

AMENDMENTS TO LB316
(Amendments to Final Reading copy)

Introduced by Kauth, 31.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 **Section 1.** Section 2-501, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 2-501 Sections 2-501 to 2-518 and sections 3 and 6 of this act shall
6 be known and may be cited as the Nebraska Hemp Farming Act.

7 **Sec. 2.** Section 2-503, Revised Statutes Cumulative Supplement, 2024,
8 is amended to read:

9 2-503 For purposes of the Nebraska Hemp Farming Act:

10 (1) Agriculture Improvement Act of 2018 means section 10113 of the
11 federal Agriculture Improvement Act of 2018, Public Law 115-334, and any
12 regulations adopted and promulgated under such section, as such section,
13 act, and regulations existed on January 1, 2024;

14 (2) Cannabidiol product means a finished hemp consumer product that:

15 (a) Contains, as a primary ingredient, cannabidiol extracted or
16 derived from hemp;

17 (b) Complies with the THC limits provided in subdivision (5)(a)(ii)
18 of this section; and

19 (c) Does not contain any cannabinoids created through chemical
20 conversion, modification, or synthesis, including, but not limited to,
21 hexahydrocannabinol;

22 (3) {2} Cultivate or cultivating means planting, watering, growing,
23 and harvesting a hemp plant or crop. The presence of plants of the plant
24 Cannabis sativa L. growing as uncultivated, naturalized plants in the
25 environment is not cultivating hemp for purposes of the Nebraska Hemp
26 Farming Act;

1 (4) Federally compliant hemp means hemp that complies with the
2 requirements of the Agriculture Improvement Act of 2018;

3 (5)(a) {3} Hemp means the plant Cannabis sativa L. and any part of
4 such plant, including the viable seeds of such plant and all derivatives,
5 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
6 whether growing or not, that complies with the following THC limits:

7 (i) For raw hemp, a total THC with a delta-9 tetrahydrocannabinol
8 concentration of not more than 0.3 percent on a dry weight basis; and -

9 (ii) For processed hemp, including cannabidiol products, not more
10 than the lesser of:

11 (A) A total THC concentration of 0.3 percent on a total weight
12 basis; or

13 (B) Ten milligrams of total THC per package.

14 (b) Hemp includes cannabidiol products.

15 (c) Hemp does not include the mature stalks of the plant Cannabis
16 sativa L.; fiber produced from such stalks; oil or cake made from the
17 seeds of such plant; any other compound, manufacture, salt, derivative,
18 mixture, or preparation of such mature stalks; or the sterilized seed of
19 such plant that is incapable of germination ~~Hemp shall be considered an~~
20 ~~agricultural commodity. Notwithstanding any other provision of law, hemp~~
21 ~~shall not be considered a controlled substance under the Uniform~~
22 ~~Controlled Substances Act;~~

23 (6) {4} Person means an individual, partnership, corporation,
24 limited liability company, association, postsecondary institution, or
25 other legal entity;

26 (7) Raw hemp means hemp that has been harvested and dried but is
27 otherwise unprocessed;

28 (8) {5} State-program-licensed hemp producer means a person licensed
29 under a USDA-approved state or tribal program as authorized under the
30 Agriculture Improvement Act of 2018 and includes the authorized employees
31 or agents of such person;

1 (9) THC means tetrahydrocannabinol;

2 (10) THC concentration refers to the concentration of THC as
3 measured through procedures that use post-decarboxylation or other
4 similarly reliable measures to account for any chemical precursors to
5 cannabinoids, including tetrahydrocannabinolic acid. Such chemical
6 precursors, including tetrahydrocannabinolic acid, shall be included in
7 the total THC concentration measurement;

8 (11) ~~(6)~~ USDA means the United States Department of Agriculture; and

9 (12) ~~(7)~~ USDA-licensed hemp producer means a person licensed by the
10 USDA to produce hemp as provided in 7 C.F.R. part 990, subpart C, as such
11 regulations existed on January 1, 2024, and includes the authorized
12 employees or agents of such person.

13 **Sec. 3.** (1) Beginning January 1, 2026, an excise tax shall be
14 levied on the retail sale of cannabidiol products to consumers. The tax
15 shall be at a rate of ten percent of the retail purchase price.

16 (2) The excise tax imposed by this section shall be in addition to
17 all other occupation or privilege taxes imposed by this state or by any
18 political subdivision of the state.

19 (3) Each retail seller of cannabidiol products shall maintain
20 complete and accurate electronic records of sales of cannabidiol
21 products, in the manner prescribed by the Department of Revenue. Such
22 seller shall provide such records to the department upon request.

