

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SPECIAL SESSION

LEGISLATIVE BILL 71

Introduced by McKinney, 11; Conrad, 46.

Read first time July 29, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to cannabis; to amend sections 28-439, 43-292,
2 60-6,211.08, 77-2701.48, 77-2704.09, 77-4301, 77-4302, 77-4303,
3 77-4304, 77-4305, 77-4306, 77-4309, 77-4310.01, and 77-4310.03,
4 Reissue Revised Statutes of Nebraska, sections 28-1701 and 71-5727,
5 Revised Statutes Cumulative Supplement, 2022, sections 28-405,
6 28-416, and 28-1354, Revised Statutes Supplement, 2023; section
7 28-401, Revised Statutes Cumulative Supplement, 2022, as amended by
8 Laws 2024, LB262, section 21; section 28-476, Revised Statutes
9 Cumulative Supplement, 2022, as amended by Laws 2024, LB262, section
10 22; section 81-2,263, Revised Statutes Cumulative Supplement, 2022,
11 as amended by Laws 2024, LB262, section 37; section 77-2701.02,
12 Revised Statutes Supplement, 2023, as amended by Laws 2024, LB1317,
13 section 81; section 77-27,132, Revised Statutes Supplement, 2023, as
14 amended by Laws 2024, LB1108, section 3; and section 81-2,239,
15 Revised Statutes Supplement, 2023, as amended by Laws 2024, LB262,
16 section 28; to adopt the Nebraska Cannabis Legalization and Revenue
17 Allocation Act; to remove cannabis as a controlled substance under
18 the Uniform Controlled Substances Act; to change provisions relating
19 to penalties for possession of a synthetic cannabinoid and drug
20 paraphernalia; to define, redefine, and eliminate terms; to change
21 provisions relating to termination of parental rights, visitation,
22 custody, and other parenting matters; to prohibit possession of an
23 open container of cannabis in a motor vehicle; to provide for the

1 applicability of the Nebraska Clean Indoor Air Act and the Nebraska
2 Pure Food Act; to impose a higher sales and use tax rate on sales of
3 cannabis; to provide for the distribution of tax revenue; to remove
4 cannabis from the cannabis and controlled substances tax; to rename
5 a fund; to adopt the Cannabis Conviction Relief Act; to eliminate
6 obsolete provisions; to harmonize provisions; to provide
7 severability; to repeal the original sections; and to outright
8 repeal sections 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and
9 28-469, Reissue Revised Statutes of Nebraska.

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

1 Section 1. Sections 1 to 193 of this act shall be known and may be
2 cited as the Nebraska Cannabis Legalization and Revenue Allocation Act.

3 Sec. 2. For purposes of the Nebraska Cannabis Legalization and
4 Revenue Allocation Act, the definitions found in sections 3 to 36 of this
5 act apply.

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

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

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

18 (4) Cannabis does not include hemp.

19 (5) When the weight of cannabis is referred to in the Nebraska
20 Cannabis Legalization and Revenue Allocation 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 Control Commission.

30 Sec. 9. (1) Concentrated cannabis means the resin extracted from
31 any part of the plant of the genus Cannabis and every compound,

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

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

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

14 Sec. 11. (1) Disproportionately impacted area means an area within
15 the State of Nebraska that satisfies the following criteria, as
16 determined by the commission, in consultation with the Department of
17 Economic Development:

18 (a) The area meets at least one of the following criteria:

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

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

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

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

1 the state during the same period; and

2 (b) The area has experienced significant, negative impacts from the
3 war on drugs.

4 (2)(a) For purposes of this section, the war on drugs means the
5 campaign led by the United States federal government, and supported by
6 the state of Nebraska and local governments, to reduce the illegal drug
7 trade. This campaign included policies and initiatives aimed at reducing
8 the production, distribution, and consumption of illegal drugs, often
9 characterized by strict law enforcement, drug prohibition, and criminal
10 justice measures.

11 (b) The Legislature finds that the war on drugs lead to significant
12 negative impacts on disadvantaged communities, including
13 disproportionately high incarceration rates, long-term socio-economic
14 disadvantages, and the destabilization of families and communities in
15 Nebraska.

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

18 (a) A sexual offense; or

19 (b) A felony violation of the Nebraska Cannabis Legalization and
20 Revenue Allocation Act.

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

23 (3) For purposes of this section:

24 (a) Sexual contact and sexual penetration have the same meanings as
25 in section 28-318; and

26 (b) Sexual offense means:

27 (i) A felony violation of any of the following sections: 28-319,
28 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.02, 28-322.03, 28-322.04,
29 28-322.05, 28-323, 28-324, 28-703, 28-1463.03, or 28-1463.05;

30 (ii) An offense which is a Class IIIA felony or higher which
31 includes, as an element of the offense, sexual contact or sexual

1 penetration;

2 (iii) An offense that consists of attempt, conspiracy, being an
3 accessory to, or aiding and abetting a felony with any of the offenses
4 described in subdivision (3)(b)(i) or (ii) of this section as the
5 underlying offense; or

6 (iv) A felony offense that is substantially equivalent to an offense
7 described in subdivision (3)(b)(i), (ii), or (iii) of this section under
8 the laws of another jurisdiction in the United States.

9 Sec. 13. Employment authorization means authorization granted by
10 the commission for an individual to work for a licensee as provided in
11 sections 168 to 173 of this act.

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

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

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

18 (1) No taller than eight inches;

19 (2) No wider than eight inches;

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

21 (4) In a cultivating container.

22 Sec. 17. Implementation date means a date selected by the
23 commission that is:

24 (a) After the commission has adopted rules and regulations necessary
25 to carry out the Nebraska Cannabis Legalization and Revenue Allocation
26 Act; and

27 (b) On or before January 1, 2026.

28 Sec. 18. Infusion means a process by which cannabis, cannabinoids,
29 or concentrated cannabis is directly incorporated into a product
30 formulation to produce a cannabis product.

31 Sec. 19. Kief means the resinous trichomes of a cannabis plant that

1 have been separated from the cannabis plant.

2 Sec. 20. License means a license issued by the commission pursuant
3 to the Nebraska Cannabis Legalization and Revenue Allocation Act. License
4 does not include an employment authorization or any other permit or
5 certification issued by the commission.

6 Sec. 21. Licensed premises means the premises specified in an
7 application for a license under the Nebraska Cannabis Legalization and
8 Revenue Allocation Act, which are owned by or in the possession of the
9 licensee and within which the licensee is authorized to cultivate,
10 manufacture, distribute, sell, or test cannabis in accordance with the
11 Nebraska Cannabis Legalization and Revenue Allocation Act.

12 Sec. 22. Licensee means a person licensed by the commission
13 pursuant to the Nebraska Cannabis Legalization and Revenue Allocation
14 Act.

15 Sec. 23. Local governing body means (1) the city council or village
16 board of trustees of a city or village within which the licensed premises
17 are located or (2) if the licensed premises are not within the corporate
18 limits of a city or village, the county board of the county within which
19 the licensed premises are located.

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

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

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

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

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

31 Sec. 29. Products manufacturer means a person licensed by the

1 commission to manufacture cannabis products pursuant to the Nebraska
2 Cannabis Legalization and Revenue Allocation Act for sale and
3 distribution to cannabis stores and other products manufacturers, but not
4 to consumers.

5 Sec. 30. School means a public, private, denominational, or
6 parochial preschool, elementary, vocational, or secondary school, a
7 private postsecondary career school as defined in section 85-1603, a
8 community college, a public or private college, a junior college, or a
9 university.

10 Sec. 31. (1) Social equity applicant means an applicant for a
11 license that meets the criteria described in subsection (2) of this
12 section.

13 (2) An applicant shall be eligible to apply as a social equity
14 applicant if at least fifty-one percent of the applicant is owned and
15 controlled by, and fifty-one percent of the applicant's profits are
16 shared by, individuals who:

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

19 (b) Have been arrested for, convicted of, or adjudicated for a
20 qualifying cannabis offense; or

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

23 (3) For purposes of this section, qualifying cannabis offense means:

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

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

29 (c) Violation of an ordinance substantially similar to an offense
30 described in subdivision (4)(a) or (b) of this section;

31 (d) Attempt, solicitation, aiding or abetting, being an accessory,

1 or conspiracy to commit an offense listed in subdivision (4)(a), (b), or
2 (c) of this section; or

3 (e) A violation of the laws of another jurisdiction that is
4 substantially similar to a violation described in subdivision (4)(a),
5 (b), (c), or (d) of this section.

6 Sec. 32. Testing facility means a person licensed under the
7 Nebraska Cannabis Legalization and Revenue Allocation Act to analyze,
8 test, and certify cannabis, including for potency and the presence of
9 contaminants.

10 Sec. 33. THC means delta-9 tetrahydrocannabinol.

11 Sec. 34. Transfer means to grant, convey, hand over, assign, sell,
12 exchange, or barter, in any manner or by any means, with or without
13 consideration.

14 Sec. 35. Transporter means an entity or person that is licensed to
15 transport cannabis from one licensee to another and to temporarily store
16 the transported cannabis at its licensed premises, but which is not
17 authorized to sell cannabis under any circumstances.

18 Sec. 36. Unreasonably impracticable means that the measures
19 necessary to comply with the rules and regulations adopted and
20 promulgated pursuant to the Nebraska Cannabis Legalization and Revenue
21 Allocation Act or the ordinances enacted by a local governing body
22 pursuant to the act would subject a licensee to unreasonable risk or
23 require such a high investment of risk, money, time, or any other
24 resource or asset that a reasonably prudent businessperson would not
25 operate as a licensee.

26 Sec. 37. The Nebraska Cannabis Legalization and Revenue Allocation
27 Act sets forth the exclusive means by which a person in Nebraska may
28 engage in the cultivation, manufacture, sale, distribution, transfer,
29 dispensing, testing, possession, and use of cannabis.

30 Sec. 38. Nothing in the Nebraska Cannabis Legalization and Revenue
31 Allocation Act permits the transfer of cannabis to a person under the age

1 of twenty-one years or allows a person under the age of twenty-one years
2 to purchase, possess, use, transport, cultivate, or consume cannabis.

3 Sec. 39. The following conduct relating to cannabis shall be lawful
4 under state and local law when conducted in accordance with the Nebraska
5 Cannabis Legalization and Revenue Allocation Act. An individual twenty-
6 one years of age or older may:

7 (1) Possess, process, transport, purchase, obtain, or give away to
8 persons twenty-one years of age or older without any compensation
9 whatsoever, not more than:

10 (a) Two and one-half ounces of cannabis flower;

11 (b) Fifteen grams of concentrated cannabis; and

12 (c) Cannabis products containing two thousand five hundred
13 milligrams of THC;

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

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

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

20 Sec. 40. (1) An individual who is twenty-one years of age or older
21 may cultivate not more than six living cannabis plants and possess the
22 cannabis produced by such plants, subject to the following restrictions:

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

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

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

30 (ii) Within a structure on the grounds of the person's private
31 residence that is fully enclosed and kept locked and such plants and

1 cannabis are not visible from a public place with normal, unaided vision;
2 or

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

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

11 (2) Cannabis plants and cannabis produced from such plants in
12 compliance with this section does not count toward the limit stated in
13 subdivision (1) of section 39 of this act or in section 47 of this act.

14 (3) A violation of this section is a Class II misdemeanor.

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

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

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

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

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

31 (2) A person who violates this section shall be guilty of an

1 infraction, receive a citation, and be fined not more than three hundred
2 dollars.

3 Sec. 43. (1) Except as provided in section 161 of this act, no
4 person under the age of twenty-one years shall possess cannabis.

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

7 (3) A violation of this section is an infraction.

8 Sec. 44. (1) Except as provided in section 161 of this act, no
9 person under the age of twenty-one years shall falsely represent that
10 such person is twenty-one years of age in order to obtain cannabis or
11 cannabis products.

12 (2) A violation of this section is an infraction.

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

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

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

29 (2) A licensee or applicant for licensure under the Nebraska
30 Cannabis Legalization and Revenue Allocation Act who knowingly makes a
31 materially false statement to the commission or the Department of Revenue

1 is guilty of a Class IV felony.

2 Sec. 47. (1) Except as provided in section 40 of this act and
3 subsection (3) of this section, a person commits an offense if such
4 person possesses more than the amount of cannabis permitted by subsection
5 (1) of section 39 of this act.

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

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

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

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

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

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

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

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

21 Sec. 51. A person shall not manufacture cannabis or cannabis
22 products by chemical extraction or chemical synthesis unless done
23 pursuant to a products manufacturer license issued under the Nebraska
24 Cannabis Legalization and Revenue Allocation Act or as otherwise
25 authorized by such act. A violation of this section is a Class III
26 felony.

27 Sec. 52. Nothing in the Nebraska Cannabis Legalization and Revenue
28 Allocation Act permits any person to engage in or prevents the imposition
29 of any civil, criminal, or other penalties for:

30 (1) Undertaking any task that would constitute negligence or
31 professional malpractice due to the use of cannabis or being under the

1 influence of cannabis;

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

6 (3) Using cannabis in violation of the Nebraska Clean Indoor Air
7 Act.

8 Sec. 53. Nothing in the Nebraska Cannabis Legalization and Revenue
9 Allocation Act:

10 (1) Requires an employer to permit or accommodate the use,
11 consumption, possession, transfer, display, transportation, sale, or
12 cultivation of cannabis in the workplace; or

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

15 Sec. 54. Nothing in the Nebraska Cannabis Legalization and Revenue
16 Allocation Act prohibits a person, employer, school, hospital, detention
17 facility, corporation, or any other entity, whether public or private,
18 who occupies, owns, or controls a property from prohibiting or otherwise
19 regulating the possession, consumption, use, display, transfer,
20 distribution, sale, transportation, or cultivation of cannabis on or in
21 that property.

22 Sec. 55. Except as otherwise provided in the Nebraska Cannabis
23 Legalization and Revenue Allocation Act, a person shall not be arrested,
24 prosecuted, penalized, sanctioned, or otherwise denied any benefit and
25 shall not be subject to seizure or forfeiture of assets for possessing,
26 using, purchasing, cultivating, processing, testing, or manufacturing
27 cannabis in accordance with the Nebraska Cannabis Legalization and
28 Revenue Allocation Act.

29 Sec. 56. Except as otherwise provided in the Nebraska Cannabis
30 Legalization and Revenue Allocation Act, a person shall not be arrested,
31 prosecuted, penalized, sanctioned, or otherwise denied any benefit and

1 shall not be subject to seizure or forfeiture of assets for allowing
2 property the person owns, occupies, or manages to be used for any of the
3 activities conducted lawfully under the Nebraska Cannabis Legalization
4 and Revenue Allocation Act or for enrolling or employing a person who
5 engages in cannabis-related activities lawfully under the Nebraska
6 Cannabis Legalization and Revenue Allocation Act.

7 Sec. 57. (1) A landlord shall not prohibit the possession of
8 cannabis or consumption of cannabis, by means other than smoking, within
9 a single-family residence or a mobile home, by a person authorized to do
10 so under the Nebraska Cannabis Legalization and Revenue Allocation Act,
11 unless:

12 (a) The residence is incidental to detention or the provision of
13 medical, geriatric, educational, counseling, religious, or similar
14 service;

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

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

19 (2) For purposes of this section:

20 (a) Landlord includes a landlord as defined in sections 76-1410 and
21 76-1462;

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

23 (c) Single-family residence has the same meaning as in section
24 76-1410.

25 Sec. 58. A landlord leasing real property to be used as a licensed
26 premises shall not discriminate in rent rates charged because the
27 property will be used as a licensed premises, as compared to other
28 similar uses of the property not involving cannabis.

29 Sec. 59. (1) Cannabis and cannabis accessories obtained,
30 manufactured, and distributed pursuant to the Nebraska Cannabis
31 Legalization and Revenue Allocation Act and associated property are not

1 subject to forfeiture under section 28-431.

2 (2) Cannabis and cannabis accessories obtained, manufactured, and
3 distributed pursuant to the Nebraska Cannabis Legalization and Revenue
4 Allocation Act are not contraband, nor subject to seizure, and no conduct
5 made lawful in the Nebraska Cannabis Legalization and Revenue Allocation
6 Act shall constitute a basis for detention, search, or arrest.

7 (3) Conduct made lawful under the act shall not constitute a basis
8 for revoking pretrial release, probation, or parole or imposing
9 discipline or sanctions for a person on pretrial release, probation, or
10 parole unless, for a particular individual, the use of cannabis is likely
11 to create a specific risk of harm to such person or others or materially
12 interfere with such person's rehabilitation.

13 Sec. 60. (1) The use of cannabis shall not disqualify a person from
14 any needed medical procedure or treatment, including an organ or a tissue
15 transplant.

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

19 Sec. 61. An attorney shall not be subject to disciplinary action
20 for providing legal assistance to a prospective licensee, licensee, or
21 another person or entity who is engaged in lawful activities pursuant to
22 the Nebraska Cannabis Legalization and Revenue Allocation Act.

23 Sec. 62. A contract entered into by a licensee or its employees or
24 agents, or by those who allow their property to be used by a licensee or
25 its employees or agents, shall not be unenforceable on the basis that
26 cultivating, obtaining, manufacturing, distributing, dispensing, testing,
27 transporting, selling, possessing, or using cannabis is prohibited by
28 federal law. It is the public policy of the State of Nebraska that such
29 contracts shall be enforceable to the same extent as other contracts.

30 Sec. 63. (1) A financial institution may loan money to, accept
31 deposits from, and otherwise do business with any licensee to the same

1 extent as other persons, subject to any restrictions of the Nebraska
2 Cannabis Legalization and Revenue Allocation Act.

3 (2) For purposes of this section, financial institution means a
4 bank, savings bank, credit card bank, savings and loan association,
5 building and loan association, trust company, or credit union organized
6 under the laws of any state or organized under the laws of the United
7 States.

8 Sec. 64. (1) The state or any local government shall not restrict,
9 revoke, suspend, or otherwise infringe upon a person's right to own or
10 possess a firearm or ammunition based on the person engaging in conduct
11 permitted under the Nebraska Cannabis Legalization and Revenue Allocation
12 Act.

13 (2) The state or any local government shall not restrict, revoke,
14 suspend, or otherwise infringe upon a person's right to receive any
15 firearm certification, including, but not limited to, a certification
16 under sections 69-2401 to 69-2425 or a permit under the Concealed Handgun
17 Permit Act based on the person engaging in conduct protected by the
18 Nebraska Cannabis Legalization and Revenue Allocation Act.

19 (3) The state or any local government shall not provide any
20 assistance, including information, to federal authorities which may use
21 the information to restrict, revoke, suspend, or otherwise infringe upon
22 a person's right to own or possess a firearm or ammunition based on the
23 person engaging in conduct protected by the Nebraska Cannabis
24 Legalization and Revenue Allocation Act.

25 (4) The state or any local government shall not provide any
26 assistance, including information, to federal authorities which may use
27 the information to restrict a person's benefits or rights under federal
28 law based on the person engaging in conduct protected by the Nebraska
29 Cannabis Legalization and Revenue Allocation Act.

30 Sec. 65. The state or any local government shall not employ or use
31 the results of any test of cannabis conducted by a laboratory unless such

1 laboratory is a testing facility or otherwise accredited for the
2 particular field of testing in accordance with the rules and regulations
3 of the commission.

4 Sec. 66. (1) For the purpose of regulating and controlling the
5 licensing of the cultivation, manufacture, distribution, testing, and
6 sale of cannabis in this state, the Nebraska Cannabis Control Commission
7 is created.

8 (2) The power to regulate all phases of the control of the
9 cultivation, manufacture, distribution, testing, processing, sale, and
10 traffic of cannabis, except as specifically delegated in the Nebraska
11 Cannabis Legalization and Revenue Allocation Act, is vested exclusively
12 in the commission.

13 Sec. 67. (1)(a) The commission shall consist of three commissioners
14 to be appointed by the Governor. Such appointment shall be subject to
15 approval by a majority of the members of the Legislature. At least one
16 commissioner shall be an individual with policy expertise in the
17 regulation of cannabis. At least two commissioners shall have expertise
18 in the cannabis industry. At least one commissioner shall be from a
19 disproportionately impacted area located in a city of the metropolitan
20 class.

21 (b) On or before January 15, 2025, the Governor shall appoint the
22 commissioners. The terms of the commissioners shall be four years, except
23 that the terms of the initial commissioners shall be staggered so that
24 one member is appointed for a term of one year, one for a term of two
25 years, and one for a term of three years, as determined by the Governor.

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

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

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

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

10 Sec. 68. The commission shall have an executive director, to be
11 appointed by the commission. The executive director shall keep a record
12 of all proceedings, transactions, communications, and official acts of
13 the commission. The executive director shall be the custodian of all
14 records and perform such other duties as the commission may prescribe.

15 Sec. 69. 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. 70. (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. 71. (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 employ a chief investigator and other
28 investigators to aid in enforcement of the Nebraska Cannabis Legalization
29 and Revenue Allocation Act and to make all necessary and appropriate
30 investigations for that enforcement.

31 Sec. 72. Before entering upon the duties of office, each

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

7 Sec. 73. (1) Except as otherwise provided in subsection (2) of this
8 section, a commissioner, the executive director, any employee of the
9 commission, or any member of the Cannabis Advisory Committee shall not:

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

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

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

23 (3) This section shall not prevent any commissioner, the executive
24 director, any employee of the commission, or any member of the Cannabis
25 Advisory Committee from purchasing and keeping in their possession, for
26 the use of themselves or members of their family or guests, any cannabis
27 which may be purchased or kept by any person pursuant to the Nebraska
28 Cannabis Legalization and Revenue Allocation Act.

29 Sec. 74. (1) Except as provided in subsection (2) of section 73 of
30 this act, a commissioner, the executive director, any person employed by
31 the commission, or any member of the Cannabis Advisory Committee shall

1 not:

2 (a) Solicit or accept any gift, gratuity, emolument, or employment
3 from any person subject to the Nebraska Cannabis Legalization and Revenue
4 Allocation Act or from any officer, agent, or employee of such person; or

5 (b) Solicit, request from, or recommend, directly or indirectly, to
6 any person subject to the Nebraska Cannabis Legalization and Revenue
7 Allocation Act, or to any officer, agent, or employee of such person, the
8 appointment of any person to any place or position.

9 (2) Except as provided in subsection (2) of section 73 of this act,
10 any person subject to the Nebraska Cannabis Legalization and Revenue
11 Allocation Act and every officer, agent, or employee of such person shall
12 not offer to any commissioner, the executive director, any person
13 employed by the commission, or any member of the Cannabis Advisory
14 Committee any gift, gratuity, emolument, or employment.

15 (3) If a commissioner, the executive director, any person employed
16 by the commission, or any member of the Cannabis Advisory Committee
17 violates this section, such person shall be removed from such office or
18 employment.

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

20 Sec. 75. (1) A commissioner, the executive director, a commission
21 employee with regulatory oversight responsibilities for licensees, or a
22 member of the Cannabis Advisory Committee shall not work for, represent,
23 or provide consulting services to or otherwise derive pecuniary gain from
24 a licensee or other business entity established for the primary purpose
25 of providing services to the cannabis industry for a period of six months
26 following such person's last day of employment with the commission or
27 membership on the committee.

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

29 Sec. 76. (1) Each commissioner shall receive an annual salary of
30 not to exceed twelve thousand five hundred dollars, to be fixed by the
31 Governor, payable monthly, and in addition actual and necessary expenses

1 incurred on behalf of the commission as provided in this section. The
2 salary of the executive director shall be fixed by the commission,
3 payable monthly.

4 (2) The commissioners, the executive director of the commission, and
5 all employees of the commission shall be reimbursed for expenses incurred
6 in the discharge of their official duties as provided in sections 81-1174
7 to 81-1177. The commission may also incur necessary expenses for office
8 furniture and other incidental expenses. No commissioner, executive
9 director, or employee of the commission shall request or be allowed
10 mileage or other traveling expenses unless such sections are strictly
11 complied with.

12 Sec. 77. The office of the commission shall be in Lincoln, but the
13 commission may, with the approval of the Governor, establish and maintain
14 branch offices at other places.

15 Sec. 78. The commission shall hold regular meetings at least once a
16 month and may hold such special meetings as it deems necessary at any
17 time and at any place within the state.

18 Sec. 79. (1) The commission may, for authentication of its records,
19 process, and proceedings, adopt, keep, and use a common seal, of which
20 seal judicial notice shall be taken in all of the courts of the state.

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

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

28 Sec. 80. The Attorney General shall designate one or more assistant
29 attorneys general, when requested by the commission, and the services of
30 such assistant attorneys general shall be available to the commission
31 whenever demanded. The compensation of such assistant attorneys general

1 as are assigned to the commission shall be paid by the office of the
2 Attorney General.

3 Sec. 81. The commission shall hold a public hearing before the
4 adoption, amendment, or repeal of any rule or regulation.

5 Sec. 82. On or before January 1, 2027, and annually thereafter, the
6 commission shall annually publish a full report of its actions during the
7 preceding year, including a comprehensive description of its activities
8 and including the number of licensees of each class issued; data on
9 licensees' demographics, business success, and community impact;
10 enforcement actions in which fines, suspension, revocations, or other
11 disciplinary sanctions were issued; and a statement of revenue and
12 expenses of the commission.

13 Sec. 83. The commission shall study cannabis commerce and may make
14 recommendations to the Legislature regarding changes in the laws of the
15 state that further the intent of the Nebraska Cannabis Legalization and
16 Revenue Allocation Act.

17 Sec. 84. The commission and the Department of Agriculture,
18 Department of Revenue, and Department of Health and Human Services shall
19 work collaboratively in furtherance of the intent of the Nebraska
20 Cannabis Legalization and Revenue Allocation Act and to ensure that the
21 cultivation, manufacture, distribution, testing, and sale of cannabis in
22 this state is conducted in accordance with the act.

