LB546
2021

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 546

Introduced by Wayne, 13.
Read first time January 19, 2021
Committee: Judiciary

A BILL FOR AN ACT relating to marijuana; to amend sections 28-439, 43-292, 77-2701.02, 77-2701.48, 77-2704.09, 77-27,132, 77-4301, 77-4302, 77-4303, 77-4304, 77-4305, 77-4306, 77-4309, 77-4310.01, and 77-4310.03, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, 28-416, 28-476, 28-1354, 60-6,211.08, 71-5727, 81-2,239, and 81-2,263, Revised Statutes Cumulative Supplement, 2020; to adopt the Marijuana Control Act and Marijuana Conviction Clean Slate Act; to remove marijuana as a controlled substance under the Uniform Controlled Substances Act; to change provisions relating to penalties for possession of a synthetic cannabinoid and drug paraphernalia; to define, redefine, and eliminate terms; to change provisions relating to termination of parental rights, visitation, custody, and other parenting matters; to prohibit possession of an open container of marijuana in a motor vehicle; to provide for the applicability of the Nebraska Clean Indoor Air Act and the Nebraska Pure Food Act; to impose a higher sales and use tax rate on sales of marijuana; to provide for the distribution of tax revenue; to remove marijuana from the marijuana and controlled substances tax; to rename a fund; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to provide severability; and to outright repeal sections 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and 28-469, Reissue Revised Statutes of Nebraska.
1 Be it enacted by the people of the State of Nebraska,
Section 1. Sections 1 to 174 of this act shall be known and may be cited as the Marijuana Control Act.

Sec. 2. For purposes of the Marijuana Control Act, the definitions found in sections 3 to 32 of this act apply.

Sec. 3. Commission means the Nebraska Marijuana Enforcement Commission.

Sec. 4. (1) Concentrated marijuana means the resin extracted from any part of the plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture, or preparation of that resin. This includes inhalable concentrates which may be comprised of marijuana and other ingredients inside a device that uses a heating element to create a vapor, including, but not limited to, vaporizer cartridges and vaporizer pens.

(2) When resins extracted from hemp are in the possession of a person as authorized under the Nebraska Hemp Farming Act, they are not considered concentrated marijuana for purposes of the Marijuana Control Act.

Sec. 5. Cultivator means a person licensed by the commission to cultivate marijuana pursuant to the Marijuana Control Act for sale to marijuana stores, to products manufacturers, and to other cultivators, but not to consumers.

Sec. 6. Disproportionately impacted area means an area within the State of Nebraska that satisfies the following criteria, as determined by the commission, in consultation with the Department of Economic Development:

(1) The area meets at least one of the following criteria:

(a) The average poverty rate in the area is twenty percent or more for the total federal census tract or tracts or federal census block group or block groups in the area;

(b) Seventy-five percent or more of the children in the area qualify for free or reduced-price lunches under United States Department of...
Agriculture child nutrition programs;

(c) At least twenty percent of the households in the area receive assistance under the federal Supplemental Nutrition Assistance Program;

or

(d) The average rate of unemployment in the area during the period covered by the most recent federal decennial census or American Community Survey 5-Year Estimate by the United States Bureau of the Census is at least one hundred fifty percent of the average rate of unemployment in the state during the same period; and

(2) The area has high rates of arrest, conviction, and incarceration related to the sale, possession, use, cultivation, manufacture, or transport of marijuana.

Sec. 7. (1) Disqualifying offense means a felony, of which a person was convicted in the preceding ten years, that is:

(a) A violent offense;

(b) A violation of the Marijuana Control Act; or

(c) A violation of subdivision (4)(a)(i) or subsection (5) of section 28-416.

(2) An offense is not a disqualifying offense if it has been pardoned, expunged, or set aside.

(3) For purposes of this section:

(a) Serious bodily injury has the same meaning as in section 28-109;

(b) Sexual contact and sexual penetration have the same meanings as in section 28-318; and

(c) Violent offense means:

An offense that has as an element:
(A) Sexual contact or sexual penetration; or
(B) The threat to inflict serious bodily injury or death on another person, the infliction of serious bodily injury on another person, or causing the death of another person; or
(iii) Attempt, solicitation, aiding or abetting, being an accessory, or conspiracy to commit an offense listed in subdivision (3)(c)(i) or (ii) of this section.

Sec. 8. Employment authorization means authorization granted by the commission for an individual to work for a licensee as provided in sections 160 to 164 of this act.

Sec. 9. Hemp has the same meaning as in section 2-503.

Sec. 10. Immature plant means a nonflowering marijuana plant that is:
(1) No taller than eight inches;
(2) No wider than eight inches;
(3) Produced from a cutting, clipping, or seedling; and
(4) In a cultivating container.

Sec. 11. Implementation date means a date selected by the commission that is:
(a) After the commission has adopted rules and regulations necessary to carry out the Marijuana Control Act; and
(b) On or before January 1, 2023.

Sec. 12. License means a license issued by the commission pursuant to the Marijuana Control Act. License does not include an employment authorization or any other permit or certification issued by the commission.
Sec. 13. Licensed premises means the premises specified in an application for a license under the Marijuana Control Act, which are owned by or in the possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, sell, or test marijuana in accordance with the Marijuana Control Act.

Sec. 14. Licensee means a person licensed by the commission pursuant to the Marijuana Control Act.

Sec. 15. Local governing body means (1) the city council or village board of trustees of a city or village within which the licensed premises are located or (2) if the licensed premises are not within the corporate limits of a city or village, the county board of the county within which the licensed premises are located.

Sec. 16. Location means a particular parcel of land that may be identified by an address or other descriptive means.

Sec. 17. (1) Marijuana means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, extract, or preparation of such plant or its seeds.

(2) Marijuana includes marijuana in all forms, including, but not limited to, marijuana products and concentrated marijuana.

(3) Marijuana does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, the sterilized seed of such plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration or obtained pursuant to sections 28-463 to 28-468.

(4) Marijuana does not include hemp.

(5) When the weight of marijuana is referred to in the Marijuana Control Act:

(a) It means its weight at or about the time it is seized or
otherwise comes into the possession of law enforcement authorities, whether cured or uncured at that time; and

(b) It does not include the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or some other marijuana product.

Sec. 18. Marijuana accessories means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in:

(1) Planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, consuming, smoking, vaporizing, or containing marijuana; or

(2) Ingesting, inhaling, or otherwise introducing marijuana into the human body.

Sec. 19. Marijuana product means a product comprised of marijuana and other ingredients and that is intended for use by consumption, other than by smoking. Marijuana product includes, but is not limited to, edible products, concentrated marijuana, ointments, and tinctures.

Sec. 20. Marijuana store means a person licensed by the commission to:

(1) Purchase marijuana from cultivators;

(2) Purchase marijuana products from products manufacturers and other marijuana stores; and

(3) Sell marijuana and marijuana products to consumers twenty-one years of age and older and to other marijuana stores.

Sec. 21. Ordinance means any ordinance, regulation, resolution, or other law duly enacted by a local governing body.

Sec. 22. Premises means a distinctly identified and definite location, as required by the commission, and may include a building, a part of a building, a room, or any other definite contiguous area.

Sec. 23. Private residence means a house, an apartment unit, a
mobile home, or other similar dwelling.

Sec. 24. Process or processing means to harvest, dry, cure, trim, and separate parts of the marijuana plant by manual or mechanical means.

Sec. 25. Products manufacturer means a person licensed by the commission to manufacture marijuana products pursuant to the Marijuana Control Act for sale and distribution to marijuana stores and other products manufacturers, but not to consumers.

Sec. 26. School means a public, private, denominational, or parochial preschool, elementary, vocational, or secondary school, a private postsecondary career school as defined in section 85-1603, a community college, a public or private college, a junior college, or a university.

Sec. 27. Social equity applicant means an applicant for a license that meets one of the following criteria:

(1) At least fifty-one percent of ownership and control of the applicant is by individuals who have resided for at least five of the preceding ten years in a disproportionately impacted area;

(2) At least fifty-one percent of ownership and control of the applicant is by individuals who:

(a) Have been arrested for, convicted of, or adjudicated for any offense that is eligible for clean slate relief under the Marijuana Conviction Clean Slate Act;

(b) Is a parent, legal guardian, child, spouse, or dependent of an individual described in subdivision (2)(a) of this section; or

(3) If the applicant will have at least ten full-time employees, at least fifty-one percent of such employees:

(a) Reside in a disproportionately impacted area; or

(b) Have been arrested for, convicted of, or adjudicated for any offense that is eligible for clean slate relief under the Marijuana Conviction Clean Slate Act; or

(c) Are a parent, legal guardian, child, spouse, or dependent of an
individual described in subdivision (3)(b) of this section.

Sec. 28. **Testing facility** means a person licensed under the Marijuana Control Act to analyze, test, and certify marijuana, including for potency and the presence of contaminants.

Sec. 29. THC means tetrahydrocannabinol.

Sec. 30. **Transfer** means to grant, convey, hand over, assign, sell, exchange, or barter, in any manner or by any means, with or without consideration.

Sec. 31. **Transporter** means an entity or person that is licensed to transport marijuana from one licensee to another and to temporarily store the transported marijuana at its licensed premises, but which is not authorized to sell marijuana under any circumstances.

Sec. 32. **Unreasonably impracticable** means that the measures necessary to comply with the rules and regulations adopted and promulgated pursuant to the Marijuana Control Act or the ordinances enacted by a local governing body pursuant to the act would subject a licensee to unreasonable risk or require such a high investment of risk, money, time, or any other resource or asset that a reasonably prudent businessperson would not operate as a licensee.

Sec. 33. The Marijuana Control Act sets forth the exclusive means by which a person in Nebraska may engage in the cultivation, manufacture, sale, distribution, transfer, dispensing, testing, possession, and use of marijuana.

Sec. 34. **Nothing in the act permits the transfer of marijuana to a person under the age of twenty-one years or allows a person under the age of twenty-one years to purchase, possess, use, transport, cultivate, or consume marijuana.**

Sec. 35. The following conduct relating to marijuana shall be lawful under state and local law when conducted in accordance with the Marijuana Control Act. An individual twenty-one years of age or older may:
(1) Possess, process, transport, purchase, obtain, or give away to persons twenty-one years of age or older without any compensation whatsoever, not more than one ounce of marijuana in any form;

(2) Possess, grow, plant, cultivate, harvest, dry, or process marijuana plants as provided in section 36 of this act;

(3) Smoke, ingest, or otherwise consume marijuana; and

(4) Possess, transport, purchase, obtain, use, manufacture, or give away marijuana accessories to persons twenty-one years of age or older without any compensation whatsoever.

