

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 483**

Introduced by Storm, 23.

Read first time January 21, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to cannabis; to amend sections 28-439, 53-105,  
2 53-106, 53-110, 53-111, and 77-4303, Reissue Revised Statutes of  
3 Nebraska, sections 28-416 and 28-476, Revised Statutes Cumulative  
4 Supplement, 2024, and section 2, Initiative Law 2024, No. 437; to  
5 limit permissible forms of medical cannabis to pills or liquid  
6 tinctures; to redefine terms; to change provisions relating to the  
7 allowed amount of cannabis a qualified patient may possess; to  
8 change provisions relating to controlled substances and drug  
9 paraphernalia and the Nebraska Liquor Control Commission and its  
10 commissioners, executive directors, and employees; to define terms;  
11 to remove medical cannabis from the marijuana and controlled  
12 substances tax; to eliminate obsolete provisions; to harmonize  
13 provisions; to repeal the original sections; to outright repeal  
14 sections 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and 28-469,  
15 Reissue Revised Statutes of Nebraska; and to declare an emergency.  
16 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) (1)(a) Allowable amount of cannabis means permissible cannabis~~  
6 ~~products containing up to three hundred milligrams of delta-9 THC; five~~  
7 ~~ounces of cannabis.~~

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

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

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

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

22           ~~(c) Cannabis does not include hemp as defined in section 2-503;~~

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

28           (4) Caregiver means:

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

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

2 (ii) Has been designated by a qualified patient in a signed  
3 affidavit;

4 (b) In the case of a qualified patient who is younger than eighteen  
5 years of age or a qualified patient under the protection of a legal  
6 guardian:

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

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

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

17 (5) Health care practitioner means a physician, an osteopathic  
18 physician, a physician assistant, or a nurse practitioner who:

19 (a) Practices in Nebraska; and

20 (b) Is licensed under the Uniform Credentialing Act or who is  
21 licensed in any state and practicing in compliance with the Uniform  
22 Credentialing Act;

23 (6) Permissible cannabis product means cannabis in the form of a  
24 pill or liquid tincture;

25 (7) ~~(6)~~ Qualified patient means:

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

28 (b) An individual younger than eighteen years of age with a written  
29 recommendation from a health care practitioner and with the written  
30 permission of a legal guardian or parent with authority to make health  
31 care decisions for the individual; ~~and~~

1           (8) THC means tetrahydrocannabinol; and

2           (9) ~~(7)~~ Written recommendation means a valid signed and dated  
3 declaration from a health care practitioner stating that, in the health  
4 care practitioner's professional judgment, the potential benefits of  
5 cannabis outweigh the potential harms for the alleviation of a patient's  
6 medical condition, its symptoms, or side effects of the condition's  
7 treatment. A written recommendation is valid for two years after the date  
8 of issuance or for a period of time specified by the health care  
9 practitioner on the written recommendation.

10           **Sec. 2.** Section 28-416, Revised Statutes Cumulative Supplement,  
11 2024, is amended to read:

12           28-416 (1) Except as authorized by the Uniform Controlled Substances  
13 Act, the Nebraska Medical Cannabis Patient Protection Act, or the  
14 Nebraska Medical Cannabis Regulation Act, it shall be unlawful for any  
15 person knowingly or intentionally: (a) To manufacture, distribute,  
16 deliver, dispense, or possess with intent to manufacture, distribute,  
17 deliver, or dispense a controlled substance; or (b) to create,  
18 distribute, or possess with intent to distribute a counterfeit controlled  
19 substance.

20           (2) Except as provided in subsections (4), (5), (7), (8), (9), and  
21 (10) of this section, any person who violates subsection (1) of this  
22 section with respect to: (a) A controlled substance classified in  
23 Schedule I, II, or III of section 28-405 which is an exceptionally  
24 hazardous drug shall be guilty of a Class II felony; (b) any other  
25 controlled substance classified in Schedule I, II, or III of section  
26 28-405 shall be guilty of a Class IIA felony; or (c) a controlled  
27 substance classified in Schedule IV or V of section 28-405 shall be  
28 guilty of a Class IIIA felony.

