

AMENDMENTS TO LB316
(Amendments to Final Reading copy)

Introduced by Kauth, 31.

1 1. Strike the original sections and insert the following new
2 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 (6)(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) Cannabidiol tincture means a liquid cannabidiol product that:

23 (a) Is packaged in a container with a capacity of no more than two
24 fluid ounces;

25 (b) Includes a dispensing dropper that is capable of dispensing not
26 more than one milliliter of liquid;

1 (c) Is not a beverage or intended for drinking; and

2 (d) Consists of a solution:

3 (i) Containing at least twenty-five percent nondenatured alcohol or
4 a base of glycerin or plant-based oil; and

5 (ii) That is intended for human use;

6 (4) {2} Cultivate or cultivating means planting, watering, growing,
7 and harvesting a hemp plant or crop. The presence of plants of the plant
8 Cannabis sativa L. growing as uncultivated, naturalized plants in the
9 environment is not cultivating hemp for purposes of the Nebraska Hemp
10 Farming Act;

11 (5) Federally compliant hemp means hemp that complies with the
12 requirements of the Agriculture Improvement Act of 2018;

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

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

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

21 (A) A total THC concentration of 0.3 percent on a total weight
22 basis;

23 (B) Ten milligrams of total THC per package; or

24 (C) For a cannabidiol tincture, a total of thirty milligrams of
25 total THC per fluid ounce of the tincture.

26 (b) Hemp includes cannabidiol products.

27 (c) Hemp does not include the mature stalks of the plant Cannabis
28 sativa L.; fiber produced from such stalks; oil or cake made from the
29 seeds of such plant; any other compound, manufacture, salt, derivative,
30 mixture, or preparation of such mature stalks; or the sterilized seed of
31 such plant that is incapable of germination ~~Hemp shall be considered an~~

1 ~~agricultural commodity. Notwithstanding any other provision of law, hemp~~
2 ~~shall not be considered a controlled substance under the Uniform~~
3 ~~Controlled Substances Act;~~

4 (7) (4) Person means an individual, partnership, corporation,
5 limited liability company, association, postsecondary institution, or
6 other legal entity;

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

9 (9) (5) State-program-licensed hemp producer means a person licensed
10 under a USDA-approved state or tribal program as authorized under the
11 Agriculture Improvement Act of 2018 and includes the authorized employees
12 or agents of such person;

13 (10) THC means tetrahydrocannabinol;

14 (11) THC concentration refers to the concentration of THC as
15 measured through procedures that use post-decarboxylation or other
16 similarly reliable measures to account for any chemical precursors to
17 cannabinoids, including tetrahydrocannabinolic acid. Such chemical
18 precursors, including tetrahydrocannabinolic acid, shall be included in
19 the total THC concentration measurement;

20 (12) (6) USDA means the United States Department of Agriculture; and

21 (13) (7) USDA-licensed hemp producer means a person licensed by the
22 USDA to produce hemp as provided in 7 C.F.R. part 990, subpart C, as such
23 regulations existed on January 1, 2024, and includes the authorized
24 employees or agents of such person.

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

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

31 (3) Each retail seller of cannabidiol products shall maintain

1 complete and accurate electronic records of sales of cannabidiol
2 products, in the manner prescribed by the Department of Revenue. Such
3 seller shall provide such records to the department upon request.

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

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

12 (c) The department may require retail sellers to file tax returns
13 electronically and to remit payments due by electronic funds transfers.

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

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

20 2-505 (1)(a) This subsection applies to hemp other than cannabidiol
21 products.

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

25 (c) Federally compliant hemp ~~(1) Hemp~~ may be cultivated in this
26 state by a USDA-licensed hemp producer, in accordance with such
27 producer's USDA-issued license, or by a state-program-licensed hemp
28 producer, in accordance with such producer's license under a USDA-
29 approved tribal program.

