

AMENDMENTS TO LB316

Introduced by Judiciary.

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 section 3 of this act shall be
6 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;

27 (4) Federally compliant hemp means hemp that complies with the

1 requirements of the Agriculture Improvement Act of 2018;

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

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

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

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

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

13 (b) Hemp includes cannabidiol products.

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

22 (6) (4) Person means an individual, partnership, corporation,
23 limited liability company, association, postsecondary institution, or
24 other legal entity;

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

27 (8) (5) State-program-licensed hemp producer means a person licensed
28 under a USDA-approved state or tribal program as authorized under the
29 Agriculture Improvement Act of 2018 and includes the authorized employees
30 or agents of such person;

31 (9) THC means tetrahydrocannabinol;

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

7 (11) ~~(6)~~ USDA means the United States Department of Agriculture; and

8 (12) ~~(7)~~ USDA-licensed hemp producer means a person licensed by the
9 USDA to produce hemp as provided in 7 C.F.R. part 990, subpart C, as such
10 regulations existed on January 1, 2024, and includes the authorized
11 employees or agents of such person.

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

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

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

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

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

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

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

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

7 2-505 (1)(a) This subsection applies to hemp other than cannabidiol
8 products.

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

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

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

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

20 (a) The Nebraska Pure Food Act; and

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

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

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

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

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

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

8 (d) This subsection does not prevent prosecution for the
9 cultivation, possession, handling, transportation, processing, use, sale,
10 or other distribution of raw materials or products with a delta-9 THC
11 concentration of more than 0.3 percent on a dry weight basis.

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

14 2-515 (1) Except as provided in subsection (3) of this section, any
15 USDA-licensed hemp producer or state-program-licensed hemp producer
16 transporting hemp shall carry with the hemp being transported a copy of
17 the USDA license or state program license under which it was cultivated
18 and a copy of the test results pertaining to each lot of hemp being
19 transported.

20 (2) A USDA-licensed hemp producer or state-program-licensed hemp
21 producer under a USDA-approved tribal program cultivating hemp in this
22 state shall maintain a record of shipments of hemp shipped from or
23 received by such producer. Such record shall, for each shipment of hemp,
24 indicate the date of shipment, identify the point of origin and
25 destination, identify the name of the person sending and receiving the
26 shipment, and include the vehicle identification number of the vehicle
27 transporting the hemp.

28 (3) Any USDA-licensed hemp producer or state-program-licensed hemp
29 producer transporting hemp cultivated under such producer's USDA license
30 or state program license shall not be required to carry a copy of the
31 test results relating to such hemp as provided in subsection (1) of this

1 section if such producer carries with the hemp being transported a copy
2 of the applicable USDA license or state program license and is
3 transporting:

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

6 (b) Samples of hemp for testing to determine the
7 tetrahydrocannabinol level; or

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

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

16 (a) The hemp is carried or transported with a bill of lading stating
17 the owner of the hemp, the point of origin of the hemp, and the
18 destination of the hemp; and

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

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

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

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

28 **Sec. 6.** Section 28-401, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 28-401 As used in the Uniform Controlled Substances Act, unless the
31 context otherwise requires:

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

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

8 (3) Administration means the Drug Enforcement Administration of the
9 United States Department of Justice;

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

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

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

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

29 (8) Dispense means to deliver a controlled substance to an ultimate
30 user or a research subject pursuant to a medical order issued by a
31 practitioner authorized to prescribe, including the packaging, labeling,

1 or compounding necessary to prepare the controlled substance for such
2 delivery;

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

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

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

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

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

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

22 (b) Marijuana does not include:

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

24 (ii) Hashish;

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

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

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

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

31 (vii) The ~~the~~ sterilized seed of such plant which is incapable of

1 germination; ~~or , or~~

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

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

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

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

27 (16) Narcotic drug means any of the following, whether produced
28 directly or indirectly by extraction from substances of vegetable origin,
29 independently by means of chemical synthesis, or by a combination of
30 extraction and chemical synthesis: (a) Opium, opium poppy and poppy
31 straw, coca leaves, and opiates; (b) a compound, manufacture, salt,

1 derivative, or preparation of opium, coca leaves, or opiates; or (c) a
2 substance and any compound, manufacture, salt, derivative, or preparation
3 thereof which is chemically equivalent to or identical with any of the
4 substances referred to in subdivisions (a) and (b) of this subdivision,
5 except that the words narcotic drug as used in the Uniform Controlled
6 Substances Act does not include decocainized coca leaves or extracts of
7 coca leaves, which extracts do not contain cocaine or ecgonine, or
8 isoquinoline alkaloids of opium;

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

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

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

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

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

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

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

6 (24) State means the State of Nebraska;

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

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

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

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

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

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

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

30 (30) ~~(29)~~ Exceptionally hazardous drug means (a) a narcotic drug,
31 (b) thiophene analog of phencyclidine, (c) phencyclidine, (d)