29           (3) A person knowingly or intentionally possessing a controlled  
30 substance, except marijuana or any substance containing a quantifiable  
31 amount of the substances, chemicals, or compounds described, defined, or

1 delineated in subdivision (c)(27) of Schedule I of section 28-405, unless  
2 such substance was obtained directly or pursuant to a medical order  
3 issued by a practitioner authorized to prescribe while acting in the  
4 course of his or her professional practice, or except as otherwise  
5 authorized by the act, shall be guilty of a Class IV felony. A person  
6 shall not be in violation of this subsection if section 28-472 or 28-1701  
7 applies.

8 (4)(a) Except as authorized by the Uniform Controlled Substances  
9 Act, any person eighteen years of age or older who knowingly or  
10 intentionally manufactures, distributes, delivers, dispenses, or  
11 possesses with intent to manufacture, distribute, deliver, or dispense a  
12 controlled substance or a counterfeit controlled substance (i) to a  
13 person under the age of eighteen years, (ii) in, on, or within one  
14 thousand feet of the real property comprising a public or private  
15 elementary, vocational, or secondary school, a community college, a  
16 public or private college, junior college, or university, or a  
17 playground, or (iii) within one hundred feet of a public or private youth  
18 center, public swimming pool, or video arcade facility shall be punished  
19 by the next higher penalty classification than the penalty prescribed in  
20 subsection (2), (7), (8), (9), or (10) of this section, depending upon  
21 the controlled substance involved, for the first violation and for a  
22 second or subsequent violation shall be punished by the next higher  
23 penalty classification than that prescribed for a first violation of this  
24 subsection, but in no event shall such person be punished by a penalty  
25 greater than a Class IB felony.

26 (b) For purposes of this subsection:

27 (i) Playground means any outdoor facility, including any parking lot  
28 appurtenant to the facility, intended for recreation, open to the public,  
29 and with any portion containing three or more apparatus intended for the  
30 recreation of children, including sliding boards, swingsets, and  
31 teeterboards;

1           (ii) Video arcade facility means any facility legally accessible to  
2 persons under eighteen years of age, intended primarily for the use of  
3 pinball and video machines for amusement, and containing a minimum of ten  
4 pinball or video machines; and

5           (iii) Youth center means any recreational facility or gymnasium,  
6 including any parking lot appurtenant to the facility or gymnasium,  
7 intended primarily for use by persons under eighteen years of age which  
8 regularly provides athletic, civic, or cultural activities.

9           (5)(a) Except as authorized by the Uniform Controlled Substances  
10 Act, it shall be unlawful for any person eighteen years of age or older  
11 to knowingly and intentionally employ, hire, use, cause, persuade, coax,  
12 induce, entice, seduce, or coerce any person under the age of eighteen  
13 years to manufacture, transport, distribute, carry, deliver, dispense,  
14 prepare for delivery, offer for delivery, or possess with intent to do  
15 the same a controlled substance or a counterfeit controlled substance.

16           (b) Except as authorized by the Uniform Controlled Substances Act,  
17 it shall be unlawful for any person eighteen years of age or older to  
18 knowingly and intentionally employ, hire, use, cause, persuade, coax,  
19 induce, entice, seduce, or coerce any person under the age of eighteen  
20 years to aid and abet any person in the manufacture, transportation,  
21 distribution, carrying, delivery, dispensing, preparation for delivery,  
22 offering for delivery, or possession with intent to do the same of a  
23 controlled substance or a counterfeit controlled substance.

24           (c) Any person who violates subdivision (a) or (b) of this  
25 subsection shall be punished by the next higher penalty classification  
26 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of  
27 this section, depending upon the controlled substance involved, for the  
28 first violation and for a second or subsequent violation shall be  
29 punished by the next higher penalty classification than that prescribed  
30 for a first violation of this subsection, but in no event shall such  
31 person be punished by a penalty greater than a Class IB felony.

1 (6) It shall not be a defense to prosecution for violation of  
2 subsection (4) or (5) of this section that the defendant did not know the  
3 age of the person through whom the defendant violated such subsection.