23 Sec. 85. (1) On or before September 1, 2025, the commission shall
24 adopt and promulgate rules and regulations necessary for the proper
25 regulation and control of the cultivation, manufacture, distribution,
26 sale, and testing of cannabis and for the enforcement of the Nebraska
27 Cannabis Legalization and Revenue Allocation Act. Such rules and
28 regulations shall include, but shall not be limited to:

29 (a) Procedures and requirements for the issuance and renewal of
30 licenses, permits, certificates, and employment authorizations, payment
31 of fees, investigating and deciding disciplinary proceedings, and

1 imposing sanctions for violations of the Nebraska Cannabis Legalization
2 and Revenue Allocation Act or rules and regulations adopted and
3 promulgated thereunder;

4 (b) Qualifications and procedures for licensure under the Nebraska
5 Cannabis Legalization and Revenue Allocation Act;

6 (c) Requirements and procedures for testing cannabis for potency,
7 the presence of contaminants, and to otherwise ensure the safety of
8 consumers;

9 (d) Rules relating to acceptable testing and research practices,
10 including, but not limited to, research methods, standards, quality
11 control analysis, equipment certification and calibration, and chemical
12 identification;

13 (e) Rules and regulations regarding social equity applicants and the
14 duties imposed by section 103 of this act and other procedures and
15 policies to promote and encourage full participation in the regulation of
16 the cannabis industry by people from communities that have previously
17 been disproportionately harmed by cannabis prohibition and to positively
18 impact those communities;

19 (f) Specifications of duties of officers and employees of the
20 commission;

21 (g) Instructions for local governing bodies and law enforcement
22 officers;

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

26 (i) Documentation for identifying licensees and their owners,
27 officers, managers, and employees;

28 (j) A schedule of penalties for violations and procedures for
29 issuing and appealing citations for violations of statutes and rules and
30 issuing administrative citations;

31 (k) Rules and regulations concerning signage, marketing, and

1 advertising of cannabis, including, but not limited to:

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

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

5 (iii) A prohibition on unsolicited pop-up advertising on the
6 Internet;

7 (iv) A prohibition on banner ads on mass-market websites;

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

10 (vi) A prohibition on marketing directed towards location-based
11 devices, including, but not limited to, cellular phones, unless the
12 marketing is a mobile device application installed on the device by the
13 owner of the device who is twenty-one years of age or older and includes
14 a permanent and easy opt-out feature;

15 (l) Requirements for the security of licensed premises, including,
16 at a minimum, lighting, physical security, video, and alarm requirements,
17 and other minimum procedures for internal control as deemed necessary by
18 the commission to properly administer and enforce the provisions of the
19 Nebraska Cannabis Legalization and Revenue Allocation Act, including
20 reporting requirements for changes, alterations, or modifications to the
21 licensed premises. Such requirements shall not prohibit the cultivation
22 of cannabis outdoors in greenhouses;

23 (m) Regulations on the storage of, warehouses for, and
24 transportation of cannabis;

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

29 (o) Rules regarding the records to be kept by licensees to ensure
30 that licensees keep complete and accurate electronic records for all
31 transactions involving cannabis, including, but not limited to, rules

1 regarding the types of records each licensee shall maintain, retention
2 schedules, the required availability of the records, and inspection
3 procedures;

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

6 (q) Rules concerning limited access areas as defined in section 131
7 of this act;

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

10 (s) Sanitary requirements for cannabis stores;

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

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

15 (v) Rules for transporters and drivers and other employees of
16 transporters, including, but not limited to, insurance requirements;
17 acceptable time frames for transport, storage, and delivery; requirements
18 for transport vehicles; and requirements for licensed premises; and

19 (w) Such other matters as are necessary for the fair, impartial,
20 stringent, and comprehensive administration of the Nebraska Cannabis
21 Legalization and Revenue Allocation Act.

22 (2) After September 1, 2025, the commission may adopt and promulgate
23 rules and regulations necessary to carry out the Nebraska Cannabis
24 Legalization and Revenue Allocation Act.

25 Sec. 86. The commission may develop such forms, applications, and
26 other documentation as are necessary or convenient in the discretion of
27 the commission for the administration of the Nebraska Cannabis
28 Legalization and Revenue Allocation Act or any rules and regulations
29 adopted and promulgated thereunder.

30 Sec. 87. (1) On or before September 1, 2025, the commission shall
31 adopt and promulgate rules and regulations establishing:

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

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

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

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

13 (3) For purposes of this section, cannabis flower means the raw
14 flower, kief, leaves, and buds of a plant of the genus Cannabis that have
15 been harvested, dried, and cured for consumption by means of inhalation,
16 but prior to any processing whereby the plant material is transformed
17 into a concentrate, including, but not limited to, concentrated cannabis,
18 or an edible or topical product containing cannabis or concentrated
19 cannabis and other ingredients. Cannabis flower does not include the stem
20 of the plant or leaves not containing a significant quantity of THC-
21 containing trichomes.

22 Sec. 88. (1) On or before September 1, 2025, the commission shall
23 adopt and promulgate rules and regulations regarding conditions under
24 which holders of appropriate licenses are authorized to transfer fibrous
25 waste to a person other than a licensee for the purpose of producing only
26 industrial fiber products. The conditions must include contract
27 requirements that stipulate that fibrous waste will only be used to
28 produce industrial fiber products; recordkeeping requirements; security
29 measures related to the transport and transfer of fibrous waste;
30 requirements for handling contaminated fibrous waste; and processes
31 associated with handling fibrous waste. The rules shall not require

1 licensees to alter fibrous waste from its natural state prior to
2 transfer.

3 (2) For purposes of this section:

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

6 (b) Industrial fiber products means intermediate or finished
7 products made from fibrous waste that are not intended for human or
8 animal consumption and are not usable or recognizable as cannabis.
9 Industrial fiber products include, but are not limited to, cordage,
10 paper, fuel, textiles, bedding, insulation, construction materials,
11 compost materials, and industrial materials.

12 Sec. 89. On or before April 15, 2025, the Cannabis Advisory
13 Committee, shall make recommendations to the commission for rules and
14 regulations on how edible cannabis products can be clearly identified,
15 when practicable, to indicate that such products contain cannabis and are
16 not for consumption by children.

17 Sec. 90. Nothing in the Nebraska Cannabis Legalization and Revenue
18 Allocation Act shall be construed as delegating to the commission the
19 power to fix prices for cannabis.

20 Sec. 91. Rules and regulations adopted and promulgated pursuant to
21 the Nebraska Cannabis Legalization and Revenue Allocation Act and any
22 ordinance enacted by a local governing body shall not:

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

24 (2) Require testing of cannabis before the commission has licensed
25 any testing facilities or, if such facilities have been licensed, before
26 such facilities are capable of performing any required tests in a timely
27 manner;

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

30 (4) Require a cannabis store to acquire or record personal
31 information about customers other than information typically required in

1 a retail transaction; or

2 (5) Prohibit cultivation of cannabis using inorganic cultivation
3 methods.

4 Sec. 92. (1) The commission shall provide without charge to any
5 licensee a copy of the Nebraska Cannabis Legalization and Revenue
6 Allocation Act, any rules and regulations adopted and promulgated
7 thereunder, and any other information which the commission deems
8 important in the area of cannabis control in the State of Nebraska.

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

11 (3) The commission may update such material as often as it deems
12 necessary.

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

17 Sec. 93. The commission may:

18 (1) Call upon other departments of the state, political
19 subdivisions, law enforcement agencies, and prosecutors for such
20 information and assistance as the commission deems necessary in the
21 performance of its duties; and

22 (2) Recommend ordinances to local governing bodies not inconsistent
23 with the Nebraska Cannabis Legalization and Revenue Allocation Act.

24 Sec. 94. The commission may request the State Fire Marshal to
25 inspect any licensed premises or premises for which a license is sought
26 for fire safety pursuant to section 81-502. The State Fire Marshal shall
27 assess a fee for such inspection pursuant to section 81-505.01 payable by
28 such licensee or applicant. The State Fire Marshal may delegate the
29 authority to make such inspections to qualified local fire prevention
30 personnel pursuant to section 81-502.

31 Sec. 95. (1) The commission shall maintain the confidentiality of

1 reports or other information obtained from a licensee:

2 (a) Containing any individualized data, information, or records
3 related to the licensee or its operation, including sales information,
4 financial records, tax returns, credit reports, cultivation information,
5 testing results, or security information and plans;

6 (b) Which reveals any customer information; or

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

9 (2) Confidential information and reports shall only be used for
10 purposes authorized by the Nebraska Cannabis Legalization and Revenue
11 Allocation Act or for any other state or local law enforcement purpose.
12 Any customer information shall only be used for purposes authorized by
13 the Nebraska Cannabis Legalization and Revenue Allocation Act.

14 (3) A person who discloses confidential records or information in
15 violation of the Nebraska Cannabis Legalization and Revenue Allocation
16 Act shall be guilty of a Class II misdemeanor.

17 Sec. 96. (1) There shall be the following classes of licenses under
18 the Nebraska Cannabis Legalization and Revenue Allocation Act:

19 (a) Cannabis store;

20 (b) Cultivator;

21 (c) Products manufacturer;

22 (d) Testing facility; and

23 (e) Transporter.

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

26 (a) Tier 1 - Less than ten thousand square feet;

27 (b) Tier 2 - Ten thousand feet or more but less than twenty thousand
28 square feet; and

29 (c) Tier 3 - Twenty thousand square feet or more but no more than
30 thirty thousand square feet.

31 (3) There shall be the following subtypes of products manufacturer

1 licenses:

2 (a) Extraction-only;

3 (b) Infusion-only; and

4 (c) Extraction and infusion.

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

6 (i) Process cannabis plants and engage in extraction and sell such
7 processed cannabis and extractions to other product manufacturers; and

8 (ii) Manufacture cannabis products such as pre-rolls and kief that
9 do not require the infusion of cannabis and sell such cannabis products
10 to cannabis stores and other products manufacturers, other than infusion-
11 only licensees.

12 (b) An extraction-only licensee shall not manufacture products that
13 require infusion.

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

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

21 (6) An extraction and infusion licensee may engage in extraction and
22 infusion and manufacture and sell cannabis products in all forms
23 permitted by the Nebraska Cannabis Legalization and Revenue Allocation
24 Act to cannabis stores and other products manufacturers, subject to the
25 same limits on sales to infusion-only licensees and extraction-only
26 licensees set forth in subsections (4) and (5) of this section.

27 Sec. 97. (1) The commission shall not issue licenses in excess of
28 the following limits:

29 (a) For cultivation licenses:

30 (i) Tier 2 - twenty licenses; and

31 (ii) Tier 3 - forty licenses;

- 1 (b) For products manufacturers:
2 (i) Extraction-only - four licenses per congressional district;
3 (ii) Infusion-only - ten licenses per congressional district; and
4 (iii) Extraction and infusion - twenty licenses per congressional
5 district;
6 (c) Cannabis stores - fifty licenses per congressional district; and
7 (d) Testing facilities - ten licenses.

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

10 Sec. 98. (1)(a) Beginning on the implementation date, a person
11 applying as a social equity applicant may apply for a license under the
12 Nebraska Cannabis Legalization and Revenue Allocation Act.

13 (b) Beginning one hundred eighty days after the implementation date,
14 any person may apply for a license under the act.

15 (2) An application for issuance or renewal of a license shall be:

16 (a) In the form and manner required by the commission;

17 (b) Accompanied by the fee required by section 99 of this act; and

18 (c) Verified by oath or affirmation of the persons prescribed by the
19 commission.

20 (3) An application for issuance or renewal of a license shall
21 include:

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

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

26 (c) The particular premises for which a license is desired
27 designating the premises by street and number, if practicable, or by such
28 other description as definitively locates the premises;

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

31 (e) A statement that:

1 (i) The applicant is a resident of Nebraska and legally able to work
2 in Nebraska;

3 (ii) The applicant and the spouse of the applicant are not less than
4 twenty-one years of age; and

5 (iii) Such applicant has never been convicted of, or pleaded guilty
6 or nolo contendere to, a disqualifying offense;

7 (f) A statement that the applicant intends to carry on the business
8 authorized by the license on the applicant's own behalf and not as the
9 agent of any other person and that if licensed the applicant will carry
10 on such business on the applicant's own behalf and not as the agent for
11 any other person;

12 (g) A statement that the applicant intends to superintend in person
13 the management of the business licensed and that if so licensed the
14 applicant will superintend in person the management of the business;

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

17 (i) Such other information as the commission may from time to time
18 direct.

19 (4) An application for initial issuance shall also include the
20 following components:

21 (a) Business Plan: Detailed plan outlining the business model,
22 target market, and growth strategy;

23 (b) Social Equity Plan: Description of how the business will promote
24 social equity and benefit the community; and

25 (c) Compliance Plan: Strategy for adhering to state regulations and
26 maintaining legal compliance.

27 (5)(a) An applicant for initial issuance shall also submit two
28 legible sets of fingerprints to be furnished to the Federal Bureau of
29 Investigation through the Nebraska State Patrol for a national criminal
30 history record check and the fee for such record check payable to the
31 patrol. The applicant shall authorize release of the national criminal

1 history record check to the commission.

2 (b) The commission may require an applicant for renewal to comply
3 with subdivision (4)(a) of this section when there is a demonstrated
4 investigative need.

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

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

16 (7) The commission shall by rule and regulation develop and
17 application process that includes the following:

18 (a) The commission shall conduct pre-application mandatory
19 information sessions for applicants and potential applicants. Such
20 sessions shall explain the application process, requirements, and
21 available resources;

22 (b) The commission shall provide one-on-one technical assistance to
23 applicants in preparing their applications; and

24 (c) An online portal for submitting applications.

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

29 Sec. 99. (1) An application for initial issuance of a license shall
30 be accompanied by a nonrefundable application fee and a refundable
31 initial issuance fee. If issuance of the license is denied, or if after

1 application and with the commission's permission, the applicant withdraws
2 an application, the initial issuance fee shall be refunded. Except as
3 provided in subsections (3), (4), and (5) of this section, the fees for
4 application for initial issuance of a license shall be:

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

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

28	<u>Type of License</u>	<u>Application Fee,</u>	<u>Renewal Fee,</u>	<u>Total Due at</u>
29		<u>in Dollars</u>	<u>in Dollars</u>	<u>Application,</u>
30				<u>in Dollars</u>

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

13 (3) Beginning January 1, 2028, and on each fifth occurrence of
14 January 1 thereafter, the commission shall adjust the upper fee limit of
15 any fee set forth in this section to reflect the percentage change for
16 such five-year period in the Consumer Price Index for All Urban Consumers
17 published by the United States Department of Labor, Bureau of Labor
18 Statistics. If the amount so adjusted is not a multiple of one hundred
19 dollars, the amount shall be rounded to the nearest multiple of one
20 hundred dollars.

21 (4) Until January 1, 2027, the commission may raise the application
22 fee for applications for initial issuance of a license, for a specific
23 type or types of licenses or for all license types, if the commission
24 determines that a greater fee is necessary to carry out the commission's
25 responsibilities under the Nebraska Cannabis Legalization and Revenue
26 Allocation Act. Such increase shall remain in effect beyond January 1,
27 2027, unless reduced by the commission.

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

1 the applicant:

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

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

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

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

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

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

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

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

25 (7) On or before September 1, 2025, the commission shall adopt and
26 promulgate rules and regulations as necessary to carry out this section.

27 Sec. 100. Upon receipt of an application for issuance or renewal of
28 a license, the commission shall notify the city clerk, village clerk, or
29 county clerk of the local governing body in whose jurisdiction the
30 license is sought and shall include one copy of the application with the
31 notice. No such license shall be issued or denied by the commission until

1 the expiration of the time allowed for the receipt of a recommendation of
2 denial or an objection requiring a hearing under subdivision (1)(a) or
3 (b) of section 104 of this act. During the period of forty-five days
4 after the date of receipt by mail or electronic delivery of such
5 application from the commission, the local governing body may submit
6 recommendations to the commission regarding issuance or renewal of such
7 license.

8 Sec. 101. (1) If no hearing is required pursuant to subdivision (1)
9 (a) or (b) of section 104 of this act and the commission has no
10 objections pursuant to subdivision (1)(c) of such section, the commission
11 may waive the forty-five-day objection period and, if not otherwise
12 prohibited by law and subject to the limits set forth in section 97 of
13 this act, issue or renew a license as a matter of course.

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

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

18 (b) The applicant can conform to all provisions and requirements of,
19 and rules and regulations adopted pursuant to, the Nebraska Cannabis
20 Legalization and Revenue Allocation Act;

21 (c) The applicant has demonstrated that the type of management and
22 control to be exercised over the premises described in the application
23 will be sufficient to ensure that the licensed business can conform to
24 all provisions and requirements of, and rules and regulations adopted
25 pursuant to, the act; and

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

28 (3) In making its determination pursuant to subsection (2) of this
29 section the commission shall develop and use a scoring rubric, which
30 shall consider:

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

1 (b) The existence of a citizens' protest made in accordance with
2 section 104 of this act;

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

5 (d) The nature of the neighborhood or community of the location of
6 the proposed licensed premises;

7 (e) The existence or absence of other licensees with similar
8 privileges within the neighborhood or community of the location of the
9 proposed licensed premises and whether, as evidenced by substantive,
10 corroborative documentation, the issuance of such license would result
11 in, or add to, an undue concentration of licenses with similar privileges
12 and, as a result, require the use of additional law enforcement
13 resources;

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

16 (g) The adequacy of existing law enforcement;

17 (h) Zoning restrictions;

18 (i) The sanitation or sanitary conditions on or about the proposed
19 licensed premises;

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

23 (k) Social equity status;

24 (l) The applicant's diversity and inclusion initiatives;

25 (m) Overall community impact, including job creation and community
26 reinvestment;

27 (n) The business viability of the applicant and the applicant's
28 long-term financial stability;

29 (o) The ability of the applicant to provide appropriate security
30 measures; and

31 (p) When relevant, the technical expertise of the applicant.

1 (4) In reviewing applications the commission shall assemble diverse
2 review panels that include commission members and staff, community
3 representatives, and industry experts.

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

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

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

12 Sec. 102. (1) The commission may issue a license conditionally to a
13 successful applicant, in order to allow the applicant to proceed with
14 setting up its business while any final inspections or reviews are
15 completed by the commission.

16 (2) The commission shall provide ongoing support and assistance to
17 licensees, including access to business development resources, legal
18 advice, and mentorship programs.

19 Sec. 103. (1) Thirty percent of all licenses granted by the
20 commission shall be to social equity applicants.

21 (2)(a) Each licensee shall implement policies that encourage
22 diversity in employment, contracting, and other professional
23 opportunities.

24 (b) Each licensee shall annually report to the commission, in a form
25 and manner prescribed by the commission, information regarding the
26 licensee's compliance with subdivision (2)(a) of this section and
27 information that will allow the commission to assess the extent of
28 diversity in various aspects of the cannabis industry and to identify
29 methods for reducing and eliminating barriers to entry.

30 (3) The commission, in consultation with the Department of Economic
31 Development, shall provide technical assistance and support to persons

1 wishing to apply as social equity applicants in preparing applications
2 and obtaining licensure.

3 (4) On or before January 1, 2027, and annually thereafter, the
4 commission shall electronically submit a report to the Legislature
5 regarding social equity in the cannabis industry. The report shall
6 include data regarding the numbers of licensees who are social equity
7 applicants, the numbers of applications by social equity applicants
8 granted and denied, and recommendations on increasing diversity in the
9 cannabis industry and reducing or eliminating barriers to entry.

10 Sec. 104. (1) The commission shall set for hearing before it any
11 application for issuance or renewal of a license, relative to which it
12 has received:

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

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

25 (c) Within forty-five days after the date of receipt of such
26 application by the city, village, or county clerk, objections by the
27 commission or any duly appointed employee of the commission, protesting
28 the issuance of the license.

29 (2) Hearings upon such applications shall be in the following
30 manner: Notice indicating the time and place of such hearing shall be
31 mailed or electronically delivered to the applicant, the local governing

1 body, and each individual protesting a license pursuant to subdivision
2 (1)(b) of this section at least fifteen days prior to such hearing. The
3 notice shall state that the commission will receive evidence for the
4 purpose of determining whether to approve or deny the application.
5 Mailing or electronic delivery to the attorney of record of a party shall
6 be deemed to fulfill the purposes of this section. The commission may
7 receive evidence, including testimony and documentary evidence, and may
8 hear and question witnesses concerning the application. The commission
9 shall not use electronic delivery with respect to an applicant or a
10 protestor under this section without the consent of the recipient to
11 electronic delivery.

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

16 Sec. 105. (1) In addition to the factors set forth in section 101
17 of this act, the commission may deny issuance or renewal of a license for
18 good cause.

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

20 (a) The licensee or applicant has violated, does not meet, or has
21 failed to comply with any of the terms, conditions, or provisions of the
22 Nebraska Cannabis Legalization and Revenue Allocation Act, any rules and
23 regulations adopted and promulgated thereunder, or any local ordinance;

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

26 (c) The licensee or applicant has failed to comply with any special
27 terms or conditions that were placed on its license pursuant to an order
28 of the commission; or

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

1 Sec. 106. A license provided by the Nebraska Cannabis Legalization
2 and Revenue Allocation Act shall not be issued to or held by:

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

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

8 (3) A person financed in whole or in part by any other person who
9 has been convicted of, or pleaded guilty or nolo contendere to, a
10 disqualifying offense;

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

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

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

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

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

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

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

25 (9) A publicly traded company;

26 (10) Before January 1, 2028, any cannabis business if any person
27 holding any interest in such business holds more than a five percent
28 interest in five or more cannabis businesses of the same license type; or

29 (11) On and after January 1, 2028, any cannabis business if any
30 person holding any interest in such business holds:

31 (a) More than a five percent interest in more than ten percent of

1 cannabis businesses of the same license type in the state; or

2 (b) An interest in more than five percent of the total licensed
3 cultivation space in the state.

4 Sec. 107. A license is valid for a period of one year after the
5 date of issuance unless revoked or suspended pursuant to the Nebraska
6 Cannabis Legalization and Revenue Allocation Act or the rules and
7 regulations adopted and promulgated thereunder.

8 Sec. 108. Each license issued under the Nebraska Cannabis
9 Legalization and Revenue Allocation Act shall:

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

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

14 Sec. 109. (1) At all times, a licensee shall possess and maintain
15 possession of the premises for which the license is issued by ownership,
16 lease, rental, or other arrangement for possession of the premises.

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

19 Sec. 110. (1) Each licensee shall personally manage the licensed
20 premises or employ a separate and distinct manager on the licensed
21 premises and shall report the name of the manager to the commission.

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

24 Sec. 111. (1) Ninety days prior to the expiration date of an
25 existing license, the commission shall notify the licensee of the
26 expiration date by first-class mail at the licensee's address of record
27 with the commission.

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

1 this requirement.

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

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

10 Sec. 112. The commission shall create and utilize performance
11 metrics to track licensees' business success rates, job creation, and
12 community impact.

13 Sec. 113. (1) A license is not transferable without approval of the
14 commission as provided in this section. An application for transfer of
15 ownership of a license shall be:

16 (a) In the form and manner required by the commission;

17 (b) Accompanied by a nonrefundable fee of one thousand dollars; and

18 (c) Verified by oath or affirmation of the persons prescribed by the
19 commission.

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

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

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

25 (c) The particular premises of the licensed premises, designating
26 the premises by street and number if practicable or, if not, by such
27 other description as definitively locates the premises;

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

30 (e) A statement that:

31 (i) Each party is a resident of Nebraska and legally able to work in

1 Nebraska;

2 (ii) Each party and the spouse of each party are not less than
3 twenty-one years of age; and

4 (iii) Neither party has been convicted of, or pleaded guilty or nolo
5 contendere to, a disqualifying offense;

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

10 (g) A statement that the transferee intends to superintend in person
11 the management of the business licensed and that if licensed the
12 transferee will superintend in person the management of the business; and

13 (h) Such other information as the commission may direct.

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

18 (4) Upon receipt of an application, the transfer shall be considered
19 in the same manner as provided for applications for issuance or renewal
20 of a license as set forth in sections 99 to 105 of this act, except that
21 the commission may by rule or regulation modify or streamline the
22 procedures or requirements, or the factors to be considered in granting
23 transfer of ownership in light of the fact that the licensed premises is
24 already in operation.

25 Sec. 114. (1) A licensee shall not relocate the licensed premises
26 from the place specified in the license without approval of the
27 commission as provided in this section. An application for relocation of
28 a licensed premises shall be:

29 (a) In the form and manner required by the commission;

30 (b) Accompanied by a nonrefundable fee of one thousand dollars; and

31 (c) Verified by oath or affirmation of the persons prescribed by the

1 commission.

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

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

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

7 (c) The current location of the licensed premises, designating the
8 same by street and number if practicable, or if not, by such other
9 description as definitively locates the licensed premises;

10 (d) The location to which the licensed premises is sought to be
11 relocated, designating the licensed premises by street and number if
12 practicable, or if not, by such other description as definitively locates
13 the new location;

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

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

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

21 (4) Upon receipt of an application, the relocation shall be
22 considered in the same manner as provided for applications for issuance
23 or renewal of a license as set forth in sections 99 to 105 of this act.

24 Sec. 115. The commission, in its discretion, may revoke or elect
25 not to renew any license if it determines that the licensed premises have
26 been inactive, without good cause, for at least one year.

27 Sec. 116. A local governing body shall have the following powers,
28 functions, and duties with respect to licenses:

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

1 (2) To enter or to authorize any peace officer to enter at any time
2 upon any licensed premises to determine whether any provision of the
3 Nebraska Cannabis Legalization and Revenue Allocation Act, any rule or
4 regulation adopted and promulgated thereunder, or any ordinance has been
5 or is being violated and at such time examine the licensed premises in
6 connection with such determination. Any peace officer who determines that
7 the act, any rule or regulation adopted and promulgated thereunder, or
8 any ordinance has been or is being violated shall report such violation
9 in writing to the executive director (a) within thirty days after
10 determining that such violation has occurred, (b) within thirty days
11 after the conclusion of an ongoing police investigation, or (c) within
12 thirty days after the verdict in a prosecution related to such an ongoing
13 police investigation if the prosecuting attorney determines that
14 reporting such violation prior to the verdict would jeopardize such
15 prosecution, whichever is later;

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

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

28 (5) To revoke or impose sanctions on its own motion any license if,
29 upon the same notice and hearing as provided in section 118 of this act,
30 it determines that the licensee has violated the act, any rule or
31 regulation adopted and promulgated thereunder, or any ordinance relating

1 to cannabis. Such order of revocation or sanction may be appealed to the
2 commission within thirty days after the date of the order by filing a
3 notice of appeal with the commission. The commission shall handle the
4 appeal in the manner provided for hearing on an application in section
5 104 of this act; and

6 (6) Upon receipt from the commission of the notice and copy of
7 application as provided in section 100 of this act, to fix a time and
8 place for a hearing at which the local governing body shall receive
9 evidence, either orally or by affidavit from the applicant and any other
10 person, bearing upon the propriety of the issuance or renewal of a
11 license. Notice of the time and place of such hearing shall be published
12 in a legal newspaper in or of general circulation in such city, village,
13 or county one time not less than seven and not more than fourteen days
14 before the time of the hearing. Such notice shall include, but not be
15 limited to, a statement that all persons desiring to give evidence before
16 the local governing body in support of or in protest against the issuance
17 or renewal of such license may do so at the time of the hearing. Such
18 hearing shall be held not more than forty-five days after the date of
19 receipt of the notice from the commission, and after such hearing the
20 local governing body shall cause to be recorded in the minute record of
21 their proceedings a resolution recommending either issuance or refusal of
22 such license. The clerk of such city, village, or county shall mail to
23 the commission by first-class mail, postage prepaid, a copy of the
24 resolution which shall state the cost of the published notice, except
25 that failure to comply with this provision shall not void any license
26 issued by the commission. If the commission refuses to issue or renew
27 such a license, the cost of publication of notice shall be paid by the
28 commission from the security for costs.