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

31 (2) Any cannabidiol product shall be possessed, handled,

1 transported, used, sold, and consumed in accordance with:

2 (a) The Nebraska Pure Food Act; and

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

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

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

9 (ii) Illegal hemp means hemp, hemp products, or cannabidiol products
10 that do not comply with the THC limits provided in subdivision (6)(a) of
11 section 2-503 or, except as provided in subdivision (3)(d) of this
12 section, that are otherwise not lawful under the Nebraska Hemp Farming
13 Act.

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

16 (c) The Attorney General may coordinate with law enforcement
17 agencies to establish appropriate locations where, during the consumer
18 safe harbor period, consumers may drop off illegal hemp for destruction
19 without prosecution for transporting or handling such illegal hemp for
20 destruction.

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

28 (e) This subsection does not prevent prosecution or provide a
29 defense for the cultivation, possession, handling, transportation,
30 processing, use, sale, or other distribution of raw materials or products
31 with a delta-9 THC concentration of more than 0.3 percent on a dry weight

1 basis.

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

4 2-515 (1) Except as provided in subsection (3) of this section, any
5 USDA-licensed hemp producer or state-program-licensed hemp producer
6 transporting hemp shall carry with the hemp being transported a copy of
7 the USDA license or state program license under which it was cultivated
8 and a copy of the test results pertaining to each lot of hemp being
9 transported.

10 (2) A USDA-licensed hemp producer or state-program-licensed hemp
11 producer under a USDA-approved tribal program cultivating hemp in this
12 state shall maintain a record of shipments of hemp shipped from or
13 received by such producer. Such record shall, for each shipment of hemp,
14 indicate the date of shipment, identify the point of origin and
15 destination, identify the name of the person sending and receiving the
16 shipment, and include the vehicle identification number of the vehicle
17 transporting the hemp.

18 (3) Any USDA-licensed hemp producer or state-program-licensed hemp
19 producer transporting hemp cultivated under such producer's USDA license
20 or state program license shall not be required to carry a copy of the
21 test results relating to such hemp as provided in subsection (1) of this
22 section if such producer carries with the hemp being transported a copy
23 of the applicable USDA license or state program license and is
24 transporting:

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

27 (b) Samples of hemp for testing to determine the
28 tetrahydrocannabinol level; or

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

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

6 (a) The hemp is carried or transported with a bill of lading stating
7 the owner of the hemp, the point of origin of the hemp, and the
8 destination of the hemp; and

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

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

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

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

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

21 (2) In the event of a conflict between the Nebraska Hemp Farming Act
22 and the Nebraska Medical Cannabis Regulation Act, the Nebraska Medical
23 Cannabis Regulation Act shall control.

24 **Sec. 7.** Section 28-401, Revised Statutes Cumulative Supplement,
25 2024, 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) Controlled substance means a drug, biological, substance, or
7 immediate precursor in Schedules I through V of section 28-405.
8 Controlled substance does not include distilled spirits, wine, malt
9 beverages, tobacco, hemp, or any nonnarcotic substance if such substance
10 may, under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et
11 seq., as such act existed on January 1, 2014, and the law of this state,
12 be lawfully sold over the counter without a prescription;

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

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

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

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

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

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

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

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

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

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

18 (b) Marijuana does not include:

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

20 (ii) Hashish;

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

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

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

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

27 (vii) The the sterilized seed of such plant which is incapable of
28 germination; ~~or τ or~~

29 (viii) Cannabidiol cannabidiol contained in a drug product approved
30 by the federal Food and Drug Administration.

31 (c) Marijuana includes ~~does not include~~ hemp, except for hemp

1 possessed in compliance with the Nebraska Hemp Farming Act.