Sec. 36. (1) An individual who is twenty-one years of age or older may cultivate not more than six living marijuana plants and possess the marijuana produced by such plants, subject to the following restrictions:

(a) At least three of the marijuana plants being cultivated at any time shall be immature marijuana plants;

(b) The individual shall keep the living plants and any marijuana produced by the plants in excess of one ounce:

(i) Within the person's private residence in such a manner that such plants and marijuana are not visible from a public place with normal, unaided vision;

(ii) Within a structure on the grounds of the person's private residence that is fully enclosed and kept locked and such plants and marijuana are not visible from a public place with normal, unaided vision; or

(iii) Unless prohibited by an ordinance of a local governing body as provided in subsection (3) of section 37 of this act, on the grounds of the person's private residence in an area that is kept locked and such plants and marijuana are not visible from a public place with normal, unaided vision; and

(c) The person plants, cultivates, harvests, dries, processes, and possesses such plants and marijuana in accordance with any ordinances of a local governing body adopted under section 37 of this act.
(2) Marijuana plants and marijuana produced from such plants in
compliance with this section does not count toward the limit stated in
subdivision (1) of section 36 of this act or in section 43 of this act.

(3) A violation of this section involving:

(a) Less than twelve plants is:

(i) For a first offense, a Class V misdemeanor;

(ii) For a second offense, a Class IV misdemeanor;

(iii) For a third offense, a Class III misdemeanor; and

(iv) For a fourth offense or subsequent violation, a Class IV
felony;

(b) Twelve plants but less than twenty-four plants is a Class IIIA
felony; and

(c) Twenty-four plants or more is a Class IIA felony.

(4) This section does not apply to a licensee acting within the
scope of activities permitted under its license.

Sec. 37. (1) Except as provided in subsection (2) of this section,
a local governing body may enact and enforce ordinances to reasonably
regulate the activities permitted by section 36 of this act.

(2) A local governing body shall not completely prohibit an
individual from engaging in conduct protected by section 36 of this act
if the individual is keeping and cultivating the marijuana plants and
marijuana produced by such plants in accordance with subdivision (1)(b)
(i) or (ii) or section 36 of this act.

(3) A local governing body may completely prohibit persons from
engaging in conduct under subdivision (1)(b)(iii) of section 36 of this
act.

Sec. 38. (1) A person shall not smoke or otherwise consume
marijuana or marijuana products in any public place, in or upon the
licensed premises of any licensee, or in a motor vehicle.

(2) A person who violates this section shall be guilty of an
infraction, receive a citation, and be fined not more than three hundred
dollars.

Sec. 39. (1) Except as provided in section 153 of this act, no person under the age of twenty-one years shall possess marijuana.

(2) No person under the age of twenty-one years shall consume marijuana.

(3) A violation of this section is a Class III misdemeanor.

Sec. 40. (1) Except as provided in section 153 of this act, no person under the age of twenty-one years shall falsely represent that such person is twenty-one years of age in order to obtain marijuana or marijuana products.

(2) A violation of this section is a Class III misdemeanor.

Sec. 41. (1) A person shall not knowingly give marijuana to any person under twenty-one years of age or knowingly leave or deposit marijuana in any place with the intent that it will come into the possession of a person under twenty-one years of age. A violation of this subsection is a Class II misdemeanor.

(2) A person shall not knowingly give marijuana to any person under eighteen years of age or knowingly leave or deposit marijuana in any place with the intent that it will come into the possession of a person under eighteen years of age. A violation of this subsection is a Class I misdemeanor.

Sec. 42. (1) Except as provided in subsection (2) of this section, a person who intentionally makes a materially false statement to a law enforcement official or employee of the commission about any fact or circumstance relating to the use of marijuana to avoid arrest, prosecution, or imposition of any civil sanction or penalty is guilty of a Class III misdemeanor.

(2) A licensee or applicant for licensure under the Marijuana Control Act who knowingly makes a materially false statement to the commission or the Department of Revenue is guilty of a Class IV felony.

Sec. 43. (1) Except as provided in section 36 of this act and

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subsection (4) of this section, a person commits an offense if such
person possesses more than one ounce of marijuana in any form.

(2) The following penalties shall apply to a violation of this
section involving marijuana, other than concentrated marijuana:
(a) Possession of more than one ounce but not more than two ounces
is an infraction;
(b) Possession of more than two ounces but not more than six ounces
is a Class I misdemeanor;
(c) Possession of more than six ounces but not more than twelve
ounces of marijuana is a Class IV felony; and
(d) Possession of more than twelve ounces of is a Class IIIA felony.

(3) The following penalties shall apply to a violation of this
section involving concentrated marijuana:
(a) Possession of more than one ounce but not more than two ounces
is an infraction:
(b) Possession of more than two ounces but not more than three
ounces is a Class I misdemeanor;
(c) Possession of more than three ounces but not more than twelve
ounces is a Class IV felony; and
(d) Possession of more than twelve ounces is a Class IIIA felony.

(4) This section does not apply to a licensee acting within the
scope of activities permitted under its license.

Sec. 44. A person other than a licensee who transfers more than one
ounce of marijuana to another person without consideration is guilty of
an infraction.

Sec. 45. (1) A person other than a marijuana store, cultivator, or
products manufacturer shall not sell marijuana to another person.

(2) A violation of this section involving:
(a) Four ounces or less of marijuana or two ounces or less of
concentrated marijuana is a Class I misdemeanor for a first offense and a
Class IV felony for a second or subsequent offense;
(b) More than four ounces but not more than twelve ounces of marijuana or more than two ounces but not more than six ounces of concentrated marijuana is a Class IIIA felony;

(c) More than twelve ounces but not more than five pounds of marijuana or more than six ounces but not more than two and one-half pounds of concentrated marijuana is a Class III felony;

(d) More than five pounds but not more than fifty pounds of marijuana or more than two and one-half pounds but not more than twenty-five pounds of concentrated marijuana is a Class IIA felony; and

(e) More than fifty pounds of marijuana or more than twenty-five pounds of concentrated marijuana is a Class II felony.

(2) For purposes of this section, sell means to exchange or barter in any manner or by any means whatsoever for consideration.

Sec. 46. (1) A person who knowingly allows another person to cultivate marijuana on such person's property in violation of section 36 of this act is guilty of an offense.

(2) A violation of this section involving:

(a) Less than twelve plants shall be a Class III misdemeanor for a first offense and a Class IV felony for a second or subsequent offense;

(b) Twelve plants or more but less than twenty-four plants is a Class IV felony; and

(c) Twenty-four plants or more is a Class III felony.

Sec. 47. A person shall not manufacture marijuana or marijuana products by chemical extraction or chemical synthesis unless done pursuant to a products manufacturer license issued under the Marijuana Control Act or as otherwise authorized by such act. A violation of this section is a Class IV felony.

Sec. 48. Nothing in the Marijuana Control Act permits any person to engage in or prevents the imposition of any civil, criminal, or other penalties for:

(1) Undertaking any task that would constitute negligence or
professional malpractice due to the use of marijuana or being under the influence of marijuana;

(2) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat or working on transportation property, equipment, or facilities, while using or being under the influence of marijuana; or

(3) Using marijuana in violation of the Nebraska Clean Indoor Air Act.

Sec. 49. Nothing in the Marijuana Control Act:

(1) Requires an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or cultivation of marijuana in the workplace; or

(2) Affects the ability of an employer to have a policy restricting the use of marijuana by employees.

Sec. 50. Nothing in the Marijuana Control Act prohibits a person, employer, school, hospital, detention facility, corporation, or any other entity, whether public or private, who occupies, owns, or controls a property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or cultivation of marijuana on or in that property.

Sec. 51. Except as otherwise provided in the Marijuana Control Act, a person shall not be arrested, prosecuted, penalized, sanctioned, or otherwise denied any benefit and shall not be subject to seizure or forfeiture of assets for possessing, using, purchasing, cultivating, processing, or manufacturing marijuana in accordance with the Marijuana Control Act.

Sec. 52. Except as otherwise provided in the Marijuana Control Act, a person shall not be arrested, prosecuted, penalized, sanctioned, or otherwise denied any benefit and shall not be subject to seizure or forfeiture of assets for allowing property the person owns, occupies, or manages to be used for any of the activities conducted lawfully under the
Marijuana Control Act or for enrolling or employing a person who engages in marijuana-related activities lawfully under the Marijuana Control Act.

Sec. 53. (1) A landlord shall not prohibit the possession of marijuana or consumption of marijuana, by means other than smoking, within a single-family dwelling or a mobile home, by a person authorized to do so under the Marijuana Control Act, unless:

(a) The residence is incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service;

(b) The residence is a transitional housing facility; or

(c) Failing to prohibit marijuana possession or consumption would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(2) For purposes of this section:

(a) Landlord includes a landlord as defined in sections 76-1410 and 76-1462;

(b) Mobile home has the same meaning as in section 76-1463; and

(c) Single-family dwelling has the same meaning as single-family residence in section 76-1410.

Sec. 54. (1) Marijuana and marijuana accessories obtained, manufactured, and distributed pursuant to the Marijuana Control Act and associated property are not subject to forfeiture under section 28-431.

(2) Marijuana and marijuana accessories obtained, manufactured, and distributed pursuant to the Marijuana Control Act are not contraband, nor subject to seizure, and no conduct made lawful in the Marijuana Control Act shall constitute a basis for detention, search, or arrest.

Sec. 55. (1) The use of marijuana shall not disqualify a person from any needed medical procedure or treatment, including an organ or a tissue transplant.

(2) The use of marijuana shall not constitute the use of an illicit substance for medical purposes or otherwise disqualify a person from
needed medical care.

Sec. 56. An attorney shall not be subject to disciplinary action for providing legal assistance to a prospective licensee, licensee, or another person or entity who is engaged in activities that are no longer subject to criminal penalties under state law pursuant to the Marijuana Control Act.

Sec. 57. A contract entered into by a licensee or its employees or agents, or by those who allow their property to be used by a licensee or its employees or agents, shall not be unenforceable on the basis that cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using marijuana is prohibited by federal law. It is the public policy of the State of Nebraska that such contracts shall be enforceable to the same extent as other contracts.

Sec. 58. (1) A financial institution may loan money to, accept deposits from, and otherwise do business with any licensee to the same extent as other persons, subject to any restrictions of the Marijuana Control Act.

(2) For purposes of this section, financial institution means a bank, savings bank, credit card bank, savings and loan association, building and loan association, trust company, or credit union organized under the laws of any state or organized under the laws of the United States.