4 (7) Any person who violates subsection (1) of this section with  
5 respect to cocaine or any mixture or substance containing a detectable  
6 amount of cocaine in a quantity of:

7 (a) One hundred forty grams or more shall be guilty of a Class IB  
8 felony;

9 (b) At least twenty-eight grams but less than one hundred forty  
10 grams shall be guilty of a Class IC felony; or

11 (c) At least ten grams but less than twenty-eight grams shall be  
12 guilty of a Class ID felony.

13 (8) Any person who violates subsection (1) of this section with  
14 respect to base cocaine (crack) or any mixture or substance containing a  
15 detectable amount of base cocaine in a quantity of:

16 (a) One hundred forty grams or more shall be guilty of a Class IB  
17 felony;

18 (b) At least twenty-eight grams but less than one hundred forty  
19 grams shall be guilty of a Class IC felony; or

20 (c) At least ten grams but less than twenty-eight grams shall be  
21 guilty of a Class ID felony.

22 (9) Any person who violates subsection (1) of this section with  
23 respect to heroin or any mixture or substance containing a detectable  
24 amount of heroin in a quantity of:

25 (a) One hundred forty grams or more shall be guilty of a Class IB  
26 felony;

27 (b) At least twenty-eight grams but less than one hundred forty  
28 grams shall be guilty of a Class IC felony; or

29 (c) At least ten grams but less than twenty-eight grams shall be  
30 guilty of a Class ID felony.

31 (10) Any person who violates subsection (1) of this section with

1 respect to amphetamine, its salts, optical isomers, and salts of its  
2 isomers, or with respect to methamphetamine, its salts, optical isomers,  
3 and salts of its isomers, in a quantity of:

4 (a) One hundred forty grams or more shall be guilty of a Class IB  
5 felony;

6 (b) At least twenty-eight grams but less than one hundred forty  
7 grams shall be guilty of a Class IC felony; or

8 (c) At least ten grams but less than twenty-eight grams shall be  
9 guilty of a Class ID felony.

10 (11) Except as provided in the Nebraska Medical Cannabis Patient  
11 Protection Act or the Nebraska Medical Cannabis Regulation Act, any Any  
12 person knowingly or intentionally possessing marijuana weighing more than  
13 one ounce but not more than one pound shall be guilty of a Class III  
14 misdemeanor.

15 (12) Except as provided in the Nebraska Medical Cannabis Patient  
16 Protection Act or the Nebraska Medical Cannabis Regulation Act, any Any  
17 person knowingly or intentionally possessing marijuana weighing more than  
18 one pound shall be guilty of a Class IV felony.

19 (13) Except as provided in the Nebraska Medical Cannabis Patient  
20 Protection Act or the Nebraska Medical Cannabis Regulation Act or section  
21 28-1701, any person knowingly or intentionally possessing marijuana  
22 weighing one ounce or less or any substance containing a quantifiable  
23 amount of the substances, chemicals, or compounds described, defined, or  
24 delineated in subdivision (c)(27) of Schedule I of section 28-405 shall:

25 (a) For the first offense, be guilty of an infraction, receive a  
26 citation, be fined three hundred dollars, and be assigned to attend a  
27 course as prescribed in section 29-433 if the judge determines that  
28 attending such course is in the best interest of the individual  
29 defendant;

30 (b) For the second offense, be guilty of a Class IV misdemeanor,  
31 receive a citation, and be fined four hundred dollars and may be



1 imprisoned not to exceed five days; and

2 (c) For the third and all subsequent offenses, be guilty of a Class  
3 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and  
4 be imprisoned not to exceed seven days.

5 (14) Any person convicted of violating this section, if placed on  
6 probation, shall, as a condition of probation, satisfactorily attend and  
7 complete appropriate treatment and counseling on drug abuse provided by a  
8 program authorized under the Nebraska Behavioral Health Services Act or  
9 other licensed drug treatment facility.

10 (15) Any person convicted of violating this section, if sentenced to  
11 the Department of Correctional Services, shall attend appropriate  
12 treatment and counseling on drug abuse.