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

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

23 (16) Narcotic drug means any of the following, whether produced
24 directly or indirectly by extraction from substances of vegetable origin,
25 independently by means of chemical synthesis, or by a combination of
26 extraction and chemical synthesis: (a) Opium, opium poppy and poppy
27 straw, coca leaves, and opiates; (b) a compound, manufacture, salt,
28 derivative, or preparation of opium, coca leaves, or opiates; or (c) a
29 substance and any compound, manufacture, salt, derivative, or preparation
30 thereof which is chemically equivalent to or identical with any of the
31 substances referred to in subdivisions (a) and (b) of this subdivision,

1 except that the words narcotic drug as used in the Uniform Controlled
2 Substances Act does not include decocainized coca leaves or extracts of
3 coca leaves, which extracts do not contain cocaine or ecgonine, or
4 isoquinoline alkaloids of opium;

5 (17) Opiate means any substance having an addiction-forming or
6 addiction-sustaining liability similar to morphine or being capable of
7 conversion into a drug having such addiction-forming or addiction-
8 sustaining liability. Opiate does not include the dextrorotatory isomer
9 of 3-methoxy-n methylmorphinan and its salts. Opiate includes its racemic
10 and levorotatory forms;

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

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

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

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

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

28 (23) Immediate precursor means a substance which is the principal
29 compound commonly used or produced primarily for use and which is an
30 immediate chemical intermediary used or likely to be used in the
31 manufacture of a controlled substance, the control of which is necessary

1 to prevent, curtail, or limit such manufacture;

2 (24) State means the State of Nebraska;

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

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

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

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

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

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

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

26 (30) ~~(29)~~ Exceptionally hazardous drug means (a) a narcotic drug,
27 (b) thiophene analog of phencyclidine, (c) phencyclidine, (d)
28 amobarbital, (e) secobarbital, (f) pentobarbital, (g) amphetamine, or (h)
29 methamphetamine;

30 (31) ~~(30)~~ Imitation controlled substance means a substance which is
31 not a controlled substance or controlled substance analogue but which, by

1 way of express or implied representations and consideration of other
2 relevant factors including those specified in section 28-445, would lead
3 a reasonable person to believe the substance is a controlled substance or
4 controlled substance analogue. A placebo or registered investigational
5 drug manufactured, distributed, possessed, or delivered in the ordinary
6 course of practice or research by a health care professional shall not be
7 deemed to be an imitation controlled substance;

8 (32)(a) ~~(31)(a)~~ Controlled substance analogue means a substance (i)
9 the chemical structure of which is substantially similar to the chemical
10 structure of a Schedule I or Schedule II controlled substance as provided
11 in section 28-405 or (ii) which has a stimulant, depressant, analgesic,
12 or hallucinogenic effect on the central nervous system that is
13 substantially similar to or greater than the stimulant, depressant,
14 analgesic, or hallucinogenic effect on the central nervous system of a
15 Schedule I or Schedule II controlled substance as provided in section
16 28-405. A controlled substance analogue shall, to the extent intended for
17 human consumption, be treated as a controlled substance under Schedule I
18 of section 28-405 for purposes of the Uniform Controlled Substances Act;
19 and

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

30 (33) ~~(32)~~ Anabolic steroid means any drug or hormonal substance,
31 chemically and pharmacologically related to testosterone (other than

1 estrogens, progestins, and corticosteroids), that promotes muscle growth
2 and includes any controlled substance in Schedule III(d) of section
3 28-405. Anabolic steroid does not include any anabolic steroid which is
4 expressly intended for administration through implants to cattle or other
5 nonhuman species and has been approved by the Secretary of Health and
6 Human Services for such administration, but if any person prescribes,
7 dispenses, or distributes such a steroid for human use, such person shall
8 be considered to have prescribed, dispensed, or distributed an anabolic
9 steroid within the meaning of this subdivision;

10 (34) ~~(33)~~ Chart order means an order for a controlled substance
11 issued by a practitioner for a patient who is in the hospital where the
12 chart is stored or for a patient receiving detoxification treatment or
13 maintenance treatment pursuant to section 28-412. Chart order does not
14 include a prescription;