Sec. 59. (1) The state or any local government shall not restrict, revoke, suspend, or otherwise infringe upon a person's right to own or possess a firearm or ammunition based on the person engaging in conduct permitted under the Marijuana Control Act.

(2) The state or any local government shall not restrict, revoke, suspend, or otherwise infringe upon a person's right receive any firearm certification, including, but not limited to, a certification under sections 69-2401 to 69-2425 or a permit under the Concealed Handgun Permit Act based on the person engaging in conduct protected by the
Marijuana Control Act.

(3) The state or any local government shall not provide any assistance, including information, to federal authorities who may use the information to restrict, revoke, suspend, or otherwise infringe upon a person's right to own or possess a firearm or ammunition based on the person engaging in conduct protected by the Marijuana Control Act.

(4) The state or any local government shall not provide any assistance, including information, to federal authorities who may use the information to restrict a person's benefits or rights under federal law based on the person engaging in conduct protected by the Marijuana Control Act.

Sec. 60. The state or any local government shall not employ or use the results of any test of marijuana conducted by a laboratory unless such laboratory is a testing facility or otherwise accredited for the particular field of testing in accordance with the rules and regulations of the commission.

Sec. 61. (1) For the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, and sale of marijuana in this state, the Nebraska Marijuana Enforcement Commission is created.

(2) The power to regulate all phases of the control of the cultivation, manufacture, distribution, processing, sale, and traffic of marijuana, except as specifically delegated in the Marijuana Control Act, is vested exclusively in the commission.

Sec. 62. (1) The commission shall consist of three commissioners to be appointed by the Tax Commissioner. No more than two commissioners shall be members of the same political party, and no two commissioners shall be residents of the same congressional district. On or before November 1, 2021, the Tax Commissioner shall appoint the commissioners. The terms of the commissioners shall be four years, except that the terms of the initial commissioners shall be staggered so that one member is
appointed for a term of one year, one for a term of two years, and one
for a term of three years, as determined by the Tax Commissioner.

(2) The Tax Commissioner shall appoint commissioners based on their
experience or expertise in public health, law enforcement, social
justice, the regulation of businesses or consumer commodities, and
matters related to marijuana.

(3) The commissioners shall appoint one of their members as
chairperson. The chairperson shall preside over all official activities
of the commission.

(4) Any commissioner may be removed by the Tax Commissioner, after
an opportunity to be heard, for malfeasance, misfeasance, or neglect in
office. No person shall be appointed to the commission, or continue to
hold that office after appointment, while holding any other office or
position under the laws of this state, any other state, or of the United
States.

(5) Any vacancy occurring for any reason other than the expiration
of a term shall be filled for the unexpired term in the same manner as
the original appointment.

Sec. 63. The commission shall have an executive director, to be
appointed by the commission subject to the approval of the Tax
Commissioner. The executive director shall keep a record of all
proceedings, transactions, communications, and official acts of the
commission. The executive director shall be the custodian of all records
and perform such other duties as the commission may prescribe.

Sec. 64. No person shall be appointed as a commissioner or the
executive director of the commission who is not a citizen of the United
States and who has not resided within the State of Nebraska successively
for two years next preceding the date of appointment.

Sec. 65. (1) A majority of the commission shall constitute a quorum
to transact business, but no vacancy shall impair the right of the
remaining commissioners to exercise all of the powers of the commission.
(2) Every act of a majority of the members of the commission shall be deemed to be the act of the commission.

Sec. 66. (1) The commission may expend for such investigators and clerical and other assistants as may be necessary for the performance of its duties.

(2) The commission may, with the advice and approval of the Tax Commissioner, employ a chief investigator and other investigators to aid in enforcement of the Marijuana Control Act and to make all necessary and appropriate investigations for that enforcement.

Sec. 67. Before entering upon the duties of office, each commissioner and the executive director shall be bonded or insured as required by section 11-201. Employees of the commission who are accountable for public funds shall be bonded or insured as required by section 11-201 to secure the safety of such funds. The premium shall be paid by the State of Nebraska out of the General Fund.

Sec. 68. (1) Except as otherwise provided in subsection (2) of this section, a commissioner, the executive director, or any employee of the commission shall not:

(a) Directly or indirectly, individually, as a member of a partnership, as a member of a limited liability company, or as a shareholder of a corporation, have any interest whatsoever in the cultivation, manufacture, processing, distribution, or sale of marijuana or hemp; or

(b) Receive any compensation or profit from an activity described in subdivision (1)(a) of this section or have any interest whatsoever in the purchases or sales made by the persons authorized by the Marijuana Control Act to purchase or sell marijuana.

(2) With the written approval of the executive director, an employee of the commission, other than the executive director or a division manager, may accept part-time or seasonal employment with a licensee.

(3) This section shall not prevent any commissioner, the executive
director, or any employee from purchasing and keeping in their possession
for the use of themselves or members of their family or guests any
marijuana which may be purchased or kept by any person pursuant to the
Marijuana Control Act.

Sec. 69. (1) Except as provided in subsection (2) of section 68 of
this act, a commissioner, the executive director, or any person employed
by the commission shall not:

(a) Solicit or accept any gift, gratuity, emolument, or employment
from any person subject to the Marijuana Control Act or from any officer,
agent, or employee of such person; or

(b) Solicit, request from, or recommend, directly or indirectly, to
any person subject to the Marijuana Control Act or to any officer, agent,
or employee of such person the appointment of any person to any place or
position.

(2) Except as provided in subsection (2) of section 68 of this act,
any person subject to the Marijuana Control Act and every officer, agent,
or employee of such person shall not offer to any commissioner, the
executive director, or any person employed by the commission any gift,
gratuity, emolument, or employment.

(3) If a commissioner, the executive director, or any person
employed by the commission violates this section, such person shall be
removed from such office or employment.

(4) A violation of this section is a Class II misdemeanor.

Sec. 70. (1) A commissioner, the executive director, or a
commission employee with regulatory oversight responsibilities for
licensees shall not work for, represent, or provide consulting services
to or otherwise derive pecuniary gain from a licensee or other business
entity established for the primary purpose of providing services to the
marijuana industry for a period of six months following such person's
last day of employment with the commission.

(2) A violation of this section is a Class II misdemeanor.
Sec. 71. (1) Each commissioner shall receive an annual salary of not to exceed twelve thousand five hundred dollars, to be fixed by the Tax Commissioner, payable monthly, and in addition actual and necessary expenses incurred on behalf of the commission as provided in this section. The salary of the executive director shall be fixed by the commission, payable monthly.

(2) The commissioners, the executive director of the commission, and all employees of the commission shall be reimbursed for expenses incurred in the discharge of their official duties as provided in sections 81-1174 to 81-1177. The commission may also incur necessary expenses for office furniture and other incidental expenses. No commissioner, executive director, or employee of the commission shall request or be allowed mileage or other traveling expenses unless such sections are strictly complied with.

Sec. 72. The office of the commission shall be in Lincoln, but the commission may, with the approval of the Tax Commissioner, establish and maintain branch offices at other places.

Sec. 73. The commission shall hold regular meetings at least once a month and may hold such special meetings as it deems necessary at any time and at any place within the state.

Sec. 74. (1) The commission may, for authentication of its records, process, and proceedings, adopt, keep, and use a common seal, of which seal judicial notice shall be taken in all of the courts of the state.

(2) Any process, notice, or other paper which the commission is authorized by law to issue shall be deemed sufficient if signed by the chairperson and executive director and authenticated by such seal.

(3) All acts, orders, proceedings, rules, regulations, entries, minutes, and other records of the commission and all reports and documents filed with the commission may be proved in any court of this state by copy thereof certified to by the executive director attached.

Sec. 75. The Attorney General shall designate an assistant attorney
general or assistant attorneys general, when requested by the commission
and directed by the Tax Commissioner, and the services of such assistant
attorney general or assistant attorneys general shall be available to the
commission whenever demanded. The compensation of such assistant attorney
general or assistant attorneys general as are assigned to the commission
shall be paid by the office of the Attorney General.

Sec. 76. The commission shall hold a public hearing before the
adoption, amendment, or repeal of any rule or regulation.

Sec. 77. On or before January 1, 2024, and annually thereafter, the
commission shall annually publish a full report of its actions during the
preceding year, including a comprehensive description of its activities
and including the number of licensees of each class issued; enforcement
actions in which fines, suspension, revocations, or other disciplinary
sanctions were issued; and a statement of revenue and expenses of the
commission.

Sec. 78. The commission shall study marijuana commerce and may make
recommendations to the Legislature regarding changes in the laws of the
state that further the intent of the Marijuana Control Act.

Sec. 79. The commission and the Department of Agriculture,
Department of Revenue, and Department of Health and Human Services shall
work collaboratively in furtherance of the intent of the Marijuana
Control Act and to ensure that the cultivation, manufacture,
distribution, and sale of marijuana in this state is conducted in
accordance with the act.

Sec. 80. (1) On or before September 1, 2022, the commission shall
adopt and promulgate rules and regulations necessary for the proper
regulation and control of the cultivation, manufacture, distribution,
sale, and testing of marijuana and for the enforcement of the Marijuana
Control Act. Such rules and regulations shall include, but shall not be
limited to:

(a) Procedures and requirements for the issuance and renewal of
licenses, permits, certificates, and employment authorizations, payment of fees, investigating and deciding disciplinary proceedings, and imposing sanctions for violations of the Marijuana Control Act or rules and regulations adopted and promulgated thereunder;

(b) Qualifications and procedures for licensure under the Marijuana Control Act;

(c) Requirements and procedures for testing marijuana for potency, the presence of contaminants, and to otherwise ensure the safety of consumers;

(d) Rules relating to acceptable testing and research practices, including, but not limited to, research methods, standards, quality control analysis, equipment certification and calibration, and chemical identification;

(e) Rules and regulations regarding social equity applicants and the duties imposed by section 95 of this act and other procedures and policies to promote and encourage full participation in the regulation of the marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and to positively impact those communities;

(f) Specifications of duties of officers and employees of the commission;

(g) Instructions for local governing bodies and law enforcement officers;

(h) Requirements for inspections, investigations, searches, seizures, forfeitures, and such additional enforcement activities as may become necessary from time to time;

(i) Documentation for identifying licensees and their owners, officers, managers, and employees;

(j) A schedule of penalties for violations and procedures for issuing and appealing citations for violations of statutes and rules and issuing administrative citations;
(k) Rules and regulations concerning signage, marketing, and advertising of marijuana, including, but not limited to:

(i) A prohibition on mass-marketing campaigns that have a high likelihood of reaching persons under twenty-one years of age;

(ii) Rules on marijuana accessory packaging and branding;

(iii) A prohibition on unsolicited pop-up advertising on the Internet;