29 Sec. 117. Any five residents of the jurisdiction of the local
30 governing body in which a licensed premises is located shall have the
31 right to file a complaint with the local governing body stating that any

1 licensee subject to the jurisdiction of such local governing body has
2 been or is violating the Nebraska Cannabis Legalization and Revenue
3 Allocation Act, any rule or regulation adopted and promulgated
4 thereunder, or any ordinance regulating cannabis. Such complaint shall be
5 in writing in the form prescribed by the local governing body and shall
6 be signed and sworn to by the parties complaining. The complaint shall
7 state the particular statute, rule or regulation, or ordinance believed
8 to have been violated and the facts in detail upon which such belief is
9 based. If the local governing body is satisfied that the complaint
10 substantially charges a violation and that from the facts alleged there
11 is reasonable cause for such belief, it shall set the matter for hearing
12 within ten days from the date of the filing of the complaint and shall
13 serve notice upon the licensee of the time and place of such hearing and
14 of the particular charge in the complaint. The complaint shall in all
15 cases be disposed of by resolution by the local governing body within
16 thirty days from the date the complaint was filed. Such resolution shall
17 be deemed the final order for purposes of appeal to the commission as
18 provided in section 124 of this act.

19 Sec. 118. (1) The commission may, on its own motion or on
20 complaint, after investigation and opportunity for a public hearing at
21 which the licensee must be afforded an opportunity to be heard, sanction
22 a licensee for a violation by the licensee or by its agents or employees
23 of the Nebraska Cannabis Legalization and Revenue Allocation Act, any
24 rules and regulations adopted and promulgated thereunder, any ordinance
25 regulating cannabis, or of any of the terms, conditions, or provisions of
26 the license.

27 (2) The commission shall provide written notice of the hearing, by
28 mailing the notice to the licensee at the address contained in the
29 license and, if different, at the last address furnished to the
30 commission by the licensee.

31 (3) All proceedings for the suspension or revocation of a license or

1 imposition of other sanction against a licensee shall be before the
2 commission, and the proceedings shall be in accordance with rules and
3 regulations adopted and promulgated by the commission not inconsistent
4 with law.

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

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

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

15 (7) If a licensee is convicted of, or pleads guilty or nolo
16 contendere to, a violation of the Nebraska Cannabis Legalization and
17 Revenue Allocation Act, any rule or regulation adopted and promulgated
18 thereunder, or any ordinance regulating cannabis, the court shall
19 promptly notify the commission and the local governing body.

20 Sec. 119. Upon the completion of any hearing held regarding
21 discipline of a license, the director may dismiss the action or impose
22 any of the following sanctions:

23 (1) Censure;

24 (2) Probation;

25 (3) Limitation;

26 (4) Civil penalty;

27 (5) Suspension for up to six months;

28 (6) Seizure of cannabis that is the subject of a violation of the
29 Nebraska Cannabis Legalization and Revenue Allocation Act; or

30 (7) Revocation.

31 Sec. 120. (1) If a civil penalty is imposed pursuant to section 119

1 of this act, it shall not exceed twenty thousand dollars.

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

11 Sec. 121. (1) If the commission determines that cannabis in the
12 possession of a licensee is involved in a violation of the Nebraska
13 Cannabis Legalization and Revenue Allocation Act, the rules and
14 regulations of the commission, an ordinance regulating cannabis, or any
15 terms or conditions of a license, the commission may declare such
16 cannabis to be contraband and seize and destroy or dispose of it in
17 accordance with rules and regulations of the commission. The commission
18 may also seize and dispose of associated property.

19 (2) Following issuance of a final decision by the commission
20 authorizing seizure and destruction of cannabis or associated property of
21 a licensee, the licensee shall have fifteen days to file a petition for a
22 stay. The petition shall be filed in the district court of Lancaster
23 County. The district court shall expeditiously issue a preliminary ruling
24 upon the petition determining whether the licensee has a substantial
25 likelihood of success on judicial review so as to warrant a temporary
26 stay of the seizure and destruction or disposal of the cannabis and any
27 associated property. If the court grants a temporary stay, the court
28 shall issue an order setting forth terms and conditions pursuant to which
29 the licensee may maintain possession of the cannabis and associated
30 property pending a final decision on the merits of the licensee's
31 petition. Such order shall prohibit the licensee from using,

1 distributing, or disposing of the cannabis and any associated property.

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

5 (4) A county attorney shall notify the commission if the county
6 attorney begins investigating a licensee for violations of the Nebraska
7 Cannabis Legalization and Revenue Allocation Act. Upon receipt of such a
8 notification, the commission shall not destroy or dispose of any cannabis
9 or associated property of such licensee until the county attorney has
10 completed such investigation.

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

14 Sec. 122. The state, local governments, and any state or local
15 agency shall not be required to cultivate or care for any cannabis seized
16 for a violation of the Nebraska Cannabis Legalization and Revenue
17 Allocation Act.

18 Sec. 123. (1) A copy of the rule, regulation, order, or decision of
19 the commission denying an application or suspending, revoking, or
20 imposing another sanction against a licensee or of any notice required by
21 any proceeding before it, certified under the seal of the commission,
22 shall be served upon each party of record to the proceeding before the
23 commission. Service upon any attorney of record for any such party shall
24 be deemed to be service upon such party. Each party appearing before the
25 commission shall enter the party's appearance and indicate to the
26 commission the party's address for such service. The mailing of a copy of
27 any rule, regulation, order, or decision of the commission or of any
28 notice by the commission, in the proceeding, to such party at such
29 address shall be deemed to be service upon such party.

30 (2) Within thirty days after the service described in subsection (1)
31 of this section, such party may apply for a rehearing with respect to any

1 matters determined by the commission. The commission shall receive and
2 consider such application for a rehearing within thirty days after its
3 filing with the executive director of the commission. If such application
4 for rehearing is granted, the commission shall proceed as promptly as
5 possible to consider the matters presented by such application. No appeal
6 shall be allowed from any decision of the commission except as provided
7 in section 124 of this act.

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

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

13 (a) The applicant or licensee;

14 (b) Any individual protesting pursuant to subdivision (1)(b) of
15 section 104 of this act;

16 (c) The local governing body if it is entering an appearance to
17 protest or requesting a hearing pursuant to subdivision (1)(c) of section
18 104 of this act; and

19 (d) The commission.

20 Sec. 124. Any order or decision by the commission granting or
21 denying issuance or renewal of a license, a request to transfer ownership
22 of a license, or a request to relocate a licensed premises; suspending,
23 revoking, or imposing another sanction against a licensee; or refusing to
24 suspend, revoke, or impose another sanction against a licensee may be
25 appealed in accordance with the Administrative Procedure Act.

26 Sec. 125. (1) A person holding the appropriate licenses may operate
27 as a cannabis store, cultivator, products manufacturer, and transporter
28 at the same location if approved by the commission and if the location is
29 within the jurisdiction of a local governing body that does not prohibit
30 such joint operations.

31 (2) A licensee operating a cannabis store as a joint operation shall

1 maintain separate licensed premises for such store, including separate
2 entrances, exits, inventories, point-of-sale operations, and
3 recordkeeping.

4 Sec. 126. (1) A local governing body may adopt ordinances
5 regulating state licensees that are more strict than those set forth in
6 the Nebraska Cannabis Legalization and Revenue Allocation Act. Such
7 standards may include, but are not limited to:

8 (a) Distance restrictions between licensed premises of any type or
9 the same type;

10 (b) A prohibition of joint operations under section 125 of this act;

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

12 (d) Any other requirements necessary to ensure the local control of
13 licensees to aid enforcement of the Nebraska Cannabis Legalization and
14 Revenue Allocation Act, ordinances, or the terms and conditions of a
15 license.

16 (2) Any ordinance regulating conduct authorized by the Nebraska
17 Cannabis Legalization and Revenue Allocation Act shall not make it
18 unreasonably impracticable to operate as a licensee, except that this
19 restriction does not apply to a prohibition of joint operations under
20 section 125 of this act.

21 Sec. 127. Nothing in the Nebraska Cannabis Legalization and Revenue
22 Allocation Act shall be construed to limit a law enforcement agency's
23 ability to investigate unlawful activity in relation to a licensee.

24 Sec. 128. No licensee shall:

25 (1) Sell or transfer cannabis to any individual under twenty-one
26 years of age;

27 (2) Allow any individual under twenty-one years of age on its
28 premises;

29 (3) Employ or retain any individual under twenty-one years of age;
30 or

31 (4) Employ or retain any individual without an employment

1 authorization.

2 Sec. 129. No licensee shall transport cannabis, in any form,
3 outside the State of Nebraska.

4 Sec. 130. (1) A licensed premises shall not be located within seven
5 hundred feet of any school or church.

6 (2) This section does not apply to a licensed premises that is
7 licensed prior to a school or church being established within seven
8 hundred feet of such licensed premises.

9 Sec. 131. (1) For purposes of this section:

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

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

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

23 Sec. 132. All cultivation, processing, and manufacture of cannabis
24 shall:

25 (1) Take place at a licensed premises approved by the commission and
26 within an area that is enclosed and locked in a manner that restricts
27 access to only authorized persons. The area may be uncovered only if it
28 is enclosed with security fencing that is designed to prevent
29 unauthorized entry and that is at least ten feet high;

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

31 (3) Take place on property in the licensee's lawful possession or

1 with the consent of the person in lawful physical possession of the
2 property.

3 Sec. 133. Each licensee shall:

4 (1) Secure every entrance to the licensed premises so that access to
5 areas containing cannabis is restricted to persons authorized to possess
6 cannabis; and

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

9 Sec. 134. (1) Each licensee shall keep a complete set of all
10 records necessary to fully document the business transactions of the
11 licensee, all of which shall be open at all times during business hours
12 for the inspection and examination by the commission or its designee.

13 (2) The commission may require any licensee to furnish such
14 information as the commission considers necessary for the proper
15 administration of the Nebraska Cannabis Legalization and Revenue
16 Allocation Act and may require an audit to be made of the books of
17 account and records on such occasions as the commission may consider
18 necessary by an auditor to be selected by the commission who shall
19 likewise have access to all books and records of the licensee. All such
20 audit expenses shall be paid by the licensee.

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

30 (4) The refusal, impediment, obstruction, or interference with an
31 inspection of the licensed premises or records of a licensee by a

1 licensee or its agent or employee is a violation of the Nebraska Cannabis
2 Legalization and Revenue Allocation Act.

3 (5) If a licensee or an agent or employee of a licensee fails to
4 maintain or provide the records required pursuant to the Nebraska
5 Cannabis Legalization and Revenue Allocation Act, the licensee shall be
6 subject to a citation and fine of up to fifteen thousand dollars per
7 individual violation.

8 Sec. 135. (1) Every sale or transfer of cannabis from one licensee
9 to another licensee shall be recorded on a sales invoice or receipt.
10 Sales invoices and receipts may be maintained electronically. Sales
11 invoices and receipts shall:

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

14 (b) Shall not be commingled with invoices covering other
15 commodities.

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

18 (a) Name and address of the purchaser;

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

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

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

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

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

26 Sec. 136. Any licensee may provide a sample of its cannabis or
27 cannabis products to a testing facility for testing and research
28 purposes. The licensee shall maintain a record of what was provided to
29 the testing facility, the identity of the testing facility, and the
30 testing results.

31 Sec. 137. The commission shall adopt and promulgate rules and

1 regulations for testing requirements for testing facilities. The
2 commission may adopt standards based on those of the International
3 Organization for Standardization. The testing requirements shall include:

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

5 (a) The concentration of THC and cannabidiol;

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

7 (c) The composition; and

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

10 (2) Demonstrating the validity and accuracy of the methods used to
11 test cannabis.

12 Sec. 138. The commission may adopt and promulgate rules and
13 regulations that limit the amount of cannabis inventory that a cannabis
14 store may have on hand. Any such limitation must be commercially
15 reasonable and consider factors including a store's sales history.

16 Sec. 139. Every cannabis store shall display at all times in a
17 prominent place a printed sign with a minimum height of twenty inches and
18 a width of fourteen inches, with each letter to be a minimum one-fourth
19 inch in height, which shall read as follows:

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

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

28 Sec. 140. A display case in a cannabis store containing
29 concentrated cannabis must include the potency of the concentrated
30 cannabis next to the name of the product.

31 Sec. 141. (1) No person shall add harmful additives to any cannabis

1 or cannabis product, including, but not limited to, those that are toxic,
2 designed to make the product addictive, designed to make the product
3 appealing to children, or misleading to consumers. This section does not
4 prohibit the addition of common baking or cooking ingredients.

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

6 Sec. 142. No licensee shall cultivate, manufacture, sell, or
7 otherwise transact business with any products containing cannabinoids
8 other than those that were produced, distributed, and taxed in compliance
9 with the Nebraska Cannabis Legalization and Revenue Allocation Act or the
10 Nebraska Hemp Farming Act.

11 Sec. 143. A products manufacturer shall:

12 (1) Process and prepare cannabis into a form allowable under the
13 Nebraska Cannabis Legalization and Revenue Allocation Act prior to
14 distribution to any cannabis store or other products manufacturer; and

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

19 Sec. 144. The commission shall adopt and promulgate rules and
20 regulations for the packaging of cannabis, cannabis products, and
21 concentrated cannabis which shall include:

22 (1) Special packaging requirements to protect children from
23 ingesting or consuming cannabis;

24 (2) Requirements for dividing each serving within a package
25 containing multiple servings in a manner that allows consumers to easily
26 identify a single serving; and

27 (3) Requirements to ensure that packaging and labels are not
28 attractive to children.

29 Sec. 145. (1) Prior to transfer or sale to a consumer by a cannabis
30 store, all cannabis, cannabis products, and concentrated cannabis shall
31 be labeled and placed in an opaque, resealable, and child-resistant

1 package in accordance with the Nebraska Cannabis Legalization and Revenue
2 Allocation Act and all rules and regulations adopted and promulgated
3 thereunder.

4 (2) For purposes of this section:

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

7 (b) Resealable means that the package continues to function within
8 effectiveness specifications, which shall be established by the
9 commission, similar to the federal Poison Prevention Packaging Act of
10 1970, 15 U.S.C. 1471 et seq., as such act existed on July 1, 2024, for
11 the number of opening and closings customary for its size and contents,
12 which shall be determined by the commission.

13 Sec. 146. The label required by section 145 of this act shall
14 include the following information prominently displayed in a clear and
15 legible fashion and in a font size no smaller than nine-point Arial or
16 ten-point Times New Roman:

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

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

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

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

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

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

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

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

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

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

17 (11) Any other information or statement required by the commission.
18 Sec. 147. The principal display area of any packaging or label
19 required by section 145 of this act shall:

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

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

24 Sec. 148. The label required under section 145 of this act shall,
25 for edible cannabis products:

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

29 (2) List all ingredients and disclose nutritional information in the
30 same manner as the federal nutritional labeling requirements in 21 C.F.R.
31 101.9, as such section existed on July 1, 2024; and

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

2 Sec. 149. The commission may by rule or regulation exempt multi-
3 serving liquid cannabis products from the labeling requirements of
4 section 146 of this act when such requirements are unreasonably
5 impracticable, if:

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

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

13 Sec. 150. A sealed internal package of cannabis products shall
14 contain no more than one hundred milligrams of active THC.

15 Sec. 151. (1) The commission may issue a centralized distribution
16 permit to a cultivator authorizing temporary storage on its licensed
17 premises of concentrated cannabis and cannabis products received from a
18 products manufacturer for the sole purpose of transfer to the permit
19 holder's commonly owned cannabis stores.

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

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

30 (4) The commission shall notify the local governing body of its
31 decision regarding the centralized distribution permit. The commission

1 may deny issuance or renewal of a permit for any reasons set forth in
2 section 105 of this act.

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

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

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

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

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

20 (a) Without consideration; and

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

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

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

29 Sec. 152. (1) A person who has an interest in a testing facility
30 shall not have any interest in any cannabis store, cultivator, or
31 products manufacturer.

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

4 Sec. 153. (1) Except as provided in subsection (2) of this section,
5 a license shall not be issued or renewed for a testing facility unless
6 the facility is accredited by a body that is recognized by the
7 International Laboratory Accreditation Cooperation in an appropriate
8 category of testing pursuant to the International Organization for
9 Standardization.

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

16 Sec. 154. (1) Subject to this section, a licensee may provide
17 samples of cannabis to no more than five managers employed by the
18 licensee for purposes of quality control and product development. The
19 licensee may designate no more than five managers per calendar month as
20 such recipients.

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

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

29 (c) A manager shall not receive more than one ounce total of
30 cannabis or eight grams of concentrated cannabis samples per calendar
31 month, regardless of the number of licenses with which the manager is

1 associated.

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

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

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

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

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

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

29 (7) A manager shall not:

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

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

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

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

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

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

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

11 Sec. 155. (1) A cannabis store may sell cannabis to consumers
12 twenty-one years of age and older and to other cannabis stores pursuant
13 to the requirements and restrictions of the Nebraska Cannabis
14 Legalization and Revenue Allocation 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. 156. (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 87 of this act.

1 Sec. 157. (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. 158. 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. 159. A cannabis store shall not sell cannabis to a consumer
13 unless the consumer is physically present in the licensed premises.

14 Sec. 160. (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 Nebraska Cannabis Legalization and Revenue Allocation Act.

22 Sec. 161. (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 section shall not be in
10 violation of section 43 or 44 of this act.

11 Sec. 162. (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 shall not be grounds for the revocation or
20 suspension of any license issued under the Nebraska Cannabis Legalization
21 and Revenue Allocation Act.

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

30 (4) The questioning of a person by an employee or a peace officer
31 does not render the licensee, the employee, or the peace officer civilly

1 or criminally liable for slander, false arrest, false imprisonment,
2 malicious prosecution, or unlawful detention.

3 Sec. 163. (1) Subject to the applicable limit for the cultivator's
4 license tier, a cultivator may cultivate cannabis for sale to cannabis
5 stores, to products manufacturers, and to other cultivators, but not to
6 consumers, in accordance with the Nebraska Cannabis Legalization and
7 Revenue Allocation Act.

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

11 Sec. 164. (1) A products manufacturer may manufacture cannabis
12 products for sale and distribution as permitted by the license subtype as
13 provided in section 96 of this act and in accordance with the Nebraska
14 Cannabis Legalization and Revenue Allocation Act. A products manufacturer
15 shall not sell cannabis products to consumers.

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

19 (3) A products manufacturer shall track all of its cannabis and
20 cannabis products from the point of acquisition until sold or transferred
21 to another licensee in accordance with the Nebraska Cannabis Legalization
22 and Revenue Allocation Act.

23 Sec. 165. (1) A testing facility may analyze, test, and certify
24 cannabis, including for potency and the presence of contaminants, in
25 accordance with the Nebraska Cannabis Legalization and Revenue Allocation
26 Act.

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

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

1 Sec. 166. (1) A transporter may, in accordance with the Nebraska
2 Cannabis Legalization and Revenue Allocation Act:

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

5 (b) Temporarily store cannabis to be transported at its own licensed
6 premises. The commission may approve multiple licensed premises in
7 different locations for a single licensee, subject to sections 99 to 105
8 of this act.

9 (2) A transporter shall not sell cannabis.

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

11 (4) A cannabis store, cultivator, or products manufacturer may
12 transport and distribute its own cannabis without obtaining a transport
13 license.

14 Sec. 167. (1) Except as provided in subsections (2) and (3) of this
15 section, the following employees or agents of a licensee shall possess an
16 employee authorization:

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

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

22 (c) Any natural person with unescorted access to a limited access
23 area.

24 (2) The person or persons who signed a license application as an
25 applicant or applicants are not required to obtain a separate employment
26 authorization from the commission when working in or managing the
27 licensed premises that was the subject of the approved license
28 application.

29 (3) This section does not apply to independent contractors or other
30 persons providing services that are unrelated to the cultivation,
31 processing, testing, distribution, or sale of cannabis, such as plumbers,

1 carpenters, electricians, painters, other trades people, accountants, and
2 attorneys. The commission may by rule and regulation set forth other
3 similar positions and types of work that do not require employment
4 authorization and rules and procedures for escorting such non-employees
5 into limited access areas.

6 (4) For purposes of this section, escorted and limited access area
7 have the same meaning as in section 131 of this act.

8 Sec. 168. (1) An application for issuance of an employment
9 authorization shall be in the form and manner required by the commission,
10 shall be accompanied by a nonrefundable fee of one hundred dollars, and
11 shall be verified by oath or affirmation of the applicant.

12 (2) An application for issuance of an employment authorization shall
13 include:

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

16 (b) A statement that the applicant meets the requirements of section
17 169 of this act; and

18 (c) Such other information as the commission may from time to time
19 direct.

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

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

29 (4) If any false statement is made in any part of an application,
30 the applicant shall be deemed guilty of perjury, and upon conviction
31 thereof the authorization shall be denied or revoked and the applicant

1 subjected to the penalties set forth in section 28-915.

2 Sec. 169. (1) In order to receive an employment authorization, a
3 person shall:

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

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

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

8 (d) Not be employed by the commission or the Department of Revenue;

9 (e) Not be a peace officer, employee of a jail or the Department of
10 Correctional Services, or an official or employee of a local governing
11 body;

12 (f) Not be a related person with respect to any person employed by
13 the commission; and

14 (g) Not live in the same dwelling as any person employed by the
15 commission.

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

20 Sec. 170. The commission shall approve an application for an
21 employment authorization if the applicant meets the requirements of
22 section 169 of this act and submits an application and fee in conformance
23 with section 168 of this act. An employment authorization is valid for
24 two years from the date of issuance.

25 Sec. 171. A person may apply for the renewal of an employment
26 authorization by submitting an application to the commission not earlier
27 than thirty days prior to the date of expiration. The application shall
28 be in a form and submitted in a manner as prescribed by the commission
29 and accompanied by a nonrefundable fee of seventy-five dollars.

30 Sec. 172. (1) The employment authorization of any person who
31 violates the Nebraska Cannabis Legalization and Revenue Allocation Act,

1 any rule or regulation adopted or promulgated thereunder, or an ordinance
2 regulating cannabis may be suspended or revoked or subject to such other
3 sanction as the commission deems appropriate under section 119 of this
4 act, except that any civil penalty issued shall not exceed one thousand
5 dollars.

6 (2) A denial of issuance or renewal, suspension, revocation, or
7 imposition of a sanction against an employment authorization may be
8 appealed in accordance with the Administrative Procedure Act.

9 Sec. 173. (1) For purposes of this section:

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

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

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

16 (d) Provider means a person providing training to stores and their
17 managers and employees.

18 (2) On or before January 1, 2026, the commission shall by rule and
19 regulation determine which employees of which licensees are mandatory
20 participants and develop standards for approved training programs. At a
21 minimum, a program shall include two hours of instruction in a classroom
22 setting and shall include:

23 (a) Program standards that specify, at a minimum, who must attend,
24 the time frame for new staff to attend, recertification requirements,
25 recordkeeping, testing and assessment protocols, and effectiveness
26 evaluations; and

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

30 (i) Licensure, employment authorization, age requirements, registry
31 verification documents, maintenance of records, privacy issues, and

1 unlawful acts;
2 (ii) Civil and criminal liability and administrative sanctions;
3 (iii) Statutory and regulatory requirements for employees and
4 licensees;
5 (iv) Acceptable forms of identification documents;
6 (v) Local ordinances; and
7 (vi) Information on serving size, THC and cannabinoid potency, and
8 impairment.
9 (3) In developing standards under subsection (2) of this section,
10 the commission may consider input nationally from other state agencies,
11 local governing bodies, and the cannabis industry.
12 (4)(a) A provider may apply to the commission for approval of a
13 training program by submitting an application in a form and manner
14 prescribed by the commission together with an eight-hundred-dollar fee.
15 (b) If the commission approves a provider's training program, the
16 commission shall issue a certificate to the provider. The certificate
17 shall be valid for two years and may be renewed by filing a form
18 prescribed by the commission and payment of a one-hundred-dollar fee.
19 (c) A provider of an approved training program shall maintain its
20 training records at its principal place of business for at least three
21 years. The provider shall make the records available for inspection by
22 the commission during normal business hours.
23 (5) The commission may revoke a provider's certification for failure
24 to meet the standards set forth in this section.
25 (6)(a) A licensee may receive a responsible vendor designation from
26 a program provider after successfully completing an approved training
27 program. A responsible vendor designation is valid for two years from the
28 date of issuance.
29 (b) Successful completion of an approved training program is
30 achieved when the program has been attended by and, as determined by the
31 program provider, satisfactorily completed by all mandatory participants.

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

6 (7) A licensee who receives a responsible vendor designation shall
7 maintain information on all mandatory participants who have been trained
8 in an approved training program. The information includes the date,
9 place, time, and duration of training and a list of persons attending
10 each specific training program.

11 (8) If the commission or a local governing body initiates an
12 administrative action against a licensee who holds a responsible vendor
13 designation, the commission or local governing body shall consider the
14 designation as a mitigating factor when imposing sanctions or penalties
15 on the licensee.

16 Sec. 174. (1) The Cannabis Advisory Committee is established.

17 (2) The committee shall provide valuable input to commission's
18 development of regulations and standards through its comprehensive
19 representation and each individual member's unique perspective on
20 consumer, community, and market issues. In addition, the committee will
21 provide an important venue for commission to hold robust public
22 discussions that support the development of an innovative regulatory
23 framework that benefits all Nebraskans and results in a safe,
24 sustainable, and equitable cannabis market.

