, compound, mixture, or preparation which
9 contains any quantity of the following substances having a depressant
10 effect on the central nervous system, including its salts, isomers, and
11 salts of isomers:

12 (1) Ezogabine (N-(2-amino-4-(4-fluorobenzylamino)-phenyl)-carbamic
13 acid ethyl ester);

14 (2) Lacosamide ((R)-2-acetoamido-N-benzyl-3-methoxy-propionamide);

15 (3) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid);

16 (4) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]
17 butanamide) (also referred to as BRV; UCB-34714; Briviact), including its
18 salts;

19 (5) Cenobamate; and

20 (6) Lasmiditan.

21 Sec. 193. Section 28-416, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 28-416 (1) Except as authorized by the Uniform Controlled Substances
24 Act, it shall be unlawful for any person knowingly or intentionally: (a)
25 To manufacture, distribute, deliver, dispense, or possess with intent to
26 manufacture, distribute, deliver, or dispense a controlled substance; or
27 (b) to create, distribute, or possess with intent to distribute a
28 counterfeit controlled substance.

29 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
30 (10) of this section, any person who violates subsection (1) of this
31 section with respect to: (a) A controlled substance classified in

1 Schedule I, II, or III of section 28-405 which is an exceptionally
2 hazardous drug shall be guilty of a Class II felony; (b) any other
3 controlled substance classified in Schedule I, II, or III of section
4 28-405 shall be guilty of a Class IIA felony; or (c) a controlled
5 substance classified in Schedule IV or V of section 28-405 shall be
6 guilty of a Class IIIA felony.

7 (3) A person knowingly or intentionally possessing a controlled
8 substance, except ~~marijuana~~ or any substance containing a quantifiable
9 amount of the substances, chemicals, or compounds described, defined, or
10 delineated in subdivision (c)(24) ~~(e)(26)~~ of Schedule I of section
11 28-405, unless such substance was obtained directly or pursuant to a
12 medical order issued by a practitioner authorized to prescribe while
13 acting in the course of his or her professional practice, or except as
14 otherwise authorized by the act, shall be guilty of a Class IV felony. A
15 person shall not be in violation of this subsection if section 28-472 or
16 28-1701 applies.

17 (4)(a) Except as authorized by the Uniform Controlled Substances
18 Act, any person eighteen years of age or older who knowingly or
19 intentionally manufactures, distributes, delivers, dispenses, or
20 possesses with intent to manufacture, distribute, deliver, or dispense a
21 controlled substance or a counterfeit controlled substance (i) to a
22 person under the age of eighteen years, (ii) in, on, or within one
23 thousand feet of the real property comprising a public or private
24 elementary, vocational, or secondary school, a community college, a
25 public or private college, junior college, or university, or a
26 playground, or (iii) within one hundred feet of a public or private youth
27 center, public swimming pool, or video arcade facility shall be punished
28 by the next higher penalty classification than the penalty prescribed in
29 subsection (2), (7), (8), (9), or (10) of this section, depending upon
30 the controlled substance involved, for the first violation and for a
31 second or subsequent violation shall be punished by the next higher

1 penalty classification than that prescribed for a first violation of this
2 subsection, but in no event shall such person be punished by a penalty
3 greater than a Class IB felony.

4 (b) For purposes of this subsection:

5 (i) Playground means any outdoor facility, including any parking lot
6 appurtenant to the facility, intended for recreation, open to the public,
7 and with any portion containing three or more apparatus intended for the
8 recreation of children, including sliding boards, swingsets, and
9 teeterboards;

10 (ii) Video arcade facility means any facility legally accessible to
11 persons under eighteen years of age, intended primarily for the use of
12 pinball and video machines for amusement, and containing a minimum of ten
13 pinball or video machines; and

14 (iii) Youth center means any recreational facility or gymnasium,
15 including any parking lot appurtenant to the facility or gymnasium,
16 intended primarily for use by persons under eighteen years of age which
17 regularly provides athletic, civic, or cultural activities.

18 (5)(a) Except as authorized by the Uniform Controlled Substances
19 Act, it shall be unlawful for any person eighteen years of age or older
20 to knowingly and intentionally employ, hire, use, cause, persuade, coax,
21 induce, entice, seduce, or coerce any person under the age of eighteen
22 years to manufacture, transport, distribute, carry, deliver, dispense,
23 prepare for delivery, offer for delivery, or possess with intent to do
24 the same a controlled substance or a counterfeit controlled substance.

25 (b) Except as authorized by the Uniform Controlled Substances Act,
26 it shall be unlawful for any person eighteen years of age or older to
27 knowingly and intentionally employ, hire, use, cause, persuade, coax,
28 induce, entice, seduce, or coerce any person under the age of eighteen
29 years to aid and abet any person in the manufacture, transportation,
30 distribution, carrying, delivery, dispensing, preparation for delivery,
31 offering for delivery, or possession with intent to do the same of a

1 controlled substance or a counterfeit controlled substance.

2 (c) Any person who violates subdivision (a) or (b) of this
3 subsection shall be punished by the next higher penalty classification
4 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of
5 this section, depending upon the controlled substance involved, for the
6 first violation and for a second or subsequent violation shall be
7 punished by the next higher penalty classification than that prescribed
8 for a first violation of this subsection, but in no event shall such
9 person be punished by a penalty greater than a Class IB felony.

10 (6) It shall not be a defense to prosecution for violation of
11 subsection (4) or (5) of this section that the defendant did not know the
12 age of the person through whom the defendant violated such subsection.

13 (7) Any person who violates subsection (1) of this section with
14 respect to cocaine or any mixture or substance containing a detectable
15 amount of cocaine in a quantity of:

16 (a) One hundred forty grams or more shall be guilty of a Class IB
17 felony;

18 (b) At least twenty-eight grams but less than one hundred forty
19 grams shall be guilty of a Class IC felony; or

20 (c) At least ten grams but less than twenty-eight grams shall be
21 guilty of a Class ID felony.

22 (8) Any person who violates subsection (1) of this section with
23 respect to base cocaine (crack) or any mixture or substance containing a
24 detectable amount of base cocaine in a quantity of:

25 (a) One hundred forty grams or more shall be guilty of a Class IB
26 felony;

27 (b) At least twenty-eight grams but less than one hundred forty
28 grams shall be guilty of a Class IC felony; or

29 (c) At least ten grams but less than twenty-eight grams shall be
30 guilty of a Class ID felony.

31 (9) Any person who violates subsection (1) of this section with

1 respect to heroin or any mixture or substance containing a detectable
2 amount of heroin in a quantity of:

3 (a) One hundred forty grams or more shall be guilty of a Class IB
4 felony;

5 (b) At least twenty-eight grams but less than one hundred forty
6 grams shall be guilty of a Class IC felony; or

7 (c) At least ten grams but less than twenty-eight grams shall be
8 guilty of a Class ID felony.