23 (4)(a) Each retail seller of cannabidiol products shall file a
24 return with the department by the twentieth day of the month following
25 the month reported and with the report shall remit the amount of excise
26 tax due.

27 (b) The return, which shall be upon forms prescribed and furnished
28 by the department, shall contain, among other things, the total amount of
29 cannabidiol products sold or transferred during the preceding month and
30 the amount of tax due thereon.

31 (c) The department may require retail sellers to file tax returns

1 electronically and to remit payments due by electronic funds transfers.

2 (5) The department shall collect the excise tax and shall account
3 for and remit to the State Treasurer at least once each month all money
4 collected pursuant to such tax for credit to the Property Tax Credit Cash
5 Fund.

6 **Sec. 4.** Section 2-505, Revised Statutes Cumulative Supplement, 2024,
7 is amended to read:

8 2-505 (1)(a) This subsection applies to hemp other than cannabidiol
9 products.

10 (b) Hemp shall not be cultivated, possessed, handled, transported,
11 processed, used, sold, or consumed in this state, except as provided in
12 this subsection.

13 (c) Federally compliant hemp ~~(1) Hemp~~ may be cultivated in this
14 state by a USDA-licensed hemp producer, in accordance with such
15 producer's USDA-issued license, or by a state-program-licensed hemp
16 producer, in accordance with such producer's license under a USDA-
17 approved tribal program.

18 (d) ~~(2)~~ Hemp may only be transported pursuant to section 2-515.

19 (2) Any cannabidiol product shall be possessed, handled,
20 transported, used, sold, and consumed in accordance with:

21 (a) The Nebraska Pure Food Act; and

22 (b) The Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq.,
23 and any regulations adopted and promulgated under such act, as such act
24 and regulations existed on January 1, 2025.

25 (3)(a) For purposes of this subsection:

26 (i) Consumer safe harbor period means the period of time beginning
27 on the effective date of this act and ending on December 31, 2025; and

28 (ii) Illegal hemp means hemp, hemp products, or cannabidiol products
29 that do not comply with the THC limits provided in subdivision (5)(a) of
30 section 2-503 or, except as provided in subdivision (3)(d) of this
31 section, that are otherwise not lawful under the Nebraska Hemp Farming

1 Act.

2 (b) An individual consumer shall not be subject to prosecution for
3 possession of illegal hemp during the consumer safe harbor period.

4 (c) The Attorney General may coordinate with law enforcement
5 agencies to establish appropriate locations where, during the consumer
6 safe harbor period, consumers may drop off illegal hemp for destruction
7 without prosecution for transporting or handling such illegal hemp for
8 destruction.

9 (d) After the consumer safe harbor period expires, an individual may
10 assert as a defense to a prosecution for possession of illegal hemp that
11 he or she purchased the illegal hemp for personal use prior to the
12 effective date of this act. The burden shall be on the individual to
13 prove the elements of this defense by a preponderance of the evidence.
14 This defense shall only apply to conduct that occurred on or before
15 December 31, 2026.

16 (e) This subsection does not prevent prosecution or provide a
17 defense for the cultivation, possession, handling, transportation,
18 processing, use, sale, or other distribution of raw materials or products
19 with a delta-9 THC concentration of more than 0.3 percent on a dry weight
20 basis.

21 **Sec. 5.** Section 2-515, Revised Statutes Cumulative Supplement, 2024,
22 is amended to read:

23 2-515 (1) Except as provided in subsection (3) of this section, any
24 USDA-licensed hemp producer or state-program-licensed hemp producer
25 transporting hemp shall carry with the hemp being transported a copy of
26 the USDA license or state program license under which it was cultivated
27 and a copy of the test results pertaining to each lot of hemp being
28 transported.

29 (2) A USDA-licensed hemp producer or state-program-licensed hemp
30 producer under a USDA-approved tribal program cultivating hemp in this
31 state shall maintain a record of shipments of hemp shipped from or

1 received by such producer. Such record shall, for each shipment of hemp,
2 indicate the date of shipment, identify the point of origin and
3 destination, identify the name of the person sending and receiving the
4 shipment, and include the vehicle identification number of the vehicle
5 transporting the hemp.

6 (3) Any USDA-licensed hemp producer or state-program-licensed hemp
7 producer transporting hemp cultivated under such producer's USDA license
8 or state program license shall not be required to carry a copy of the
9 test results relating to such hemp as provided in subsection (1) of this
10 section if such producer carries with the hemp being transported a copy
11 of the applicable USDA license or state program license and is
12 transporting:

13 (a) Hemp between two registered sites listed on the producer's USDA
14 or state program license application;

15 (b) Samples of hemp for testing to determine the
16 tetrahydrocannabinol level; or

17 (c) Live hemp plants to a registered site listed on the producer's
18 USDA or state program license application prior to cultivating such hemp
19 plants.