25 Sec. 175. (1) The Cannabis Advisory Committee shall consist of
26 eleven members. On or before January 15, 2025, the Governor shall appoint
27 the members. Such appointment shall be subject to approval by a majority
28 of the members of the Legislature. The committee shall have at least five
29 members appointed from disproportionately affected areas and at least one
30 member appointed from each congressional district. The commission shall
31 also include:

- 1 (a) At least one member that is a public health expert;
- 2 (b) At least one member that is a cannabis industry representative;
- 3 (c) At least one member that is a cannabis consumer;
- 4 (d) At least one member that is a medical cannabis patient; and
- 5 (e) At least two members that are attorneys.

6 (2) For the initial appointments to the committee, the Governor
7 shall stagger the members' terms so that four members serve for terms of
8 five years, two members for terms of four years, two members for terms of
9 three years, and one member for a term of two years. Appointments made
10 for the succeeding members shall be for terms of five years.

11 (3) The term of office of each member of the committee shall expire
12 on September 1 of the appropriate year. If a vacancy occurs prior to the
13 expiration of a term, the Governor shall appoint a successor with similar
14 qualifications for the remainder of the unexpired term.

15 (4) No member of the committee shall serve more than two
16 consecutive, full terms.

17 (5) If the Legislature is not in session when an appointment is made
18 by the Governor, the member shall take office and act as a recess
19 appointee until the Legislature convenes.

20 (6) No person shall be appointed as a member of the committee who is
21 not a citizen of the United States and who has not resided within the
22 State of Nebraska successively for two years next preceding the date of
23 appointment.

24 Sec. 176. The members of the Cannabis Advisory Committee shall be
25 reimbursed for the expenses incurred in the performance of their duties
26 as provided in sections 81-1174 to 81-1177.

27 Sec. 177. (1) Within thirty days after the initial appointment and
28 in the last calendar quarter of each subsequent year, the members of the
29 Cannabis Advisory Committee shall meet and elect a chairperson of the
30 committee from the appointed members and such other officers, including a
31 vice-chairperson and a secretary, as the committee deems necessary. In

1 case of the death, resignation, or other permanent absence of the
2 chairperson of the committee, the vice-chairperson shall assume the
3 office of chairperson and the members of the committee at the next
4 regular meeting of the committee, or at a special meeting of the
5 committee pursuant to a call signed by at least seven of the remaining
6 members of which all remaining members shall have at least three days'
7 notice, shall elect a new chairperson of the committee from the appointed
8 members and such other new officers as the committee deems necessary.

9 (2) The committee shall meet at least once each quarter and at such
10 other times as it deems necessary. Special meetings may be held upon the
11 call of the chairperson or pursuant to a call signed by at least seven of
12 the other members of which the chairperson and the other members of the
13 committee shall have at least three days' notice. The regular meetings
14 shall be held in suitable offices to be provided in the state office
15 building described in section 81-1108.37 or elsewhere. A majority of the
16 members of the committee shall constitute a quorum for the transaction of
17 business. Every act of a majority of the members of the committee shall
18 be deemed to be the act of the committee. The meetings shall be open to
19 the public. The minutes of the meetings shall show the action of the
20 committee on matters presented and shall be open to public inspection.

21 Sec. 178. (1) The Cannabis Advisory Committee shall advise the
22 commission regarding:

- 23 (a) Rules and regulations for the regulation of cannabis;
- 24 (b) The policies of the commission as they relate to cannabis;
- 25 (c) Emerging challenges in the regulation of cannabis; and
- 26 (d) Recommendations for legislative changes regarding regulation of
27 cannabis.

28 (2) On or before January 1, 2027, the committee shall determine
29 whether additional categories of licenses should be issued, including,
30 but not limited to, licenses for on-site consumption and for delivery.
31 The committee shall make its findings and recommendations available to

1 the commission, including any proposals for legislation to create such
2 licensure categories.

3 Sec. 179. The commission shall keep a record of all proceedings,
4 transactions, communications, and official acts of the Cannabis Advisory
5 Committee. The commission may appoint or employ such clerks and other
6 employees as may be necessary to carry out the Nebraska Cannabis
7 Legalization and Revenue Allocation Act or to perform the duties and
8 exercise the powers conferred by law upon the committee.

9 Sec. 180. The commission shall conduct a public awareness campaign
10 to inform eligible individuals about applying for licenses under the
11 Nebraska Cannabis Legalization and Revenue Allocation Act. The campaign
12 shall focus on reaching individuals in disproportionately impacted areas.
13 Such campaign may be conducted through media, social media, community
14 meetings, and publications.

15 Sec. 181. The commission shall conduct workshops for applicants and
16 licensees on topics including business planning, legal compliance,
17 application preparation, financial management, and collaboration with
18 investors. The commission shall conduct at least one workshop each
19 calendar quarter in each congressional district.

20 Sec. 182. (1) The commission shall establish a business development
21 grant program to provide grants to applicants for licensure and for
22 licensees for licensing and business startup costs for licensed premises
23 to be located in disproportionately impacted areas or operated by social
24 equity applicants.

25 (2) A person may apply for a grant by submitting an application to
26 the commission in a form and manner prescribed by the commission.

27 (3) The commission shall develop eligibility criteria for grants
28 under this section.

29 (4) For any grant recipient under this section, the commission may
30 waive all or any part of any licensing fees under the Nebraska Cannabis
31 Legalization and Revenue Allocation Act.

1 Sec. 183. (1) The commission shall establish a grant program to
2 provide grants to entities which operate programs addressing prisoner re-
3 entry and rehabilitation, restorative justice, and drug intervention in
4 disproportionately impacted areas and economic redevelopment areas.

5 (2) A person may apply for a grant by submitting an application to
6 the commission in a form and manner prescribed by the commission.

7 (3) The commission shall develop eligibility criteria for grants
8 under this section.

9 (4) For purposes of this section, economic redevelopment area means
10 an area designated by the state or a local government for economic
11 revitalization and development.

12 Sec. 184. (1) The commission shall establish a grant program to
13 provide grants to entities which operate programs addressing education,
14 youth outreach, and health in disproportionately impacted areas and
15 economic redevelopment areas.

16 (2) A person may apply for a grant by submitting an application to
17 the commission in a form and manner prescribed by the commission.

18 (3) The commission shall develop eligibility criteria for grants
19 under this section.

20 (4) For purposes of this section, economic redevelopment area means
21 an area designated by the state or a local government for economic
22 revitalization and development.

23 Sec. 185. (1) The commission, in consultation with the Department
24 of Agriculture, shall develop a permitting system to allow pesticide
25 manufacturers to obtain limited quantities of cannabis in order to
26 conduct research to establish safe and effective protocols for the use of
27 pesticides on cannabis. To apply, a pesticide manufacturer shall submit a
28 fee of five hundred dollars to the commission with an application, on a
29 form and in a manner prescribed by the commission. If the commission
30 grants the application it shall enter into an agreement with the
31 pesticide manufacturer, setting forth the terms and conditions under

1 which the pesticide manufacturer may obtain, use, and dispose of
2 cannabis. The permit shall be renewable annually for a fee of one hundred
3 dollars, on such terms and conditions as the commission may prescribe.

4 (2) The commission may revoke a permit granted under this section
5 for any violation of the Nebraska Cannabis Legalization and Revenue
6 Allocation Act or the rules and regulations adopted and promulgated
7 thereunder. A revocation may be appealed to the commission and such
8 appeal shall be subject to the Administrative Procedure Act.

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

11 (a) Conduct such research within Nebraska;

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

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

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

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

20 (f) Not apply pesticides for research purposes on any licensed
21 premises.

22 Sec. 186. (1) The Cannabis Control Fund is created. The fund shall
23 consist of all fees, gifts, grants, and other money, excluding fines and
24 civil penalties, received or collected by the commission under the
25 Nebraska Cannabis Legalization and Revenue Allocation Act.

26 (2) The commission shall use the fund for the administration and
27 enforcement of the Nebraska Cannabis Legalization and Revenue Allocation
28 Act. The fund may be used to cover any such administrative or enforcement
29 costs, including, but not limited to, salary and benefits, expenses
30 incurred by the commission in producing or distributing the forms,
31 materials, and other documentation required by the act, costs of

1 equipment needed to enforce the act, and defraying costs associated with
2 electronic regulatory transactions, industry education events, and
3 enforcement training.

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

6 (4) Any money in the Cannabis Control Fund available for investment
7 shall be invested by the state investment officer pursuant to the
8 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
9 Act.

10 Sec. 187. For purposes of sections 187 to 192 of this act:

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

13 (2) Average market rate means the average price, as determined by
14 the commission on a quarterly basis, of all unprocessed cannabis that is
15 sold or transferred from cultivators in the state to products
16 manufacturers or cannabis stores, less taxes paid on the sales or
17 transfers. An average market rate may be based on the purchaser or
18 transferee of unprocessed cannabis or on the nature of the unprocessed
19 cannabis that is sold or transferred. The average market rate shall
20 include one or more rates that cover unprocessed cannabis that is
21 allocated to extractions, and the initial rates for these product types
22 must be lower than the rate for unprocessed cannabis that is allocated
23 for direct sale to consumers;

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

27 (4) Contract price means the invoice price charged by a cultivator
28 to each licensed purchaser for each sale or transfer of unprocessed
29 cannabis, exclusive of any tax that is included in the written invoice
30 price, and exclusive of any discount or other reduction. In the case of
31 multiple invoices reflecting multiple prices for the same transaction,

1 contract price is the highest such price;

2 (5) Excise tax means the tax imposed by section 188 of this act;

3 (6) Related interests includes individuals who are related by blood
4 or marriage or entities that are directly or indirectly controlled by an
5 entity or individual or related individuals;

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

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

11 Sec. 188. (1) There is levied and shall be collected an excise tax
12 on the first sale or transfer of unprocessed cannabis by a cultivator to
13 a products manufacturer, a cannabis store, or an unaffiliated cultivator.
14 The tax shall be at a rate of sixteen percent of:

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

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

19 (2) The excise tax imposed by this section shall be in addition to
20 all other occupation or privilege taxes imposed by this state or by any
21 political subdivision of the state, subject to section 193 of this act.

22 Sec. 189. (1) Every cultivator shall keep at each licensed premises
23 complete and accurate electronic records for that licensed premises,
24 including itemized invoices of all cannabis cultivated, held, shipped, or
25 otherwise transported or sold to any other licensee.

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

31 (3) A cultivator shall keep itemized invoices of all unprocessed

1 cannabis transferred to cannabis stores owned or controlled by the owners
2 of the cultivator.

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

9 Sec. 190. (1) Every cultivator shall file a return with the
10 commission by the twentieth day of the month following the month reported
11 and with the report shall remit the amount of excise tax due.

12 (2) The return, which shall be upon forms prescribed and furnished
13 by the commission, shall contain, among other things, the total amount of
14 unprocessed cannabis sold or transferred during the preceding month and
15 the amount of tax due thereon.

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

18 Sec. 191. (1) A products manufacturer or cannabis store shall not
19 accept any cannabis from a cultivator unless the manufacturer or store is
20 provided with evidence that the excise tax was paid.

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

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

26 Sec. 192. (1) The commission shall collect the excise tax and shall
27 account for and remit to the State Treasurer at least once each month all
28 money collected pursuant to such tax for credit to the Cannabis Control
29 Fund.

30 (2) After deducting amounts necessary for the commission to
31 administer and enforce the Nebraska Cannabis Legalization and Revenue

1 Allocation Act, the State Treasurer shall credit the remaining revenue
2 collected from the excise tax as follows:

3 (a) Fifty percent of the remainder shall be transferred to the
4 Property Tax Credit Cash Fund;

5 (b) Forty percent of the remainder shall be transferred to the
6 Education Future Fund;

7 (c) Five percent of the remainder shall be used by the commission
8 for grants for business development in disproportionately impacted areas
9 and for social equity applicants under section 182 of this act;

10 (d) Two percent of the remainder shall be used by the commission for
11 grants for prisoner re-entry and rehabilitation, restorative justice, and
12 drug intervention in disproportionately impacted areas and economic
13 recovery areas under section 183 of this act;

14 (e) Two percent of the remainder shall be used by the commission for
15 grants for education, youth outreach, and health in disproportionately
16 impacted areas and economic recovery areas under section 184 of this act;
17 and

18 (f) One percent of the remainder shall be used by the commission for
19 other outreach programs.

20 Sec. 193. No city, village, county, or other political subdivision
21 shall impose an occupation tax on a licensee which annually exceeds two
22 times the amount of the initial license fee required to be paid to the
23 commission by such licensee under section 99 of this act.

24 Sec. 194. Section 28-401, Revised Statutes Cumulative Supplement,
25 2022, as amended by Laws 2024, LB262, section 21, is amended to read:

26 28-401 As used in the Uniform Controlled Substances Act, unless the
27 context otherwise requires:

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

31 (2) Agent means an authorized person who acts on behalf of or at the

1 direction of another person but does not include a common or contract
2 carrier, public warehouse keeper, or employee of a carrier or warehouse
3 keeper;

4 (3) Administration means the Drug Enforcement Administration of the
5 United States Department of Justice;

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

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

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

22 (7) ~~(6)~~ Department means the Department of Health and Human
23 Services;

24 (8) ~~(7)~~ Division of Drug Control means the personnel of the Nebraska
25 State Patrol who are assigned to enforce the Uniform Controlled
26 Substances Act;

27 (9) ~~(8)~~ Dispense means to deliver a controlled substance to an
28 ultimate user or a research subject pursuant to a medical order issued by
29 a practitioner authorized to prescribe, including the packaging,
30 labeling, or compounding necessary to prepare the controlled substance
31 for such delivery;

1 (10) ~~(9)~~ Distribute means to deliver other than by administering or
2 dispensing a controlled substance;

3 (11) ~~(10)~~ Prescribe means to issue a medical order;

4 (12) ~~(11)~~ Drug means (a) articles recognized in the official United
5 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United
6 States, official National Formulary, or any supplement to any of them,
7 (b) substances intended for use in the diagnosis, cure, mitigation,
8 treatment, or prevention of disease in human beings or animals, and (c)
9 substances intended for use as a component of any article specified in
10 subdivision (a) or (b) of this subdivision, but does not include devices
11 or their components, parts, or accessories;

12 (13) ~~(12)~~ Deliver or delivery means the actual, constructive, or
13 attempted transfer from one person to another of a controlled substance,
14 whether or not there is an agency relationship;

15 (14) ~~(13)~~ Hemp has the same meaning as in section 2-503;

16 ~~(14)(a) Marijuana means all parts of the plant of the genus
17 cannabis, whether growing or not, the seeds thereof, and every compound,
18 manufacture, salt, derivative, mixture, or preparation of such plant or
19 its seeds.~~

20 ~~(b) Marijuana does not include the mature stalks of such plant,
21 hashish, tetrahydrocannabinols extracted or isolated from the plant,
22 fiber produced from such stalks, oil or cake made from the seeds of such
23 plant, any other compound, manufacture, salt, derivative, mixture, or
24 preparation of such mature stalks, the sterilized seed of such plant
25 which is incapable of germination, or cannabidiol contained in a drug
26 product approved by the federal Food and Drug Administration.~~

27 ~~(c) Marijuana does not include hemp.~~

28 ~~(d) When the weight of marijuana is referred to in the Uniform
29 Controlled Substances Act, it means its weight at or about the time it is
30 seized or otherwise comes into the possession of law enforcement
31 authorities, whether cured or uncured at that time;~~

1 (15) Manufacture means the production, preparation, propagation,
2 conversion, or processing of a controlled substance, either directly or
3 indirectly, by extraction from substances of natural origin,
4 independently by means of chemical synthesis, or by a combination of
5 extraction and chemical synthesis, and includes any packaging or
6 repackaging of the substance or labeling or relabeling of its container.
7 Manufacture does not include the preparation or compounding of a
8 controlled substance by an individual for his or her own use, except for
9 the preparation or compounding of components or ingredients used for or
10 intended to be used for the manufacture of methamphetamine, or the
11 preparation, compounding, conversion, packaging, or labeling of a
12 controlled substance: (a) By a practitioner as an incident to his or her
13 prescribing, administering, or dispensing of a controlled substance in
14 the course of his or her professional practice; or (b) by a practitioner,
15 or by his or her authorized agent under his or her supervision, for the
16 purpose of, or as an incident to, research, teaching, or chemical
17 analysis and not for sale;

18 (16) Narcotic drug means any of the following, whether produced
19 directly or indirectly by extraction from substances of vegetable origin,
20 independently by means of chemical synthesis, or by a combination of
21 extraction and chemical synthesis: (a) Opium, opium poppy and poppy
22 straw, coca leaves, and opiates; (b) a compound, manufacture, salt,
23 derivative, or preparation of opium, coca leaves, or opiates; or (c) a
24 substance and any compound, manufacture, salt, derivative, or preparation
25 thereof which is chemically equivalent to or identical with any of the
26 substances referred to in subdivisions (a) and (b) of this subdivision,
27 except that the words narcotic drug as used in the Uniform Controlled
28 Substances Act does not include decocainized coca leaves or extracts of
29 coca leaves, which extracts do not contain cocaine or ecgonine, or
30 isoquinoline alkaloids of opium;

31 (17) Opiate means any substance having an addiction-forming or

1 addiction-sustaining liability similar to morphine or being capable of
2 conversion into a drug having such addiction-forming or addiction-
3 sustaining liability. Opiate does not include the dextrorotatory isomer
4 of 3-methoxy-n methylmorphinan and its salts. Opiate includes its racemic
5 and levorotatory forms;

6 (18) Opium poppy means the plant of the species *Papaver somniferum*
7 L., except the seeds thereof;

8 (19) Poppy straw means all parts, except the seeds, of the opium
9 poppy after mowing;

10 (20) Person means any corporation, association, partnership, limited
11 liability company, or one or more persons;

12 (21) Practitioner means a physician, a physician assistant, a
13 dentist, a veterinarian, a pharmacist, a podiatrist, an optometrist, a
14 certified nurse midwife, a certified registered nurse anesthetist, a
15 nurse practitioner, a scientific investigator, a pharmacy, a hospital, or
16 any other person licensed, registered, or otherwise permitted to
17 distribute, dispense, prescribe, conduct research with respect to, or
18 administer a controlled substance in the course of practice or research
19 in this state, including an emergency medical service as defined in
20 section 38-1207;

21 (22) Production includes the manufacture, planting, cultivation, or
22 harvesting of a controlled substance;

23 (23) Immediate precursor means a substance which is the principal
24 compound commonly used or produced primarily for use and which is an
25 immediate chemical intermediary used or likely to be used in the
26 manufacture of a controlled substance, the control of which is necessary
27 to prevent, curtail, or limit such manufacture;

28 (24) State means the State of Nebraska;

29 (25) Ultimate user means a person who lawfully possesses a
30 controlled substance for his or her own use, for the use of a member of
31 his or her household, or for administration to an animal owned by him or

1 her or by a member of his or her household;

2 (26) Hospital has the same meaning as in section 71-419;

3 (27) Cooperating individual means any person, other than a
4 commissioned law enforcement officer, who acts on behalf of, at the
5 request of, or as agent for a law enforcement agency for the purpose of
6 gathering or obtaining evidence of offenses punishable under the Uniform
7 Controlled Substances Act;

8 ~~(28)(a) Hashish or concentrated cannabis means (i) the separated~~
9 ~~resin, whether crude or purified, obtained from a plant of the genus~~
10 ~~cannabis or (ii) any material, preparation, mixture, compound, or other~~
11 ~~substance which contains ten percent or more by weight of~~
12 ~~tetrahydrocannabinols.~~

13 ~~(b) When resins extracted from hemp as defined in section 2-503 are~~
14 ~~in the possession of a person as authorized under the Nebraska Hemp~~
15 ~~Farming Act, they are not considered hashish or concentrated cannabis for~~
16 ~~purposes of the Uniform Controlled Substances Act.~~

17 ~~(c) Hashish or concentrated cannabis does not include cannabidiol~~
18 ~~contained in a drug product approved by the federal Food and Drug~~
19 ~~Administration;~~

20 (28) ~~(29)~~ Exceptionally hazardous drug means (a) a narcotic drug,
21 (b) thiophene analog of phencyclidine, (c) phencyclidine, (d)
22 amobarbital, (e) secobarbital, (f) pentobarbital, (g) amphetamine, or (h)
23 methamphetamine;

24 (29) ~~(30)~~ Imitation controlled substance means a substance which is
25 not a controlled substance or controlled substance analogue but which, by
26 way of express or implied representations and consideration of other
27 relevant factors including those specified in section 28-445, would lead
28 a reasonable person to believe the substance is a controlled substance or
29 controlled substance analogue. A placebo or registered investigational
30 drug manufactured, distributed, possessed, or delivered in the ordinary
31 course of practice or research by a health care professional shall not be

1 deemed to be an imitation controlled substance;

2 ~~(30)(a)~~ ~~(31)(a)~~ Controlled substance analogue means a substance (i)
3 the chemical structure of which is substantially similar to the chemical
4 structure of a Schedule I or Schedule II controlled substance as provided
5 in section 28-405 or (ii) which has a stimulant, depressant, analgesic,
6 or hallucinogenic effect on the central nervous system that is
7 substantially similar to or greater than the stimulant, depressant,
8 analgesic, or hallucinogenic effect on the central nervous system of a
9 Schedule I or Schedule II controlled substance as provided in section
10 28-405. A controlled substance analogue shall, to the extent intended for
11 human consumption, be treated as a controlled substance under Schedule I
12 of section 28-405 for purposes of the Uniform Controlled Substances Act;
13 and

14 (b) Controlled substance analogue does not include (i) a controlled
15 substance, (ii) any substance generally recognized as safe and effective
16 within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
17 301 et seq., as such act existed on January 1, 2014, (iii) any substance
18 for which there is an approved new drug application, or (iv) with respect
19 to a particular person, any substance if an exemption is in effect for
20 investigational use for that person, under section 505 of the Federal
21 Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
22 January 1, 2014, to the extent conduct with respect to such substance is
23 pursuant to such exemption;

24 ~~(31)~~ ~~(32)~~ Anabolic steroid means any drug or hormonal substance,
25 chemically and pharmacologically related to testosterone (other than
26 estrogens, progestins, and corticosteroids), that promotes muscle growth
27 and includes any controlled substance in Schedule III(d) of section
28 28-405. Anabolic steroid does not include any anabolic steroid which is
29 expressly intended for administration through implants to cattle or other
30 nonhuman species and has been approved by the Secretary of Health and
31 Human Services for such administration, but if any person prescribes,

1 dispenses, or distributes such a steroid for human use, such person shall
2 be considered to have prescribed, dispensed, or distributed an anabolic
3 steroid within the meaning of this subdivision;

4 (32) ~~(33)~~ Chart order means an order for a controlled substance
5 issued by a practitioner for a patient who is in the hospital where the
6 chart is stored or for a patient receiving detoxification treatment or
7 maintenance treatment pursuant to section 28-412. Chart order does not
8 include a prescription;

9 (33) ~~(34)~~ Medical order means a prescription, a chart order, or an
10 order for pharmaceutical care issued by a practitioner;

11 (34) ~~(35)~~ Prescription means an order for a controlled substance
12 issued by a practitioner. Prescription does not include a chart order;

13 (35) ~~(36)~~ Registrant means any person who has a controlled
14 substances registration issued by the state or the Drug Enforcement
15 Administration of the United States Department of Justice;

16 (36) ~~(37)~~ Reverse distributor means a person whose primary function
17 is to act as an agent for a pharmacy, wholesaler, manufacturer, or other
18 entity by receiving, inventorying, and managing the disposition of
19 outdated, expired, or otherwise nonsaleable controlled substances;

20 (37) ~~(38)~~ Signature means the name, word, or mark of a person
21 written in his or her own hand with the intent to authenticate a writing
22 or other form of communication or a digital signature which complies with
23 section 86-611 or an electronic signature;

24 (38) ~~(39)~~ Facsimile means a copy generated by a system that encodes
25 a document or photograph into electrical signals, transmits those signals
26 over telecommunications lines, and reconstructs the signals to create an
27 exact duplicate of the original document at the receiving end;

28 (39) ~~(40)~~ Electronic signature has the definition found in section
29 86-621;

30 (40) ~~(41)~~ Electronic transmission means transmission of information
31 in electronic form. Electronic transmission includes computer-to-computer

1 transmission or computer-to-facsimile transmission;

2 ~~(41)~~ ~~(42)~~ Long-term care facility means an intermediate care
3 facility, an intermediate care facility for persons with developmental
4 disabilities, a long-term care hospital, a mental health substance use
5 treatment center, a nursing facility, or a skilled nursing facility, as
6 such terms are defined in the Health Care Facility Licensure Act;

7 ~~(42)~~ ~~(43)~~ Compounding has the same meaning as in section 38-2811;

8 ~~(43)~~ ~~(44)~~ Cannabinoid receptor agonist means any chemical compound
9 or substance that, according to scientific or medical research, study,
10 testing, or analysis, demonstrates the presence of binding activity at
11 one or more of the CB1 or CB2 cell membrane receptors located within the
12 human body. Cannabinoid receptor agonist does not include (a) cannabidiol
13 contained in a drug product approved by the federal Food and Drug
14 Administration or (b) cannabis; and

15 ~~(44)~~ ~~(45)~~ Lookalike substance means a product or substance, not
16 specifically designated as a controlled substance in section 28-405, that
17 is either portrayed in such a manner by a person to lead another person
18 to reasonably believe that it produces effects on the human body that
19 replicate, mimic, or are intended to simulate the effects produced by a
20 controlled substance or that possesses one or more of the following
21 indicia or characteristics:

22 (a) The packaging or labeling of the product or substance suggests
23 that the user will achieve euphoria, hallucination, mood enhancement,
24 stimulation, or another effect on the human body that replicates or
25 mimics those produced by a controlled substance;

26 (b) The name or packaging of the product or substance uses images or
27 labels suggesting that it is a controlled substance or produces effects
28 on the human body that replicate or mimic those produced by a controlled
29 substance;

30 (c) The product or substance is marketed or advertised for a
31 particular use or purpose and the cost of the product or substance is

1 disproportionately higher than other products or substances marketed or
2 advertised for the same or similar use or purpose;

3 (d) The packaging or label on the product or substance contains
4 words or markings that state or suggest that the product or substance is
5 in compliance with state and federal laws regulating controlled
6 substances;

7 (e) The owner or person in control of the product or substance uses
8 evasive tactics or actions to avoid detection or inspection of the
9 product or substance by law enforcement authorities;

10 (f) The owner or person in control of the product or substance makes
11 a verbal or written statement suggesting or implying that the product or
12 substance is a synthetic drug or that consumption of the product or
13 substance will replicate or mimic effects on the human body to those
14 effects commonly produced through use or consumption of a controlled
15 substance;

16 (g) The owner or person in control of the product or substance makes
17 a verbal or written statement to a prospective customer, buyer, or
18 recipient of the product or substance implying that the product or
19 substance may be resold for profit; or

20 (h) The product or substance contains a chemical or chemical
21 compound that does not have a legitimate relationship to the use or
22 purpose claimed by the seller, distributor, packer, or manufacturer of
23 the product or substance or indicated by the product name, appearing on
24 the product's packaging or label or depicted in advertisement of the
25 product or substance.