9 (10) Any person who violates subsection (1) of this section with
10 respect to amphetamine, its salts, optical isomers, and salts of its
11 isomers, or with respect to methamphetamine, its salts, optical isomers,
12 and salts of its isomers, in a quantity of:

13 (a) One hundred forty grams or more shall be guilty of a Class IB
14 felony;

15 (b) At least twenty-eight grams but less than one hundred forty
16 grams shall be guilty of a Class IC felony; or

17 (c) At least ten grams but less than twenty-eight grams shall be
18 guilty of a Class ID felony.

19 ~~(11) Any person knowingly or intentionally possessing marijuana~~
20 ~~weighing more than one ounce but not more than one pound shall be guilty~~
21 ~~of a Class III misdemeanor.~~

22 ~~(12) Any person knowingly or intentionally possessing marijuana~~
23 ~~weighing more than one pound shall be guilty of a Class IV felony.~~

24 (11) ~~(13)~~ Except as provided in section 28-1701, any person
25 knowingly or intentionally possessing ~~marijuana weighing one ounce or~~
26 ~~less~~ or any substance containing a quantifiable amount of the substances,
27 chemicals, or compounds described, defined, or delineated in subdivision
28 (c)(24) ~~(e)(26)~~ of Schedule I of section 28-405 shall:

29 (a) For the first offense, be guilty of an infraction, receive a
30 citation, be fined three hundred dollars, and be assigned to attend a
31 course as prescribed in section 29-433 if the judge determines that

1 attending such course is in the best interest of the individual
2 defendant;

3 (b) For the second offense, be guilty of a Class IV misdemeanor,
4 receive a citation, and be fined four hundred dollars and may be
5 imprisoned not to exceed five days; and

6 (c) For the third and all subsequent offenses, be guilty of a Class
7 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and
8 be imprisoned not to exceed seven days.

9 (12) ~~(14)~~ Any person convicted of violating this section, if placed
10 on probation, shall, as a condition of probation, satisfactorily attend
11 and complete appropriate treatment and counseling on drug abuse provided
12 by a program authorized under the Nebraska Behavioral Health Services Act
13 or other licensed drug treatment facility.

14 (13) ~~(15)~~ Any person convicted of violating this section, if
15 sentenced to the Department of Correctional Services, shall attend
16 appropriate treatment and counseling on drug abuse.

17 (14) ~~(16)~~ Any person knowingly or intentionally possessing a firearm
18 while in violation of subsection (1) of this section shall be punished by
19 the next higher penalty classification than the penalty prescribed in
20 subsection (2), (7), (8), (9), or (10) of this section, but in no event
21 shall such person be punished by a penalty greater than a Class IB
22 felony.

23 (15) ~~(17)~~ A person knowingly or intentionally in possession of money
24 used or intended to be used to facilitate a violation of subsection (1)
25 of this section shall be guilty of a Class IV felony.

26 (16) ~~(18)~~ In addition to the existing penalties available for a
27 violation of subsection (1) of this section, including any criminal
28 attempt or conspiracy to violate subsection (1) of this section, a
29 sentencing court may order that any money, securities, negotiable
30 instruments, firearms, conveyances, or electronic communication devices
31 as defined in section 28-833 or any equipment, components, peripherals,

1 software, hardware, or accessories related to electronic communication
2 devices be forfeited as a part of the sentence imposed if it finds by
3 clear and convincing evidence adduced at a separate hearing in the same
4 prosecution, following conviction for a violation of subsection (1) of
5 this section, and conducted pursuant to section 28-1601, that any or all
6 such property was derived from, used, or intended to be used to
7 facilitate a violation of subsection (1) of this section.

8 (17) ~~(19)~~ In addition to the penalties provided in this section:

9 (a) If the person convicted or adjudicated of violating this section
10 is eighteen years of age or younger and has one or more licenses or
11 permits issued under the Motor Vehicle Operator's License Act:

12 (i) For the first offense, the court may, as a part of the judgment
13 of conviction or adjudication, (A) impound any such licenses or permits
14 for thirty days and (B) require such person to attend a drug education
15 class;

16 (ii) For a second offense, the court may, as a part of the judgment
17 of conviction or adjudication, (A) impound any such licenses or permits
18 for ninety days and (B) require such person to complete no fewer than
19 twenty and no more than forty hours of community service and to attend a
20 drug education class; and

21 (iii) For a third or subsequent offense, the court may, as a part of
22 the judgment of conviction or adjudication, (A) impound any such licenses
23 or permits for twelve months and (B) require such person to complete no
24 fewer than sixty hours of community service, to attend a drug education
25 class, and to submit to a drug assessment by a licensed alcohol and drug
26 counselor; and

27 (b) If the person convicted or adjudicated of violating this section
28 is eighteen years of age or younger and does not have a permit or license
29 issued under the Motor Vehicle Operator's License Act:

30 (i) For the first offense, the court may, as part of the judgment of
31 conviction or adjudication, (A) prohibit such person from obtaining any

1 permit or any license pursuant to the act for which such person would
2 otherwise be eligible until thirty days after the date of such order and
3 (B) require such person to attend a drug education class;

4 (ii) For a second offense, the court may, as part of the judgment of
5 conviction or adjudication, (A) prohibit such person from obtaining any
6 permit or any license pursuant to the act for which such person would
7 otherwise be eligible until ninety days after the date of such order and
8 (B) require such person to complete no fewer than twenty hours and no
9 more than forty hours of community service and to attend a drug education
10 class; and

11 (iii) For a third or subsequent offense, the court may, as part of
12 the judgment of conviction or adjudication, (A) prohibit such person from
13 obtaining any permit or any license pursuant to the act for which such
14 person would otherwise be eligible until twelve months after the date of
15 such order and (B) require such person to complete no fewer than sixty
16 hours of community service, to attend a drug education class, and to
17 submit to a drug assessment by a licensed alcohol and drug counselor.

18 A copy of an abstract of the court's conviction or adjudication
19 shall be transmitted to the Director of Motor Vehicles pursuant to
20 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a
21 juvenile is prohibited from obtaining a license or permit under this
22 subsection.

23 (18) It shall not be an offense for a person to use or possess
24 cannabis.

25 Sec. 194. Section 28-439, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 28-439 (1) As used in sections 28-101, 28-431, and 28-439 to
28 28-444, unless the context otherwise requires, drug paraphernalia shall
29 mean all equipment, products, and materials of any kind which are used,
30 intended for use, or designed for use, in manufacturing, injecting,
31 ingesting, inhaling, or otherwise introducing into the human body a

1 controlled substance in violation of sections 28-101, 28-431, and 28-439
2 to 28-444 or the Uniform Controlled Substances Act. It shall include, but
3 not be limited to, the following:

4 (a) ~~(1)~~ Diluents and adulterants, such as quinine hydrochloride,
5 mannitol, mannite, dextrose, and lactose, used, intended for use, or
6 designed for use in cutting controlled substances;

7 ~~(2) Separation gins and sifters used, intended for use, or designed~~
8 ~~for use in removing twigs and seeds from, or in otherwise cleaning or~~
9 ~~refining, marijuana;~~

10 (b) ~~(3)~~ Hypodermic syringes, needles, and other objects used,
11 intended for use, and designed for use in parenterally injecting
12 controlled substances into the human body; and

13 (c) ~~(4)~~ Objects used, intended for use, or designed for use in
14 ingesting, inhaling, or otherwise introducing ~~marijuana, cocaine,~~
15 ~~hashish, or hashish oil~~ into the human body. ~~, which shall include but~~
16 ~~not be limited to the following:~~

17 (2) Items used or intended for use in the consumption, manufacture,
18 cultivation, or processing of cannabis shall not be considered drug
19 paraphernalia.