13 (16) Any person knowingly or intentionally possessing a firearm  
14 while in violation of subsection (1) of this section shall be punished by  
15 the next higher penalty classification than the penalty prescribed in  
16 subsection (2), (7), (8), (9), or (10) of this section, but in no event  
17 shall such person be punished by a penalty greater than a Class IB  
18 felony.

19 (17) A person knowingly or intentionally in possession of money used  
20 or intended to be used to facilitate a violation of subsection (1) of  
21 this section shall be guilty of a Class IV felony.

22 (18) In addition to the existing penalties available for a violation  
23 of subsection (1) of this section, including any criminal attempt or  
24 conspiracy to violate subsection (1) of this section, a sentencing court  
25 may order that any money, securities, negotiable instruments, firearms,  
26 conveyances, or electronic communication devices as defined in section  
27 28-833 or any equipment, components, peripherals, software, hardware, or  
28 accessories related to electronic communication devices be forfeited as a  
29 part of the sentence imposed if it finds by clear and convincing evidence  
30 adduced at a separate hearing in the same prosecution, following  
31 conviction for a violation of subsection (1) of this section, and

1 conducted pursuant to section 28-1601, that any or all such property was  
2 derived from, used, or intended to be used to facilitate a violation of  
3 subsection (1) of this section.

4 (19) In addition to the penalties provided in this section:

5 (a) If the person convicted or adjudicated of violating this section  
6 is eighteen years of age or younger and has one or more licenses or  
7 permits issued under the Motor Vehicle Operator's License Act:

8 (i) For the first offense, the court may, as a part of the judgment  
9 of conviction or adjudication, (A) impound any such licenses or permits  
10 for thirty days and (B) require such person to attend a drug education  
11 class;

12 (ii) For a second offense, the court may, as a part of the judgment  
13 of conviction or adjudication, (A) impound any such licenses or permits  
14 for ninety days and (B) require such person to complete no fewer than  
15 twenty and no more than forty hours of community service and to attend a  
16 drug education class; and

17 (iii) For a third or subsequent offense, the court may, as a part of  
18 the judgment of conviction or adjudication, (A) impound any such licenses  
19 or permits for twelve months and (B) require such person to complete no  
20 fewer than sixty hours of community service, to attend a drug education  
21 class, and to submit to a drug assessment by a licensed alcohol and drug  
22 counselor; and

23 (b) If the person convicted or adjudicated of violating this section  
24 is eighteen years of age or younger and does not have a permit or license  
25 issued under the Motor Vehicle Operator's License Act:

26 (i) For the first offense, the court may, as part of the judgment of  
27 conviction or adjudication, (A) prohibit such person from obtaining any  
28 permit or any license pursuant to the act for which such person would  
29 otherwise be eligible until thirty days after the date of such order and  
30 (B) require such person to attend a drug education class;

31 (ii) For a second offense, the court may, as part of the judgment of

1 conviction or adjudication, (A) prohibit such person from obtaining any  
2 permit or any license pursuant to the act for which such person would  
3 otherwise be eligible until ninety days after the date of such order and  
4 (B) require such person to complete no fewer than twenty hours and no  
5 more than forty hours of community service and to attend a drug education  
6 class; and

7 (iii) For a third or subsequent offense, the court may, as part of  
8 the judgment of conviction or adjudication, (A) prohibit such person from  
9 obtaining any permit or any license pursuant to the act for which such  
10 person would otherwise be eligible until twelve months after the date of  
11 such order and (B) require such person to complete no fewer than sixty  
12 hours of community service, to attend a drug education class, and to  
13 submit to a drug assessment by a licensed alcohol and drug counselor.

14 A copy of an abstract of the court's conviction or adjudication  
15 shall be transmitted to the Director of Motor Vehicles pursuant to  
16 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a  
17 juvenile is prohibited from obtaining a license or permit under this  
18 subsection.