(iv) A prohibition on banner ads on mass-market web sites;

(v) A prohibition on opt-in marketing that does not permit an easy and permanent opt-out feature; and

(vi) A prohibition on marketing directed towards location-based devices, including, but not limited to, cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is twenty-one years of age or older and includes a permanent and easy opt-out feature;

(l) Requirements for the security of licensed premises, including, at a minimum, lighting, physical security, video, and alarm requirements, and other minimum procedures for internal control as deemed necessary by the commission to properly administer and enforce the provisions of the Marijuana Control Act, including reporting requirements for changes, alterations, or modifications to the licensed premises. Such requirements shall not prohibit the cultivation of marijuana outdoors in greenhouses;

(m) Regulations on the storage of, warehouses for, and transportation of marijuana;

(n) A seed-to-sale tracking system for tracking marijuana from either seed or immature plant stage until sold in a marijuana store or otherwise disposed of in accordance with the act and the rules and regulations of the commission;

(o) Rules regarding the records to be kept by licensees to ensure that licensees keep complete and accurate electronic records for all transactions involving marijuana, including, but not limited to, rules
regarding the types of records each licensee shall maintain, retention
schedules, the required availability of the records, and inspection
procedures;

(p) Rules concerning disposal of marijuana by licensees, consumers,
and others as deemed necessary or appropriate by the commission;

(q) Rules concerning limited access areas as defined in section 121
of this act;

(r) Health and safety regulations and standards for the manufacture
of marijuana products and cultivation of marijuana;

(s) Sanitary requirements for marijuana stores;

(t) Limitations on the display of marijuana in marijuana stores;

(u) Specification of acceptable forms of government-issued
identification documents for proof of age that a marijuana store may
accept when verifying a transfer or sale;

(v) Rules for transport licensees, and drivers and other employees
of such licensees, including, but not limited to, insurance requirements;
acceptable time frames for transport, storage, and delivery; requirements
for transport vehicles; and requirements for licensed premises; and

(w) Such other matters as are necessary for the fair, impartial,
stringent, and comprehensive administration of the Marijuana Control Act.

(2) After September 1, 2022, the commission may adopt and promulgate
rules and regulations necessary to carry out the Marijuana Control Act.

Sec. 81. The commission may develop such forms, applications, and
other documentation as are necessary or convenient in the discretion of
the commission for the administration of the Marijuana Control Act or any
rules and regulations adopted and promulgated thereunder.

Sec. 82. (1) On or before September 1, 2022, the commission shall
adopt and promulgate rules and regulations establishing:

(a) The equivalence of one ounce of marijuana flower to various
marijuana products, including concentrated marijuana;

(b) A standardized marijuana serving size amount for edible
marijuana products that does not contain more than ten milligrams of active THC. Such serving size is designed only to provide consumers with information about the total number of servings of active THC in a particular marijuana product, not as a limitation on the total amount of THC in any particular item; and

(c) Labeling requirements regarding servings for edible marijuana products and regarding the total content of THC per unit of weight.

(2) In carrying out this section the commission may contract for a scientific study if necessary.

(3) For purposes of this section, marijuana flower means the raw flower, kief, leaves, and buds of a plant of the genus Cannabis that have been harvested, dried, and cured for consumption by means of inhalation, but prior to any processing whereby the plant material is transformed into a concentrate, including, but not limited to, concentrated marijuana, or an edible or topical product containing marijuana or concentrated marijuana and other ingredients. Marijuana flower does not include the stem of the plant or leaves not containing a significant quantity of THC-containing trichomes.

Sec. 83. (1) On or before September 1, 2022, the commission shall adopt and promulgate rules and regulations regarding conditions under which holders of appropriate licenses are authorized to transfer fibrous waste to a person other than a licensee for the purpose of producing only industrial fiber products. The conditions must include contract requirements that stipulate that fibrous waste will only be used to produce industrial fiber products; recordkeeping requirements; security measures related to the transport and transfer of fibrous waste; requirements on handling contaminated fibrous waste; and processes associated with handling fibrous waste. The rules shall not require licensees to alter fibrous waste from its natural state prior to transfer.

(2) For purposes of this section:
(a) Fibrous waste means any roots, stalks, or stems from a marijuana plant; and

(b) Industrial fiber products means intermediate or finished products made from fibrous waste that are not intended for human or animal consumption and are not usable or recognizable as marijuana. Industrial fiber products include, but are not limited to, cordage, paper, fuel, textiles, bedding, insulation, construction materials, compost materials, and industrial materials.

Sec. 84. (1) On or before December 1, 2021, the commission shall convene a group to make recommendations for rules and regulations on how edible marijuana products can be clearly identifiable, when practicable, to indicate that such products contain marijuana and are not for consumption by children.

(2) The group shall include, but need not be limited to, representatives of the Department of Health and Human Services, representatives of the marijuana industry, child abuse prevention experts, and advocates for children's health.

Sec. 85. Nothing in the Marijuana Control Act shall be construed as delegating to the commission the power to fix prices for marijuana.

Sec. 86. Rules and regulations adopted and promulgated pursuant to the Marijuana Control Act and any ordinance enacted by a local governing body shall not:

(1) Make it unreasonably impracticable to operate as a licensee;

(2) Require testing of marijuana before the commission has licensed any marijuana testing facilities or, if such facilities have been licensed, before such facilities are capable of performing any required tests in a timely manner;

(3) Require a customer to provide a marijuana store with identifying information other than identification to determine the customer's age;

(4) Require a marijuana store to acquire or record personal information about customers other than information typically required in
(5) Prohibit cultivation of marijuana using inorganic cultivation methods.

Sec. 87. (1) The commission shall provide without charge to any licensee a copy of the Marijuana Control Act, any rules and regulations adopted and promulgated thereunder, and any other information which the commission deems important in the area of marijuana control in the State of Nebraska.

(2) The information may be printed in a booklet, a pamphlet, or any other form the commission may determine to be appropriate.

(3) The commission may update such material as often as it deems necessary.

(4) The commission may provide such material to any other person upon request and may charge a fee for the material. The fee shall be reasonable and shall not exceed any reasonable or necessary costs of producing the material for distribution.

Sec. 88. The commission may:

(1) Call upon other departments of the state, political subdivisions, law enforcement agencies, and prosecutors for such information and assistance as the commission deems necessary in the performance of its duties; and

(2) Recommend ordinances to local governing bodies not inconsistent with the Marijuana Control Act.

Sec. 89. The commission may request the State Fire Marshal to inspect any licensed premises or premises for which a licensee is sought for fire safety pursuant to section 81-502. The State Fire Marshal shall assess a fee for such inspection pursuant to section 81-505.01 payable by such licensee or applicant. The State Fire Marshal may delegate the authority to make such inspections to qualified local fire prevention personnel pursuant to section 81-502.

Sec. 90. (1) The commission shall maintain the confidentiality of
reports or other information obtained from a licensee:

(a) Containing any individualized data, information, or records related to the licensee or its operation, including sales information, financial records, tax returns, credit reports, cultivation information, testing results, or security information and plans;

(b) Which reveals any customer information; or

(c) Which are otherwise made confidential or exempt from public disclosure pursuant to state or federal law.

(2) Confidential information and reports shall only be used for purposes authorized by the Marijuana Control Act or for any other state or local law enforcement purpose. Any customer information may be used only for a purpose authorized by the Marijuana Control Act.

(3) A person who discloses confidential records or information in violation of the Marijuana Control Act shall be guilty of a Class II misdemeanor.

Sec. 91. (1) Beginning on the implementation date, a person may apply for a license under the Marijuana Control Act. An application for issuance or renewal of a license shall be in the form and manner required by the commission, shall be accompanied by the fee required by section 92 of this act, and shall be verified by oath or affirmation of the persons prescribed by the commission.

(2) An application for issuance or renewal of a license shall include:

(a) The name and address of the applicant and how long the applicant has resided in Nebraska;

(b) The names and addresses of the applicant's officers, directors, or managers;

(c) The particular premises for which a license is desired designating the premises by street and number, if practicable, or by such other description as definitely locates the premises;

(d) The name of the owner of the premises upon which the business
(e) A statement that the applicant is a resident of Nebraska and legally able to work in Nebraska, that the applicant and the spouse of the applicant are not less than twenty-one years of age, and that such applicant has never been convicted of or pleaded guilty or nolo contendere to a disqualifying offense;

(f) A statement that the applicant intends to carry on the business authorized by the license on the applicant's own behalf and not as the agent of any other person and that if licensed the applicant will carry on such business on the applicant's own behalf and not as the agent for any other person;

(g) A statement that the applicant intends to superintend in person the management of the business licensed and that if so licensed the applicant will superintend in person the management of the business;

(h) If the applicant is a social equity applicant, information to establish eligibility as such as determined by the commission; and

(i) Such other information as the commission may from time to time direct.

(3)(a) An applicant for initial issuance shall also submit two legible sets of fingerprints to be furnished to the Federal Bureau of Investigation through the Nebraska State Patrol for a national criminal history record check and the fee for such record check payable to the patrol. The applicant shall authorize release of the national criminal history record check to the commission.

(b) The commission may require an applicant for renewal to comply with subdivision (3)(a) of this section when there is a demonstrated investigative need.

(4)(a) An application for issuance of a license shall be accompanied by plans and specifications for the interior of any building on the licensed premises, if the building to be occupied is in existence at the time of the application. If such building is yet to be constructed, the
applicant shall file a plot plan and a detailed sketch for the interior and submit an architect's drawing of the building to be constructed.

(b) The commission shall not issue or renew a license until it is established that the applicant is, or will be, entitled to possession of the premises for which application is made under a lease, rental agreement, or other arrangement for possession of the premises or by virtue of ownership of the premises.

(5) If any false statement is made in any part of an application, the applicant shall be deemed guilty of perjury, and upon conviction thereof the license shall be revoked and the applicant subjected to the penalties set forth in section 28-915.