15 (35) ~~(34)~~ Medical order means a prescription, a chart order, or an
16 order for pharmaceutical care issued by a practitioner;

17 (36) ~~(35)~~ Prescription means an order for a controlled substance
18 issued by a practitioner. Prescription does not include a chart order;

19 (37) ~~(36)~~ Registrant means any person who has a controlled
20 substances registration issued by the state or the Drug Enforcement
21 Administration of the United States Department of Justice;

22 (38) ~~(37)~~ Reverse distributor means a person whose primary function
23 is to act as an agent for a pharmacy, wholesaler, manufacturer, or other
24 entity by receiving, inventorying, and managing the disposition of
25 outdated, expired, or otherwise nonsaleable controlled substances;

26 (39) ~~(38)~~ Signature means the name, word, or mark of a person
27 written in his or her own hand with the intent to authenticate a writing
28 or other form of communication or a digital signature which complies with
29 section 86-611 or an electronic signature;

30 (40) ~~(39)~~ Facsimile means a copy generated by a system that encodes
31 a document or photograph into electrical signals, transmits those signals

1 over telecommunications lines, and reconstructs the signals to create an
2 exact duplicate of the original document at the receiving end;

3 ~~(41)~~ ~~(40)~~ Electronic signature has the definition found in section
4 86-621;

5 ~~(42)~~ ~~(41)~~ Electronic transmission means transmission of information
6 in electronic form. Electronic transmission includes computer-to-computer
7 transmission or computer-to-facsimile transmission;

8 ~~(43)~~ ~~(42)~~ Long-term care facility means an intermediate care
9 facility, an intermediate care facility for persons with developmental
10 disabilities, a long-term care hospital, a mental health substance use
11 treatment center, a nursing facility, or a skilled nursing facility, as
12 such terms are defined in the Health Care Facility Licensure Act;

13 ~~(44)~~ ~~(43)~~ Compounding has the same meaning as in section 38-2811;

14 ~~(45)~~ ~~(44)~~ Cannabinoid receptor agonist means any chemical compound
15 or substance that, according to scientific or medical research, study,
16 testing, or analysis, demonstrates the presence of binding activity at
17 one or more of the CB1 or CB2 cell membrane receptors located within the
18 human body. Cannabinoid receptor agonist does not include any cannabidiol
19 product or cannabidiol contained in a drug product approved by the
20 federal Food and Drug Administration; and

21 ~~(46)~~ ~~(45)~~ Lookalike substance means a product or substance, not
22 specifically designated as a controlled substance in section 28-405, that
23 is either portrayed in such a manner by a person to lead another person
24 to reasonably believe that it produces effects on the human body that
25 replicate, mimic, or are intended to simulate the effects produced by a
26 controlled substance or that possesses one or more of the following
27 indicia or characteristics:

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

1 (b) The name or packaging of the product or substance uses images or
2 labels suggesting that it is a controlled substance or produces effects
3 on the human body that replicate or mimic those produced by a controlled
4 substance;

5 (c) The product or substance is marketed or advertised for a
6 particular use or purpose and the cost of the product or substance is
7 disproportionately higher than other products or substances marketed or
8 advertised for the same or similar use or purpose;

9 (d) The packaging or label on the product or substance contains
10 words or markings that state or suggest that the product or substance is
11 in compliance with state and federal laws regulating controlled
12 substances;

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

16 (f) The owner or person in control of the product or substance makes
17 a verbal or written statement suggesting or implying that the product or
18 substance is a synthetic drug or that consumption of the product or
19 substance will replicate or mimic effects on the human body to those
20 effects commonly produced through use or consumption of a controlled
21 substance;

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

26 (h) The product or substance contains a chemical or chemical
27 compound that does not have a legitimate relationship to the use or
28 purpose claimed by the seller, distributor, packer, or manufacturer of
29 the product or substance or indicated by the product name, appearing on
30 the product's packaging or label or depicted in advertisement of the
31 product or substance.

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