

# LEGISLATIVE BILL 1

Approved by the Governor February 25, 2025

Introduced by Executive Board: Hansen, 16, Chairperson.

A BILL FOR AN ACT relating to medical cannabis; to amend section 2, Initiative Law 2024, No. 437, and section 2, Initiative Law 2024, No. 438; to eliminate an incorrect subdivision reference in provisions adopted by the voters at the statewide general election; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

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

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

- (1)(a) Allowable amount of cannabis means up to five ounces of cannabis.
- (b) Allowable amount of cannabis does not include the weight of any other ingredient combined with cannabis as part of topical or oral administrations, food, drink, or other preparations;
- (2)(a) Cannabis means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.
- (b) Cannabis includes marijuana, hashish, and concentrated cannabis.
- (c) Cannabis does not include hemp, as defined in section 2-503 ~~Section 2-503(13) of the Nebraska Hemp Farming Act~~, nor does it include the mature stalks of the plant, fiber produced from such stalks, oil or cake made from the seeds of the plant, the sterilized seed of the plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration;
- (3) Cannabis accessories means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body;
- (4) Caregiver means:
  - (a) In the case of a qualified patient who is eighteen years of age or older and is not under the protection of a legal guardian, a person who:
    - (i) Is at least twenty-one years of age; and
    - (ii) Has been designated by a qualified patient in a signed affidavit;
  - (b) In the case of a qualified patient who is younger than eighteen years of age or a qualified patient under the protection of a legal guardian:
    - (i) The legal guardian or parent with authority to make health care decisions of the qualified patient; or
    - (ii) A person designated in a sworn affidavit by the legal guardian or parent with authority to make health care decisions; or
  - (c) A health care facility as defined in section 71-413 or a home health agency as defined in section 71-417, if the facility or agency has been designated by a qualified patient or the legal guardian or parent with authority to make health care decisions of a qualified patient in a sworn affidavit and if the facility or agency has agreed in writing to serve as a caregiver for the qualified patient;
- (5) Health care practitioner means a physician, an osteopathic physician, a physician assistant, or a nurse practitioner licensed under the Uniform Credentialing Act or who is licensed in any state and practicing in compliance with the Uniform Credentialing Act;
- (6) Qualified patient means:
  - (a) An individual eighteen years of age or older with a written recommendation from a health care practitioner; or
  - (b) An individual younger than eighteen years of age with a written recommendation from a health care practitioner and with the written permission of a legal guardian or parent with authority to make health care decisions for the individual; and
- (7) Written recommendation means a valid signed and dated declaration from a health care practitioner stating that, in the health care practitioner's professional judgment, the potential benefits of cannabis outweigh the potential harms for the alleviation of a patient's medical condition, its symptoms, or side effects of the condition's treatment. A written recommendation is valid for two years after the date of issuance or for a period of time specified by the health care practitioner on the written recommendation.

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

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

- (1)(a) Cannabis means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.
- (b) Cannabis includes marijuana, hashish, and concentrated cannabis.
- (c) Cannabis does not include hemp, as defined in section 2-503 ~~Section~~

~~2-503(13) of the Nebraska Hemp Farming Act~~, nor does it include the mature stalks of the plant, fiber produced from such stalks, oil or cake made from the seeds of the plant, the sterilized seed of the plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration;

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

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

(4) Cannabis products means products that are comprised of cannabis, cannabis concentrate, or cannabis extract, and other ingredients, and that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures;

(5) Commission means the Nebraska Medical Cannabis Commission;

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

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

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

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