Sec. 92. (1) An application for initial issuance of a license shall be accompanied by a nonrefundable application fee and a refundable initial issuance fee. If issuance of the license is denied, or if after application and with the commission's permission, the applicant withdraws an application, the initial issuance fee shall be refunded. Except as provided in subsections (3), (4), (5), and (6) of this section, the fees for application for initial issuance of a license shall be:

<table>
<thead>
<tr>
<th>Type of License</th>
<th>Application Fee, in Dollars</th>
<th>Initial Issuance Fee, in Dollars</th>
<th>Total Due at Application, in Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana Store</td>
<td>5,000</td>
<td>2,000</td>
<td>7,000</td>
</tr>
<tr>
<td>Cultivator</td>
<td>5,000</td>
<td>1,500</td>
<td>6,500</td>
</tr>
<tr>
<td>Products Manufacturer</td>
<td>5,000</td>
<td>1,500</td>
<td>6,500</td>
</tr>
<tr>
<td>Testing Facility</td>
<td>1,000</td>
<td>1,500</td>
<td>2,500</td>
</tr>
<tr>
<td>Transporter</td>
<td>1,000</td>
<td>4,400</td>
<td>5,400</td>
</tr>
</tbody>
</table>

(2) An application for renewal of a license shall be accompanied by a nonrefundable application fee and a refundable renewal fee. If renewal of the license is denied, or if after application and with the commission's permission, the applicant withdraws an application, the
renewal fee shall be refunded. Except as provided in subsections (3), (5), and (6) of this section, the fees for application for renewal of a license shall be:

<table>
<thead>
<tr>
<th>Type of License</th>
<th>Application Fee, in Dollars</th>
<th>Initial Issuance, in Dollars</th>
<th>Total Due at Application, in Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana Store</td>
<td>300</td>
<td>1,500</td>
<td>1,800</td>
</tr>
<tr>
<td>Cultivator</td>
<td>300</td>
<td>1,500</td>
<td>1,800</td>
</tr>
<tr>
<td>Products</td>
<td>300</td>
<td>1,500</td>
<td>1,800</td>
</tr>
<tr>
<td>Manufacturer</td>
<td>300</td>
<td>1,500</td>
<td>1,800</td>
</tr>
<tr>
<td>Testing Facility</td>
<td>300</td>
<td>1,500</td>
<td>1,800</td>
</tr>
<tr>
<td>Transporter</td>
<td>300</td>
<td>4,400</td>
<td>4,700</td>
</tr>
</tbody>
</table>

(3) Beginning January 1, 2025, and on each fifth occurrence of January 1 thereafter, the commission shall adjust the upper fee limit of any fee set forth in this section to reflect the percentage change for such five-year period in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor, Bureau of Labor Statistics. If the amount so adjusted is not a multiple of one hundred dollars, the amount shall be rounded to the nearest multiple of one hundred dollars.

(4) Until January 1, 2024, the commission may raise the application fee for applications for initial issuance of a license, for a specific type or types of licenses or for all license types, if the commission determines that a greater fee is necessary to carry out the commission's responsibilities under the Marijuana Control Act. Such increase shall remain in effect beyond January 1, 2024, unless reduced by the commission.

(5) The commission may, by rule and regulation, create tiers of cultivator licenses based upon the size of the licensee's operation and may provide for greater or lesser application or licensing fees based upon such tier, subject to the other limits on fees in this section. The
classification may be based upon square footage of the facility; lights, lumens, or wattage; lit canopy; the number of cultivating plants; a combination of the foregoing; or other reasonable metrics.

(6)(a) The commission shall waive fifty percent of all fees under subsection (1) or (2) of this section for a social equity applicant if the applicant, any person with an ownership interest of ten percent or more in the applicant, or any parent company, subsidiary, or affiliate of the applicant:

(i) Has less than a total of seven hundred fifty thousand dollars in income in the previous calendar year; and

(ii) Has no more than two other licenses.

(b) An applicant seeking a fee waiver under this subsection shall attest that the applicant meets the requirements of this subsection and provide evidence of income and other eligibility requirements to the commission in a form and manner prescribed by the commission.

(c) If the commission determines that an applicant who sought a fee waiver under this subsection is not eligible for the waiver, the applicant shall have an additional ten days to provide additional evidence of eligibility, to pay the remainder of the waived fee, or to withdraw the application.

(d) If a licensee who has been granted a fee waiver under this section transfers ownership of the license, within five years after its initial issuance, to a person who does not apply and qualify for a fee waiver in a manner prescribed by the commission, the commission shall not approve the transfer of the license unless the transferee pays to the commission the balance of any waived fees.

(7) Application and licensing fees paid to the commission shall be remitted to the State Treasurer for credit as follows:

(a) Fifty percent to the Marijuana Control Fund; and

(b) Fifty percent shall be transferred to the local governing body with jurisdiction over the licensee.
(8) On or before September 1, 2022, the commission shall adopt and promulgate rules and regulations as necessary to carry out this section.

Sec. 93. Upon receipt of an application for issuance or renewal of a license, the commission shall notify the city clerk, village clerk, or county clerk of the local governing body in whose jurisdiction the license is sought and shall include one copy of the application with the notice. No such license shall be issued or denied by the commission until the expiration of the time allowed for the receipt of a recommendation of denial or an objection requiring a hearing under subdivision (1)(a) or (b) of section 96 of this act. During the period of forty-five days after the date of receipt by mail or electronic delivery of such application from the commission, the local governing body may submit recommendations to the commission regarding issuance or renewal of such license.

Sec. 94. (1) If no hearing is required pursuant to subdivision (1)(a) or (b) of section 96 of this act and the commission has no objections pursuant to subdivision (1)(c) of such section, the commission may waive the forty-five-day objection period and, if not otherwise prohibited by law, issue or renew a license as a matter of course.

(2) A license may be issued if the commission finds that:

(a) The applicant is fit, willing, and able to properly provide the service proposed within the city, village, or county where the premises described in the application are located;

(b) The applicant can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Marijuana Control Act;

(c) The applicant has demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to ensure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the act; and

(d) The issuance of the license is or will be required by the present or future public convenience and necessity.
(3) In making its determination pursuant to subsection (2) of this section the commission shall consider:

(a) The recommendation of the local governing body;

(b) The existence of a citizens' protest made in accordance with section 96 of this act;

(c) The existing population of the city, village, or county and its projected growth;

(d) The nature of the neighborhood or community of the location of the proposed licensed premises;

(e) The existence or absence of other licensees with similar privileges within the neighborhood or community of the location of the proposed licensed premises and whether, as evidenced by substantive, corroborative documentation, the issuance of such license would result in or add to an undue concentration of licenses with similar privileges and, as a result, require the use of additional law enforcement resources;

(f) The existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises;

(g) The adequacy of existing law enforcement;

(h) Zoning restrictions;

(i) The sanitation or sanitary conditions on or about the proposed licensed premises;

(j) Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest;

(k) The long-term financial stability of the applicant;

(l) The ability of the applicant to provide appropriate security measures; and

(m) When relevant, the technical expertise of the applicant.

(4) Licenses issued or renewed by the commission shall be mailed or delivered to the clerk of the city, village, or county who shall deliver the license to the licensee upon receipt from the licensee of proof of
payment of:

(a) Any fee for publication of notice of hearing before the local
governing body upon the application for the license; and

(b) Occupation or other taxes, if any, imposed by such city,
village, or county.

Sec. 95. (1) Twenty percent of all licenses granted by the
commission shall be to social equity applicants.

(2) Licensees who are social equity applicants shall annually report
to the commission, in a form and manner prescribed by the commission,
information that will allow the commission to assess the extent of
diversity in various aspects of the marijuana industry and to identify
methods for reducing and eliminating barriers to entry.

(3) The commission, in consultation with the Department of Economic
Development, shall provide technical assistance and support to persons
wishing to apply as social equity applicants in preparing applications
and obtaining licensure.

(4) On or before January 1, 2024, and annually thereafter, the
commission shall electronically submit a report to the Legislature
regarding social equity in the marijuana industry. The report shall
include data regarding the numbers of licensees who are social equity
applicants, the numbers of applications by social equity applicants
granted and denied, and recommendations on increasing diversity in the
marijuana industry and reducing or eliminating barriers to entry.

Sec. 96. (1) The commission shall set for hearing before it any
application for issuance or renewal of a license, relative to which it
has received:

(a) Within forty-five days after the date of receipt of such
application by the city, village, or county clerk, a recommendation of
denial from the city, village, or county;

(b) Within ten days after the receipt of a recommendation from the
city, village, or county, or, if no recommendation is received, within
forty-five days after the date of receipt of such application by the city, village, or county clerk, objections in writing by not less than three persons residing within such city, village, or county, protesting the issuance of the license. Withdrawal of the protest does not prohibit the commission from conducting a hearing based upon the protest as originally filed and making an independent finding as to whether the license should or should not be issued; or

(c) Within forty-five days after the date of receipt of such application by the city, village, or county clerk, objections by the commission or any duly appointed employee of the commission, protesting the issuance of the license;

(2) Hearings upon such applications shall be in the following manner: Notice indicating the time and place of such hearing shall be mailed or electronically delivered to the applicant, the local governing body, and each individual protesting a license pursuant to subdivision (1)(b) of this section at least fifteen days prior to such hearing. The notice shall state that the commission will receive evidence for the purpose of determining whether to approve or deny the application. Mailing or electronic delivery to the attorney of record of a party shall be deemed to fulfill the purposes of this section. The commission may receive evidence, including testimony and documentary evidence, and may hear and question witnesses concerning the application. The commission shall not use electronic delivery with respect to an applicant or a protested under this section without the consent of the recipient to electronic delivery.

(3) In conducting a hearing under this section, the commission may administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing.

Sec. 97. (1) In addition to the factors set forth in section 94 of this act, the commission may deny issuance or renewal of a license for
good cause.

(2) For purposes of this section, good cause means:

(a) The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Marijuana Control Act, any rules and regulations adopted and promulgated thereunder, or any local ordinance;

(b) The licensee or applicant has made a materially false statement to the commission;

(c) The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license pursuant to an order of the commission; or

(d) The licensed premises have been operated in a manner that adversely affects the public health or the safety of the immediate neighborhood in which the establishment is located.

Sec. 98. A license provided by the Marijuana Control Act shall not be issued to or held by:

(1) Any person who has been convicted of or pleaded guilty or nolo contendere to a disqualifying offense;

(2) A person or entity if any of its officers, directors, stockholders, or owners have been convicted of or pleaded guilty or nolo contendere to a disqualifying offense;

(3) A person financed in whole or in part by any other person who has been convicted of or pleaded guilty or nolo contendere to a disqualifying offense;

(4) A person under twenty-one years of age;

(5) A licensee or former licensee who, during a period of licensure, or who, at the time of application, has failed to:

(a) File any tax return related to a licensee; or

(b) Pay any taxes, interest, or penalties due, as determined by final agency action, relating to a licensee;

(6) Any state, county, municipality, or other political unit, any
branch, department, agency, or subdivision of any of the foregoing, and
any corporation or other entity established by law to carry out any
governmental function;

(7) A peace officer, employee of a jail or the Department of
Corrections, or an official or employee of a local governing body;

(8) A person who is not a resident of Nebraska or not legally able
to work in Nebraska; or

(9) A publicly traded company.