20 (4) Federally compliant hemp may be transported in interstate
21 commerce for any lawful purpose ~~(4) Any person who is carrying or~~
22 ~~transporting hemp who is not a USDA-licensed hemp producer or state-~~
23 ~~program-licensed hemp producer shall only carry or transport hemp if such~~
24 hemp meets the following requirements:

25 (a) The hemp is carried or transported with a bill of lading stating
26 the owner of the hemp, the point of origin of the hemp, and the
27 destination of the hemp; and

28 ~~(b) The hemp is carried or transported with a copy of the valid USDA~~
29 ~~or state program license under which the hemp was cultivated;~~

30 ~~(c) The hemp is carried or transported with a copy of the test~~
31 ~~results pertaining to each lot of hemp being transported; and~~

1 ~~(b) (d)~~ The hemp is not unloaded or in any way removed from the
2 vehicle transporting such hemp unless authorized by state or federal law
3 enforcement.

4 ~~(5) No person shall transport or carry hemp in this state~~
5 ~~concurrently with any other plant material that is not hemp.~~

6 **Sec. 6.** (1) In the event of a conflict between the Nebraska Hemp
7 Farming Act and the Nebraska Medical Cannabis Patient Protection Act, the
8 latter shall control.

9 (2) In the event of a conflict between the Nebraska Hemp Farming Act
10 and the Nebraska Medical Cannabis Regulation Act, the latter shall
11 control.

12 **Sec. 7.** Section 28-401, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 28-401 As used in the Uniform Controlled Substances Act, unless the
15 context otherwise requires:

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

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

23 (3) Administration means the Drug Enforcement Administration of the
24 United States Department of Justice;

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

1 (5) Counterfeit substance means a controlled substance which, or the
2 container or labeling of which, without authorization, bears the
3 trademark, trade name, or other identifying mark, imprint, number, or
4 device, or any likeness thereof, of a manufacturer, distributor, or
5 dispenser other than the person or persons who in fact manufactured,
6 distributed, or dispensed such substance and which thereby falsely
7 purports or is represented to be the product of, or to have been
8 distributed by, such other manufacturer, distributor, or dispenser;

9 (6) Department means the Department of Health and Human Services;

10 (7) Division of Drug Control means the personnel of the Nebraska
11 State Patrol who are assigned to enforce the Uniform Controlled
12 Substances Act;

13 (8) Dispense means to deliver a controlled substance to an ultimate
14 user or a research subject pursuant to a medical order issued by a
15 practitioner authorized to prescribe, including the packaging, labeling,
16 or compounding necessary to prepare the controlled substance for such
17 delivery;

18 (9) Distribute means to deliver other than by administering or
19 dispensing a controlled substance;

20 (10) Prescribe means to issue a medical order;

21 (11) Drug means (a) articles recognized in the official United
22 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United
23 States, official National Formulary, or any supplement to any of them,
24 (b) substances intended for use in the diagnosis, cure, mitigation,
25 treatment, or prevention of disease in human beings or animals, and (c)
26 substances intended for use as a component of any article specified in
27 subdivision (a) or (b) of this subdivision, but does not include devices
28 or their components, parts, or accessories;

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

1 (13) Hemp has the same meaning as in section 2-503;

2 (14)(a) Marijuana means all parts of the plant of the genus
3 cannabis, whether growing or not, the seeds thereof, and every compound,
4 manufacture, salt, derivative, mixture, or preparation of such plant or
5 its seeds.

6 (b) Marijuana does not include:

7 (i) The ~~the~~ mature stalks of such plant; ~~τ~~

8 (ii) Hashish;

9 (iii) Tetrahydrocannabinols ~~hashish, tetrahydrocannabinols~~ extracted
10 or isolated from the plant; ~~τ~~

11 (iv) Fiber ~~fiber~~ produced from such stalks; ~~τ~~

12 (v) Oil ~~oil~~ or cake made from the seeds of such plant; ~~τ~~

13 (vi) Any ~~any~~ other compound, manufacture, salt, derivative, mixture,
14 or preparation of such mature stalks; ~~τ~~

15 (vii) The ~~the~~ sterilized seed of such plant which is incapable of
16 germination; ~~or, τ or~~

17 (viii) Cannabidiol ~~cannabidiol~~ contained in a drug product approved
18 by the federal Food and Drug Administration.