20 ~~(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes~~
21 ~~with or without screens, permanent screens, hashish heads, or punctured~~
22 ~~metal bowls;~~

23 ~~(b) Water pipes;~~

24 ~~(c) Carburetion tubes and devices;~~

25 ~~(d) Smoking and carburetion masks;~~

26 ~~(e) Roach clips, meaning objects used to hold burning material, such~~
27 ~~as a marijuana cigarette, which has become too small or too short to be~~
28 ~~held in the hand;~~

29 ~~(f) Miniature cocaine spoons, and cocaine vials;~~

30 ~~(g) Chamber pipes;~~

31 ~~(h) Carburetor pipes;~~

- 1 ~~(i) Electric pipes;~~
- 2 ~~(j) Air driven pipes;~~
- 3 ~~(k) Chillums;~~
- 4 ~~(l) Bongs; and~~
- 5 ~~(m) Ice pipes or chillers.~~

6 Sec. 195. Section 28-476, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 28-476 (1) Any person other than the Department of Agriculture, a
9 cultivator, a processor-handler, or an approved testing facility who is
10 transporting hemp shall carry with such hemp being transported (a) a bill
11 of lading indicating the owner of the hemp, the point of origin of the
12 hemp, and the destination of the hemp and (b) either a copy of the test
13 results pertaining to such hemp or other documentation affirming that the
14 hemp was produced in compliance with the federal Agriculture Improvement
15 Act of 2018.

16 (2)(a) No person shall carry or transport hemp in this state unless
17 such hemp is:

18 (i) Produced in compliance with:

19 (A) For hemp originating in this state, the requirements of the
20 federal Agriculture Improvement Act of 2018 under the Nebraska Hemp
21 Farming Act and any rules and regulations adopted and promulgated
22 thereunder, a tribal hemp production plan approved by the United States
23 Secretary of Agriculture, or the United States Department of Agriculture
24 Domestic Hemp Production Plan; or

25 (B) For hemp originating outside this state, the requirements of the
26 federal Agriculture Improvement Act of 2018; and

27 (ii) Carried or transported as provided in section 2-515 or
28 subsection (1) of this section.

29 (b) No person shall transport hemp in this state concurrently with
30 any other plant material that is not hemp.

31 (3)(a) A peace officer may detain any person carrying or

1 transporting hemp in this state if such person does not provide the
2 documentation required by this section and section 2-515. Unless the
3 peace officer has probable cause to believe the hemp is, or is being
4 carried or transported with, cannabis marijuana or any ~~other~~ controlled
5 substance, the peace officer shall immediately release the hemp and the
6 person carrying or transporting such hemp upon production of such
7 documentation.

8 (b) The failure of a person detained as described in this subsection
9 to produce documentation required by this section shall constitute
10 probable cause to believe the hemp may be cannabis marijuana or a another
11 controlled substance. In such case, a peace officer may collect such hemp
12 for testing to determine the delta-9 tetrahydrocannabinol concentration
13 in the hemp, and, if the peace officer has probable cause to believe the
14 person detained is carrying or transporting cannabis marijuana or a any
15 ~~other~~ controlled substance in violation of state or federal law, the
16 peace officer may seize and impound the hemp, cannabis, or ~~marijuana~~ or
17 ~~other~~ controlled substance and arrest such person.

18 (c) This subsection does not limit or restrict in any way the power
19 of a peace officer to enforce violations of the Uniform Controlled
20 Substances Act, the Cannabis Control Act, and federal law regulating
21 ~~marijuana and other~~ controlled substances.

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

26 (5) This section does not apply to a person transporting hemp
27 products purchased at retail in small amounts for personal or household
28 use and not intended for resale.

29 (6) For purposes of this section:

30 (a) Agriculture Improvement Act of 2018 has the same meaning as in
31 section 2-503;

1 (b) Approved testing facility has the same meaning as in section
2 2-503;

3 (c) Cultivator has the same meaning as in section 2-503; and

4 (d) Processor-handler has the same meaning as in section 2-503.

5 Sec. 196. Section 28-1354, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 28-1354 For purposes of the Public Protection Act:

8 (1) Enterprise means any individual, sole proprietorship,
9 partnership, corporation, trust, association, or any legal entity, union,
10 or group of individuals associated in fact although not a legal entity,
11 and shall include illicit as well as licit enterprises as well as other
12 entities;

13 (2) Pattern of racketeering activity means a cumulative loss for one
14 or more victims or gains for the enterprise of not less than one thousand
15 five hundred dollars resulting from at least two acts of racketeering
16 activity, one of which occurred after August 30, 2009, and the last of
17 which occurred within ten years, excluding any period of imprisonment,
18 after the commission of a prior act of racketeering activity;

19 (3) Until January 1, 2017, person means any individual or entity, as
20 defined in section 21-2014, holding or capable of holding a legal,
21 equitable, or beneficial interest in property. Beginning January 1, 2017,
22 person means any individual or entity, as defined in section 21-214,
23 holding or capable of holding a legal, equitable, or beneficial interest
24 in property;

25 (4) Prosecutor includes the Attorney General of the State of
26 Nebraska, the deputy attorney general, assistant attorneys general, a
27 county attorney, a deputy county attorney, or any person so designated by
28 the Attorney General, a county attorney, or a court of the state to carry
29 out the powers conferred by the act;

30 (5) Racketeering activity includes the commission of, criminal
31 attempt to commit, conspiracy to commit, aiding and abetting in the

1 commission of, aiding in the consummation of, acting as an accessory to
2 the commission of, or the solicitation, coercion, or intimidation of
3 another to commit or aid in the commission of any of the following:

4 (a) Offenses against the person which include: Murder in the first
5 degree under section 28-303; murder in the second degree under section
6 28-304; manslaughter under section 28-305; assault in the first degree
7 under section 28-308; assault in the second degree under section 28-309;
8 assault in the third degree under section 28-310; terroristic threats
9 under section 28-311.01; kidnapping under section 28-313; false
10 imprisonment in the first degree under section 28-314; false imprisonment
11 in the second degree under section 28-315; sexual assault in the first
12 degree under section 28-319; and robbery under section 28-324;