Sec. 99. A license is valid for a period of one year after the date
of issuance unless revoked or suspended pursuant to the Marijuana Control
Act or the rules and regulations adopted and promulgated thereunder.

Sec. 100. Each license issued under the Marijuana Control Act
shall:

(1) Specify the date of issuance, the type of license, the period of
licensure, the name of the licensee, and the premises licensed; and

(2) Be signed by the chairperson of the commission and attested by
the executive director over the seal of the commission.

Sec. 101. (1) At all times, a licensee shall possess and maintain
possession of the premises for which the license is issued by ownership,
lease, rental, or other arrangement for possession of the premises.

(2) At all times, a licensee shall maintain a copy of the license in
a conspicuous place on the licensed premises.

Sec. 102. (1) Each licensee shall personally manage the licensed
premises or employ a separate and distinct manager on the licensed
premises and shall report the name of the manager to the commission.

(2) The licensee shall report any change in manager to the
commission within seven days after the change.

Sec. 103. (1) Ninety days prior to the expiration date of an
existing license, the commission shall notify the licensee of the
expiration date by first-class mail at the licensee's address of record
with the commission.
(2) A licensee may apply for the renewal of an existing license to
the commission not earlier than thirty days prior to the date of
expiration. The commission, in its discretion, subject to the
requirements of this section and based upon reasonable grounds, may waive
this requirement.

(3)(a) A licensee whose license has been expired for not more than
ninety days may file a late renewal application upon the payment to the
commission of an additional nonrefundable late application fee of five
hundred dollars.

(b) A licensee who files a late renewal application and pays the
requisite fees may continue to operate until the commission takes final
action to approve or deny the licensee's late renewal application unless
the commission summarily suspends the license.

Sec. 104. (1) A license is not transferable without approval of the
commission as provided in this section. An application for transfer of
ownership of a license shall be in the form and manner required by the
commission, shall be accompanied by a nonrefundable fee of one thousand
dollars, and shall be verified by oath or affirmation of the persons
prescribed by the commission.

(2) An application for transfer of ownership shall include:
(a) The name and address of each party and how long the transferee
has resided in Nebraska;
(b) The names and addresses of the transferee's officers, directors,
or managers;
(c) The particular premises of the licensed premises, designating
the premises by street and number if practicable or, if not, by such
other description as definitely locates the premises;
(d) The name of the owner of the premises upon which the business
licensed is to be carried on;
(e) A statement that each party is a resident of Nebraska and
legally able to work in Nebraska, that each party and the spouse of each
party are not less than twenty-one years of age, and that neither party
has been convicted of or pleaded guilty or nolo contendere to a
disqualifying offense;

(f) A statement that the transferee intends to carry on the business
authorized by the license on its own behalf and not as the agent of any
other persons and that if licensed, the transferee will carry on such
business on its own behalf and not as the agent for any other person;

(g) A statement that the transferee intends to superintend in person
the management of the business licensed and that if licensed the
transferee will superintend in person the management of the business; and

(h) Such other information as the commission may direct.

(3) If any false statement is made in any part of an application,
the applicant shall be deemed guilty of perjury, and upon conviction
thereof the license shall be revoked and the applicant subjected to the
penalties set forth in section 28-915.

(4) Upon receipt of an application, the transfer shall be considered
in the same manner as provided for applications for issuance or renewal
of a license as set forth in sections 92 to 97 of this act, except that
the commission may by rule or regulation modify or streamline the
procedures or requirements, or the factors to be considered in granting
transfer of ownership in light of the fact that the licensed premises is
already in operation.

Sec. 105. (1) A licensee shall not relocate the licensed premises
from the place specified in the license without approval of the
commission as provided in this section. An application for relocation of
a licensed premises shall be in the form and manner required by the
commission, shall be accompanied by a nonrefundable fee of one thousand
dollars, and shall be verified by oath or affirmation of the persons
prescribed by the commission.

(2) An application for relocation of a licensed premises shall
include:
(a) The name and address of the applicant;

(b) The names and addresses of the applicant's officers, directors, or managers;

(c) The current location of the licensed premises, designating the same by street and number if practicable or, if not, by such other description as definitely locates the licensed premises;

(d) The location to which the licensed premises is sought to be relocated, designating the licensed premises by street and number if practicable or, if not, by such other description as definitely locates the new location;

(e) The name of the owner of the premises to which the licensed premises is sought to be relocated; and

(f) Such other information as the commission may direct.

(3) If any false statement is made in any part of an application, the applicant shall be deemed guilty of perjury, and upon conviction thereof the license shall be revoked and the applicant subjected to the penalties set forth in section 28-915.

(4) Upon receipt of an application, the relocation shall be considered in the same manner as provided for applications for issuance or renewal of a license as set forth in sections 92 to 97 of this act.

Sec. 106. The commission, in its discretion, may revoke or elect not to renew any license if it determines that the licensed premises have been inactive, without good cause, for at least one year.

Sec. 107. A local governing body shall have the following powers, functions, and duties with respect to licenses:

(1) To revoke for cause a license, issued to persons for premises within its jurisdiction, subject to the right of appeal to the commission;

(2) To enter or to authorize any peace officer to enter at any time upon any licensed premises to determine whether any provision of the Marijuana Control Act, any rule or regulation adopted and promulgated
thereunder, or any ordinance has been or is being violated and at such
time examine the licensed premises in connection with such determination.
Any peace officer who determines that the act, any rule or regulation
adopted and promulgated thereunder, or any ordinance has been or is being
violated shall report such violation in writing to the executive director
(a) within thirty days after determining that such violation has
occurred, (b) within thirty days after the conclusion of an ongoing
police investigation, or (c) within thirty days after the verdict in a
prosecution related to such an ongoing police investigation if the
prosecuting attorney determines that reporting such violation prior to
the verdict would jeopardize such prosecution, whichever is later;
(3) To receive a signed complaint from any citizen within its
jurisdiction that any provision of the act, any rule or regulation
adopted and promulgated thereunder, or any ordinance relating to
marijuana has been or is being violated and to act upon such complaints
in the manner provided in the act;
(4) To examine or cause to be examined any applicant or any licensee
upon whom notice of revocation or other sanction has been served as
provided in the act, to examine or cause to be examined the books and
records of any applicant or licensee, and to hear testimony and to take
proof for its information in the performance of its duties. For purposes
of obtaining any of the information desired, the local governing body may
authorize its agent or attorney to act on its behalf;
(5) To revoke or impose sanctions on its own motion any license if,
upon the same notice and hearing as provided in section 109 of this act,
it determines that the licensee has violated the act, any rule or
regulation adopted and promulgated thereunder, or any ordinance relating
to marijuana. Such order of revocation or sanction may be appealed to the
commission within thirty days after the date of the order by filing a
notice of appeal with the commission. The commission shall handle the
appeal in the manner provided for hearing on an application in section 96
of this act; and

(6) Upon receipt from the commission of the notice and copy of application as provided in section 93 of this act, to fix a time and place for a hearing at which the local governing body shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance or renewal of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in such city, village, or county one time not less than seven and not more than fourteen days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the local governing body in support of or in protest against the issuance or renewal of such license may do so at the time of the hearing. Such hearing shall be held not more than forty-five days after the date of receipt of the notice from the commission, and after such hearing the local governing body shall cause to be recorded in the minute record of their proceedings a resolution recommending either issuance or refusal of such license. The clerk of such city, village, or county shall mail to the commission by first-class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue or renew such a license, the cost of publication of notice shall be paid by the commission from the security for costs.

Sec. 108. Any five residents of jurisdiction of the local governing body in which a licensed premises is located shall have the right to file a complaint with the local governing body stating that any licensee subject to the jurisdiction of such local governing body has been or is violating the Marijuana Control Act, any rule or regulation adopted and promulgated thereunder, or any ordinance regulating marijuana. Such complaint shall be in writing in the form prescribed by the local
governing body and shall be signed and sworn to by the parties
complaining. The complaint shall state the particular statute, rule or
regulation, or ordinance believed to have been violated and the facts in
detail upon which belief is based. If the local governing body is
satisfied that the complaint substantially charges a violation and that
from the facts alleged there is reasonable cause for such belief, it
shall set the matter for hearing within ten days from the date of the
filing of the complaint and shall serve notice upon the licensee of the
time and place of such hearing and of the particular charge in the
complaint. The complaint shall in all cases be disposed of by the local
governing body within thirty days from the date the complaint was filed
by resolution thereof, which resolution shall be deemed the final order
for purposes of appeal to the commission as provided in section 115 of
this act.

Sec. 109. (1) The commission may, on its own motion or on
complaint, after investigation and opportunity for a public hearing at
which the licensee must be afforded an opportunity to be heard, sanction
a licensee for a violation by the licensee or by its agents or employees
of the Marijuana Control Act, any rules and regulations adopted and
promulgated thereunder, any ordinance regulating marijuana, or of any of
the terms, conditions, or provisions of the license.

(2) The commission shall provide written notice of the hearing, by
mailing the notice to the licensee at the address contained in the
license and, if different, at the last address furnished to the
commission by the licensee.

(3) All proceedings for the suspension or revocation of a license or
imposition of other sanction against a licensee shall be before the
commission, and the proceedings shall be in accordance with rules and
regulations adopted and promulgated by the commission not inconsistent
with law.

(4) No licensee shall be subject to sanctions except after a hearing
by the commission with reasonable notice to the licensee and opportunity
to appear and defend.

(5) In conducting a hearing under this section, the commission may
administer oaths and issue subpoenas to require the presence of persons
and the production of papers, books, and records necessary to the
determination of any hearing.

(6) Any license may be summarily suspended by the commission without
notice pending any prosecution, investigation, or public hearing of a
licensee.

(7) If a licensee is convicted of or pleads guilty or nolo
contendere to a violation of the Marijuana Control Act, any rule or
regulation adopted and promulgated thereunder, or any ordinance
regulating marijuana, the court shall promptly notify the commission and
the local governing body.

Sec. 110. Upon the completion of any hearing held regarding
discipline of a license, the director may dismiss the action or impose
any of the following sanctions:

(1) Censure;

(2) Probation;

(3) Limitation;

(4) Civil penalty;

(5) Suspension for up to six months;

(6) Seizure of marijuana that is the subject of a violation of the
Marijuana Control Act; or

(7) Revocation.

Sec. 111. (1) If a civil penalty is imposed pursuant to section 110
of this act, it shall not exceed twenty thousand dollars.