19 (c) Marijuana includes ~~does not include~~ hemp, except for hemp
20 possessed in compliance with the Nebraska Hemp Farming Act.

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

25 (15) Manufacture means the production, preparation, propagation,
26 conversion, or processing of a controlled substance, either directly or
27 indirectly, by extraction from substances of natural origin,
28 independently by means of chemical synthesis, or by a combination of
29 extraction and chemical synthesis, and includes any packaging or
30 repackaging of the substance or labeling or relabeling of its container.
31 Manufacture does not include the preparation or compounding of a

1 controlled substance by an individual for his or her own use, except for
2 the preparation or compounding of components or ingredients used for or
3 intended to be used for the manufacture of methamphetamine, or the
4 preparation, compounding, conversion, packaging, or labeling of a
5 controlled substance: (a) By a practitioner as an incident to his or her
6 prescribing, administering, or dispensing of a controlled substance in
7 the course of his or her professional practice; or (b) by a practitioner,
8 or by his or her authorized agent under his or her supervision, for the
9 purpose of, or as an incident to, research, teaching, or chemical
10 analysis and not for sale;

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

24 (17) Opiate means any substance having an addiction-forming or
25 addiction-sustaining liability similar to morphine or being capable of
26 conversion into a drug having such addiction-forming or addiction-
27 sustaining liability. Opiate does not include the dextrorotatory isomer
28 of 3-methoxy-n methylmorphinan and its salts. Opiate includes its racemic
29 and levorotatory forms;

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

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

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

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

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

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

21 (24) State means the State of Nebraska;

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

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

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

1 (28) Cannabidiol product has the same meaning as in section 2-503;

2 (29)(a) ~~(28)(a)~~ Hashish or concentrated cannabis means (i) the
3 separated resin, whether crude or purified, obtained from a plant of the
4 genus cannabis or (ii) any material, preparation, mixture, compound, or
5 other substance which contains ten percent or more by weight of
6 tetrahydrocannabinols.

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

11 (c) Hashish or concentrated cannabis does not include any
12 cannabidiol product or cannabidiol contained in a drug product approved
13 by the federal Food and Drug Administration;

14 (30) ~~(29)~~ Exceptionally hazardous drug means (a) a narcotic drug,
15 (b) thiophene analog of phencyclidine, (c) phencyclidine, (d)
16 amobarbital, (e) secobarbital, (f) pentobarbital, (g) amphetamine, or (h)
17 methamphetamine;

18 (31) ~~(30)~~ Imitation controlled substance means a substance which is
19 not a controlled substance or controlled substance analogue but which, by
20 way of express or implied representations and consideration of other
21 relevant factors including those specified in section 28-445, would lead
22 a reasonable person to believe the substance is a controlled substance or
23 controlled substance analogue. A placebo or registered investigational
24 drug manufactured, distributed, possessed, or delivered in the ordinary
25 course of practice or research by a health care professional shall not be
26 deemed to be an imitation controlled substance;

27 (32)(a) ~~(31)(a)~~ Controlled substance analogue means a substance (i)
28 the chemical structure of which is substantially similar to the chemical
29 structure of a Schedule I or Schedule II controlled substance as provided
30 in section 28-405 or (ii) which has a stimulant, depressant, analgesic,
31 or hallucinogenic effect on the central nervous system that is

1 substantially similar to or greater than the stimulant, depressant,
2 analgesic, or hallucinogenic effect on the central nervous system of a
3 Schedule I or Schedule II controlled substance as provided in section
4 28-405. A controlled substance analogue shall, to the extent intended for
5 human consumption, be treated as a controlled substance under Schedule I
6 of section 28-405 for purposes of the Uniform Controlled Substances Act;
7 and

8 (b) Controlled substance analogue does not include (i) a controlled
9 substance, (ii) any substance generally recognized as safe and effective
10 within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
11 301 et seq., as such act existed on January 1, 2014, (iii) any substance
12 for which there is an approved new drug application, or (iv) with respect
13 to a particular person, any substance if an exemption is in effect for
14 investigational use for that person, under section 505 of the Federal
15 Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
16 January 1, 2014, to the extent conduct with respect to such substance is
17 pursuant to such exemption;

18 (33) ~~(32)~~ Anabolic steroid means any drug or hormonal substance,
19 chemically and pharmacologically related to testosterone (other than
20 estrogens, progestins, and corticosteroids), that promotes muscle growth
21 and includes any controlled substance in Schedule III(d) of section
22 28-405. Anabolic steroid does not include any anabolic steroid which is
23 expressly intended for administration through implants to cattle or other
24 nonhuman species and has been approved by the Secretary of Health and
25 Human Services for such administration, but if any person prescribes,
26 dispenses, or distributes such a steroid for human use, such person shall
27 be considered to have prescribed, dispensed, or distributed an anabolic
28 steroid within the meaning of this subdivision;