13 (b) Offenses relating to controlled substances which include: To
14 unlawfully manufacture, distribute, deliver, dispense, or possess with
15 intent to manufacture, distribute, deliver, or dispense a controlled
16 substance under subsection (1) of section 28-416; ~~possession of marijuana~~
17 ~~weighing more than one pound under subsection (12) of section 28-416;~~
18 possession of money used or intended to be used to facilitate a violation
19 of subsection (1) of section 28-416 prohibited under subsection (15) ~~(17)~~
20 of section 28-416; any violation of section 28-418; to unlawfully
21 manufacture, distribute, deliver, or possess with intent to distribute or
22 deliver an imitation controlled substance under section 28-445;
23 possession of anhydrous ammonia with the intent to manufacture
24 methamphetamine under section 28-451; and possession of ephedrine,
25 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
26 methamphetamine under section 28-452;

27 (c) Offenses against property which include: Arson in the first
28 degree under section 28-502; arson in the second degree under section
29 28-503; arson in the third degree under section 28-504; burglary under
30 section 28-507; theft by unlawful taking or disposition under section
31 28-511; theft by shoplifting under section 28-511.01; theft by deception

1 under section 28-512; theft by extortion under section 28-513; theft of
2 services under section 28-515; theft by receiving stolen property under
3 section 28-517; criminal mischief under section 28-519; and unlawfully
4 depriving or obtaining property or services using a computer under
5 section 28-1344;

6 (d) Offenses involving fraud which include: Burning to defraud an
7 insurer under section 28-505; forgery in the first degree under section
8 28-602; forgery in the second degree under section 28-603; criminal
9 possession of a forged instrument under section 28-604; criminal
10 possession of written instrument forgery devices under section 28-605;
11 criminal impersonation under section 28-638; identity theft under section
12 28-639; identity fraud under section 28-640; false statement or book
13 entry under section 28-612; tampering with a publicly exhibited contest
14 under section 28-614; issuing a false financial statement for purposes of
15 obtaining a financial transaction device under section 28-619;
16 unauthorized use of a financial transaction device under section 28-620;
17 criminal possession of a financial transaction device under section
18 28-621; unlawful circulation of a financial transaction device in the
19 first degree under section 28-622; unlawful circulation of a financial
20 transaction device in the second degree under section 28-623; criminal
21 possession of a blank financial transaction device under section 28-624;
22 criminal sale of a blank financial transaction device under section
23 28-625; criminal possession of a financial transaction forgery device
24 under section 28-626; unlawful manufacture of a financial transaction
25 device under section 28-627; laundering of sales forms under section
26 28-628; unlawful acquisition of sales form processing services under
27 section 28-629; unlawful factoring of a financial transaction device
28 under section 28-630; and fraudulent insurance acts under section 28-631;

29 (e) Offenses involving governmental operations which include: Abuse
30 of public records under section 28-911; perjury or subornation of perjury
31 under section 28-915; bribery under section 28-917; bribery of a witness

1 under section 28-918; tampering with a witness or informant or jury
2 tampering under section 28-919; bribery of a juror under section 28-920;
3 assault on an officer, an emergency responder, a state correctional
4 employee, a Department of Health and Human Services employee, or a health
5 care professional in the first degree under section 28-929; assault on an
6 officer, an emergency responder, a state correctional employee, a
7 Department of Health and Human Services employee, or a health care
8 professional in the second degree under section 28-930; assault on an
9 officer, an emergency responder, a state correctional employee, a
10 Department of Health and Human Services employee, or a health care
11 professional in the third degree under section 28-931; and assault on an
12 officer, an emergency responder, a state correctional employee, a
13 Department of Health and Human Services employee, or a health care
14 professional using a motor vehicle under section 28-931.01;

15 (f) Offenses involving gambling which include: Promoting gambling in
16 the first degree under section 28-1102; possession of gambling records
17 under section 28-1105; gambling debt collection under section 28-1105.01;
18 and possession of a gambling device under section 28-1107;

19 (g) Offenses relating to firearms, weapons, and explosives which
20 include: Carrying a concealed weapon under section 28-1202;
21 transportation or possession of machine guns, short rifles, or short
22 shotguns under section 28-1203; unlawful possession of a handgun under
23 section 28-1204; unlawful transfer of a firearm to a juvenile under
24 section 28-1204.01; possession of a firearm by a prohibited juvenile
25 offender under section 28-1204.05; using a deadly weapon to commit a
26 felony or possession of a deadly weapon during the commission of a felony
27 under section 28-1205; possession of a deadly weapon by a prohibited
28 person under section 28-1206; possession of a defaced firearm under
29 section 28-1207; defacing a firearm under section 28-1208; unlawful
30 discharge of a firearm under section 28-1212.02; possession, receipt,
31 retention, or disposition of a stolen firearm under section 28-1212.03;

1 unlawful possession of explosive materials in the first degree under
2 section 28-1215; unlawful possession of explosive materials in the second
3 degree under section 28-1216; unlawful sale of explosives under section
4 28-1217; use of explosives without a permit under section 28-1218;
5 obtaining an explosives permit through false representations under
6 section 28-1219; possession of a destructive device under section
7 28-1220; threatening the use of explosives or placing a false bomb under
8 section 28-1221; using explosives to commit a felony under section
9 28-1222; using explosives to damage or destroy property under section
10 28-1223; and using explosives to kill or injure any person under section
11 28-1224;

12 (h) Any violation of the Securities Act of Nebraska pursuant to
13 section 8-1117;

14 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
15 section 77-2713;

16 (j) Offenses relating to public health and morals which include:
17 Prostitution under section 28-801; pandering under section 28-802;
18 keeping a place of prostitution under section 28-804; labor trafficking,
19 sex trafficking, labor trafficking of a minor, or sex trafficking of a
20 minor under section 28-831; a violation of section 28-1005; and any act
21 relating to the visual depiction of sexually explicit conduct prohibited
22 in the Child Pornography Prevention Act; and

23 (k) A violation of the Computer Crimes Act;

24 (6) State means the State of Nebraska or any political subdivision
25 or any department, agency, or instrumentality thereof; and

26 (7) Unlawful debt means a debt of at least one thousand five hundred
27 dollars:

28 (a) Incurred or contracted in gambling activity which was in
29 violation of federal law or the law of the state or which is
30 unenforceable under state or federal law in whole or in part as to
31 principal or interest because of the laws relating to usury; or

1 (b) Which was incurred in connection with the business of gambling
2 in violation of federal law or the law of the state or the business of
3 lending money or a thing of value at a rate usurious under state law if
4 the usurious rate is at least twice the enforceable rate.

5 Sec. 197. Section 28-1701, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 28-1701 (1) A person shall not be arrested or prosecuted for an
8 eligible alcohol or drug offense if such person witnessed or was the
9 victim of a sexual assault and such person:

10 (a) Either:

11 (i) In good faith, reported such sexual assault to law enforcement;
12 or

13 (ii) Requested emergency medical assistance for the victim of the
14 sexual assault; and

15 (b) Evidence supporting the arrest or prosecution of the eligible
16 alcohol or drug offense was obtained or discovered as a result of such
17 person reporting such sexual assault to law enforcement or requesting
18 emergency medical assistance.