26 Sec. 195. Section 28-405, Revised Statutes Supplement, 2023, is
27 amended to read:

28 28-405 The following are the schedules of controlled substances
29 referred to in the Uniform Controlled Substances Act, unless specifically
30 contained on the list of exempted products of the Drug Enforcement
31 Administration of the United States Department of Justice as the list

1 existed on January 31, 2022:

2 Schedule I

3 (a) Any of the following opiates, including their isomers, esters,
4 ethers, salts, and salts of isomers, esters, and ethers, unless
5 specifically excepted, whenever the existence of such isomers, esters,
6 ethers, and salts is possible within the specific chemical designation:

7 (1) Acetylmethadol;

8 (2) Allylprodine;

9 (3) Alphacetylmethadol, except levo-alphacetylmethadol which is also
10 known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;

11 (4) Alphameprodine;

12 (5) Alphamethadol;

13 (6) Benzethidine;

14 (7) Betacetylmethadol;

15 (8) Betameprodine;

16 (9) Betamethadol;

17 (10) Betaprodine;

18 (11) Clonitazene;

19 (12) Dextromoramide;

20 (13) Difenoxylin;

21 (14) Diampromide;

22 (15) Diethylthiambutene;

23 (16) Dimenoxadol;

24 (17) Dimepheptanol;

25 (18) Dimethylthiambutene;

26 (19) Dioxaphetyl butyrate;

27 (20) Dipipanone;

28 (21) Ethylmethylthiambutene;

29 (22) Etonitazene;

30 (23) Etoxadine;

31 (24) Furethidine;

- 1 (25) Hydroxypethidine;
- 2 (26) Ketobemidone;
- 3 (27) Levomoramide;
- 4 (28) Levophenacymorphan;
- 5 (29) Morpheridine;
- 6 (30) Noracymethadol;
- 7 (31) Norlevorphanol;
- 8 (32) Normethadone;
- 9 (33) Norpipanone;
- 10 (34) Phenadoxone;
- 11 (35) Phenampromide;
- 12 (36) Phenomorphan;
- 13 (37) Phenoperidine;
- 14 (38) Piritramide;
- 15 (39) Proheptazine;
- 16 (40) Properidine;
- 17 (41) Propiram;
- 18 (42) Racemoramide;
- 19 (43) Trimeperidine;
- 20 (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl-4-
- 21 piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)
- 22 piperidine;
- 23 (45) Tilidine;
- 24 (46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
- 25 phenylpropanamide, its optical and geometric isomers, salts, and salts of
- 26 isomers;
- 27 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical
- 28 isomers, salts, and salts of isomers;
- 29 (48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine, its
- 30 optical isomers, salts, and salts of isomers;
- 31 (49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-phenethyl)-4-

1 piperidiny)-N-phenylacetamide, its optical isomers, salts, and salts of
2 isomers;

3 (50) Alpha-methylthiofentanyl, N-(1-methyl-2-(2-thienyl)ethyl-4-
4 piperidiny)-N-phenylpropanamide, its optical isomers, salts, and salts
5 of isomers;

6 (51) Benzylfentanyl, N-(1-benzyl-4-piperidyl)-N-phenylpropanamide,
7 its optical isomers, salts, and salts of isomers;

8 (52) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-phenethyl)-4-
9 piperidiny)-N-phenylpropanamide, its optical isomers, salts, and salts
10 of isomers;

11 (53) Beta-hydroxy-3-methylfentanyl, (other name: N-(1-(2-hydroxy-2-
12 phenethyl)-3-methyl-4-piperidiny)-N-phenylpropanamide), its optical and
13 geometric isomers, salts, and salts of isomers;

14 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-thienyl)ethyl-4-
15 piperidiny)-N-phenylpropanamide, its optical and geometric isomers,
16 salts, and salts of isomers;

17 (55) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
18 (thenylfentanyl), its optical isomers, salts, and salts of isomers;

19 (56) Thiofentanyl, N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidiny)-
20 propanamide, its optical isomers, salts, and salts of isomers;

21 (57) Para-fluorofentanyl, N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-
22 piperidiny)propanamide, its optical isomers, salts, and salts of
23 isomers;

24 (58) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
25 methylbenzamide;

26 (59) 4-Fluoroisobutyryl Fentanyl;

27 (60) Acetyl Fentanyl;

28 (61) Acyrloylfentanyl;

29 (62) AH-7921; 3, 4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]
30 benzamide;

31 (63) Butyryl fentanyl;

- 1 (64) Cyclopentyl fentanyl;
- 2 (65) Cyclopropyl fentanyl;
- 3 (66) Furanyl fentanyl;
- 4 (67) Isobutyryl fentanyl;
- 5 (68) Isotonitazene;
- 6 (69) Methoxyacetyl fentanyl;
- 7 (70) MT-45; 1-cyclohexyl-4-(1,2-diphenylethyl) piperazine;
- 8 (71) Tetrahydrofuranyl fentanyl;
- 9 (72) 2-fluorofentanyl; N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-
10 yl) propionamide;
- 11 (73) Ocfentanil;
- 12 (74) Ortho-Fluorofentanyl;
- 13 (75) Para-chloroisobutyryl fentanyl;
- 14 (76) Para-Fluorobutyryl Fentanyl;
- 15 (77) Valeryl fentanyl;
- 16 (78) Phenyl Fentanyl;
- 17 (79) Para-Methylfentanyl;
- 18 (80) Thiofuranyl Fentanyl;
- 19 (81) Beta-methyl Fentanyl;
- 20 (82) Beta'-Phenyl Fentanyl;
- 21 (83) Crotonyl Fentanyl;
- 22 (84) 2'-Fluoro Ortho-Fluorofentanyl;
- 23 (85) 4'-Methyl Acetyl Fentanyl;
- 24 (86) Ortho-Fluorobutyryl Fentanyl;
- 25 (87) Ortho-Methyl Acetylfentanyl;
- 26 (88) Ortho-Methyl Methoxyacetyl Fentanyl;
- 27 (89) Ortho-Fluoroacryl Fentanyl;
- 28 (90) Fentanyl Carbamate;
- 29 (91) Ortho-Fluoroisobutyryl Fentanyl;
- 30 (92) Para-Fluoro Furanyl Fentanyl;
- 31 (93) Para-Methoxybutyryl Fentanyl;

1 (94) Brorphine (other name: 1-(1-(1-(4-bromophenyl) ethyl)
2 piperidin-4-yl-1,3-dihydro-2H-benzo[D]imidazole-2-one); and

3 (95) Fentanyl-related substances, their isomers, esters, ethers,
4 salts and salts of isomers, esters, and ethers. Unless specifically
5 excepted, listed in another schedule, or specifically named in this
6 schedule, this includes any substance that is structurally related to
7 fentanyl by one or more of the following modifications:

8 (A) Replacement of the phenyl portion of the phenethyl group by any
9 monocycle, whether or not further substituted in or on the monocycle;

10 (B) Substitution in or on the phenethyl group with alkyl, alkenyl,
11 alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;

12 (C) Substitution in or on the piperidine ring with alkyl, alkenyl,
13 alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

14 (D) Replacement of the aniline ring with any aromatic monocycle
15 whether or not further substituted in or on the aromatic monocycle; or

16 (E) Replacement of the N-propionyl group by another acyl group.

17 (b) Any of the following opium derivatives, their salts, isomers,
18 and salts of isomers, unless specifically excepted, whenever the
19 existence of such salts, isomers, and salts of isomers is possible within
20 the specific chemical designation:

21 (1) Acetorphine;

22 (2) Acetyldihydrocodeine;

23 (3) Benzylmorphine;

24 (4) Codeine methylbromide;

25 (5) Codeine-N-Oxide;

26 (6) Cyprenorphine;

27 (7) Desomorphine;

28 (8) Dihydromorphine;

29 (9) Drotebanol;

30 (10) Etorphine, except hydrochloride salt;

31 (11) Heroin;

- 1 (12) Hydromorphenol;
- 2 (13) Methyldesorphine;
- 3 (14) Methyldihydromorphine;
- 4 (15) Morphine methylbromide;
- 5 (16) Morphine methylsulfonate;
- 6 (17) Morphine-N-Oxide;
- 7 (18) Myrophine;
- 8 (19) Nicocodeine;
- 9 (20) Nicomorphine;
- 10 (21) Normorphine;
- 11 (22) Pholcodine; and
- 12 (23) Thebacon.

13 (c) Any material, compound, mixture, or preparation which contains
14 any quantity of the following hallucinogenic substances, their salts,
15 isomers, and salts of isomers, unless specifically excepted, whenever the
16 existence of such salts, isomers, and salts of isomers is possible within
17 the specific chemical designation, and, for purposes of this subdivision
18 only, isomer shall include the optical, position, and geometric isomers:

19 (1) Bufotenine. Trade and other names shall include, but are not
20 limited to: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-
21 dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-
22 dimethyltryptamine; and mappine;

23 (2) 4-bromo-2,5-dimethoxyamphetamine. Trade and other names shall
24 include, but are not limited to: 4-bromo-2,5-dimethoxy-alpha-
25 methylphenethylamine; and 4-bromo-2,5-DMA;

26 (3) 4-methoxyamphetamine. Trade and other names shall include, but
27 are not limited to: 4-methoxy-alpha-methylphenethylamine; and
28 paramethoxyamphetamine, PMA;

29 (4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other names shall
30 include, but are not limited to: 4-methyl-2,5-dimethoxy-alpha-
31 methylphenethylamine; DOM; and STP;

1 (5) Para-methoxymethamphetamine. Trade and other names shall
2 include, but are not limited to: 1-(4-Methoxyphenyl)-N-methylpropan-2-
3 amine, PMMA, and 4-MMA;

4 (6) Ibogaine. Trade and other names shall include, but are not
5 limited to: 7-Ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-
6 methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole; and Tabernanthe
7 iboga;

8 (7) Lysergic acid diethylamide;

9 ~~(8) Marijuana;~~

10 ~~(8) (9) Mescaline;~~

11 ~~(9) (10) Methoxetamine (MXE);~~

12 ~~(10) (11) Peyote.~~ Peyote shall mean all parts of the plant presently
13 classified botanically as *Lophophora williamsii* Lemaire, whether growing
14 or not, the seeds thereof, any extract from any part of such plant, and
15 every compound, manufacture, salts, derivative, mixture, or preparation
16 of such plant or its seeds or extracts;

17 ~~(11) (12) Psilocybin;~~

18 ~~(12) (13) Psilocyn;~~

19 ~~(13) Synthetic tetrahydrocannabinols (14) Tetrahydrocannabinols,~~
20 including, but not limited to, synthetic equivalents of the substances
21 contained in the plant or in the resinous extractives of cannabis, sp. or
22 synthetic substances, derivatives, and their isomers with similar
23 chemical structure and pharmacological activity such as the following:
24 Delta 1 cis or trans tetrahydrocannabinol and their optical isomers,
25 excluding dronabinol in a drug product approved by the federal Food and
26 Drug Administration; Delta 6 cis or trans tetrahydrocannabinol and their
27 optical isomers; and Delta 3,4 cis or trans tetrahydrocannabinol and its
28 optical isomers. Since nomenclature of these substances is not
29 internationally standardized, compounds of these structures shall be
30 included regardless of the numerical designation of atomic positions
31 covered. Tetrahydrocannabinols does not include (a) cannabidiol contained

1 in a drug product approved by the federal Food and Drug Administration or
2 (b) naturally occurring tetrahydrocannabinols extracted or derived from
3 cannabis;

4 (14) ~~(15)~~ N-ethyl-3-piperidyl benzilate;

5 (15) ~~(16)~~ N-methyl-3-piperidyl benzilate;

6 (16) ~~(17)~~ Thiophene analog of phencyclidine. Trade and other names
7 shall include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-
8 piperidine; 2-thienyl analog of phencyclidine; TCP; and TCP;

9 ~~(18) Hashish or concentrated cannabis;~~

10 (17) ~~(19)~~ Parahexyl. Trade and other names shall include, but are
11 not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
12 dibenzo(b,d)pyran; and Synhexyl;

13 (18) ~~(20)~~ Ethylamine analog of phencyclidine. Trade and other names
14 shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine;
15 (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
16 cyclohexamine; and PCE;

17 (19) ~~(21)~~ Pyrrolidine analog of phencyclidine. Trade and other names
18 shall include, but are not limited to: 1-(1-phenylcyclohexyl)-
19 pyrrolidine; PCPy; and PHP;

20 (20) ~~(22)~~ Alpha-ethyltryptamine. Some trade or other names:
21 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
22 indole; alpha-ET; and AET;

23 (21) ~~(23)~~ 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

24 (22) ~~(24)~~ 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

25 (23) ~~(25)~~ Alpha-methyltryptamine, which is also known as AMT;

26 (24) ~~(26)~~ Salvia divinorum or Salvinorin A. Salvia divinorum or
27 Salvinorin A includes all parts of the plant presently classified
28 botanically as Salvia divinorum, whether growing or not, the seeds
29 thereof, any extract from any part of such plant, and every compound,
30 manufacture, derivative, mixture, or preparation of such plant, its
31 seeds, or its extracts, including salts, isomers, and salts of isomers

1 whenever the existence of such salts, isomers, and salts of isomers is
2 possible within the specific chemical designation;

3 ~~(25)~~ (27) Any material, compound, mixture, or preparation containing
4 any quantity of synthetically produced cannabinoids as listed in
5 subdivisions (A) through (L) of this subdivision, including their salts,
6 isomers, salts of isomers, and nitrogen, oxygen, or sulfur-heterocyclic
7 analogs, unless specifically excepted elsewhere in this section. Since
8 nomenclature of these synthetically produced cannabinoids is not
9 internationally standardized and may continually evolve, these structures
10 or compounds of these structures shall be included under this
11 subdivision, regardless of their specific numerical designation of atomic
12 positions covered, so long as it can be determined through a recognized
13 method of scientific testing or analysis that the substance contains
14 properties that fit within one or more of the following categories:

15 (A) Tetrahydrocannabinols: Meaning synthetic equivalents of
16 tetrahydrocannabinols naturally contained in a plant of the genus
17 cannabis (cannabis plant), as well as synthetic equivalents of the
18 substances contained in the plant, or in the resinous extractives of
19 cannabis, sp. and/or synthetic substances, derivatives, and their isomers
20 with similar chemical structure and pharmacological activity such as the
21 following: Delta 1 cis or trans tetrahydrocannabinol, and their optical
22 isomers; Delta 6 cis or trans tetrahydrocannabinol, and their optical
23 isomers; Delta 3,4 cis or trans tetrahydrocannabinol, and its optical
24 isomers. This subdivision does not include cannabidiol contained in a
25 drug product approved by the federal Food and Drug Administration;

26 (B) Naphthoylindoles: Any compound containing a 3-(1-
27 naphthoyl)indole structure with substitution at the nitrogen atom of the
28 indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
29 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
30 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
31 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or

1 tetrahydropyranylmethyl group, whether or not further substituted in or
2 on any of the listed ring systems to any extent;

3 (C) Naphthylmethyloindoles: Any compound containing a 1 H-indol-3-
4 yl-(1-naphthyl)methane structure with substitution at the nitrogen atom
5 of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
6 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
7 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
8 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
9 tetrahydropyranylmethyl group, whether or not further substituted in or
10 on any of the listed ring systems to any extent;

11 (D) Naphthoylpyrroles: Any compound containing a 3-(1-
12 naphthoyl)pyrrole structure with substitution at the nitrogen atom of the
13 pyrrole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
14 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
15 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
16 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
17 tetrahydropyranylmethyl group, whether or not further substituted in or
18 on any of the listed ring systems to any extent;

19 (E) Naphthylideneindenes: Any compound containing a
20 naphthylideneindene structure with substitution at the 3-position of the
21 indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
22 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
23 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
24 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
25 tetrahydropyranylmethyl group, whether or not further substituted in or
26 on any of the listed ring systems to any extent;

27 (F) Phenylacetyloindoles: Any compound containing a 3-
28 phenylacetyloindole structure with substitution at the nitrogen atom of
29 the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
30 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
31 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-

1 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
2 tetrahydropyranylmethyl group, whether or not further substituted in or
3 on any of the listed ring systems to any extent;

4 (G) Cyclohexylphenols: Any compound containing a 2-(3-
5 hydroxycyclohexyl)phenol structure with substitution at the 5-position of
6 the phenolic ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
7 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
8 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
9 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
10 tetrahydropyranylmethyl group, whether or not substituted in or on any of
11 the listed ring systems to any extent;

12 (H) Benzoylindoles: Any compound containing a 3-(benzoyl)indole
13 structure with substitution at the nitrogen atom of the indole ring by an
14 alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl,
15 cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-
16 piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
17 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
18 further substituted in or on any of the listed ring systems to any
19 extent;

20 (I) Adamantoylindoles: Any compound containing a 3-adamantoylindole
21 structure with substitution at the nitrogen atom of the indole ring by an
22 alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl,
23 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
24 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
25 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
26 further substituted in or on any of the listed ring systems to any
27 extent;

28 (J) Tetramethylcyclopropanoylindoles: Any compound containing a 3-
29 tetramethylcyclopropanoylindole structure with substitution at the
30 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
31 alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-

1 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 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 (K) Indole carboxamides: Any compound containing a 1-indole-3-
6 carboxamide structure with substitution at the nitrogen atom of the
7 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
8 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
9 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
10 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
11 tetrahydropyranylmethyl group, substitution at the carboxamide group by
12 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,
13 phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further
14 substituted in or on any of the listed ring systems to any extent or to
15 the adamantyl, 1-naphthyl, phenyl, aminooxoalkyl, benzyl, or
16 propionaldehyde groups to any extent;

17 (L) Indole carboxylates: Any compound containing a 1-indole-3-
18 carboxylate structure with substitution at the nitrogen atom of the
19 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
20 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
21 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
22 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
23 tetrahydropyranylmethyl group, substitution at the carboxylate group by
24 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,
25 phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further
26 substituted in or on any of the listed ring systems to any extent or to
27 the adamantyl, 1-naphthyl, phenyl, aminooxoalkyl, benzyl, or
28 propionaldehyde groups to any extent; and

29 (M) Any nonnaturally occurring substance, chemical compound,
30 mixture, or preparation, not specifically listed elsewhere in these
31 schedules and which is not approved for human consumption by the federal

1 Food and Drug Administration, containing or constituting a cannabinoid
2 receptor agonist as defined in section 28-401. This subdivision (M) does
3 not apply to any product or preparation containing solely
4 tetrahydrocannabinols which are naturally occurring and extracted or
5 derived from cannabis;

6 ~~(26)~~ ~~(28)~~ Zipeprol 1-methoxy-3-[4-(2-methoxy-2-
7 phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol, including its isomers,
8 esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
9 the existence of such isomers, esters, ethers, and salts is possible
10 within the specific chemical designation;

11 ~~(27)~~ ~~(29)~~ Any material, compound, mixture, or preparation containing
12 any quantity of a substituted phenethylamine as listed in subdivisions
13 (A) through (C) of this subdivision, unless specifically excepted, listed
14 in another schedule, or specifically named in this schedule, that is
15 structurally derived from phenylethan-2-amine by substitution on the
16 phenyl ring with a fused methylenedioxy ring, fused furan ring, or a
17 fused tetrahydrofuran ring; by substitution with two alkoxy groups; by
18 substitution with one alkoxy and either one fused furan, tetrahydrofuran,
19 or tetrahydropyran ring system; or by substitution with two fused ring
20 systems from any combination of the furan, tetrahydrofuran, or
21 tetrahydropyran ring systems, whether or not the compound is further
22 modified in any of the following ways:

23 (A) Substitution of the phenyl ring by any halo, hydroxyl, alkyl,
24 trifluoromethyl, alkoxy, or alkylthio groups; (B) substitution at the 2-
25 position by any alkyl groups; or (C) substitution at the 2-amino nitrogen
26 atom with alkyl, dialkyl, benzyl, hydroxybenzyl, or methoxybenzyl groups,
27 and including, but not limited to:

28 (i) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine, which is also known
29 as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine;

30 (ii) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine, which is also known
31 as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine;

- 1 (iii) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine, which is also known
2 as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine;
- 3 (iv) 2-(2,5-Dimethoxyphenyl)ethanamine, which is also known as 2C-H
4 or 2,5-Dimethoxyphenethylamine;
- 5 (v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is also known as
6 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;
- 7 (vi) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine, which is also known
8 as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine;
- 9 (vii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine, which is also
10 known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine;
- 11 (viii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine, which is
12 also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine;
- 13 (ix) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine, which is
14 also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine;
- 15 (x) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine, which is also known
16 as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine;
- 17 (xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine, which is also
18 known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine;
- 19 (xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine, which is also
20 known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;
- 21 (xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane, which is also
22 known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;
- 23 (xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine, which is also
24 known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;
- 25 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
26 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe; 25B-
27 NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;
- 28 (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
29 methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe; 25I-
30 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;
- 31 (xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine,

1 which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-
2 methoxybenzyl)phenethylamine;

3 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
4 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or
5 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;

6 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine,
7 which is also known as 2CB-5-hemiFLY;

8 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-
9 yl)ethanamine, which is also known as 2C-B-FLY;

10 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
11 yl)ethanamine, which is also known as 2C-B-butterFLY;

12 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-
13 b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-
14 NBOMe;

15 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine,
16 which is also known as bromo-benzodifuranylisopropylamine or bromo-
17 dragonFLY;

18 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which
19 is also known as 2C-INBOH or 25I-NBOH;

20 (xxv) 5-(2-Aminopropyl)benzofuran, which is also known as 5-APB;

21 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;

22 (xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known
23 as 5-APDB;

24 (xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also
25 known as 6-APDB;

26 (xxix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-
27 dimethoxy-a-methylphenethylamine; 2, 5-DMA;

28 (xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;

29 (xxxi) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also
30 known as 2C-T-7;

31 (xxxii) 5-methoxy-3,4-methylenedioxy-amphetamine;

1 (xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as
2 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and STP;

3 (xxxiv) 3,4-methylenedioxy amphetamine, which is also known as MDA;

4 (xxxv) 3,4-methylenedioxymethamphetamine, which is also known as
5 MDMA;

6 (xxxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is also known
7 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA;

8 (xxxvii) 3,4,5-trimethoxy amphetamine; and

9 (xxxviii) n-hydroxy-3, 4-Methylenedioxy-N-Hydroxyamphetamine, which
10 is also known as N-hydroxyMDA;

11 (28) ~~(30)~~ Any material, compound, mixture, or preparation containing
12 any quantity of a substituted tryptamine unless specifically excepted,
13 listed in another schedule, or specifically named in this schedule, that
14 is structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also
15 known as tryptamine, by mono- or di-substitution of the amine nitrogen
16 with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom
17 in a cyclic structure whether or not the compound is further substituted
18 at the alpha position with an alkyl group or whether or not further
19 substituted on the indole ring to any extent with any alkyl, alkoxy,
20 halo, hydroxyl, or acetoxy groups, and including, but not limited to:

21 (A) 5-methoxy-N,N-diallyltryptamine, which is also known as 5-MeO-
22 DALT;

23 (B) 4-acetoxy-N,N-dimethyltryptamine, which is also known as 4-AcO-
24 DMT or OAcetylpsilocin;

25 (C) 4-hydroxy-N-methyl-N-ethyltryptamine, which is also known as 4-
26 HO-MET;

27 (D) 4-hydroxy-N,N-diisopropyltryptamine, which is also known as 4-
28 HO-DIPT;

29 (E) 5-methoxy-N-methyl-N-isopropyltryptamine, which is also known as
30 5-MeOMiPT;

31 (F) 5-Methoxy-N,N-Dimethyltryptamine, which is also known as 5-MeO-

1 DMT;

2 (G) 5-methoxy-N,N-diisopropyltryptamine, which is also known as 5-
3 MeO-DiPT;

4 (H) Diethyltryptamine, which is also known as N,N-Diethyltryptamine,
5 DET; and

6 (I) Dimethyltryptamine, which is also known as DMT; and

7 ~~(29)(A)~~ ~~(31)(A)~~ Any substance containing any quantity of the
8 following materials, compounds, mixtures, or structures:

9 (i) 3,4-methylenedioxymethcathinone, or bk-MDMA, or methydone;

10 (ii) 3,4-methylenedioxypyrovalerone, or MDPV;

11 (iii) 4-methylmethcathinone, or 4-MMC, or mephedrone;

12 (iv) 4-methoxymethcathinone, or bk-PMMA, or PMMC, or methedrone;

13 (v) Fluoromethcathinone, or FMC;

14 (vi) Naphthylpyrovalerone, or naphyrone; or

15 (vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or
16 butylone; or

17 (B) Unless listed in another schedule, any substance which contains
18 any quantity of any material, compound, mixture, or structure, other than
19 bupropion, that is structurally derived by any means from 2-
20 aminopropan-1-one by substitution at the 1-position with either phenyl,
21 naphthyl, or thiophene ring systems, whether or not the compound is
22 further modified in any of the following ways:

23 (i) Substitution in the ring system to any extent with alkyl,
24 alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents,
25 whether or not further substituted in the ring system by one or more
26 other univalent substituents;

27 (ii) Substitution at the 3-position with an acyclic alkyl
28 substituent; or

29 (iii) Substitution at the 2-amino nitrogen atom with alkyl or
30 dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic
31 structure.

1 (d) Unless specifically excepted or unless listed in another
2 schedule, any material, compound, mixture, or preparation which contains
3 any quantity of the following substances having a depressant effect on
4 the central nervous system, including its salts, isomers, and salts of
5 isomers whenever the existence of such salts, isomers, and salts of
6 isomers is possible within the specific chemical designation:

7 (1) Amineptine 7-[(10,11-dihydro-5H-dibenzo[a,d]-cyclohepten-5-
8 yl)amino]heptanoic acid, including its salts, isomers, and salts of
9 isomers;

10 (2) Mecloqualone;

11 (3) Methaqualone; and

12 (4) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-
13 hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium
14 Oxybate; and Sodium Oxybutyrate.