(2) Any fine or civil penalty assessed and unpaid shall constitute a
debt to the State of Nebraska which may be collected in the manner of a
lien foreclosure or sued for and recovered in a proper form of action in
the name of the state in the district court of the county in which the
violator resides or owns property. In such action the commission may also
collect attorney's fees and costs incurred in the collection of the civil
penalty. The commission shall, within thirty days from receipt, remit any
collected civil penalty to the State Treasurer to be disposed of in
accordance with Article VII, section 5, of the Constitution of Nebraska.

Sec. 112. (1) If the commission determines that marijuana in the
possession of a licensee is involved in a violation of the Marijuana
Control Act, the rules and regulations of the commission, an ordinance
regulating marijuana, or any terms or conditions of a license, the
commission may declare such marijuana to be contraband and seize and
destroy or dispose of it in accordance with rules and regulations of the
commission. The commission may also seize and dispose of associated
property.

(2) Following issuance of a final decision by the commission
authorizing seizure and destruction of marijuana or associated property
of a licensee, the licensee shall have fifteen days to file a petition
for a stay. The petition shall be filed in the district court of
Lancaster County. The district court shall expeditiously issue a
preliminary ruling upon the petition determining whether the licensee has
a substantial likelihood of success on judicial review so as to warrant a
temporary stay of the seizure and destruction or disposal of the
marijuana and any associated property. If the court grants a temporary
stay, the court shall issue an order setting forth terms and conditions
pursuant to which the licensee may maintain possession of the marijuana
and associated property pending a final decision on the merits of the
licensee's petition. Such order shall prohibit the licensee from using,
distributing, or disposing of the marijuana and any associated property.

(3) If the licensee fails to timely file a petition under subsection
(2) of this section, the commission may destroy or dispose of the seized
marijuana and any associated property.

(4) A county attorney shall notify the commission if the county
attorney begins investigating a licensee for violations of the Marijuana
Control Act. Upon receipt of such a notification, the commission shall
not destroy or dispose of any marijuana or associated property of such
licensee until the county attorney has completed such investigation.

(5) For purposes of this section, associated property means
containers, equipment, supplies, and other property closely associated
with the conduct that is the subject of the violation.

Sec. 113. The state, local governments, and any state or local
agency shall not be required to cultivate or care for any marijuana
seized for a violation of the Marijuana Control Act.

Sec. 114. (1) A copy of the rule, regulation, order, or decision of
the commission denying an application or suspending, revoking, or
imposing another sanction against a licensee or of any notice required by
any proceeding before it, certified under the seal of the commission,
shall be served upon each party of record to the proceeding before the
commission. Service upon any attorney of record for any such party shall
be deemed to be service upon such party. Each party appearing before the
commission shall enter the party's appearance and indicate to the
commission the party's address for such service. The mailing of a copy of
any rule, regulation, order, or decision of the commission or of any
notice by the commission, in the proceeding, to such party at such
address shall be deemed to be service upon such party.

(2) Within thirty days after the service described in subsection (1)
of this section, such party may apply for a rehearing with respect to any
matters determined by the commission. The commission shall receive and
consider such application for a rehearing within thirty days after its
filing with the executive director of the commission. If such application
for rehearing is granted, the commission shall proceed as promptly as
possible to consider the matters presented by such application. No appeal
shall be allowed from any decision of the commission except as provided
in section 115 of this act.
(3) Upon final disposition of any proceeding, costs shall be paid by
the party or parties against whom a final decision is rendered. Only one
rehearing referred to in subsection (2) of this section shall be granted
by the commission on application of any one party.

(4) For purposes of this section, party of record means:
(a) The applicant or licensee;
(b) Any individual protesting pursuant to subdivision (1)(b) of
section 96 of this act;
(c) The local governing body if it is entering an appearance to
protest or requesting a hearing pursuant to subdivision (1)(c) of section
96 of this act; and
(d) The commission.

Sec. 115. Any order or decision by the commission granting or
denying issuance or renewal of a license, a request to transfer ownership
of a license, or a request to relocate a licensed premises; suspending,
revoking, or imposing another sanction against a licensee; or refusing to
suspend, revoke, or impose another sanction against a licensee may be
appealed in accordance with the Administrative Procedure Act.

Sec. 116. (1) A person holding the appropriate licenses may operate
as a marijuana store, cultivator, products manufacturer, and transporter
at the same location if approved by the commission and if the location is
within the jurisdiction of a local governing body that does not prohibit
such joint operations.

(2) A licensee operating a marijuana store as a joint operation
shall maintain separate licensed premises for such store, including
separate entrances, exits, inventories, point-of-sale operations, and
recordkeeping.

Sec. 117. (1) A local governing body may adopt ordinances
regulating state licensees that are more strict than those set forth in
the Marijuana Control Act. Such standards may include, but are not
limited to:
(a) Distance restrictions between licensed premises of any type or the same type;
(b) A prohibition of joint operations under section 116 of this act;
(c) Reasonable restrictions on the size of a licensed premises; and
(d) Any other requirements necessary to ensure the local control of licensees to aid enforcement of the Marijuana Control Act, ordinances, or the terms and conditions of a license.

(2) Any ordinance regulating conduct authorized by the Marijuana Control Act shall not make it unreasonably impracticable to operate as a licensee, except that this restriction does not apply to a prohibition of joint operations under section 116 of this act.

Sec. 118. Nothing in the Marijuana Control Act shall be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a licensee.

Sec. 119. No licensee shall:
(1) Sell or transfer marijuana to any person under twenty-one years of age;
(2) Allow any person under twenty-one years of age on its premises; or
(3) Employ or retain persons under twenty-one years of age or without an employment authorization.

Sec. 120. No licensee shall transport marijuana, in any form, outside the State of Nebraska.

Sec. 121. (1) For purposes of this section:
(a) Escorted means appropriately checked into the limited access area and accompanied by a person authorized by the commission; except that trade craftspeople not normally engaged in the business of cultivating, processing, or selling marijuana need not be accompanied on a full-time basis, but only reasonably monitored; and
(b) Limited access area means a building, room, or other contiguous area upon a licensed premises where marijuana is cultivated, stored,
weighed, packaged, or tested, under control of the licensee.

(2) Only those persons authorized by a commission and those visitors escorted by a person authorized by the commission may enter a limited access area. All areas of ingress or egress to limited access areas shall be clearly identified as such by a sign as designated by the commission.

Sec. 122. All cultivation, processing, and manufacture of marijuana shall:

(1) Take place at a licensed premises approved by the commission and within an area that is enclosed and locked in a manner that restricts access only to persons authorized to access that area. The area may be uncovered only if it is enclosed with security fencing that is designed to prevent unauthorized entry and that is at least ten feet high;

(2) Not be visible from a public place by normal unaided vision; and

(3) Take place on property in the licensee's lawful possession or with the consent of the person in lawful physical possession of the property.

Sec. 123. Each licensee shall:

(1) Secure every entrance to the licensed premises so that access to areas containing marijuana is restricted to persons authorized to possess marijuana; and

(2) Secure the inventory and equipment of the licensed premises during and after operating hours to deter and prevent theft of marijuana.

Sec. 124. (1) Each licensee shall keep a complete set of all records necessary to fully show the business transactions of the licensee, all of which shall be open at all times during business hours for the inspection and examination by the commission or its designee.

(2) The commission may require any licensee to furnish such information as the commission considers necessary for the proper administration of the Marijuana Control Act and may require an audit to be made of the books of account and records on such occasions as the commission may consider necessary by an auditor to be selected by the
commission who shall likewise have access to all books and records of the
licensee, and the expense thereof shall be paid by the licensee.

(3) The commission or its designee may examine and inspect or
provide for the examination and inspection of any licensee, licensed
premises, or the records or operations of any licensee in such manner and
at such times as provided in rules and regulations adopted and
promulgated by the commission. The commission shall issue an examination
and inspection report and provide a copy of the report to the licensee
within ten working days after the completion of an examination and
inspection. The commission shall then post a copy of the report on its
web site.

(4) The refusal, impediment, obstruction, or interference with an
inspection of the licensed premises or records of a licensee by a
licensee or its agent or employee is a violation of the Marijuana Control
Act.

(5) If a licensee or an agent or employee of a licensee fails to
maintain or provide the records required pursuant to the Marijuana
Control Act, the licensee shall be subject to a citation and fine of up
to fifteen thousand dollars per individual violation.

Sec. 125. (1) Every sale or transfer of marijuana from one licensee
to another licensee shall be recorded on a sales invoice or receipt.
Sales invoices and receipts may be maintained electronically. Sales
invoices and receipts shall:

(a) Be filed in such manner as to be readily accessible for
examination by employees of the commission; and

(b) Shall not be commingled with invoices covering other
commodities.

(2) Each sales invoice or receipt shall include the name and address
of the seller and shall include the following information:

(a) Name and address of the purchaser;

(b) Date and sale of invoice and number;
(c) Kind, quantity, size, and capacity of packages of marijuana sold;
(d) The cost to the purchaser, together with any discount applied to the price as shown on the invoice;
(e) The place from which transport of the marijuana was made unless transport was made from the premises of the licensee; and
(f) Any other information specified by the commission.

Sec. 126. (1) The commission may establish limitations on marijuana cultivation through one or more of the following methods:
   (a) Placing or modifying a limit on the number of licenses that it issues, by class or overall. However, in placing or modifying the limits, the commission shall consider the reasonable availability of new licenses after a limit is established or modified;
   (b) Placing or modifying a limit on the amount of production permitted by cultivators; and
   (c) Placing or modifying a limit on the total amount of production by cultivators in the state collectively.

(2) When considering any such limitations, the commission shall:
   (a) Consider the total current and anticipated demand for marijuana in Nebraska;
   (b) Consider any other relevant factors; and
   (c) Attempt to minimize the market for unlawful marijuana.

Sec. 127. Any licensee may provide a sample of its marijuana or marijuana products to a testing facility for testing and research purposes. The licensee shall maintain a record of what was provided to the testing facility, the identity of the testing facility, and the testing results.

Sec. 128. The commission shall adopt and promulgate rules and regulations for testing requirements for testing facilities. The commission may adopt standards based on those of the International Organization for Standardization. The testing requirements shall include:
(1) Determining accurately, with respect to marijuana:

(a) The concentration of THC and cannabidiol;

(b) The presence and identification of mold and fungus;

(c) The composition; and

(d) The presence of chemicals, including, but not limited to, pesticides, herbicides, or growth regulators; and

(2) Demonstrating the validity and accuracy of the methods used to test marijuana.

Sec. 129. The commission may adopt and promulgate rules and regulations that limit the amount of marijuana inventory that a marijuana store may have on hand. Any such limitation must be commercially reasonable and consider factors including a store's sales history.