19 **Sec. 3.** Section 28-439, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 28-439 (1) As used in sections 28-101, 28-431, and 28-439 to 28-444,  
22 unless the context otherwise requires, drug paraphernalia shall mean all  
23 equipment, products, and materials of any kind which are used, intended  
24 for use, or designed for use, in manufacturing, injecting, ingesting,  
25 inhaling, or otherwise introducing into the human body a controlled  
26 substance in violation of sections 28-101, 28-431, and 28-439 to 28-444  
27 or the Uniform Controlled Substances Act. It shall include, but not be  
28 limited to, the following:

29 (a) ~~(1)~~ Diluents and adulterants, such as quinine hydrochloride,  
30 mannitol, mannite, dextrose, and lactose, used, intended for use, or  
31 designed for use in cutting controlled substances;

1           **(b)** ~~(2)~~ Separation gins and sifters used, intended for use, or  
2 designed for use in removing twigs and seeds from, or in otherwise  
3 cleaning or refining, marijuana;

4           **(c)** ~~(3)~~ Hypodermic syringes, needles, and other objects used,  
5 intended for use, and designed for use in parenterally injecting  
6 controlled substances into the human body; and

7           **(d)** ~~(4)~~ Objects used, intended for use, or designed for use in  
8 ingesting, inhaling, or otherwise introducing marijuana, cocaine,  
9 hashish, or hashish oil into the human body, which shall include but not  
10 be limited to the following:

11           **(i)** ~~(a)~~ Metal, wooden, acrylic, glass, stone, plastic, or ceramic  
12 pipes with or without screens, permanent screens, hashish heads, or  
13 punctured metal bowls;

14           **(ii)** ~~(b)~~ Water pipes;

15           **(iii)** ~~(c)~~ Carburetion tubes and devices;

16           **(iv)** ~~(d)~~ Smoking and carburetion masks;

17           **(v)** ~~(e)~~ Roach clips, meaning objects used to hold burning material,  
18 such as a marijuana cigarette, which has become too small or too short to  
19 be held in the hand;

20           **(vi)** ~~(f)~~ Miniature cocaine spoons, and cocaine vials;

21           **(vii)** ~~(g)~~ Chamber pipes;

22           **(viii)** ~~(h)~~ Carburetor pipes;

23           **(ix)** ~~(i)~~ Electric pipes;

24           **(x)** ~~(j)~~ Air-driven pipes;

25           **(xi)** ~~(k)~~ Chillums;

26           **(xii)** ~~(l)~~ Bongs; and

27           **(xiii)** ~~(m)~~ Ice pipes or chillers.

28           (2) This section does not apply to conduct involving cannabis  
29 accessories as defined in section 1 of this act when such conduct is  
30 lawful under the Nebraska Medical Cannabis Patient Protection Act or the  
31 Nebraska Medical Cannabis Regulation Act.

1           **Sec. 4.** Section 28-476, Revised Statutes Cumulative Supplement,  
2 2024, is amended to read:

3           28-476 (1) No person shall carry or transport hemp in this state  
4 unless such hemp is:

5           (a) Produced in compliance with the requirements of the Agriculture  
6 Improvement Act of 2018, as such act is defined in section 2-503; and

7           (b) Carried or transported as provided in section 2-515.

8           (2)(a) A peace officer may detain any person carrying or  
9 transporting hemp in this state if such person does not provide the  
10 documentation required by this section and section 2-515. Unless the  
11 peace officer has probable cause to believe the hemp is, or is being  
12 carried or transported with, marijuana or any other controlled substance,  
13 the peace officer shall immediately release the hemp and the person  
14 carrying or transporting such hemp upon production of such documentation.

15           (b) The failure of a person detained as described in this subsection  
16 to produce documentation required by this section shall constitute  
17 probable cause to believe the hemp may be marijuana or another controlled  
18 substance. In such case, a peace officer may collect such hemp for  
19 testing to determine the delta-9 tetrahydrocannabinol concentration in  
20 the hemp, and, if the peace officer has probable cause to believe the  
21 person detained is carrying or transporting marijuana or any other  
22 controlled substance in violation of state or federal law, the peace  
23 officer may seize and impound the hemp or marijuana or other controlled  
24 substance and arrest such person.