29 (34) ~~(33)~~ Chart order means an order for a controlled substance
30 issued by a practitioner for a patient who is in the hospital where the
31 chart is stored or for a patient receiving detoxification treatment or

1 maintenance treatment pursuant to section 28-412. Chart order does not
2 include a prescription;

3 (35) ~~(34)~~ Medical order means a prescription, a chart order, or an
4 order for pharmaceutical care issued by a practitioner;

5 (36) ~~(35)~~ Prescription means an order for a controlled substance
6 issued by a practitioner. Prescription does not include a chart order;

7 (37) ~~(36)~~ Registrant means any person who has a controlled
8 substances registration issued by the state or the Drug Enforcement
9 Administration of the United States Department of Justice;

10 (38) ~~(37)~~ Reverse distributor means a person whose primary function
11 is to act as an agent for a pharmacy, wholesaler, manufacturer, or other
12 entity by receiving, inventorying, and managing the disposition of
13 outdated, expired, or otherwise nonsaleable controlled substances;

14 (39) ~~(38)~~ Signature means the name, word, or mark of a person
15 written in his or her own hand with the intent to authenticate a writing
16 or other form of communication or a digital signature which complies with
17 section 86-611 or an electronic signature;

18 (40) ~~(39)~~ Facsimile means a copy generated by a system that encodes
19 a document or photograph into electrical signals, transmits those signals
20 over telecommunications lines, and reconstructs the signals to create an
21 exact duplicate of the original document at the receiving end;

22 (41) ~~(40)~~ Electronic signature has the definition found in section
23 86-621;

24 (42) ~~(41)~~ Electronic transmission means transmission of information
25 in electronic form. Electronic transmission includes computer-to-computer
26 transmission or computer-to-facsimile transmission;

27 (43) ~~(42)~~ Long-term care facility means an intermediate care
28 facility, an intermediate care facility for persons with developmental
29 disabilities, a long-term care hospital, a mental health substance use
30 treatment center, a nursing facility, or a skilled nursing facility, as
31 such terms are defined in the Health Care Facility Licensure Act;

1 ~~(44)~~ ~~(43)~~ Compounding has the same meaning as in section 38-2811;

2 ~~(45)~~ ~~(44)~~ Cannabinoid receptor agonist means any chemical compound
3 or substance that, according to scientific or medical research, study,
4 testing, or analysis, demonstrates the presence of binding activity at
5 one or more of the CB1 or CB2 cell membrane receptors located within the
6 human body. Cannabinoid receptor agonist does not include any cannabidiol
7 product or cannabidiol contained in a drug product approved by the
8 federal Food and Drug Administration; and

9 ~~(46)~~ ~~(45)~~ Lookalike substance means a product or substance, not
10 specifically designated as a controlled substance in section 28-405, that
11 is either portrayed in such a manner by a person to lead another person
12 to reasonably believe that it produces effects on the human body that
13 replicate, mimic, or are intended to simulate the effects produced by a
14 controlled substance or that possesses one or more of the following
15 indicia or characteristics:

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

20 (b) The name or packaging of the product or substance uses images or
21 labels suggesting that it is a controlled substance or produces effects
22 on the human body that replicate or mimic those produced by a controlled
23 substance;

24 (c) The product or substance is marketed or advertised for a
25 particular use or purpose and the cost of the product or substance is
26 disproportionately higher than other products or substances marketed or
27 advertised for the same or similar use or purpose;

28 (d) The packaging or label on the product or substance contains
29 words or markings that state or suggest that the product or substance is
30 in compliance with state and federal laws regulating controlled
31 substances;

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

4 (f) The owner or person in control of the product or substance makes
5 a verbal or written statement suggesting or implying that the product or
6 substance is a synthetic drug or that consumption of the product or
7 substance will replicate or mimic effects on the human body to those
8 effects commonly produced through use or consumption of a controlled
9 substance;

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

14 (h) The product or substance contains a chemical or chemical
15 compound that does not have a legitimate relationship to the use or
16 purpose claimed by the seller, distributor, packer, or manufacturer of
17 the product or substance or indicated by the product name, appearing on
18 the product's packaging or label or depicted in advertisement of the
19 product or substance.

20 **Sec. 8.** Original sections 2-501, 2-503, 2-505, 2-515, and 28-401,
21 Revised Statutes Cumulative Supplement, 2024, are repealed.