19 (2) A person shall not be arrested or prosecuted for an eligible
20 alcohol or drug offense if:

21 (a) Evidence supporting the arrest or prosecution of the person for
22 the offense was obtained or discovered as a result of the investigation
23 or prosecution of a sexual assault; and

24 (b) Such person cooperates with law enforcement in the investigation
25 or prosecution of the sexual assault.

26 (3) For purposes of this section:

27 (a) Eligible alcohol or drug offense means:

28 (i) A violation of subsection (3) or (11) ~~(13)~~ of section 28-416 or
29 of section 28-441;

30 (ii) A violation of section 53-180.02 committed by a person older
31 than eighteen years of age and under the age of twenty-one years, as

1 described in subdivision (4)(a) of section 53-180.05;

2 (iii) A violation of a city or village ordinance similar to
3 subdivision (3)(a)(i) or (ii) of this section; or

4 (iv) Attempt, conspiracy, solicitation, being an accessory to,
5 aiding and abetting, aiding the consummation of, or compounding a felony
6 with any of the offenses in subdivision (3)(a)(i), (ii), or (iii) of this
7 section as the underlying offense; and

8 (b) Sexual assault means:

9 (i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320,
10 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,
11 28-322.05, 28-703, or 28-1463.03, sex trafficking or sex trafficking of a
12 minor under section 28-831, or subdivision (1)(c) or (g) of section
13 28-386 or subdivision (1)(d), (e), or (f) of section 28-707; or

14 (ii) Attempt, conspiracy, solicitation, being an accessory to,
15 aiding and abetting, aiding the consummation of, or compounding a felony
16 with any of the offenses listed in subdivision (3)(b)(i) of this section
17 as the underlying offense.

18 Sec. 198. Section 43-292, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 43-292 The court may terminate all parental rights between the
21 parents or the mother of a juvenile born out of wedlock and such juvenile
22 when the court finds such action to be in the best interests of the
23 juvenile and it appears by the evidence that one or more of the following
24 conditions exist:

25 (1) The parents have abandoned the juvenile for six months or more
26 immediately prior to the filing of the petition;

27 (2) The parents have substantially and continuously or repeatedly
28 neglected and refused to give the juvenile or a sibling of the juvenile
29 necessary parental care and protection;

30 (3) The parents, being financially able, have willfully neglected to
31 provide the juvenile with the necessary subsistence, education, or other

1 care necessary for his or her health, morals, or welfare or have
2 neglected to pay for such subsistence, education, or other care when
3 legal custody of the juvenile is lodged with others and such payment
4 ordered by the court;

5 (4) The parents are unfit by reason of debauchery, habitual use of
6 intoxicating liquor or narcotic drugs, or repeated lewd and lascivious
7 behavior, which conduct is found by the court to be seriously detrimental
8 to the health, morals, or well-being of the juvenile. A person's parental
9 rights shall not be terminated for actions that are lawful under the
10 Cannabis Control Act absent clear, convincing, and articulable evidence
11 that such actions have created an unreasonable danger to the safety of a
12 minor child;

13 (5) The parents are unable to discharge parental responsibilities
14 because of mental illness or mental deficiency and there are reasonable
15 grounds to believe that such condition will continue for a prolonged
16 indeterminate period;

17 (6) Following a determination that the juvenile is one as described
18 in subdivision (3)(a) of section 43-247, reasonable efforts to preserve
19 and reunify the family if required under section 43-283.01, under the
20 direction of the court, have failed to correct the conditions leading to
21 the determination;

22 (7) The juvenile has been in an out-of-home placement for fifteen or
23 more months of the most recent twenty-two months;

24 (8) The parent has inflicted upon the juvenile, by other than
25 accidental means, serious bodily injury;

26 (9) The parent of the juvenile has subjected the juvenile or another
27 minor child to aggravated circumstances, including, but not limited to,
28 abandonment, torture, chronic abuse, or sexual abuse;

29 (10) The parent has (a) committed murder of another child of the
30 parent, (b) committed voluntary manslaughter of another child of the
31 parent, (c) aided or abetted, attempted, conspired, or solicited to

1 commit murder, or aided or abetted voluntary manslaughter of the juvenile
2 or another child of the parent, or (d) committed a felony assault that
3 resulted in serious bodily injury to the juvenile or another minor child
4 of the parent; or

5 (11) One parent has been convicted of felony sexual assault of the
6 other parent under section 28-319.01 or 28-320.01 or a comparable crime
7 in another state.

8 Sec. 199. A person shall not be denied custody, visitation, or
9 parenting time based solely on the fact that such person is engaged in
10 conduct that is lawful under the Cannabis Control Act, unless such
11 conduct creates an unreasonable danger to the child or is otherwise
12 contrary to the best interests of the child.

13 Sec. 200. Section 60-6,211.08, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 60-6,211.08 (1) For purposes of this section:

16 (a) Alcoholic beverage means (i) beer, ale, porter, stout, and other
17 similar fermented beverages, including sake or similar products, of any
18 name or description containing one-half of one percent or more of alcohol
19 by volume, brewed or produced from malt, wholly or in part, or from any
20 substitute therefor, (ii) wine of not less than one-half of one percent
21 of alcohol by volume, or (iii) distilled spirits which is that substance
22 known as ethyl alcohol, ethanol, or spirits of wine in any form,
23 including all dilutions and mixtures thereof from whatever source or by
24 whatever process produced. Alcoholic beverage does not include trace
25 amounts not readily consumable as a beverage;

26 (b) Cannabis has the same meaning as in section 3 of this act;

27 (c) ~~(b)~~ Highway means a road or street including the entire area
28 within the right-of-way;

29 (d) ~~(e)~~ Limousine means a luxury vehicle used to provide prearranged
30 passenger transportation on a dedicated basis at a premium fare that has
31 a seating capacity of at least five and no more than fourteen persons

1 behind the driver with a physical partition separating the driver seat
2 from the passenger compartment. Limousine does not include taxicabs,
3 hotel or airport buses or shuttles, or buses;

4 (e) ~~(d)~~ Open ~~alcoholic beverage~~ container, except as provided in
5 subsection (3) of section 53-123.04 and subdivision (1)(c) of section
6 53-123.11, means any bottle, can, or other receptacle:

7 (i) That contains any amount of alcoholic beverage or cannabis; and

8 (ii)(A) That is open or has a broken seal or (B) the contents of
9 which are partially removed; and

10 (f) ~~(e)~~ Passenger area means the area designed to seat the driver
11 and passengers while the motor vehicle is in operation and any area that
12 is readily accessible to the driver or a passenger while in their seating
13 positions, including any compartments in such area. Passenger area does
14 not include the area behind the last upright seat of such motor vehicle
15 if the area is not normally occupied by the driver or a passenger and the
16 motor vehicle is not equipped with a trunk.