25           (c) This subsection does not limit or restrict in any way the power  
26 of a peace officer to enforce violations of the Uniform Controlled  
27 Substances Act and federal law regulating marijuana and other controlled  
28 substances.

29           (3) In addition to any other penalties provided by law, any person  
30 who intentionally violates this section shall be guilty of a Class IV  
31 misdemeanor and fined not more than one thousand dollars.

1       (4) This section does not apply to cannabis transported in  
2 accordance with the Nebraska Medical Cannabis Patient Protection Act or  
3 the Nebraska Medical Cannabis Regulation Act.

4       **Sec. 5.** Section 53-105, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6       53-105 There is hereby created the Nebraska Liquor Control  
7 Commission, consisting of three members to be appointed by the Governor,  
8 subject to confirmation by a majority of the members elected to the  
9 Legislature, no more than two of whom shall be members of the same  
10 political party, and no two shall be citizens of the same congressional  
11 district. The members of the Nebraska Liquor Control Commission shall  
12 also serve as members of the Nebraska Medical Cannabis Commission as  
13 provided in section 4, Initiative Law 2024, No. 438.

14       **Sec. 6.** Section 53-106, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16       53-106 The Governor shall appoint three members of the commission,  
17 one of whom he shall designate as chairperson ~~chairman~~. One member shall  
18 be appointed every two years and shall hold office for a period of six  
19 years. Any appointee may be removed by the Governor, after an opportunity  
20 to be heard, for malfeasance, misfeasance, or neglect in office. No  
21 person shall be appointed to the commission, or continue to hold that  
22 office after appointment, while holding any other office or position  
23 under the laws of this state, any other state, or of the United States,  
24 except that the commissioners shall also serve as members of the Nebraska  
25 Medical Cannabis Commission as provided in section 4, Initiative Law  
26 2024, No. 438.

27       **Sec. 7.** Section 53-110, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29       53-110 (1) For purposes of this section:

30       (a) Cannabis has the same meaning as in section 1 of this act;

31       (b) Commission means the Nebraska Liquor Control Commission and the

1 Nebraska Medical Cannabis Commission;

2 (c) Conviction includes a plea or verdict of guilty or a conviction  
3 following a plea of nolo contendere, payment of a fine or penalty in  
4 settlement of any prosecution, or forfeiture of a bond to appear in court  
5 to answer charges; and

6 (d) Covered offense means:

7 (i) A felony; or

8 (ii) A violation of any federal or state law concerning the  
9 manufacture or sale of alcoholic liquor or cannabis.

10 (2) (1) No person shall be appointed as a commissioner, the  
11 executive director of the commission, or an employee of the commission  
12 who is not a citizen of the United States and who has not resided within  
13 the State of Nebraska successively for two years next preceding the date  
14 of his or her appointment.

15 (3) (2) No person (a) convicted of a covered offense or who has  
16 pleaded guilty to a felony or any violation of any federal or state law  
17 concerning the manufacture or sale of alcoholic liquor prior or  
18 subsequent to the passage of the Nebraska Liquor Control Act, (b) who has  
19 paid a fine or penalty in settlement of any prosecution against him or  
20 her for any violation of such laws, or (c) who has forfeited his or her  
21 bond to appear in court to answer charges for any such violation shall be  
22 appointed commissioner.

23 (4)(a) (3)(a) Except as otherwise provided in subdivision (b) of  
24 this subsection, a ~~no~~ commissioner or employee of the commission shall  
25 not ~~may~~, directly or indirectly, individually, as a member of a  
26 partnership, as a member of a limited liability company, or as a  
27 shareholder of a corporation; ~~have~~

28 (i) Have any interest whatsoever in the manufacture, sale, or  
29 distribution of alcoholic liquor or cannabis; ~~have~~

30 (ii) Receive ~~receive~~ any compensation or profit from such  
31 manufacture, sale, or distribution; ~~have~~

1        ~~(iii) Have or have~~ any interest whatsoever in the purchases or sales  
2 made by the persons authorized by the Nebraska Liquor Control Act ~~act~~ to  
3 purchase or to sell alcoholic liquor; ~~or -~~

4        (iv) Have any interest whatsoever in the purchases or sales made by  
5 the persons authorized by the Nebraska Medical Cannabis Regulation Act or  
6 the Nebraska Medical Cannabis Patient Protection Act to purchase or to  
7 sell cannabis.

