

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 1

Introduced by Executive Board: Hansen, 34, Chairperson.

Read first time January 09, 2025

Committee: General File

1 A BILL FOR AN ACT relating to medical cannabis; to amend section 2,
2 Initiative Law 2024, No. 437, and section 2, Initiative Law 2024,
3 No. 438; to eliminate an incorrect subdivision reference in
4 provisions adopted by the voters at the statewide general election;
5 to repeal the original sections; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 2, Initiative Law 2024, No. 437, is amended to
2 read:

3 Sec. 2. For purposes of the Nebraska Medical Cannabis Patient
4 Protection Act:

5 (1)(a) Allowable amount of cannabis means up to five ounces of
6 cannabis.

7 (b) Allowable amount of cannabis does not include the weight of any
8 other ingredient combined with cannabis as part of topical or oral
9 administrations, food, drink, or other preparations;

10 (2)(a) Cannabis means all parts of the plant of the genus cannabis
11 whether growing or not, the seeds thereof, the resin extracted from any
12 part of the plant, and every compound, manufacture, salt, derivative,
13 mixture, or preparation of the plant, its seeds, or its resin.

14 (b) Cannabis includes marijuana, hashish, and concentrated cannabis.

15 (c) Cannabis does not include hemp, as defined in section 2-503
16 ~~Section 2-503(13) of the Nebraska Hemp Farming Act~~, nor does it include
17 the mature stalks of the plant, fiber produced from such stalks, oil or
18 cake made from the seeds of the plant, the sterilized seed of the plant
19 which is incapable of germination, or cannabidiol contained in a drug
20 product approved by the federal Food and Drug Administration;

21 (3) Cannabis accessories means any equipment, products, or materials
22 of any kind that are used, intended for use, or designed for use in
23 storing, vaporizing, or containing cannabis, or for ingesting, inhaling,
24 or otherwise introducing cannabis into the human body;

25 (4) Caregiver means:

26 (a) In the case of a qualified patient who is eighteen years of age
27 or older and is not under the protection of a legal guardian, a person
28 who:

29 (i) Is at least twenty-one years of age; and

30 (ii) Has been designated by a qualified patient in a signed
31 affidavit;

1 (b) In the case of a qualified patient who is younger than eighteen
2 years of age or a qualified patient under the protection of a legal
3 guardian:

4 (i) The legal guardian or parent with authority to make health care
5 decisions of the qualified patient; or

6 (ii) A person designated in a sworn affidavit by the legal guardian
7 or parent with authority to make health care decisions; or

8 (c) A health care facility as defined in section 71-413 or a home
9 health agency as defined in section 71-417, if the facility or agency has
10 been designated by a qualified patient or the legal guardian or parent
11 with authority to make health care decisions of a qualified patient in a
12 sworn affidavit and if the facility or agency has agreed in writing to
13 serve as a caregiver for the qualified patient;

14 (5) Health care practitioner means a physician, an osteopathic
15 physician, a physician assistant, or a nurse practitioner licensed under
16 the Uniform Credentialing Act or who is licensed in any state and
17 practicing in compliance with the Uniform Credentialing Act;

18 (6) Qualified patient means:

19 (a) An individual eighteen years of age or older with a written
20 recommendation from a health care practitioner; or

21 (b) An individual younger than eighteen years of age with a written
22 recommendation from a health care practitioner and with the written
23 permission of a legal guardian or parent with authority to make health
24 care decisions for the individual; and

25 (7) Written recommendation means a valid signed and dated
26 declaration from a health care practitioner stating that, in the health
27 care practitioner's professional judgment, the potential benefits of
28 cannabis outweigh the potential harms for the alleviation of a patient's
29 medical condition, its symptoms, or side effects of the condition's
30 treatment. A written recommendation is valid for two years after the date
31 of issuance or for a period of time specified by the health care

1 practitioner on the written recommendation.

2 **Sec. 2.** Section 2, Initiative Law 2024, No. 438, is amended to
3 read:

4 Sec. 2. For purposes of the Nebraska Medical Cannabis Regulation
5 Act:

6 (1)(a) Cannabis means all parts of the plant of the genus cannabis
7 whether growing or not, the seeds thereof, the resin extracted from any
8 part of the plant, and every compound, manufacture, salt, derivative,
9 mixture, or preparation of the plant, its seeds, or its resin.

10 (b) Cannabis includes marijuana, hashish, and concentrated cannabis.

11 (c) Cannabis does not include hemp, as defined in section 2-503
12 ~~Section 2-503(13) of the Nebraska Hemp Farming Act~~, nor does it include
13 the mature stalks of the plant, fiber produced from such stalks, oil or
14 cake made from the seeds of the plant, the sterilized seed of the plant
15 which is incapable of germination, or cannabidiol contained in a drug
16 product approved by the federal Food and Drug Administration;

17 (2) Cannabis accessories means any equipment, products, or materials
18 of any kind that are used, intended for use, or designed for use in
19 planting, propagating, cultivating, growing, harvesting, composting,
20 manufacturing, compounding, converting, producing, processing, preparing,
21 testing, analyzing, packaging, repackaging, storing, vaporizing, or
22 containing cannabis, or for ingesting, inhaling, or otherwise introducing
23 cannabis into the human body;

24 (3) Cannabis for medical purposes means cannabis, cannabis products,
25 and cannabis accessories intended for qualified patients pursuant to any
26 law enacted contemporaneously with the adoption of the Nebraska Medical
27 Cannabis Regulation Act or at any time thereafter and which makes
28 penalties inapplicable to the use of cannabis by qualified patients for
29 the alleviation of a medical condition, its symptoms, or side effects of
30 the condition's treatment;

31 (4) Cannabis products means products that are comprised of cannabis,

1 cannabis concentrate, or cannabis extract, and other ingredients, and
2 that are intended for use or consumption, such as, but not limited to,
3 edible products, ointments, and tinctures;

4 (5) Commission means the Nebraska Medical Cannabis Commission;

5 (6) Registered cannabis establishment means a private entity
6 registered pursuant to the Nebraska Medical Cannabis Regulation Act that
7 possesses, manufactures, distributes, delivers, or dispenses cannabis for
8 medical purposes; and

9 (7) Registration means a registration granted by the commission to a
10 private entity that processes, manufactures, distributes, delivers, or
11 dispenses cannabis for medical purposes.

12 **Sec. 3.** Original section 2, Initiative Law 2024, No. 437, and
13 section 2, Initiative Law 2024, No. 438, are repealed.

14 **Sec. 4.** Since an emergency exists, this act takes effect when
15 passed and approved according to law.