17 (2) Except as otherwise provided in this section, it is unlawful for
18 any person in the passenger area of a motor vehicle to possess an open
19 ~~alcoholic beverage~~ container while the motor vehicle is located in a
20 public parking area or on any highway in this state.

21 (3) Except as provided in section 53-186 or subsection (4) of this
22 section, it is unlawful for any person to consume an alcoholic beverage
23 or cannabis (a) in a public parking area or on any highway in this state
24 or (b) inside a motor vehicle while in a public parking area or on any
25 highway in this state.

26 (4) This section does not apply to possession or consumption of
27 alcoholic beverages by persons who are passengers of, but not drivers of,
28 a limousine or bus being used in a charter or special party service as
29 defined by rules and regulations adopted and promulgated by the Public
30 Service Commission and subject to Chapter 75, article 3. Such passengers
31 may possess open ~~alcoholic beverage~~ containers of alcoholic beverages and

1 may consume alcoholic beverages while such limousine or bus is in a
2 public parking area or on any highway in this state if (a) the driver of
3 the limousine or bus is prohibited from consuming alcoholic liquor and
4 (b) alcoholic liquor is not present in any area that is readily
5 accessible to the driver while in the driver's seat, including any
6 compartments in such area.

7 Sec. 201. Section 71-5727, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 71-5727 Smoke or smoking means inhaling, exhaling, burning, or
10 carrying any lighted or heated cigar, cigarette, pipe, hookah, or any
11 other lighted or heated tobacco, cannabis as defined in section 3 of this
12 act, or plant product intended for inhalation, whether natural or
13 synthetic, in any manner or in any form. The term includes the use of an
14 electronic smoking device or similar device for cannabis which creates an
15 aerosol or vapor, in any manner or in any form.

16 Sec. 202. Section 77-2701.02, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 77-2701.02 Pursuant to section 77-2715.01:

19 (1) Until July 1, 1998, the rate of the sales tax levied pursuant to
20 section 77-2703 shall be five percent;

21 (2) Commencing July 1, 1998, and until July 1, 1999, the rate of the
22 sales tax levied pursuant to section 77-2703 shall be four and one-half
23 percent;

24 (3) Commencing July 1, 1999, and until the start of the first
25 calendar quarter after July 20, 2002, the rate of the sales tax levied
26 pursuant to section 77-2703 shall be five percent; and

27 (4) Commencing on the start of the first calendar quarter after July
28 20, 2002, the rate of the sales tax levied pursuant to section 77-2703
29 shall be five and one-half percent, except that the rate of the sales tax
30 levied on sales of cannabis by cannabis stores to consumers under the
31 Cannabis Control Act shall be fifteen percent.

1 Sec. 203. Section 77-2701.48, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 77-2701.48 (1) Bundled transaction means the retail sale of two or
4 more products, except real property and services to real property, when
5 (a) the products are otherwise distinct and identifiable and (b) the
6 products are sold for one non-itemized price. Bundled transaction does
7 not include the sale of any products in which the sales price varies, or
8 is negotiable, based on the selection by the purchaser of the products
9 included in the transaction.

10 (2) Distinct and identifiable products do not include:

11 (a) Packaging, such as containers, boxes, sacks, bags, and bottles
12 or other materials such as wrapping, labels, tags, and instruction guides
13 that accompany the retail sale of the products and are incidental or
14 immaterial to the retail sale thereof. Examples of packaging that are
15 incidental or immaterial include grocery sacks, shoeboxes, dry cleaning
16 garment bags, and express delivery envelopes and boxes;

17 (b) A product provided free of charge with the required purchase of
18 another product. A product is provided free of charge if the sales price
19 of the product purchased does not vary depending on the inclusion of the
20 product provided free of charge; and

21 (c) Items included in the definition of sales price pursuant to
22 section 77-2701.35.

23 (3) One non-itemized price does not include a price that is
24 separately identified by product on binding sales or other supporting
25 sales-related documentation made available to the customer in paper or
26 electronic form, including, but not limited to, an invoice, bill of sale,
27 receipt, contract, service agreement, lease agreement, periodic notice of
28 rates and services, rate card, or price list.

29 (4) A transaction that otherwise meets the definition of a bundled
30 transaction is not a bundled transaction if it is (a) the retail sale of
31 tangible personal property and a service where the tangible personal

1 property is essential to the use of the service, and is provided
2 exclusively in connection with the service, and the true object of the
3 transaction is the service, (b) the retail sale of services when one
4 service is provided that is essential to the use or receipt of a second
5 service and the first service is provided exclusively in connection with
6 the second service and the true object of the transaction is the second
7 service, or (c) a transaction that includes taxable products and
8 nontaxable products and the purchase price or sales price of the taxable
9 products is de minimus. De minimus means the seller's purchase price or
10 sales price of the taxable products is ten percent or less of the total
11 purchase price or sales price of the bundled products. Sellers shall use
12 either the purchase price or the sales price of the products to determine
13 if the taxable products are de minimus. Sellers may not use a combination
14 of the purchase price and sales price of the products to determine if the
15 taxable products are de minimus. Sellers shall use the full term of a
16 service contract to determine if the taxable products are de minimus.

17 (5) Bundled transaction does not include the retail sale of exempt
18 tangible personal property and taxable tangible personal property if (a)
19 the transaction includes food and food ingredients, drugs, durable
20 medical equipment, mobility enhancing equipment, over-the-counter drugs,
21 prosthetic devices, or medical supplies as such terms are defined in
22 section 77-2704.09 and (b) the seller's purchase price or sales price of
23 the taxable tangible personal property is fifty percent or less of the
24 total purchase price or sales price of the bundled tangible personal
25 property. Sellers may not use a combination of the purchase price and
26 sales price of the tangible personal property when making the fifty-
27 percent determination for a transaction.

28 Sec. 204. Section 77-2704.09, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 77-2704.09 (1) Sales and use taxes shall not be imposed on the gross
31 receipts from the sale, lease, or rental of and the storage, use, or

1 other consumption in this state of (a) insulin, (b) mobility enhancing
2 equipment and drugs, not including over-the-counter drugs, when sold for
3 a patient's use under a prescription, and (c) the following when sold for
4 a patient's use under a prescription and which are of the type eligible
5 for coverage under the medical assistance program established pursuant to
6 the Medical Assistance Act: Durable medical equipment; home medical
7 supplies; prosthetic devices; oxygen; and oxygen equipment.