15 (e) Unless specifically excepted or unless listed in another
16 schedule, any material, compound, mixture, or preparation which contains
17 any quantity of the following substances having a stimulant effect on the
18 central nervous system, including its salts, isomers, and salts of
19 isomers:

20 (1) Fenethylline;

21 (2) N-ethylamphetamine;

22 (3) Aminorex; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-
23 dihydro-5-phenyl-2-oxazolamine;

24 (4) Cathinone; 2-amino-1-phenyl-1-propanone; alpha-
25 aminopropiophenone; 2-aminopropiophenone; and norephedrone;

26 (5) Methcathinone, its salts, optical isomers, and salts of optical
27 isomers. Some other names: 2-(methylamino)-propiofenone; alpha-
28 (methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-
29 N-methylaminopropiophenone; methylcathinone; monomethylpropion;
30 ephedrone; N-methylcathinone; AL-464; AL-422; AL-463; UR1432; and 4-MEC;

31 (6) (+/-)cis-4-methylaminorex; and (+/-)cis-4,5-dihydro-4-methyl-5-

1 phenyl-2-oxazolamine;

2 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine;
3 and N,N-alpha-trimethylphenethylamine;

4 (8) Benzylpiperazine, 1-benzylpiperazine;

5 (9) 4,4'-dimethylaminorex (other names: 4,4'-DMAR, 4,5-dihydro-4-
6 methyl-5-(4-methylphenyl)-2-oxazolamine); and

7 (10) N-phenyl-N' -(3-(1- phenylpropan-2-yl)-1,2,3-oxadiazol-3-
8 ium-5-yl)carbamimidate), including its salts, isomers, and salts of
9 isomers.

10 (f) Any controlled substance analogue to the extent intended for
11 human consumption.

12 Schedule II

13 (a) Any of the following substances except those narcotic drugs
14 listed in other schedules whether produced directly or indirectly by
15 extraction from substances of vegetable origin, independently by means of
16 chemical synthesis, or by combination of extraction and chemical
17 synthesis:

18 (1) Opium and opiate, and any salt, compound, derivative, or
19 preparation of opium or opiate, excluding apomorphine, buprenorphine,
20 thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene,
21 naloxone, and naltrexone and their salts, but including the following:

22 (A) Raw opium;

23 (B) Opium extracts;

24 (C) Opium fluid;

25 (D) Powdered opium;

26 (E) Granulated opium;

27 (F) Tincture of opium;

28 (G) Codeine;

29 (H) Ethylmorphine;

30 (I) Etorphine hydrochloride;

31 (J) Hydrocodone;

1 (K) Hydromorphone;

2 (L) Metopon;

3 (M) Morphine;

4 (N) Oxycodone;

5 (O) Oxymorphone;

6 (P) Oripavine;

7 (Q) Thebaine; and

8 (R) Dihydroetorphine;

9 (2) Any salt, compound, derivative, or preparation thereof which is
10 chemically equivalent to or identical with any of the substances referred
11 to in subdivision (1) of this subdivision, except that these substances
12 shall not include the isoquinoline alkaloids of opium;

13 (3) Opium poppy and poppy straw;

14 (4) Coca leaves and any salt, compound, derivative, or preparation
15 of coca leaves, and any salt, compound, derivative, or preparation
16 thereof which is chemically equivalent to or identical with any of these
17 substances, including cocaine or ecgonine and its salts, optical isomers,
18 and salts of optical isomers, except that the substances shall not
19 include decocainized coca leaves or extractions which do not contain
20 cocaine or ecgonine; and

21 (5) Concentrate of poppy straw, the crude extract of poppy straw in
22 either liquid, solid, or powder form which contains the phenanthrene
23 alkaloids of the opium poppy.

24 (b) Unless specifically excepted or unless in another schedule any
25 of the following opiates, including their isomers, esters, ethers, salts,
26 and salts of their isomers, esters, and ethers whenever the existence of
27 such isomers, esters, ethers, and salts is possible within the specific
28 chemical designation, dextrorphan excepted:

29 (1) Alphaprodine;

30 (2) Anileridine;

31 (3) Bezitramide;

- 1 (4) Diphenoxylate;
- 2 (5) Fentanyl;
- 3 (6) Isomethadone;
- 4 (7) Levomethorphan;
- 5 (8) Levorphanol;
- 6 (9) Metazocine;
- 7 (10) Methadone;
- 8 (11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl
- 9 butane;
- 10 (12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-
- 11 diphenylpropane-carboxylic acid;
- 12 (13) Norfentanyl (N-phenyl-N-piperidin-4-yl) propionamide;
- 13 (14) Oliceridine;
- 14 (15) Pethidine or meperidine;
- 15 (16) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 16 (17) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
- 17 carboxylate;
- 18 (18) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
- 19 carboxylic acid;
- 20 (19) Phenazocine;
- 21 (20) Piminodine;
- 22 (21) Racemethorphan;
- 23 (22) Racemorphan;
- 24 (23) Dihydrocodeine;
- 25 (24) Bulk Propoxyphene in nondosage forms;
- 26 (25) Sufentanil;
- 27 (26) Alfentanil;
- 28 (27) Levo-alphaacetylmethadol which is also known as levo-alpha-
- 29 acetylmethadol, levomethadyl acetate, and LAAM;
- 30 (28) Carfentanil;
- 31 (29) Remifentanil;

1 (30) Tapentadol; and

2 (31) Thiafentanil.

3 (c) Any material, compound, mixture, or preparation which contains
4 any quantity of the following substances having a potential for abuse
5 associated with a stimulant effect on the central nervous system:

6 (1) Amphetamine, its salts, optical isomers, and salts of its
7 optical isomers;

8 (2) Phenmetrazine and its salts;

9 (3) Methamphetamine, its salts, isomers, and salts of its isomers;

10 (4) Methylphenidate; and

11 (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

12 (d) Any material, compound, mixture, or preparation which contains
13 any quantity of the following substances having a potential for abuse
14 associated with a depressant effect on the central nervous system,
15 including their salts, isomers, and salts of isomers whenever the
16 existence of such salts, isomers, and salts of isomers is possible within
17 the specific chemical designations:

18 (1) Amobarbital;

19 (2) Secobarbital;

20 (3) Pentobarbital;

21 (4) Phencyclidine; and

22 (5) Glutethimide.

23 (e) Hallucinogenic substances known as:

24 (1) Nabilone. Another name for nabilone: (+/-)-trans-3-(1,1-
25 dimethylheptyl)- 6,6a,7,8,10,10a-Hexahydro-1-hydroxy-6,6-dimethyl-9H-
26 dibenzo(b,d)pyran-9-one; and

27 (2) Dronabinol in an oral solution in a drug product approved by the
28 federal Food and Drug Administration.

29 (f) Unless specifically excepted or unless listed in another
30 schedule, any material, compound, mixture, or preparation which contains
31 any quantity of the following substances:

1 (1) Immediate precursor to amphetamine and methamphetamine:
2 Phenylacetone. Trade and other names shall include, but are not limited
3 to: Phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl
4 ketone;

5 (2) Immediate precursors to phencyclidine, PCP:

6 (A) 1-phenylcyclohexylamine; or

7 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

8 (3) Immediate precursor to fentanyl; 4-anilino-N-phenethylpiperidine
9 (ANPP).

10 Schedule III

11 (a) Any material, compound, mixture, or preparation which contains
12 any quantity of the following substances having a potential for abuse
13 associated with a stimulant effect on the central nervous system,
14 including their salts, isomers, whether optical, position, or geometric,
15 and salts of such isomers whenever the existence of such salts, isomers,
16 and salts of isomers is possible within the specific chemical
17 designation:

18 (1) Benzphetamine;

19 (2) Chlorphentermine;

20 (3) Clortermine; and

21 (4) Phendimetrazine.

22 (b) Any material, compound, mixture, or preparation which contains
23 any quantity of the following substances having a potential for abuse
24 associated with a depressant effect on the central nervous system:

25 (1) Any substance which contains any quantity of a derivative of
26 barbituric acid or any salt of a derivative of barbituric acid, except
27 those substances which are specifically listed in other schedules of this
28 section;

29 (2) Aprobarbital;

30 (3) Butabarbital;

31 (4) Butalbital;

- 1 (5) Butethal;
- 2 (6) Butobarbital;
- 3 (7) Chlorhexadol;
- 4 (8) Embutramide;
- 5 (9) Lysergic acid;
- 6 (10) Lysergic acid amide;
- 7 (11) Methyprylon;
- 8 (12) Perampanel;
- 9 (13) Secbutabarbital;
- 10 (14) Sulfondiethylmethane;
- 11 (15) Sulfonethylmethane;
- 12 (16) Sulfonmethane;
- 13 (17) Nalorphine;
- 14 (18) Talbutal;
- 15 (19) Thiamylal;
- 16 (20) Thiopental;
- 17 (21) Vinbarbital;
- 18 (22) Any compound, mixture, or preparation containing amobarbital,
19 secobarbital, pentobarbital, or any salt thereof and one or more other
20 active medicinal ingredients which are not listed in any schedule;
- 21 (23) Any suppository dosage form containing amobarbital,
22 secobarbital, pentobarbital, or any salt of any of these drugs and
23 approved by the federal Food and Drug Administration for marketing only
24 as a suppository;
- 25 (24) Any drug product containing gamma-hydroxybutyric acid,
26 including its salts, isomers, and salts of isomers, for which an
27 application is approved under section 505 of the Federal Food, Drug, and
28 Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2014;
- 29 (25) Ketamine, its salts, isomers, and salts of isomers. Some other
30 names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-
31 cyclohexanone; and

1 (26) Tiletamine and zolazepam or any salt thereof. Trade or other
2 names for a tiletamine-zolazepam combination product shall include, but
3 are not limited to: telazol. Trade or other names for tiletamine shall
4 include, but are not limited to: 2-(ethylamino)-2-(2-thienyl)-
5 cyclohexanone. Trade or other names for zolazepam shall include, but are
6 not limited to: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-
7 trimethylpyrazolo-(3,4-e) (1,4)-diazepin-7(1H)-one, and flupyrzapon.

8 (c) Unless specifically excepted or unless listed in another
9 schedule:

10 (1) Any material, compound, mixture, or preparation containing
11 limited quantities of any of the following narcotic drugs, or any salts
12 calculated as the free anhydrous base or alkaloid, in limited quantities
13 as set forth below:

14 (A) Not more than one and eight-tenths grams of codeine per one
15 hundred milliliters or not more than ninety milligrams per dosage unit,
16 with an equal or greater quantity of an isoquinoline alkaloid of opium;

17 (B) Not more than one and eight-tenths grams of codeine per one
18 hundred milliliters or not more than ninety milligrams per dosage unit,
19 with one or more active, nonnarcotic ingredients in recognized
20 therapeutic amounts;

21 (C) Not more than one and eight-tenths grams of dihydrocodeine per
22 one hundred milliliters or not more than ninety milligrams per dosage
23 unit, with one or more active, nonnarcotic ingredients in recognized
24 therapeutic amounts;

25 (D) Not more than three hundred milligrams of ethylmorphine per one
26 hundred milliliters or not more than fifteen milligrams per dosage unit,
27 with one or more active, nonnarcotic ingredients in recognized
28 therapeutic amounts;

29 (E) Not more than five hundred milligrams of opium per one hundred
30 milliliters or per one hundred grams, or not more than twenty-five
31 milligrams per dosage unit, with one or more active, nonnarcotic

1 ingredients in recognized therapeutic amounts; and

2 (F) Not more than fifty milligrams of morphine per one hundred
3 milliliters or per one hundred grams with one or more active, nonnarcotic
4 ingredients in recognized therapeutic amounts; and

5 (2) Any material, compound, mixture, or preparation containing any
6 of the following narcotic drug or its salts, as set forth below:

7 (A) Buprenorphine.

8 (d) Unless contained on the list of exempt anabolic steroids of the
9 Drug Enforcement Administration of the United States Department of
10 Justice as the list existed on January 31, 2022, any anabolic steroid,
11 which shall include any material, compound, mixture, or preparation
12 containing any quantity of the following substances, including its salts,
13 isomers, and salts of isomers whenever the existence of such salts of
14 isomers is possible within the specific chemical designation:

15 (1) 3-beta,17-dihydroxy-5a-androstane;

16 (2) 3-alpha,17-beta-dihydroxy-5a-androstane;

17 (3) 5-alpha-androstan-3,17-dione;

18 (4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-
19 ene);

20 (5) 1-androstenediol (3-alpha,17-beta-dihydroxy-5-alpha-androst-1-
21 ene);

22 (6) 4-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

23 (7) 5-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

24 (8) 1-androstenedione ([5-alpha]-androst-1-en-3,17-dione);

25 (9) 4-androstenedione (androst-4-en-3,17-dione);

26 (10) 5-androstenedione (androst-5-en-3,17-dione);

27 (11) Bolasterone (7-alpha,17-alpha-dimethyl-17-beta-
28 hydroxyandrost-4-en-3-one);

29 (12) Boldenone (17-beta-hydroxyandrost-1,4-diene-3-one);

30 (13) Boldione (androsta-1,4-diene-3,17-3-one);

31 (14) Calusterone (7-beta,17-alpha-dimethyl-17-beta-hydroxyandrost-4-

- 1 en-3-one);
- 2 (15) Clostebol (4-chloro-17-beta-hydroxyandrost-4-en-3-one);
- 3 (16) Dehydrochloromethyltestosterone (4-chloro-17-beta-hydroxy-17-
- 4 alpha-methyl-androst-1,4-dien-3-one);
- 5 (17) Desoxymethyltestosterone (17-alpha-methyl-5-alpha-androst-2-
- 6 en-17-beta-ol) (a.k.a. 'madol');
- 7 (18) Delta-1-Dihydrotestosterone (a.k.a. '1-testosterone')(17-beta-
- 8 hydroxy-5-alpha-androst-1-en-3-one);
- 9 (19) 4-Dihydrotestosterone (17-beta-hydroxy-androstan-3-one);
- 10 (20) Drostanolone (17-beta-hydroxy-2-alpha-methyl-5-alpha-
- 11 androstan-3-one);
- 12 (21) Ethylestrenol (17-alpha-ethyl-17-beta-hydroxyestr-4-ene);
- 13 (22) Fluoxymesterone (9-fluoro-17-alpha-methyl-11-beta,17-beta-
- 14 dihydroxyandrost-4-en-3-one);
- 15 (23) Formebolone (formebolone); (2-formyl-17-alpha-methyl-11-
- 16 alpha,17-beta-dihydroxyandrost-1,4-dien-3-one);
- 17 (24) Furazabol (17-alpha-methyl-17-beta-hydroxyandrostan[2,3-c]-
- 18 furazan);
- 19 (25) 13-beta-ethyl-17-beta-hydroxygon-4-en-3-one;
- 20 (26) 4-hydroxytestosterone (4,17-beta-dihydroxy-androst-4-en-3-one);
- 21 (27) 4-hydroxy-19-nortestosterone (4,17-beta-dihydroxy-estr-4-en-3-
- 22 one);
- 23 (28) Mestanolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
- 24 one);
- 25 (29) Mesterolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
- 26 one);
- 27 (30) Methandienone (17-alpha-methyl-17-beta-hydroxyandrost-1,4-
- 28 dien-3-one);
- 29 (31) Methandriol (17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-
- 30 ene);
- 31 (32) Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-

- 1 beta-ol-3-one);
- 2 (33) Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-
- 3 one);
- 4 (34) 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;
- 5 (35) 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;
- 6 (36) 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;
- 7 (37) 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-
- 8 hydroxy-17-beta-hydroxyestr-4-en-3-one);
- 9 (38) Methyldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-
- 10 dien-3-one);
- 11 (39) Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-
- 12 trien-3-one);
- 13 (40) Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-
- 14 en-3-one);
- 15 (41) Mibolerone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-
- 16 en-3-one);
- 17 (42) 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-
- 18 hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-
- 19 methyl-1-testosterone');
- 20 (43) Nandrolone (17-beta-hydroxyestr-4-en-3-one);
- 21 (44) 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);
- 22 (45) 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);
- 23 (46) 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);
- 24 (47) 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);
- 25 (48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-
- 26 dione);
- 27 (49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 28 (50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 29 (51) Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-
- 30 en-3-one);
- 31 (52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);

- 1 (53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-
2 one);
- 3 (54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-
4 one);
- 5 (55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-
6 androstan-3-one);
- 7 (56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrost-4-
8 en-3-one);
- 9 (57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-
10 hydroxy-[5-alpha]-androstan-3-one);
- 11 (58) Prostanazol (17-beta-hydroxy-5-alpha-androstano[3,2-
12 c]pyrazole);
- 13 (59) Stanozolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-
14 androst-2-eno[3,2-c]-pyrazole);
- 15 (60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-
16 one);
- 17 (61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-
18 oic acid lactone);
- 19 (62) Testosterone (17-beta-hydroxyandrost-4-en-3-one);
- 20 (63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-
21 hydroxygon-4,9,11-trien-3-one);
- 22 (64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one);
- 23 (65) [3,2-c]-furazan-5 alpha-androstane-17 beta-ol;
- 24 (66) [3,2-c]pyrazole-androst-4-en-17 beta-ol;
- 25 (67) 17 alpha-methyl-androst-ene-3,17 beta-diol;
- 26 (68) 17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
- 27 (69) 17 alpha-methyl-androstan-3-hydroxyimine-17 beta-ol;
- 28 (70) 17 beta-hydroxy-androstano[2,3-d]isoxazole;
- 29 (71) 17 beta-hydroxy-androstano[3,2-c]isoxazole;
- 30 (72) 18a-homo-3-hydroxy-estra-2,5(10)-dien-17-one;
- 31 (73) 2 alpha, 3 alpha-epithio-17 alpha-methyl-5 alpha-androstan-17

- 1 beta-ol;
- 2 (74) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3-one;
- 3 (75) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3,11-
- 4 dione;
- 5 (76) 4-chloro-17 alpha-methyl-androst-4-ene-3 beta,17 beta-diol;
- 6 (77) 4-chloro-17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
- 7 (78) 4-hydroxy-androst-4-ene-3,17-dione;
- 8 (79) 5 alpha-Androstan-3,6,17-trione;
- 9 (80) 6-bromo-androst-1,4-diene-3,17-dione;
- 10 (81) 6-bromo-androstan-3,17-dione;
- 11 (82) 6 alpha-methyl-androst-4-ene-3,17-dione;
- 12 (83) Delta 1-dihydrotestosterone;
- 13 (84) Estra-4,9,11-triene-3,17-dione; and
- 14 (85) Any salt, ester, or ether of a drug or substance described or
- 15 listed in this subdivision if the salt, ester, or ether promotes muscle
- 16 growth.

17 (e) Hallucinogenic substances known as:

- 18 (1) Dronabinol, synthetic, in sesame oil and encapsulated in a soft
- 19 gelatin capsule in a drug product approved by the federal Food and Drug
- 20 Administration. Some other names for dronabinol are (6aR-
- 21 trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo
- 22 (b,d)pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol.

23 Schedule IV

24 (a) Any material, compound, mixture, or preparation which contains

25 any quantity of the following substances, including their salts, isomers,

26 and salts of isomers whenever the existence of such salts, isomers, and

27 salts of isomers is possible within the specific chemical designation:

- 28 (1) Barbital;
- 29 (2) Chloral betaine;
- 30 (3) Chloral hydrate;
- 31 (4) Chlordiazepoxide, but not including librax (chlordiazepoxide

- 1 hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and
2 water soluble esterified estrogens);
- 3 (5) Clonazepam;
4 (6) Clorazepate;
5 (7) Daridorexant;
6 (8) Diazepam;
7 (9) Ethchlorvynol;
8 (10) Ethinamate;
9 (11) Flurazepam;
10 (12) Mebutamate;
11 (13) Meprobamate;
12 (14) Methohexital;
13 (15) Methylphenobarbital;
14 (16) Oxazepam;
15 (17) Paraldehyde;
16 (18) Petrichloral;
17 (19) Phenobarbital;
18 (20) Prazepam;
19 (21) Alprazolam;
20 (22) Bromazepam;
21 (23) Camazepam;
22 (24) Clobazam;
23 (25) Clotiazepam;
24 (26) Cloxazolam;
25 (27) Delorazepam;
26 (28) Estazolam;
27 (29) Ethyl loflazepate;
28 (30) Fludiazepam;
29 (31) Flunitrazepam;
30 (32) Halazepam;
31 (33) Haloxazolam;

- 1 (34) Ketazolam;
 - 2 (35) Loprazolam;
 - 3 (36) Lorazepam;
 - 4 (37) Lormetazepam;
 - 5 (38) Medazepam;
 - 6 (39) Nimetazepam;
 - 7 (40) Nitrazepam;
 - 8 (41) Nordiazepam;
 - 9 (42) Oxazolam;
 - 10 (43) Pinazepam;
 - 11 (44) Temazepam;
 - 12 (45) Tetrazepam;
 - 13 (46) Triazolam;
 - 14 (47) Midazolam;
 - 15 (48) Quazepam;
 - 16 (49) Zolpidem;
 - 17 (50) Dichloralphenazone;
 - 18 (51) Zaleplon;
 - 19 (52) Zopiclone;
 - 20 (53) Fospropofol;
 - 21 (54) Alfaxalone;
 - 22 (55) Suvorexant;
 - 23 (56) Carisoprodol;
 - 24 (57) Brexanolone; 3 alpha-hydroxy-5 alpha-pregnan-20-one;
 - 25 (58) Lemborexant;
 - 26 (59) Solriamfetol; 2-amino-3-phenylpropyl carbamate;
 - 27 (60) Remimazolam; and
 - 28 (61) Serdexmethylphenidate.
- 29 (b) Any material, compound, mixture, or preparation which contains
30 any quantity of the following substance, including its salts, isomers,
31 whether optical, position, or geometric, and salts of such isomers,

1 whenever the existence of such salts, isomers, and salts of isomers is
2 possible: Fenfluramine.

3 (c) Unless specifically excepted or unless listed in another
4 schedule, any material, compound, mixture, or preparation which contains
5 any quantity of the following substances having a stimulant effect on the
6 central nervous system, including their salts, isomers, whether optical,
7 position, or geometric, and salts of such isomers whenever the existence
8 of such salts, isomers, and salts of isomers is possible within the
9 specific chemical designation:

10 (1) Diethylpropion;

11 (2) Phentermine;

12 (3) Pemoline, including organometallic complexes and chelates
13 thereof;

14 (4) Mazindol;

15 (5) Pipradrol;

16 (6) SPA, ((-)-1-dimethylamino-1,2-diphenylethane);

17 (7) Cathine. Another name for cathine is ((+)-norpseudoephedrine);

18 (8) Fencamfamin;

19 (9) Fenproporex;

20 (10) Mefenorex;

21 (11) Modafinil; and

22 (12) Sibutramine.

23 (d) Unless specifically excepted or unless listed in another
24 schedule, any material, compound, mixture, or preparation which contains
25 any quantity of the following narcotic drugs, or their salts or isomers
26 calculated as the free anhydrous base or alkaloid, in limited quantities
27 as set forth below:

28 (1) Propoxyphene in manufactured dosage forms;

29 (2) Not more than one milligram of difenoxin and not less than
30 twenty-five micrograms of atropine sulfate per dosage unit; and

31 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its

1 salts, optical and geometric isomers, and salts of these isomers to
2 include: Tramadol.

3 (e) Unless specifically excepted or unless listed in another
4 schedule, any material, compound, mixture, or preparation which contains
5 any quantity of the following substance, including its salts:

6 (1) Pentazocine; and

7 (2) Butorphanol (including its optical isomers).

8 (f) Any material, compound, mixture, or preparation which contains
9 any quantity of the following substances, including its salts, isomers,
10 and salts of such isomers, whenever the existence of such salts, isomers,
11 and salts of isomers is possible: Lorcaserin.

12 (g)(1) Unless specifically excepted or unless listed in another
13 schedule, any material, compound, mixture, or preparation which contains
14 any quantity of the following substance, including its salts, optical
15 isomers, and salts of such optical isomers: Ephedrine.

16 (2) The following drug products containing ephedrine, its salts,
17 optical isomers, and salts of such optical isomers, are excepted from
18 subdivision (g)(1) of Schedule IV if they (A) are stored behind a
19 counter, in an area not accessible to customers, or in a locked case so
20 that a customer needs assistance from an employee to access the drug
21 product; (B) are sold by a person, eighteen years of age or older, in the
22 course of his or her employment to a customer eighteen years of age or
23 older with the following restrictions: No customer shall be allowed to
24 purchase, receive, or otherwise acquire more than three and six-tenths
25 grams of ephedrine base during a twenty-four-hour period; no customer
26 shall purchase, receive, or otherwise acquire more than nine grams of
27 ephedrine base during a thirty-day period; and the customer shall display
28 a valid driver's or operator's license, a Nebraska state identification
29 card, a military identification card, an alien registration card, or a
30 passport as proof of identification; (C) are labeled and marketed in a
31 manner consistent with the pertinent OTC Tentative Final or Final

1 Monograph; (D) are manufactured and distributed for legitimate medicinal
2 use in a manner that reduces or eliminates the likelihood of abuse; and
3 (E) are not marketed, advertised, or represented in any manner for the
4 indication of stimulation, mental alertness, euphoria, ecstasy, a buzz or
5 high, heightened sexual performance, or increased muscle mass:

- 6 (i) Primatene Tablets; and
- 7 (ii) Bronkaid Dual Action Caplets.

8 Schedule V

9 (a) Any compound, mixture, or preparation containing any of the
10 following limited quantities of narcotic drugs or salts calculated as the
11 free anhydrous base or alkaloid, which shall include one or more
12 nonnarcotic active medicinal ingredients in sufficient proportion to
13 confer upon the compound, mixture, or preparation valuable medicinal
14 qualities other than those possessed by the narcotic drug alone:

15 (1) Not more than two hundred milligrams of codeine per one hundred
16 milliliters or per one hundred grams;

17 (2) Not more than one hundred milligrams of dihydrocodeine per one
18 hundred milliliters or per one hundred grams;

19 (3) Not more than one hundred milligrams of ethylmorphine per one
20 hundred milliliters or per one hundred grams;

21 (4) Not more than two and five-tenths milligrams of diphenoxylate
22 and not less than twenty-five micrograms of atropine sulfate per dosage
23 unit;

24 (5) Not more than one hundred milligrams of opium per one hundred
25 milliliters or per one hundred grams; and

26 (6) Not more than five-tenths milligram of difenoxin and not less
27 than twenty-five micrograms of atropine sulfate per dosage unit.