8        (b) With the written approval of the executive director, an employee  
9 of the commission, other than the executive director or a division  
10 manager, may accept part-time or seasonal employment with a person  
11 licensed or regulated by the commission. No such employment shall be  
12 approved if the licensee receives more than fifty percent of the  
13 licensee's gross revenue from the sale or dispensing of alcoholic liquor  
14 or cannabis.

15        ~~(5) (4)~~ This section shall not prevent any commissioner, the  
16 executive director, or any employee from purchasing and keeping in his or  
17 her possession for the use of himself, herself, or members of his or her  
18 family or guests any:

19        (a) Alcoholic ~~alcoholic~~ liquor which may be purchased or kept by any  
20 person pursuant to the Nebraska Liquor Control Act; ~~or act.~~

21        (b) Cannabis which may be purchased or kept as allowed pursuant to  
22 the Nebraska Medical Cannabis Patient Protection Act.

23        **Sec. 8.** Section 53-111, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25        53-111 (1) A commissioner, the executive director of the commission,  
26 or any person appointed or employed by the commission shall not solicit  
27 or accept any gift, gratuity, emolument, or employment from any person  
28 subject to the Nebraska Liquor Control Act ~~or the Nebraska Medical~~  
29 Cannabis Regulation Act or from any officer, agent, or employee thereof  
30 or solicit, request from, or recommend, directly or indirectly, to any  
31 such person or to any officer, agent, or employee thereof the appointment



1 of any person to any place or position. Any such person and every  
2 officer, agent, or employee thereof may not offer to any commissioner,  
3 the executive director, or any person appointed or employed by the  
4 commission any gift, gratuity, emolument, or employment. If a  
5 commissioner, the executive director, or any person appointed or employed  
6 by the commission violates this section, he or she shall be removed from  
7 his or her office or employment. Every person violating this section  
8 shall be guilty of a Class II misdemeanor.

9 **Sec. 9.** Section 77-4303, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 77-4303 (1) A tax is hereby imposed on marijuana and controlled  
12 substances at the following rates:

13 (a) On each ounce of marijuana or each portion of an ounce, one  
14 hundred dollars;

15 (b) On each gram or portion of a gram of a controlled substance that  
16 is customarily sold by weight or volume, one hundred fifty dollars; or

17 (c) On each fifty dosage units or portion thereof of a controlled  
18 substance that is not customarily sold by weight, five hundred dollars.

19 (2) For purposes of calculating the tax under this section,  
20 marijuana or any controlled substance that is customarily sold by weight  
21 or volume shall be measured by the weight of the substance in the  
22 dealer's possession. The weight shall be the actual weight, if known, or  
23 the estimated weight as determined by the Nebraska State Patrol or other  
24 law enforcement agency. Such determination shall be presumed to be the  
25 weight of such marijuana or controlled substances for purposes of  
26 sections 77-4301 to 77-4316.

27 (3) The tax shall not be imposed upon a person registered or  
28 otherwise lawfully in possession of marijuana or a controlled substance  
29 pursuant to Chapter 28, article 4, or lawfully in possession of cannabis  
30 under the Nebraska Medical Cannabis Patient Protection Act or the  
31 Nebraska Medical Cannabis Regulation Act.

1           **Sec. 10.** Original sections 28-439, 53-105, 53-106, 53-110, 53-111,  
2 and 77-4303, Reissue Revised Statutes of Nebraska, sections 28-416 and  
3 28-476, Revised Statutes Cumulative Supplement, 2024, and section 2,  
4 Initiative Law 2024, No. 437, are repealed.

5           **Sec. 11.** The following sections are outright repealed: Sections  
6 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and 28-469, Reissue  
7 Revised Statutes of Nebraska.

8           **Sec. 12.** Since an emergency exists, this act takes effect when  
9 passed and approved according to law.