8 (2) For purposes of this section:

9 (a)(i) ~~(a)~~ Drug means a compound, substance, preparation, and
10 component of a compound, substance, or preparation, other than food and
11 food ingredients, dietary supplements, or alcoholic beverages:

12 (A) ~~(i)~~ Recognized in the official United States Pharmacopoeia,
13 official Homeopathic Pharmacopoeia of the United States, or official
14 National Formulary, and any supplement to any of them;

15 (B) ~~(ii)~~ Intended for use in the diagnosis, cure, mitigation,
16 treatment, or prevention of disease; or

17 (C) ~~(iii)~~ Intended to affect the structure or any function of the
18 body; and

19 (ii) Drug does not include cannabis obtained pursuant to the
20 Cannabis Control Act;

21 (b) Durable medical equipment means equipment which can withstand
22 repeated use, is primarily and customarily used to serve a medical
23 purpose, generally is not useful to a person in the absence of illness or
24 injury, is appropriate for use in the home, and is not worn in or on the
25 body. Durable medical equipment includes repair and replacement parts for
26 such equipment;

27 (c) Home medical supplies means supplies primarily and customarily
28 used to serve a medical purpose which are appropriate for use in the home
29 and are generally not useful to a person in the absence of illness or
30 injury;

31 (d) Mobility enhancing equipment means equipment which is primarily

1 and customarily used to provide or increase the ability to move from one
2 place to another, which is not generally used by persons with normal
3 mobility, and which is appropriate for use either in a home or a motor
4 vehicle. Mobility enhancing equipment includes repair and replacement
5 parts for such equipment. Mobility enhancing equipment does not include
6 any motor vehicle or equipment on a motor vehicle normally provided by a
7 motor vehicle manufacturer;

8 (e) Over-the-counter drug means a drug that contains a label that
9 identifies the product as a drug as required by 21 C.F.R. 201.66, as such
10 regulation existed on January 1, 2003. The over-the-counter drug label
11 includes a drug facts panel or a statement of the active ingredients with
12 a list of those ingredients contained in the compound, substance, or
13 preparation;

14 (f) Oxygen equipment means oxygen cylinders, cylinder transport
15 devices including sheaths and carts, cylinder studs and support devices,
16 regulators, flowmeters, tank wrenches, oxygen concentrators, liquid
17 oxygen base dispensers, liquid oxygen portable dispensers, oxygen tubing,
18 nasal cannulas, face masks, oxygen humidifiers, and oxygen fittings and
19 accessories;

20 (g) Prescription means an order, formula, or recipe issued in any
21 form of oral, written, electronic, or other means of transmission by a
22 duly licensed practitioner authorized under the Uniform Credentialing
23 Act; and

24 (h) Prosthetic devices means a replacement, corrective, or
25 supportive device worn on or in the body to artificially replace a
26 missing portion of the body, prevent or correct physical deformity or
27 malfunction, or support a weak or deformed portion of the body, and
28 includes any supplies used with such device and repair and replacement
29 parts.

30 Sec. 205. Section 77-27,132, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 77-27,132 (1) There is hereby created a fund to be designated the
2 Revenue Distribution Fund which shall be set apart and maintained by the
3 Tax Commissioner. Revenue not required to be credited to the General Fund
4 or any other specified fund may be credited to the Revenue Distribution
5 Fund. Credits and refunds of such revenue shall be paid from the Revenue
6 Distribution Fund. The balance of the amount credited, after credits and
7 refunds, shall be allocated as provided by the statutes creating such
8 revenue.

9 (2) The Tax Commissioner shall pay to a depository bank designated
10 by the State Treasurer all amounts collected under the Nebraska Revenue
11 Act of 1967. The Tax Commissioner shall present to the State Treasurer
12 bank receipts showing amounts so deposited in the bank, and of the
13 amounts so deposited the State Treasurer shall:

14 (a) For transactions occurring on or after October 1, 2014, and
15 before October 1, 2027, credit to the Game and Parks Commission Capital
16 Maintenance Fund all of the proceeds of the sales and use taxes imposed
17 pursuant to section 77-2703 on the sale or lease of motorboats as defined
18 in section 37-1204, personal watercraft as defined in section 37-1204.01,
19 all-terrain vehicles as defined in section 60-103, and utility-type
20 vehicles as defined in section 60-135.01;

21 (b) Credit to the Highway Trust Fund all of the proceeds of the
22 sales and use taxes derived from the sale or lease for periods of more
23 than thirty-one days of motor vehicles, trailers, and semitrailers,
24 except that the proceeds equal to any sales tax rate provided for in
25 section 77-2701.02 that is in excess of five percent derived from the
26 sale or lease for periods of more than thirty-one days of motor vehicles,
27 trailers, and semitrailers shall be credited to the Highway Allocation
28 Fund;

29 (c) For transactions occurring on or after July 1, 2013, and before
30 July 1, 2033, of the proceeds of the sales and use taxes derived from
31 transactions other than those listed in subdivisions (2)(a), ~~and (b)~~, and

1 (e) of this section from a sales tax rate of one-quarter of one percent,
2 credit monthly eighty-five percent to the State Highway Capital
3 Improvement Fund and fifteen percent to the Highway Allocation Fund;~~and~~

4 (d) Of the proceeds of the sales and use taxes derived from
5 transactions other than those listed in subdivisions (2)(a), ~~and (b)~~, and
6 (e) of this section, credit to the Property Tax Credit Cash Fund the
7 amount certified under section 77-27,237, if any such certification is
8 made; and -

9 (e) Credit the proceeds of the sales and use taxes imposed pursuant
10 to section 77-2703 on the sale of cannabis by cannabis stores to
11 consumers under the Cannabis Control Act as follows:

12 (i) Ten percent shall be distributed to the Department of Health and
13 Human Services for drug education and treatment programs;

14 (ii) Ten percent shall be transferred to the Affordable Housing
15 Trust Fund; and

16 (iii) Eighty percent shall be transferred to the Property Tax Credit
17 Cash Fund.

18 The balance of all amounts collected under the Nebraska Revenue Act
19 of 1967 shall be credited to the General Fund.

20 Sec. 206. Section 77-4301, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 77-4301 For purposes of sections 77-4301 to 77-4316:

23 (1) Controlled substance means ~~shall mean~~ any drug or substance,
24 including an imitation controlled substance, that is held, possessed,
25 transported, transferred, sold, or offered to be sold in violation of
26 Nebraska law. Controlled substance does ~~shall~~ not include cannabis
27 marijuana;

28 (2) Dealer means ~~shall mean~~ a person who, in violation of Nebraska
29 law, manufactures, produces, ships, transports, or imports into Nebraska
30 or in any manner acquires or possesses ~~six or more ounces of marijuana,~~
31 seven or more grams of any controlled substance which is sold by weight,

1 or ten or more dosage units of any controlled substance which is not sold
2 by weight;

3 (3) Imitation controlled substance has ~~shall~~ have the meaning as
4 provided in section 28-401; and

5 (4) Cannabis ~~has Marijuana~~ shall have the meaning as provided in
6 section 3 of this act ~~28-401~~.

7 Sec. 207. Section 77-4302, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 77-4302 No dealer may possess ~~marijuana~~ or controlled substances
10 upon which a tax is imposed by section 77-4303 unless the tax has been
11 paid on the ~~marijuana~~ or controlled substance as evidenced by an official
12 stamp, label, or other indicium.