28 (b) Unless specifically exempted or excluded or unless listed in
29 another schedule, any material, compound, mixture, or preparation which
30 contains any quantity of the following substances having a stimulant
31 effect on the central nervous system, including its salts, isomers, and

1 salts of isomers: Pyrovalerone.

2 (c) 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 depressant
5 effect on the central nervous system, including its salts, isomers, and
6 salts of isomers:

7 (1) Ezogabine (N-(2-amino-4-(4-fluorobenzylamino)-phenyl)-carbamic
8 acid ethyl ester);

9 (2) Ganaxolone;

10 (3) Lacosamide ((R)-2-acetoamido-N-benzyl-3-methoxy-propionamide);

11 (4) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid);

12 (5) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]
13 butanamide) (also referred to as BRV; UCB-34714; Briviact), including its
14 salts;

15 (6) Cenobamate; and

16 (7) Lasmiditan.

17 Sec. 196. Section 28-416, Revised Statutes Supplement, 2023, is
18 amended to read:

19 28-416 (1) Except as authorized by the Uniform Controlled Substances
20 Act, it shall be unlawful for any person knowingly or intentionally: (a)
21 To manufacture, distribute, deliver, dispense, or possess with intent to
22 manufacture, distribute, deliver, or dispense a controlled substance; or
23 (b) to create, distribute, or possess with intent to distribute a
24 counterfeit controlled substance.

25 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
26 (10) of this section, any person who violates subsection (1) of this
27 section with respect to: (a) A controlled substance classified in
28 Schedule I, II, or III of section 28-405 which is an exceptionally
29 hazardous drug shall be guilty of a Class II felony; (b) any other
30 controlled substance classified in Schedule I, II, or III of section
31 28-405 shall be guilty of a Class IIA felony; or (c) a controlled

1 substance classified in Schedule IV or V of section 28-405 shall be
2 guilty of a Class IIIA felony.

3 (3) A person knowingly or intentionally possessing a controlled
4 substance, except ~~marijuana~~ or any substance containing a quantifiable
5 amount of the substances, chemicals, or compounds described, defined, or
6 delineated in subdivision (c)(25) ~~(c)(27)~~ of Schedule I of section
7 28-405, unless such substance was obtained directly or pursuant to a
8 medical order issued by a practitioner authorized to prescribe while
9 acting in the course of his or her professional practice, or except as
10 otherwise authorized by the act, shall be guilty of a Class IV felony. A
11 person shall not be in violation of this subsection if section 28-472 or
12 28-1701 applies.

13 (4)(a) Except as authorized by the Uniform Controlled Substances
14 Act, any person eighteen years of age or older who knowingly or
15 intentionally manufactures, distributes, delivers, dispenses, or
16 possesses with intent to manufacture, distribute, deliver, or dispense a
17 controlled substance or a counterfeit controlled substance (i) to a
18 person under the age of eighteen years, (ii) in, on, or within one
19 thousand feet of the real property comprising a public or private
20 elementary, vocational, or secondary school, a community college, a
21 public or private college, junior college, or university, or a
22 playground, or (iii) within one hundred feet of a public or private youth
23 center, public swimming pool, or video arcade facility shall be punished
24 by the next higher penalty classification than the penalty prescribed in
25 subsection (2), (7), (8), (9), or (10) of this section, depending upon
26 the controlled substance involved, for the first violation and for a
27 second or subsequent violation shall be punished by the next higher
28 penalty classification than that prescribed for a first violation of this
29 subsection, but in no event shall such person be punished by a penalty
30 greater than a Class IB felony.

31 (b) For purposes of this subsection:

1 (i) Playground means any outdoor facility, including any parking lot
2 appurtenant to the facility, intended for recreation, open to the public,
3 and with any portion containing three or more apparatus intended for the
4 recreation of children, including sliding boards, swingsets, and
5 teeterboards;

6 (ii) Video arcade facility means any facility legally accessible to
7 persons under eighteen years of age, intended primarily for the use of
8 pinball and video machines for amusement, and containing a minimum of ten
9 pinball or video machines; and

10 (iii) Youth center means any recreational facility or gymnasium,
11 including any parking lot appurtenant to the facility or gymnasium,
12 intended primarily for use by persons under eighteen years of age which
13 regularly provides athletic, civic, or cultural activities.

14 (5)(a) Except as authorized by the Uniform Controlled Substances
15 Act, it shall be unlawful for any person eighteen years of age or older
16 to knowingly and intentionally employ, hire, use, cause, persuade, coax,
17 induce, entice, seduce, or coerce any person under the age of eighteen
18 years to manufacture, transport, distribute, carry, deliver, dispense,
19 prepare for delivery, offer for delivery, or possess with intent to do
20 the same a controlled substance or a counterfeit controlled substance.

21 (b) Except as authorized by the Uniform Controlled Substances Act,
22 it shall be unlawful for any person eighteen years of age or older to
23 knowingly and intentionally employ, hire, use, cause, persuade, coax,
24 induce, entice, seduce, or coerce any person under the age of eighteen
25 years to aid and abet any person in the manufacture, transportation,
26 distribution, carrying, delivery, dispensing, preparation for delivery,
27 offering for delivery, or possession with intent to do the same of a
28 controlled substance or a counterfeit controlled substance.

29 (c) Any person who violates subdivision (a) or (b) of this
30 subsection shall be punished by the next higher penalty classification
31 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of

1 this section, depending upon the controlled substance involved, for the
2 first violation and for a second or subsequent violation shall be
3 punished by the next higher penalty classification than that prescribed
4 for a first violation of this subsection, but in no event shall such
5 person be punished by a penalty greater than a Class IB felony.

6 (6) It shall not be a defense to prosecution for violation of
7 subsection (4) or (5) of this section that the defendant did not know the
8 age of the person through whom the defendant violated such subsection.

9 (7) Any person who violates subsection (1) of this section with
10 respect to cocaine or any mixture or substance containing a detectable
11 amount of cocaine in a quantity of:

12 (a) One hundred forty grams or more shall be guilty of a Class IB
13 felony;

14 (b) At least twenty-eight grams but less than one hundred forty
15 grams shall be guilty of a Class IC felony; or

16 (c) At least ten grams but less than twenty-eight grams shall be
17 guilty of a Class ID felony.

18 (8) Any person who violates subsection (1) of this section with
19 respect to base cocaine (crack) or any mixture or substance containing a
20 detectable amount of base cocaine in a quantity of:

21 (a) One hundred forty grams or more shall be guilty of a Class IB
22 felony;

23 (b) At least twenty-eight grams but less than one hundred forty
24 grams shall be guilty of a Class IC felony; or

25 (c) At least ten grams but less than twenty-eight grams shall be
26 guilty of a Class ID felony.

27 (9) Any person who violates subsection (1) of this section with
28 respect to heroin or any mixture or substance containing a detectable
29 amount of heroin in a quantity of:

30 (a) One hundred forty grams or more shall be guilty of a Class IB
31 felony;

1 (b) At least twenty-eight grams but less than one hundred forty
2 grams shall be guilty of a Class IC felony; or

3 (c) At least ten grams but less than twenty-eight grams shall be
4 guilty of a Class ID felony.

5 (10) Any person who violates subsection (1) of this section with
6 respect to amphetamine, its salts, optical isomers, and salts of its
7 isomers, or with respect to methamphetamine, its salts, optical isomers,
8 and salts of its isomers, in a quantity of:

9 (a) One hundred forty grams or more shall be guilty of a Class IB
10 felony;

11 (b) At least twenty-eight grams but less than one hundred forty
12 grams shall be guilty of a Class IC felony; or

13 (c) At least ten grams but less than twenty-eight grams shall be
14 guilty of a Class ID felony.

15 ~~(11) Any person knowingly or intentionally possessing marijuana~~
16 ~~weighing more than one ounce but not more than one pound shall be guilty~~
17 ~~of a Class III misdemeanor.~~

18 ~~(12) Any person knowingly or intentionally possessing marijuana~~
19 ~~weighing more than one pound shall be guilty of a Class IV felony.~~

20 (11) ~~(13)~~ Except as provided in section 28-1701, any person
21 knowingly or intentionally possessing ~~marijuana weighing one ounce or~~
22 ~~less or~~ any substance containing a quantifiable amount of the substances,
23 chemicals, or compounds described, defined, or delineated in subdivision
24 (c)(25) ~~(c)(27)~~ of Schedule I of section 28-405 shall:

25 (a) For the first offense, be guilty of an infraction, receive a
26 citation, be fined three hundred dollars, and be assigned to attend a
27 course as prescribed in section 29-433 if the judge determines that
28 attending such course is in the best interest of the individual
29 defendant;

30 (b) For the second offense, be guilty of a Class IV misdemeanor,
31 receive a citation, and be fined four hundred dollars and may be

1 imprisoned not to exceed five days; and

2 (c) For the third and all subsequent offenses, be guilty of a Class
3 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and
4 be imprisoned not to exceed seven days.

5 (12) ~~(14)~~ Any person convicted of violating this section, if placed
6 on probation, shall, as a condition of probation, satisfactorily attend
7 and complete appropriate treatment and counseling on drug abuse provided
8 by a program authorized under the Nebraska Behavioral Health Services Act
9 or other licensed drug treatment facility.

10 (13) ~~(15)~~ Any person convicted of violating this section, if
11 sentenced to the Department of Correctional Services, shall attend
12 appropriate treatment and counseling on drug abuse.

13 (14) ~~(16)~~ Any person knowingly or intentionally possessing a firearm
14 while in violation of subsection (1) of this section shall be punished by
15 the next higher penalty classification than the penalty prescribed in
16 subsection (2), (7), (8), (9), or (10) of this section, but in no event
17 shall such person be punished by a penalty greater than a Class IB
18 felony.

19 (15) ~~(17)~~ A person knowingly or intentionally in possession of money
20 used or intended to be used to facilitate a violation of subsection (1)
21 of this section shall be guilty of a Class IV felony.

22 (16) ~~(18)~~ In addition to the existing penalties available for a
23 violation of subsection (1) of this section, including any criminal
24 attempt or conspiracy to violate subsection (1) of this section, a
25 sentencing court may order that any money, securities, negotiable
26 instruments, firearms, conveyances, or electronic communication devices
27 as defined in section 28-833 or any equipment, components, peripherals,
28 software, hardware, or accessories related to electronic communication
29 devices be forfeited as a part of the sentence imposed if it finds by
30 clear and convincing evidence adduced at a separate hearing in the same
31 prosecution, following conviction for a violation of subsection (1) of

1 this section, and conducted pursuant to section 28-1601, that any or all
2 such property was derived from, used, or intended to be used to
3 facilitate a violation of subsection (1) of this section.

4 ~~(17)~~ (19) In addition to the penalties provided in this section:

5 (a) If the person convicted or adjudicated of violating this section
6 is eighteen years of age or younger and has one or more licenses or
7 permits issued under the Motor Vehicle Operator's License Act:

8 (i) For the first offense, the court may, as a part of the judgment
9 of conviction or adjudication, (A) impound any such licenses or permits
10 for thirty days and (B) require such person to attend a drug education
11 class;

12 (ii) For a second offense, the court may, as a part of the judgment
13 of conviction or adjudication, (A) impound any such licenses or permits
14 for ninety days and (B) require such person to complete no fewer than
15 twenty and no more than forty hours of community service and to attend a
16 drug education class; and

17 (iii) For a third or subsequent offense, the court may, as a part of
18 the judgment of conviction or adjudication, (A) impound any such licenses
19 or permits for twelve months and (B) require such person to complete no
20 fewer than sixty hours of community service, to attend a drug education
21 class, and to submit to a drug assessment by a licensed alcohol and drug
22 counselor; and

23 (b) If the person convicted or adjudicated of violating this section
24 is eighteen years of age or younger and does not have a permit or license
25 issued under the Motor Vehicle Operator's License Act:

26 (i) For the first offense, the court may, as part of the judgment of
27 conviction or adjudication, (A) prohibit such person from obtaining any
28 permit or any license pursuant to the act for which such person would
29 otherwise be eligible until thirty days after the date of such order and
30 (B) require such person to attend a drug education class;

31 (ii) For a second offense, the court may, as part of the judgment of

1 conviction or adjudication, (A) prohibit such person from obtaining any
2 permit or any license pursuant to the act for which such person would
3 otherwise be eligible until ninety days after the date of such order and
4 (B) require such person to complete no fewer than twenty hours and no
5 more than forty hours of community service and to attend a drug education
6 class; and

7 (iii) For a third or subsequent offense, the court may, as part of
8 the judgment of conviction or adjudication, (A) prohibit such person from
9 obtaining any permit or any license pursuant to the act for which such
10 person would otherwise be eligible until twelve months after the date of
11 such order and (B) require such person to complete no fewer than sixty
12 hours of community service, to attend a drug education class, and to
13 submit to a drug assessment by a licensed alcohol and drug counselor.

14 A copy of an abstract of the court's conviction or adjudication
15 shall be transmitted to the Director of Motor Vehicles pursuant to
16 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a
17 juvenile is prohibited from obtaining a license or permit under this
18 subsection.

19 (18) It shall not be an offense for a person to use or possess
20 cannabis.

21 Sec. 197. Section 28-439, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 28-439 (1) As used in sections 28-101, 28-431, and 28-439 to
24 28-444, unless the context otherwise requires, drug paraphernalia shall
25 mean all equipment, products, and materials of any kind which are used,
26 intended for use, or designed for use, in manufacturing, injecting,
27 ingesting, inhaling, or otherwise introducing into the human body a
28 controlled substance in violation of sections 28-101, 28-431, and 28-439
29 to 28-444 or the Uniform Controlled Substances Act. It shall include, but
30 not be limited to, the following:

31 (a) ~~(1)~~ Diluents and adulterants, such as quinine hydrochloride,

1 mannitol, mannite, dextrose, and lactose, used, intended for use, or
2 designed for use in cutting controlled substances;

3 ~~(2) Separation gins and sifters used, intended for use, or designed~~
4 ~~for use in removing twigs and seeds from, or in otherwise cleaning or~~
5 ~~refining, marijuana;~~

6 (b) ~~(3)~~ Hypodermic syringes, needles, and other objects used,
7 intended for use, and designed for use in parenterally injecting
8 controlled substances into the human body; and

9 (c) ~~(4)~~ Objects used, intended for use, or designed for use in
10 ingesting, inhaling, or otherwise introducing ~~marijuana, cocaine,~~
11 ~~hashish, or hashish oil~~ into the human body, ~~which shall include but~~
12 ~~not be limited to the following:~~

13 (2) Items used or intended for use in the consumption, manufacture,
14 cultivation, or processing of cannabis shall not be considered drug
15 paraphernalia.

16 ~~(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes~~
17 ~~with or without screens, permanent screens, hashish heads, or punctured~~
18 ~~metal bowls;~~

19 ~~(b) Water pipes;~~

20 ~~(c) Carburetion tubes and devices;~~

21 ~~(d) Smoking and carburetion masks;~~

22 ~~(e) Roach clips, meaning objects used to hold burning material, such~~
23 ~~as a marijuana cigarette, which has become too small or too short to be~~
24 ~~held in the hand;~~

25 ~~(f) Miniature cocaine spoons, and cocaine vials;~~

26 ~~(g) Chamber pipes;~~

27 ~~(h) Carburetor pipes;~~

28 ~~(i) Electric pipes;~~

29 ~~(j) Air driven pipes;~~

30 ~~(k) Chillums;~~

31 ~~(l) Bongs; and~~

1 ~~(m) Ice pipes or chillers.~~

2 Sec. 198. Section 28-476, Revised Statutes Cumulative Supplement,
3 2022, as amended by Laws 2024, LB262, section 22, is amended to read:

4 28-476 (1) No person shall carry or transport hemp in this state
5 unless such hemp is:

6 (a) Produced in compliance with the requirements of the Agriculture
7 Improvement Act of 2018, as such act is defined in section 2-503; and

8 (b) Carried or transported as provided in section 2-515.

9 (2)(a) A peace officer may detain any person carrying or
10 transporting hemp in this state if such person does not provide the
11 documentation required by this section and section 2-515. Unless the
12 peace officer has probable cause to believe the hemp is, or is being
13 carried or transported with, cannabis marijuana or any ~~other~~ controlled
14 substance, the peace officer shall immediately release the hemp and the
15 person carrying or transporting such hemp upon production of such
16 documentation.

17 (b) The failure of a person detained as described in this subsection
18 to produce documentation required by this section shall constitute
19 probable cause to believe the hemp may be cannabis marijuana or a ~~another~~
20 controlled substance. In such case, a peace officer may collect such hemp
21 for testing to determine the delta-9 tetrahydrocannabinol concentration
22 in the hemp, and, if the peace officer has probable cause to believe the
23 person detained is carrying or transporting cannabis marijuana or a ~~any~~
24 ~~other~~ controlled substance in violation of state or federal law, the
25 peace officer may seize and impound the hemp, cannabis, or ~~marijuana~~ or
26 ~~other~~ controlled substance and arrest such person.

27 (c) This subsection does not limit or restrict in any way the power
28 of a peace officer to enforce violations of the Uniform Controlled
29 Substances Act, the Nebraska Cannabis Legalization and Revenue Allocation
30 Act, and federal law regulating ~~marijuana~~ and ~~other~~ controlled
31 substances.

1 (3) In addition to any other penalties provided by law, any person
2 who intentionally violates this section shall be guilty of a Class IV
3 misdemeanor and fined not more than one thousand dollars.

4 Sec. 199. Section 28-1354, Revised Statutes Supplement, 2023, is
5 amended to read:

6 28-1354 For purposes of the Public Protection Act:

7 (1) Enterprise means any individual, sole proprietorship,
8 partnership, corporation, trust, association, or any legal entity, union,
9 or group of individuals associated in fact although not a legal entity,
10 and shall include illicit as well as licit enterprises as well as other
11 entities;

12 (2) Pattern of racketeering activity means a cumulative loss for one
13 or more victims or gains for the enterprise of not less than one thousand
14 five hundred dollars resulting from at least two acts of racketeering
15 activity, one of which occurred after August 30, 2009, and the last of
16 which occurred within ten years, excluding any period of imprisonment,
17 after the commission of a prior act of racketeering activity;

18 (3) Until January 1, 2017, person means any individual or entity, as
19 defined in section 21-2014, holding or capable of holding a legal,
20 equitable, or beneficial interest in property. Beginning January 1, 2017,
21 person means any individual or entity, as defined in section 21-214,
22 holding or capable of holding a legal, equitable, or beneficial interest
23 in property;

24 (4) Prosecutor includes the Attorney General of the State of
25 Nebraska, the deputy attorney general, assistant attorneys general, a
26 county attorney, a deputy county attorney, or any person so designated by
27 the Attorney General, a county attorney, or a court of the state to carry
28 out the powers conferred by the act;

29 (5) Racketeering activity includes the commission of, criminal
30 attempt to commit, conspiracy to commit, aiding and abetting in the
31 commission of, aiding in the consummation of, acting as an accessory to

1 the commission of, or the solicitation, coercion, or intimidation of
2 another to commit or aid in the commission of any of the following:

3 (a) Offenses against the person which include: Murder in the first
4 degree under section 28-303; murder in the second degree under section
5 28-304; manslaughter under section 28-305; assault in the first degree
6 under section 28-308; assault in the second degree under section 28-309;
7 assault in the third degree under section 28-310; terroristic threats
8 under section 28-311.01; kidnapping under section 28-313; false
9 imprisonment in the first degree under section 28-314; false imprisonment
10 in the second degree under section 28-315; sexual assault in the first
11 degree under section 28-319; and robbery under section 28-324;

12 (b) Offenses relating to controlled substances which include: To
13 unlawfully manufacture, distribute, deliver, dispense, or possess with
14 intent to manufacture, distribute, deliver, or dispense a controlled
15 substance under subsection (1) of section 28-416; ~~possession of marijuana~~
16 ~~weighing more than one pound under subsection (12) of section 28-416;~~
17 possession of money used or intended to be used to facilitate a violation
18 of subsection (1) of section 28-416 prohibited under subsection (15) ~~(17)~~
19 of section 28-416; any violation of section 28-418; to unlawfully
20 manufacture, distribute, deliver, or possess with intent to distribute or
21 deliver an imitation controlled substance under section 28-445;
22 possession of anhydrous ammonia with the intent to manufacture
23 methamphetamine under section 28-451; and possession of ephedrine,
24 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
25 methamphetamine under section 28-452;

26 (c) Offenses against property which include: Arson in the first
27 degree under section 28-502; arson in the second degree under section
28 28-503; arson in the third degree under section 28-504; burglary under
29 section 28-507; theft by unlawful taking or disposition under section
30 28-511; theft by shoplifting under section 28-511.01; theft by deception
31 under section 28-512; theft by extortion under section 28-513; theft of

1 services under section 28-515; theft by receiving stolen property under
2 section 28-517; criminal mischief under section 28-519; and unlawfully
3 depriving or obtaining property or services using a computer under
4 section 28-1344;

5 (d) Offenses involving fraud which include: Burning to defraud an
6 insurer under section 28-505; forgery in the first degree under section
7 28-602; forgery in the second degree under section 28-603; criminal
8 possession of a forged instrument under section 28-604; criminal
9 possession of written instrument forgery devices under section 28-605;
10 criminal impersonation under section 28-638; identity theft under section
11 28-639; identity fraud under section 28-640; false statement or book
12 entry under section 28-612; tampering with a publicly exhibited contest
13 under section 28-614; issuing a false financial statement for purposes of
14 obtaining a financial transaction device under section 28-619;
15 unauthorized use of a financial transaction device under section 28-620;
16 criminal possession of a financial transaction device under section
17 28-621; unlawful circulation of a financial transaction device in the
18 first degree under section 28-622; unlawful circulation of a financial
19 transaction device in the second degree under section 28-623; criminal
20 possession of a blank financial transaction device under section 28-624;
21 criminal sale of a blank financial transaction device under section
22 28-625; criminal possession of a financial transaction forgery device
23 under section 28-626; unlawful manufacture of a financial transaction
24 device under section 28-627; laundering of sales forms under section
25 28-628; unlawful acquisition of sales form processing services under
26 section 28-629; unlawful factoring of a financial transaction device
27 under section 28-630; and fraudulent insurance acts under section 28-631;

28 (e) Offenses involving governmental operations which include: Abuse
29 of public records under section 28-911; perjury or subornation of perjury
30 under section 28-915; bribery under section 28-917; bribery of a witness
31 under section 28-918; tampering with a witness or informant or jury

1 tampering under section 28-919; bribery of a juror under section 28-920;
2 assault on an officer, an emergency responder, a state correctional
3 employee, a Department of Health and Human Services employee, or a health
4 care professional in the first degree under section 28-929; assault on an
5 officer, an emergency responder, a state correctional employee, a
6 Department of Health and Human Services employee, or a health care
7 professional in the second degree under section 28-930; assault on an
8 officer, an emergency responder, a state correctional employee, a
9 Department of Health and Human Services employee, or a health care
10 professional in the third degree under section 28-931; and assault on an
11 officer, an emergency responder, a state correctional employee, a
12 Department of Health and Human Services employee, or a health care
13 professional using a motor vehicle under section 28-931.01;

14 (f) Offenses involving gambling which include: Promoting gambling in
15 the first degree under section 28-1102; possession of gambling records
16 under section 28-1105; gambling debt collection under section 28-1105.01;
17 and possession of a gambling device under section 28-1107;

18 (g) Offenses relating to firearms, weapons, and explosives which
19 include: Carrying a concealed weapon under section 28-1202;
20 transportation or possession of machine guns, short rifles, or short
21 shotguns under section 28-1203; unlawful possession of a handgun under
22 section 28-1204; unlawful transfer of a firearm to a juvenile under
23 section 28-1204.01; possession of a firearm by a prohibited juvenile
24 offender under section 28-1204.05; using a deadly weapon to commit a
25 felony, possession of a deadly weapon during the commission of a felony,
26 or carrying a firearm or destructive device during the commission of a
27 dangerous misdemeanor under section 28-1205; possession of a deadly
28 weapon by a prohibited person under section 28-1206; possession of a
29 defaced firearm under section 28-1207; defacing a firearm under section
30 28-1208; unlawful discharge of a firearm under section 28-1212.02;
31 possession, receipt, retention, or disposition of a stolen firearm under

1 section 28-1212.03; unlawful possession of explosive materials in the
2 first degree under section 28-1215; unlawful possession of explosive
3 materials in the second degree under section 28-1216; unlawful sale of
4 explosives under section 28-1217; use of explosives without a permit
5 under section 28-1218; obtaining an explosives permit through false
6 representations under section 28-1219; possession of a destructive device
7 under section 28-1220; threatening the use of explosives or placing a
8 false bomb under section 28-1221; using explosives to commit a felony
9 under section 28-1222; using explosives to damage or destroy property
10 under section 28-1223; and using explosives to kill or injure any person
11 under section 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. 200. 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. 201. 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 Nebraska Cannabis Legalization and Revenue Allocation Act absent clear,
11 convincing, and articulable evidence that such actions have created an
12 unreasonable danger to the safety of a 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. 202. 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 Nebraska Cannabis Legalization and
11 Revenue Allocation Act, unless such conduct creates an unreasonable
12 danger to the child or is otherwise contrary to the best interests of the
13 child.

14 Sec. 203. Section 60-6,211.08, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 60-6,211.08 (1) For purposes of this section:

17 (a) Alcoholic beverage means (i) beer, ale, porter, stout, and other
18 similar fermented beverages, including sake or similar products, of any
19 name or description containing one-half of one percent or more of alcohol
20 by volume, brewed or produced from malt, wholly or in part, or from any
21 substitute therefor, (ii) wine of not less than one-half of one percent
22 of alcohol by volume, or (iii) distilled spirits which is that substance
23 known as ethyl alcohol, ethanol, or spirits of wine in any form,
24 including all dilutions and mixtures thereof from whatever source or by
25 whatever process produced. Alcoholic beverage does not include trace
26 amounts not readily consumable as a beverage;

27 (b) Cannabis has the same meaning as in section 3 of this act;

28 (c) ~~(b)~~ Highway means a road or street including the entire area
29 within the right-of-way;

30 (d) ~~(c)~~ Limousine means a luxury vehicle used to provide prearranged
31 passenger transportation on a dedicated basis at a premium fare that has

1 a seating capacity of at least five and no more than fourteen persons
2 behind the driver with a physical partition separating the driver seat
3 from the passenger compartment. Limousine does not include taxicabs,
4 hotel or airport buses or shuttles, or buses;

5 (e) ~~(d)~~ Open ~~alcoholic beverage~~ container, except as provided in
6 subsection (3) of section 53-123.04 and subdivision (1)(c) of section
7 53-123.11, means any bottle, can, or other receptacle:

8 (i) That contains any amount of alcoholic beverage or cannabis; and

9 (ii)(A) That is open or has a broken seal or (B) the contents of
10 which are partially removed; and

11 (f) ~~(e)~~ Passenger area means the area designed to seat the driver
12 and passengers while the motor vehicle is in operation and any area that
13 is readily accessible to the driver or a passenger while in their seating
14 positions, including any compartments in such area. Passenger area does
15 not include the area behind the last upright seat of such motor vehicle
16 if the area is not normally occupied by the driver or a passenger and the
17 motor vehicle is not equipped with a trunk.