1 amobarbital, (e) secobarbital, (f) pentobarbital, (g) amphetamine, or (h)
2 methamphetamine;

3 (31) ~~(30)~~ Imitation controlled substance means a substance which is
4 not a controlled substance or controlled substance analogue but which, by
5 way of express or implied representations and consideration of other
6 relevant factors including those specified in section 28-445, would lead
7 a reasonable person to believe the substance is a controlled substance or
8 controlled substance analogue. A placebo or registered investigational
9 drug manufactured, distributed, possessed, or delivered in the ordinary
10 course of practice or research by a health care professional shall not be
11 deemed to be an imitation controlled substance;

12 (32)(a) ~~(31)(a)~~ Controlled substance analogue means a substance (i)
13 the chemical structure of which is substantially similar to the chemical
14 structure of a Schedule I or Schedule II controlled substance as provided
15 in section 28-405 or (ii) which has a stimulant, depressant, analgesic,
16 or hallucinogenic effect on the central nervous system that is
17 substantially similar to or greater than the stimulant, depressant,
18 analgesic, or hallucinogenic effect on the central nervous system of a
19 Schedule I or Schedule II controlled substance as provided in section
20 28-405. A controlled substance analogue shall, to the extent intended for
21 human consumption, be treated as a controlled substance under Schedule I
22 of section 28-405 for purposes of the Uniform Controlled Substances Act;
23 and

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

1 January 1, 2014, to the extent conduct with respect to such substance is
2 pursuant to such exemption;

3 (33) ~~(32)~~ Anabolic steroid means any drug or hormonal substance,
4 chemically and pharmacologically related to testosterone (other than
5 estrogens, progestins, and corticosteroids), that promotes muscle growth
6 and includes any controlled substance in Schedule III(d) of section
7 28-405. Anabolic steroid does not include any anabolic steroid which is
8 expressly intended for administration through implants to cattle or other
9 nonhuman species and has been approved by the Secretary of Health and
10 Human Services for such administration, but if any person prescribes,
11 dispenses, or distributes such a steroid for human use, such person shall
12 be considered to have prescribed, dispensed, or distributed an anabolic
13 steroid within the meaning of this subdivision;

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

19 (35) ~~(34)~~ Medical order means a prescription, a chart order, or an
20 order for pharmaceutical care issued by a practitioner;

21 (36) ~~(35)~~ Prescription means an order for a controlled substance
22 issued by a practitioner. Prescription does not include a chart order;

23 (37) ~~(36)~~ Registrant means any person who has a controlled
24 substances registration issued by the state or the Drug Enforcement
25 Administration of the United States Department of Justice;

26 (38) ~~(37)~~ Reverse distributor means a person whose primary function
27 is to act as an agent for a pharmacy, wholesaler, manufacturer, or other
28 entity by receiving, inventorying, and managing the disposition of
29 outdated, expired, or otherwise nonsaleable controlled substances;

30 (39) ~~(38)~~ Signature means the name, word, or mark of a person
31 written in his or her own hand with the intent to authenticate a writing

1 or other form of communication or a digital signature which complies with
2 section 86-611 or an electronic signature;

3 (40) ~~(39)~~ Facsimile means a copy generated by a system that encodes
4 a document or photograph into electrical signals, transmits those signals
5 over telecommunications lines, and reconstructs the signals to create an
6 exact duplicate of the original document at the receiving end;

7 (41) ~~(40)~~ Electronic signature has the definition found in section
8 86-621;

9 (42) ~~(41)~~ Electronic transmission means transmission of information
10 in electronic form. Electronic transmission includes computer-to-computer
11 transmission or computer-to-facsimile transmission;

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

17 (44) ~~(43)~~ Compounding has the same meaning as in section 38-2811;

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

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

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

5 (b) The name or packaging of the product or substance uses images or
6 labels suggesting that it is a controlled substance or produces effects
7 on the human body that replicate or mimic those produced by a controlled
8 substance;

9 (c) The product or substance is marketed or advertised for a
10 particular use or purpose and the cost of the product or substance is
11 disproportionately higher than other products or substances marketed or
12 advertised for the same or similar use or purpose;

13 (d) The packaging or label on the product or substance contains
14 words or markings that state or suggest that the product or substance is
15 in compliance with state and federal laws regulating controlled
16 substances;

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

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

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

30 (h) The product or substance contains a chemical or chemical
31 compound that does not have a legitimate relationship to the use or

1 purpose claimed by the seller, distributor, packer, or manufacturer of
2 the product or substance or indicated by the product name, appearing on
3 the product's packaging or label or depicted in advertisement of the
4 product or substance.

5 **Sec. 7.** Original sections 2-501, 2-503, 2-505, 2-515, and 28-401,
6 Revised Statutes Cumulative Supplement, 2024, are repealed.