13 Sec. 208. Section 77-4303, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 77-4303 (1) A tax is hereby imposed on ~~marijuana~~ and controlled
16 substances at the following rates:

17 ~~(a) On each ounce of marijuana or each portion of an ounce, one~~
18 ~~hundred dollars;~~

19 ~~(a) (b)~~ (a) On each gram or portion of a gram of a controlled substance
20 that is customarily sold by weight or volume, one hundred fifty dollars;
21 or

22 ~~(b) (c)~~ (b) On each fifty dosage units or portion thereof of a
23 controlled substance that is not customarily sold by weight, five hundred
24 dollars.

25 (2) For purposes of calculating the tax under this section,
26 ~~marijuana~~ or any controlled substance that is customarily sold by weight
27 or volume shall be measured by the weight of the substance in the
28 dealer's possession. The weight shall be the actual weight, if known, or
29 the estimated weight as determined by the Nebraska State Patrol or other
30 law enforcement agency. Such determination shall be presumed to be the
31 weight of such ~~marijuana~~ or controlled substances for purposes of

1 sections 77-4301 to 77-4316.

2 (3) The tax shall not be imposed upon a person registered or
3 otherwise lawfully in possession of ~~marijuana~~ or a controlled substance
4 pursuant to Chapter 28, article 4.

5 Sec. 209. Section 77-4304, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 77-4304 (1) Subject to the rules and regulations of the Tax
8 Commissioner, official stamps, labels, or other indicia to be affixed to
9 all ~~marijuana~~ and controlled substances shall be purchased from the
10 Department of Revenue. The purchaser shall pay one hundred percent of
11 face value for each official stamp, label, or other indicium purchased
12 and shall not be required to give his or her name, address, social
13 security number, or other identifying information.

14 (2) The Tax Commissioner shall adopt a uniform system of providing,
15 affixing, and displaying an official stamp, label, or other indicium for
16 ~~marijuana~~ and controlled substances on which a tax is imposed. Official
17 stamps, labels, or other indicia shall expire six months from the date of
18 issuance.

19 Sec. 210. Section 77-4305, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 77-4305 The tax imposed upon ~~marijuana~~ and controlled substances by
22 section 77-4303 shall be due and payable immediately upon acquisition or
23 possession of ~~marijuana~~ and controlled substances in this state by a
24 dealer.

25 Sec. 211. Section 77-4306, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 77-4306 If a dealer acquires or ships, transports, or imports into
28 this state ~~marijuana~~ or a controlled substance and if the official stamp,
29 label, or indicium evidencing the payment of the tax has not already been
30 affixed, the dealer shall have it permanently affixed on the ~~marijuana~~ or
31 controlled substance immediately upon acquisition or possession of the

1 ~~marijuana~~ or controlled substance. Each official stamp, label, or other
2 indicium may be used only once.

3 Sec. 212. Section 77-4309, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-4309 Any dealer violating sections 77-4301 to 77-4316 shall be
6 subject to a penalty of one hundred percent of the tax in addition to the
7 tax imposed by section 77-4303. The penalty shall be collected as part of
8 the tax.

9 A dealer distributing or possessing ~~marijuana~~ or a controlled
10 substance without affixing the official stamp, label, or other indicium
11 shall be guilty of a Class IV felony. Notwithstanding any other provision
12 of the criminal laws of this state, an indictment may be found and filed
13 or an information or complaint filed upon any criminal offense specified
14 in this section in the proper court within six years after the commission
15 of such offense.

16 Sec. 213. Section 77-4310.01, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 77-4310.01 Proceeds of the tax imposed by section 77-4303 shall be
19 remitted to the State Treasurer for credit as follows:

20 (1) Five percent of such proceeds shall be credited to the ~~Marijuana~~
21 ~~and~~ Controlled Substances Tax Administration Cash Fund; and

22 (2) Of the remaining proceeds:

23 (a) Fifty percent shall be remitted to the respective counties from
24 which the proceeds originated for credit to the County Drug Law
25 Enforcement and Education Fund of each such county. Money remitted to a
26 county pursuant to this subdivision shall be remitted to the county
27 treasurer of such county for credit to such fund. For purposes of this
28 subdivision, county from which the proceeds originated shall mean: (i) If
29 the proceeds result from seizure under the Uniform State Tax Lien
30 Registration and Enforcement Act of property located in a county other
31 than the county in which the dealer resides, the county in which the

1 seizure was made; and (ii) in all other cases, the county in which the
2 dealer resides; and

3 (b) All remaining funds, including those which did not originate in
4 a county, shall be credited to the Nebraska State Patrol Drug Control and
5 Education Cash Fund.

6 Sec. 214. Section 77-4310.03, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 77-4310.03 There is hereby created the ~~Marijuana~~ and Controlled
9 Substances Tax Administration Cash Fund. Money in the fund shall be used
10 by the Tax Commissioner for the purposes of administering, collecting,
11 and enforcing the tax imposed by section 77-4303, except that transfers
12 may be made from the fund to the General Fund at the direction of the
13 Legislature. Any money in the ~~Marijuana~~ and Controlled Substances Tax
14 Administration Cash Fund available for investment shall be invested by
15 the state investment officer pursuant to the Nebraska Capital Expansion
16 Act and the Nebraska State Funds Investment Act.

17 Sec. 215. Section 81-2,239, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 81-2,239 Sections 81-2,239 to 81-2,292 and section 217 of this act
20 and the provisions of the Food Code and the Current Good Manufacturing
21 Practice In Manufacturing, Packing, or Holding Human Food adopted by
22 reference in sections 81-2,257.01 and 81-2,259, shall be known and may be
23 cited as the Nebraska Pure Food Act.

24 Sec. 216. Section 81-2,263, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 81-2,263 If there is an inconsistency between sections 81-2,239 to
27 81-2,292 and section 217 of this act and any code adopted by reference,
28 the requirements of the sections shall control.

29 Sec. 217. Edible cannabis products sold under the Cannabis Control
30 Act are subject to the Nebraska Pure Food Act to the same extent as other
31 items of food.

1 Sec. 218. If any section in this act or any part of any section is
2 declared invalid or unconstitutional, the declaration shall not affect
3 the validity or constitutionality of the remaining portions.

4 Sec. 219. Original sections 28-439, 43-292, 60-6,211.08,
5 77-2701.02, 77-2701.48, 77-2704.09, 77-4301, 77-4302, 77-4303, 77-4304,
6 77-4305, 77-4306, 77-4309, 77-4310.01, and 77-4310.03, Reissue Revised
7 Statutes of Nebraska, and sections 28-401, 28-405, 28-416, 28-476,
8 28-1354, 28-1701, 71-5727, 77-27,132, 81-2,239, and 81-2,263, Revised
9 Statutes Cumulative Supplement, 2022, are repealed.

10 Sec. 220. The following sections are outright repealed: Sections
11 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and 28-469, Reissue
12 Revised Statutes of Nebraska.