18 (2) Except as otherwise provided in this section, it is unlawful for
19 any person in the passenger area of a motor vehicle to possess an open
20 ~~alcoholic beverage~~ container while the motor vehicle is located in a
21 public parking area or on any highway in this state.

22 (3) Except as provided in section 53-186 or subsection (4) of this
23 section, it is unlawful for any person to consume an alcoholic beverage
24 or cannabis (a) in a public parking area or on any highway in this state
25 or (b) inside a motor vehicle while in a public parking area or on any
26 highway in this state.

27 (4) This section does not apply to possession or consumption of
28 alcoholic beverages by persons who are passengers of, but not drivers of,
29 a limousine or bus being used in a charter or special party service as
30 defined by rules and regulations adopted and promulgated by the Public
31 Service Commission and subject to Chapter 75, article 3. Such passengers

1 may possess open ~~alcoholic beverage~~ containers of alcoholic beverages and
2 may consume alcoholic beverages while such limousine or bus is in a
3 public parking area or on any highway in this state if (a) the driver of
4 the limousine or bus is prohibited from consuming alcoholic liquor and
5 (b) alcoholic liquor is not present in any area that is readily
6 accessible to the driver while in the driver's seat, including any
7 compartments in such area.

8 Sec. 204. Section 71-5727, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 71-5727 Smoke or smoking means inhaling, exhaling, burning, or
11 carrying any lighted or heated cigar, cigarette, pipe, hookah, or any
12 other lighted or heated tobacco, cannabis as defined in section 3 of this
13 act, or plant product intended for inhalation, whether natural or
14 synthetic, in any manner or in any form. The term includes the use of an
15 electronic smoking device or similar device for cannabis which creates an
16 aerosol or vapor, in any manner or in any form.

17 Sec. 205. Section 77-2701.02, Revised Statutes Supplement, 2023, as
18 amended by Laws 2024, LB1317, section 81, is amended to read:

19 77-2701.02 Pursuant to section 77-2715.01:

20 (1) Until July 1, 1998, the rate of the sales tax levied pursuant to
21 section 77-2703 shall be five percent;

22 (2) Commencing July 1, 1998, and until July 1, 1999, the rate of the
23 sales tax levied pursuant to section 77-2703 shall be four and one-half
24 percent;

25 (3) Commencing July 1, 1999, and until the start of the first
26 calendar quarter after July 20, 2002, the rate of the sales tax levied
27 pursuant to section 77-2703 shall be five percent;

28 (4) Commencing on the start of the first calendar quarter after July
29 20, 2002, and until July 1, 2023, the rate of the sales tax levied
30 pursuant to section 77-2703 shall be five and one-half percent;

31 (5) Commencing July 1, 2023, and until July 1, 2024, the rate of the

1 sales tax levied pursuant to section 77-2703 shall be five and one-half
2 percent, except that such rate shall be two and three-quarters percent on
3 transactions occurring within a good life district as defined in section
4 77-4403; and

5 (6) Commencing July 1, 2024, the rate of the sales tax levied
6 pursuant to section 77-2703 shall be five and one-half percent, except
7 that such rate shall be:

8 (a) Two ~~two~~ and three-quarters percent on transactions that occur
9 within that portion of a good life district established pursuant to the
10 Good Life Transformational Projects Act which is located within the
11 corporate limits of a city or village; and -

12 (b) Sixteen percent for sales of cannabis by cannabis stores to
13 consumers under the Nebraska Cannabis Legalization and Revenue Allocation
14 Act.

15 Sec. 206. Section 77-2701.48, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 77-2701.48 (1) Bundled transaction means the retail sale of two or
18 more products, except real property and services to real property, when
19 (a) the products are otherwise distinct and identifiable and (b) the
20 products are sold for one non-itemized price. Bundled transaction does
21 not include the sale of any products in which the sales price varies, or
22 is negotiable, based on the selection by the purchaser of the products
23 included in the transaction.

24 (2) Distinct and identifiable products do not include:

25 (a) Packaging, such as containers, boxes, sacks, bags, and bottles
26 or other materials such as wrapping, labels, tags, and instruction guides
27 that accompany the retail sale of the products and are incidental or
28 immaterial to the retail sale thereof. Examples of packaging that are
29 incidental or immaterial include grocery sacks, shoeboxes, dry cleaning
30 garment bags, and express delivery envelopes and boxes;

31 (b) A product provided free of charge with the required purchase of

1 another product. A product is provided free of charge if the sales price
2 of the product purchased does not vary depending on the inclusion of the
3 product provided free of charge; and

4 (c) Items included in the definition of sales price pursuant to
5 section 77-2701.35.

6 (3) One non-itemized price does not include a price that is
7 separately identified by product on binding sales or other supporting
8 sales-related documentation made available to the customer in paper or
9 electronic form, including, but not limited to, an invoice, bill of sale,
10 receipt, contract, service agreement, lease agreement, periodic notice of
11 rates and services, rate card, or price list.

12 (4) A transaction that otherwise meets the definition of a bundled
13 transaction is not a bundled transaction if it is (a) the retail sale of
14 tangible personal property and a service where the tangible personal
15 property is essential to the use of the service, and is provided
16 exclusively in connection with the service, and the true object of the
17 transaction is the service, (b) the retail sale of services when one
18 service is provided that is essential to the use or receipt of a second
19 service and the first service is provided exclusively in connection with
20 the second service and the true object of the transaction is the second
21 service, or (c) a transaction that includes taxable products and
22 nontaxable products and the purchase price or sales price of the taxable
23 products is de minimus. De minimus means the seller's purchase price or
24 sales price of the taxable products is ten percent or less of the total
25 purchase price or sales price of the bundled products. Sellers shall use
26 either the purchase price or the sales price of the products to determine
27 if the taxable products are de minimus. Sellers may not use a combination
28 of the purchase price and sales price of the products to determine if the
29 taxable products are de minimus. Sellers shall use the full term of a
30 service contract to determine if the taxable products are de minimus.

31 (5) Bundled transaction does not include the retail sale of exempt

1 tangible personal property and taxable tangible personal property if (a)
2 the transaction includes food and food ingredients, drugs, durable
3 medical equipment, mobility enhancing equipment, over-the-counter drugs,
4 prosthetic devices, or medical supplies as such terms are defined in
5 section 77-2704.09 and (b) the seller's purchase price or sales price of
6 the taxable tangible personal property is fifty percent or less of the
7 total purchase price or sales price of the bundled tangible personal
8 property. Sellers may not use a combination of the purchase price and
9 sales price of the tangible personal property when making the fifty-
10 percent determination for a transaction.

11 Sec. 207. Section 77-2704.09, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 77-2704.09 (1) Sales and use taxes shall not be imposed on the gross
14 receipts from the sale, lease, or rental of and the storage, use, or
15 other consumption in this state of (a) insulin, (b) mobility enhancing
16 equipment and drugs, not including over-the-counter drugs, when sold for
17 a patient's use under a prescription, and (c) the following when sold for
18 a patient's use under a prescription and which are of the type eligible
19 for coverage under the medical assistance program established pursuant to
20 the Medical Assistance Act: Durable medical equipment; home medical
21 supplies; prosthetic devices; oxygen; and oxygen equipment.

22 (2) For purposes of this section:

23 (a)(i) ~~(a)~~ Drug means a compound, substance, preparation, and
24 component of a compound, substance, or preparation, other than food and
25 food ingredients, dietary supplements, or alcoholic beverages:

26 (A) ~~(i)~~ Recognized in the official United States Pharmacopoeia,
27 official Homeopathic Pharmacopoeia of the United States, or official
28 National Formulary, and any supplement to any of them;

29 (B) ~~(ii)~~ Intended for use in the diagnosis, cure, mitigation,
30 treatment, or prevention of disease; or

31 (C) ~~(iii)~~ Intended to affect the structure or any function of the

1 body; and

2 (ii) Drug does not include cannabis obtained pursuant to the
3 Nebraska Cannabis Legalization and Revenue Allocation Act;

4 (b) Durable medical equipment means equipment which can withstand
5 repeated use, is primarily and customarily used to serve a medical
6 purpose, generally is not useful to a person in the absence of illness or
7 injury, is appropriate for use in the home, and is not worn in or on the
8 body. Durable medical equipment includes repair and replacement parts for
9 such equipment;

10 (c) Home medical supplies means supplies primarily and customarily
11 used to serve a medical purpose which are appropriate for use in the home
12 and are generally not useful to a person in the absence of illness or
13 injury;

14 (d) Mobility enhancing equipment means equipment which is primarily
15 and customarily used to provide or increase the ability to move from one
16 place to another, which is not generally used by persons with normal
17 mobility, and which is appropriate for use either in a home or a motor
18 vehicle. Mobility enhancing equipment includes repair and replacement
19 parts for such equipment. Mobility enhancing equipment does not include
20 any motor vehicle or equipment on a motor vehicle normally provided by a
21 motor vehicle manufacturer;

22 (e) Over-the-counter drug means a drug that contains a label that
23 identifies the product as a drug as required by 21 C.F.R. 201.66, as such
24 regulation existed on January 1, 2003. The over-the-counter drug label
25 includes a drug facts panel or a statement of the active ingredients with
26 a list of those ingredients contained in the compound, substance, or
27 preparation;

28 (f) Oxygen equipment means oxygen cylinders, cylinder transport
29 devices including sheaths and carts, cylinder studs and support devices,
30 regulators, flowmeters, tank wrenches, oxygen concentrators, liquid
31 oxygen base dispensers, liquid oxygen portable dispensers, oxygen tubing,

1 nasal cannulas, face masks, oxygen humidifiers, and oxygen fittings and
2 accessories;

3 (g) Prescription means an order, formula, or recipe issued in any
4 form of oral, written, electronic, or other means of transmission by a
5 duly licensed practitioner authorized under the Uniform Credentialing
6 Act; and

7 (h) Prosthetic devices means a replacement, corrective, or
8 supportive device worn on or in the body to artificially replace a
9 missing portion of the body, prevent or correct physical deformity or
10 malfunction, or support a weak or deformed portion of the body, and
11 includes any supplies used with such device and repair and replacement
12 parts.

13 Sec. 208. Section 77-27,132, Revised Statutes Supplement, 2023, as
14 amended by Laws 2024, LB1108, section 3, is amended to read:

15 77-27,132 (1) There is hereby created a fund to be designated the
16 Revenue Distribution Fund which shall be set apart and maintained by the
17 Tax Commissioner. Revenue not required to be credited to the General Fund
18 or any other specified fund may be credited to the Revenue Distribution
19 Fund. Credits and refunds of such revenue shall be paid from the Revenue
20 Distribution Fund. The balance of the amount credited, after credits and
21 refunds, shall be allocated as provided by the statutes creating such
22 revenue.

23 (2) The Tax Commissioner shall pay to a depository bank designated
24 by the State Treasurer all amounts collected under the Nebraska Revenue
25 Act of 1967. The Tax Commissioner shall present to the State Treasurer
26 bank receipts showing amounts so deposited in the bank, and of the
27 amounts so deposited the State Treasurer shall:

28 (a)(i) For transactions occurring on or after October 1, 2014, and
29 before July 1, 2024, credit to the Game and Parks Commission Capital
30 Maintenance Fund all of the proceeds of the sales and use taxes imposed
31 pursuant to section 77-2703 on the sale or lease of motorboats as defined

1 in section 37-1204, personal watercraft as defined in section 37-1204.01,
2 all-terrain vehicles as defined in section 60-103, and utility-type
3 vehicles as defined in section 60-135.01; and

4 (ii) For transactions occurring on or after July 1, 2024, credit to
5 the Game and Parks Commission Capital Maintenance Fund all of the
6 proceeds of the sales and use taxes imposed pursuant to section 77-2703
7 on the sale or lease of motorboats as defined in section 37-1204,
8 personal watercraft as defined in section 37-1204.01, all-terrain
9 vehicles as defined in section 60-103, and utility-type vehicles as
10 defined in section 60-135.01, and from such proceeds, transfers shall be
11 made to the Nebraska Emergency Medical System Operations Fund as provided
12 in section 37-327.02;

13 (b) Credit to the Highway Trust Fund all of the proceeds of the
14 sales and use taxes derived from the sale or lease for periods of more
15 than thirty-one days of motor vehicles, trailers, and semitrailers,
16 except that the proceeds equal to any sales tax rate provided for in
17 section 77-2701.02 that is in excess of five percent derived from the
18 sale or lease for periods of more than thirty-one days of motor vehicles,
19 trailers, and semitrailers shall be credited to the Highway Allocation
20 Fund;

21 (c) For transactions occurring on or after July 1, 2013, and before
22 July 1, 2042, of the proceeds of the sales and use taxes derived from
23 transactions other than those listed in subdivisions (2)(a), (b), ~~and~~
24 (e), and (f) of this section from a sales tax rate of one-quarter of one
25 percent, credit monthly eighty-five percent to the Highway Trust Fund and
26 fifteen percent to the Highway Allocation Fund;

27 (d) Of the proceeds of the sales and use taxes derived from
28 transactions other than those listed in subdivisions (2)(a), (b), ~~and~~
29 (e), and (f) of this section, credit to the Property Tax Credit Cash Fund
30 the amount certified under section 77-27,237, if any such certification
31 is made; ~~and~~

1 (e) For transactions occurring on or after July 1, 2023, credit to
2 the Department of Transportation Aeronautics Capital Improvement Fund all
3 of the proceeds of the sales and use taxes imposed pursuant to section
4 77-2703 on the sale or lease of aircraft as defined in section 3-101;
5 and -

6 (f) Credit the proceeds of the sales and use taxes imposed pursuant
7 to section 77-2703 on the sale of cannabis by cannabis stores to
8 consumers under the Nebraska Cannabis Legalization and Revenue Allocation
9 Act as follows:

10 (i) Fifty percent shall be transferred to the Property Tax Credit
11 Cash Fund;

12 (ii) Forty percent shall be transferred to the Education Future
13 Fund;

14 (iii) Five percent shall be used by the Nebraska Cannabis Control
15 Commission for grants for business development in disproportionately
16 impacted areas and for social equity applicants under section 182 of this
17 act;

18 (iv) Two percent shall be used by the commission for grants for
19 prisoner re-entry and rehabilitation, restorative justice, and drug
20 intervention in disproportionately impacted areas and economic recovery
21 areas under section 183 of this act;

22 (v) Two percent shall be used by the commission for grants for
23 education, youth outreach, and health in disproportionately impacted
24 areas and economic recovery areas under section 184 of this act; and

25 (vi) One percent shall be used by the commission for other outreach
26 programs.

27 The balance of all amounts collected under the Nebraska Revenue Act
28 of 1967 shall be credited to the General Fund.

29 Sec. 209. Section 77-4301, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 77-4301 For purposes of sections 77-4301 to 77-4316:

1 (1) Controlled substance means ~~shall mean~~ any drug or substance,
2 including an imitation controlled substance, that is held, possessed,
3 transported, transferred, sold, or offered to be sold in violation of
4 Nebraska law. Controlled substance does ~~shall~~ not include cannabis
5 marijuana;

6 (2) Dealer means ~~shall mean~~ a person who, in violation of Nebraska
7 law, manufactures, produces, ships, transports, or imports into Nebraska
8 or in any manner acquires or possesses ~~six or more ounces of marijuana,~~
9 seven or more grams of any controlled substance which is sold by weight,
10 or ten or more dosage units of any controlled substance which is not sold
11 by weight;

12 (3) Imitation controlled substance has ~~shall have~~ the meaning as
13 provided in section 28-401; and

14 (4) Cannabis has Marijuana ~~shall have~~ the meaning as provided in
15 section 3 of this act ~~28-401~~.

16 Sec. 210. Section 77-4302, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 77-4302 No dealer may possess ~~marijuana or~~ controlled substances
19 upon which a tax is imposed by section 77-4303 unless the tax has been
20 paid on the ~~marijuana or~~ controlled substance as evidenced by an official
21 stamp, label, or other indicium.

22 Sec. 211. Section 77-4303, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 77-4303 (1) A tax is hereby imposed on ~~marijuana and~~ controlled
25 substances at the following rates:

26 ~~(a) On each ounce of marijuana or each portion of an ounce, one~~
27 ~~hundred dollars;~~

28 ~~(a) (b)~~ On each gram or portion of a gram of a controlled substance
29 that is customarily sold by weight or volume, one hundred fifty dollars;
30 or

31 ~~(b) (c)~~ On each fifty dosage units or portion thereof of a

1 controlled substance that is not customarily sold by weight, five hundred
2 dollars.

3 (2) For purposes of calculating the tax under this section,
4 ~~marijuana~~ or any controlled substance that is customarily sold by weight
5 or volume shall be measured by the weight of the substance in the
6 dealer's possession. The weight shall be the actual weight, if known, or
7 the estimated weight as determined by the Nebraska State Patrol or other
8 law enforcement agency. Such determination shall be presumed to be the
9 weight of such ~~marijuana~~ or controlled substances for purposes of
10 sections 77-4301 to 77-4316.

11 (3) The tax shall not be imposed upon a person registered or
12 otherwise lawfully in possession of ~~marijuana~~ or a controlled substance
13 pursuant to Chapter 28, article 4.

14 Sec. 212. Section 77-4304, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 77-4304 (1) Subject to the rules and regulations of the Tax
17 Commissioner, official stamps, labels, or other indicia to be affixed to
18 all ~~marijuana~~ and controlled substances shall be purchased from the
19 Department of Revenue. The purchaser shall pay one hundred percent of
20 face value for each official stamp, label, or other indicium purchased
21 and shall not be required to give his or her name, address, social
22 security number, or other identifying information.

23 (2) The Tax Commissioner shall adopt a uniform system of providing,
24 affixing, and displaying an official stamp, label, or other indicium for
25 ~~marijuana~~ and controlled substances on which a tax is imposed. Official
26 stamps, labels, or other indicia shall expire six months from the date of
27 issuance.

28 Sec. 213. Section 77-4305, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 77-4305 The tax imposed upon ~~marijuana~~ and controlled substances by
31 section 77-4303 shall be due and payable immediately upon acquisition or

1 possession of ~~marijuana~~ and controlled substances in this state by a
2 dealer.

3 Sec. 214. Section 77-4306, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-4306 If a dealer acquires or ships, transports, or imports into
6 this state ~~marijuana~~ or a controlled substance and if the official stamp,
7 label, or indicium evidencing the payment of the tax has not already been
8 affixed, the dealer shall have it permanently affixed on the ~~marijuana~~ or
9 controlled substance immediately upon acquisition or possession of the
10 ~~marijuana~~ or controlled substance. Each official stamp, label, or other
11 indicium may be used only once.

12 Sec. 215. Section 77-4309, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 77-4309 Any dealer violating sections 77-4301 to 77-4316 shall be
15 subject to a penalty of one hundred percent of the tax in addition to the
16 tax imposed by section 77-4303. The penalty shall be collected as part of
17 the tax.

18 A dealer distributing or possessing ~~marijuana~~ or a controlled
19 substance without affixing the official stamp, label, or other indicium
20 shall be guilty of a Class IV felony. Notwithstanding any other provision
21 of the criminal laws of this state, an indictment may be found and filed
22 or an information or complaint filed upon any criminal offense specified
23 in this section in the proper court within six years after the commission
24 of such offense.

25 Sec. 216. Section 77-4310.01, Reissue Revised Statutes of Nebraska,
26 is amended to read:

27 77-4310.01 Proceeds of the tax imposed by section 77-4303 shall be
28 remitted to the State Treasurer for credit as follows:

29 (1) Five percent of such proceeds shall be credited to the ~~Marijuana~~
30 ~~and~~ Controlled Substances Tax Administration Cash Fund; and

31 (2) Of the remaining proceeds:

1 (a) Fifty percent shall be remitted to the respective counties from
2 which the proceeds originated for credit to the County Drug Law
3 Enforcement and Education Fund of each such county. Money remitted to a
4 county pursuant to this subdivision shall be remitted to the county
5 treasurer of such county for credit to such fund. For purposes of this
6 subdivision, county from which the proceeds originated shall mean: (i) If
7 the proceeds result from seizure under the Uniform State Tax Lien
8 Registration and Enforcement Act of property located in a county other
9 than the county in which the dealer resides, the county in which the
10 seizure was made; and (ii) in all other cases, the county in which the
11 dealer resides; and

12 (b) All remaining funds, including those which did not originate in
13 a county, shall be credited to the Nebraska State Patrol Drug Control and
14 Education Cash Fund.

15 Sec. 217. Section 77-4310.03, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 77-4310.03 There is hereby created the ~~Marijuana~~ and Controlled
18 Substances Tax Administration Cash Fund. Money in the fund shall be used
19 by the Tax Commissioner for the purposes of administering, collecting,
20 and enforcing the tax imposed by section 77-4303, except that transfers
21 may be made from the fund to the General Fund at the direction of the
22 Legislature. Any money in the ~~Marijuana~~ and Controlled Substances Tax
23 Administration Cash Fund available for investment shall be invested by
24 the state investment officer pursuant to the Nebraska Capital Expansion
25 Act and the Nebraska State Funds Investment Act.

26 Sec. 218. Section 81-2,239, Revised Statutes Supplement, 2023, as
27 amended by Laws 2024, LB262, section 28, is amended to read:

28 81-2,239 Sections 81-2,239 to 81-2,292, ~~and~~ sections 32, 35, and 36
29 of this act, and section 220 of this act and the provisions of the Food
30 Code and the Current Good Manufacturing Practice In Manufacturing,
31 Packing, or Holding Human Food adopted by reference in sections

1 81-2,257.01 and 81-2,259, shall be known and may be cited as the Nebraska
2 Pure Food Act.

3 Sec. 219. Section 81-2,263, Revised Statutes Cumulative Supplement,
4 2022, as amended by Laws 2024, LB262, section 37, is amended to read:

5 81-2,263 If there is an inconsistency between sections 81-2,239 to
6 81-2,292, ~~and~~ sections 32, 35, and 36 of this act, and section 220 of
7 this act and any code adopted by reference, the requirements of the
8 sections shall control.

9 Sec. 220. Edible cannabis products sold under the Nebraska Cannabis
10 Legalization and Revenue Allocation Act are subject to the Nebraska Pure
11 Food Act to the same extent as other items of food.

12 Sec. 221. Sections 221 to 223 of this act shall be known and may be
13 cited as the Cannabis Conviction Relief Act.

14 Sec. 222. For purposes of the Cannabis Conviction Relief Act:

15 (1) Board means the Board of Parole;

16 (2) Cannabis has the same meaning as in section 3 of this act;

17 (3) Minor cannabis offense means:

18 (a) A violation of section 28-416 as such section existed prior to
19 the effective date of this act involving cannabis for which the offender
20 was sentenced to less than twenty years' imprisonment. This subdivision
21 does not include any offense involving distribution to a person under
22 eighteen years of age unless the offender was sentenced to less than ten
23 years' imprisonment;

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

26 (c) A violation of an ordinance substantially similar to an offense
27 described in subdivision (4)(a) or (b) of this section; or

28 (d) Attempt, solicitation, aiding or abetting, being an accessory,
29 or conspiracy to commit an offense listed in subdivision (3)(a), (b), or
30 (c) of this section; and

31 (4) Other cannabis offense means any violation of section 28-416

1 involving cannabis that is not a minor cannabis offense.

2 Sec. 223. (1) Beginning June 1, 2025, the board shall implement a
3 process to provide pardon hearings for any person convicted of a minor
4 cannabis offense. The board shall hold such hearings and issue decisions
5 for all such persons on or before January 1, 2026.

6 (2) For any person who has fully served such person's sentence for a
7 minor cannabis offense, the board is encouraged to provide a full pardon.

8 (3) On or before January 1, 2027, the board shall identify all
9 persons convicted of other cannabis offenses and notify such persons of
10 their right to request a pardon hearing.

11 (4) For persons still serving sentences for minor cannabis offenses
12 or other cannabis offenses on and after the effective date of this act,
13 the board may grant a pardon and direct the court of conviction to
14 resentence the offender. When resentencing the offender, there shall be a
15 presumption in favor of a sentence of time served and waiver of any fees
16 not already paid. A prosecuting attorney may overcome this presumption by
17 showing that a such a sentence would not serve the interests of justice.

18 Sec. 224. If any section in this act or any part of any section is
19 declared invalid or unconstitutional, the declaration shall not affect
20 the validity or constitutionality of the remaining portions.

21 Sec. 225. Original sections 28-439, 43-292, 60-6,211.08,
22 77-2701.48, 77-2704.09, 77-4301, 77-4302, 77-4303, 77-4304, 77-4305,
23 77-4306, 77-4309, 77-4310.01, and 77-4310.03, Reissue Revised Statutes of
24 Nebraska, sections 28-1701 and 71-5727, Revised Statutes Cumulative
25 Supplement, 2022, sections 28-405, 28-416, and 28-1354, Revised Statutes
26 Supplement, 2023; section 28-401, Revised Statutes Cumulative Supplement,
27 2022, as amended by Laws 2024, LB262, section 21; section 28-476, Revised
28 Statutes Cumulative Supplement, 2022, as amended by Laws 2024, LB262,
29 section 22; section 81-2,263, Revised Statutes Cumulative Supplement,
30 2022, as amended by Laws 2024, LB262, section 37; section 77-2701.02,
31 Revised Statutes Supplement, 2023, as amended by Laws 2024, LB1317,

1 section 81; section 77-27,132, Revised Statutes Supplement, 2023, as
2 amended by Laws 2024, LB1108, section 3; and section 81-2,239, Revised
3 Statutes Supplement, 2023, as amended by Laws 2024, LB262, section 28,
4 are repealed.

5 Sec. 226. The following sections are outright repealed: Sections
6 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and 28-469, Reissue
7 Revised Statutes of Nebraska.