Sec. 130. Every marijuana store shall display at all times in a prominent place a printed sign with a minimum height of twenty inches and a width of fourteen inches, with each letter to be a minimum one-fourth inch in height, which shall read as follows:

WARNING TO PERSONS UNDER 21: YOU ARE SUBJECT TO NOTIFICATION OF PARENTS OR GUARDIAN AND YOU ARE SUBJECT TO A PENALTY OF UP TO $500 FINE, 3 MONTHS IN JAIL, OR BOTH IF YOU ARE UNDER 21 AND YOU CONSUME, PURCHASE, ATTEMPT TO PURCHASE, OR HAVE IN YOUR POSSESSION MARIJUANA OR MARIJUANA PRODUCTS IN THIS ESTABLISHMENT.

WARNING TO ADULTS: YOU ARE SUBJECT TO A PENALTY OF UP TO $1,000 FINE, 1 YEAR IN JAIL, OR BOTH, IF YOU ARE 21 OR OVER AND YOU PURCHASE MARIJUANA OR MARIJUANA PRODUCTS FOR A PERSON UNDER 21.

Sec. 131. A display case in a marijuana store containing concentrated marijuana must include the potency of the concentrated marijuana next to the name of the product.

Sec. 132. (1) No person shall add harmful additives to any marijuana or marijuana product, including, but not limited to, those that are toxic, designed to make the product addictive, designed to make the product appealing to children, or misleading to consumers. This section
does not prohibit the addition of common baking or cooking ingredients.

(2) No person shall sell marijuana mixed with nicotine or alcohol.

Sec. 133. No licensee shall cultivate, manufacture, sell, or otherwise transact business with any products containing cannabinoids other than those that were produced, distributed, and taxed in compliance with the Marijuana Control Act or the Nebraska Hemp Farming Act.

Sec. 134. A products manufacturer shall:

(1) Process and prepare marijuana into a form allowable under the Marijuana Control Act prior to distribution to any marijuana store or other products manufacturer; and

(2) Contract with an independent testing facility, subject to approval by the commission, for purposes of testing products made by the products manufacturer as to chemical composition, contamination, and consistency.

Sec. 135. The commission shall adopt and promulgate rules and regulations for the packaging of marijuana, marijuana products, and concentrated marijuana which shall include:

(a) Special packaging requirements to protect children from ingesting or consuming marijuana;

(b) Requirements for dividing each serving within a package containing multiple servings in a manner that allows consumers to easily identify a single serving;

(c) Requirements to ensure that packaging and labels are not attractive to children.

Sec. 136. (1) Prior to transfer or sale to a consumer by a marijuana store, all marijuana, marijuana products, and concentrated marijuana shall be labeled and placed in an opaque, resealable, and child-resistant package in accordance with the Marijuana Control Act and all rules and regulations adopted and promulgated thereunder.

(2) For purposes of this section:

(a) Opaque means that the packaging does not allow the product to be
(b) Resealable means that the package continues to function within effectiveness specifications, which shall be established by the commission, similar to the federal Poison Prevention Packaging Act of 1970, 15 U.S.C. 1471 et seq., as such act existed on January 1, 2021, for the number of opening and closings customary for its size and contents, which shall be determined by the commission.

Sec. 137. The label required by section 136 of this act shall include the following information prominently displayed in a clear and legible fashion and in a font size no smaller than nine-point Arial or ten-point Times New Roman:

(1) The source and date of cultivation, the type of product, and the date of manufacturing and packaging.

(2) Text warning of the unidentified health risks that reads: "Warning: This product has intoxicating effects. There may be health risks associated with consumption of this product."

(3) If the marijuana is intended for consumption by smoking, text stating "Smoking is hazardous to your health."

(4) Text warning of the risks of addiction or dependence that reads: "May be habit forming and addictive."

(5) Text that makes clear the age requirement that reads: "For use only by adults aged 21 years and older. Keep out of reach of children."

(6) Text warning of the risks to vulnerable populations that reads: "There may be additional health risks associated with the consumption of this product for women who are pregnant, breastfeeding, or planning on becoming pregnant."

(7) Text that reads: "Marijuana impairs concentration, coordination, and judgment. It is illegal to drive a motor vehicle while under the influence of marijuana."

(8) Text that reads: "This product is a controlled substance under federal law. This product may be unlawful outside the State of
Nebraska.

(9) A list of any solvents, nonorganic pesticides, herbicides, and fertilizers that were used in the cultivation, production, and manufacture of such marijuana, marijuana product, or concentrated marijuana;

(10) For marijuana products and concentrated marijuana, a list of the pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content; the THC and other cannabinoid amount in milligrams per serving; servings per package; the THC and other cannabinoid amount in milligrams for the package total; and the potency of marijuana by reference to the amount of tetrahydrocannabinol and cannabidiol in each serving; and

(11) Any other information or statement required by the commission.

Sec. 138. The principal display area of any packaging or label required by section 136 of this act shall:

(1) Include a universal symbol, established by the commission, indicating the package contains marijuana; and

(2) Have text that reads: "Contains marijuana. Keep out of reach of children."

Sec. 139. The label required under section 136 of this act shall, for edible marijuana products:

(1) Have text that reads: "Caution: This product is infused with marijuana. The intoxicating effects of this product may be delayed by two or more hours.";

(2) List all ingredients and disclose nutritional information in the same manner as the federal nutritional labeling requirements in 21 C.F.R. 101.9, as such section existed on January 1, 2021; and

(3) Shall include a warning if nuts or other allergens are used.

Sec. 140. The commission may by rule or regulation exempt multi-serving liquid marijuana products from the labeling requirements of section 137 of this act when such requirements are unreasonably

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impracticable, if:

(1) The multi-serving liquid is packaged in a structure that uses a single mechanism to achieve both child-resistance and accurate pouring measurement of each liquid serving in increments equal to or less than ten milligrams of active THC per serving, with no more than one hundred milligrams of active THC total per package; and

(2) The measurement component is within the child-resistant cap or closure of the bottle and is not a separate component.

Sec. 141. A sealed internal package of marijuana products shall contain no more than one hundred milligrams of active THC.

Sec. 142. (1) The commission may issue a centralized distribution permit to a cultivator authorizing temporary storage on its licensed premises of concentrated marijuana and marijuana products received from a products manufacturer for the sole purpose of transfer to the permit holder's commonly owned marijuana stores.

(2) A cultivator may apply for a centralized distribution permit in a form and manner prescribed by the commission. There shall be a nonrefundable fee of twenty dollars for an application. The permit may be renewed annually in a form and manner prescribed by the commission. There shall be a nonrefundable renewal fee of twenty dollars.

(3) Prior to exercising the privileges of a centralized distribution permit, a licensee shall, at the time of application to the commission, send a copy of the application or supplemental application for a centralized distribution permit to the local governing body in which the licensed premises is located.

(4) The commission shall notify the local governing body of its decision regarding the centralized distribution permit. The commission may deny issuance or renewal of a permit for any reasons set forth in section 97 of this act.

(5) The centralized distribution activities authorized by this section shall occur on the licensed premises. All security and
surveillance requirements that otherwise apply to the licensed premises apply to such activities.

(6) A licensee shall not store concentrated marijuana or marijuana products pursuant to this section for more than ninety days.

(7) A licensee shall not accept any concentrated marijuana or marijuana products pursuant to a centralized distribution permit unless the concentrated marijuana or marijuana products are packaged and labeled for sale to a consumer as required by the Marijuana Control Act and rules and regulations of the commission.

(8) All concentrated marijuana and marijuana products stored and prepared for transport on a cultivator's licensed premises pursuant to a centralized distribution permit shall only be transferred to a cultivator's commonly owned marijuana stores.

(9) All transfers of concentrated marijuana and marijuana products by a licensee pursuant to a centralized distribution permit shall be:
   (a) Without consideration; and
   (b) Tracked in the licensee's seed-to-sale system.

(10) The commission shall adopt and promulgate rules and regulations as necessary to carry out this section, including, but not limited to, application requirements and procedures, recordkeeping requirements, and restrictions and procedures for using a centralized distribution permit.

(11) For purposes of this section, commonly owned means licenses that have an ownership structure with at least one natural person with a minimum of five percent ownership in each license.

Sec. 143. (1) A person who has an interest in a testing facility shall not have any interest in any marijuana store, cultivator, or products manufacturer.

(2) A person that has an interest in a marijuana store, cultivator, or products manufacturer shall not have any interest in a testing facility.

Sec. 144. (1) Except as provided in subsection (2) of this section,
a license shall not be issued or renewed for a testing facility unless
the facility is accredited by a body that is itself recognized by the
International Laboratory Accreditation Cooperation in an appropriate
category of testing pursuant to the International Organization for
Standardization.

(2) The commission may by rule and regulation establish conditions
for providing extensions to a newly licensed testing facility to obtain
accreditation required by this section for a period not to exceed twelve
months. Extensions may be granted for good cause, which includes, but
shall not be limited to, when an application for accreditation has been
submitted and is pending with a recognized accrediting body.

Sec. 145. (1) Subject to this section, a licensee may provide
samples of marijuana to no more than five managers employed by the
licensee for purposes of quality control and product development. The
licensee may designate no more than five managers per calendar month as
such recipients.

(2)(a) A cultivator may provide a sample of marijuana and
concentrated marijuana to a manager.

(b) A sample authorized pursuant to this subsection is limited to
one gram of marijuana per batch and one-quarter gram of a concentrated
marijuana per batch, except that the limit is one-half gram of
concentrated marijuana if the intended use of the final product is to be
used in a device that can be used to deliver concentrated marijuana in a
vaporized form to the person inhaling from the device.

(c) A manager shall not receive more than one ounce total of
marijuana or eight grams of concentrated marijuana samples per calendar
month, regardless of the number of licenses that the manager is
associated with.

(3)(a) A products manufacturer may provide a sample of marijuana
products and concentrated marijuana to a manager.

(b) A sample authorized pursuant to this section is limited to one
serving size of an edible marijuana product not exceeding ten milligrams
of THC or its applicable equivalent serving size of nonedible marijuana
product and one-quarter gram of concentrated marijuana, except that the
limit is one-half gram of concentrated marijuana if the intended use of
the final product is to be used in a device that can be used to deliver
concentrated marijuana in a vaporized form to the person inhaling from
the device.

(c) A manager shall not receive more than a total of fourteen
individual serving-size edible marijuana products or its applicable
equivalent in nonedible marijuana products or eight grams of concentrated
marijuana per calendar month, regardless of the number of licenses that
the manager is associated with.

(4) A sample authorized pursuant to this section shall be labeled
and packaged pursuant to the rules and regulations of the commission.

(5) A sample provided pursuant to this section shall be tracked with
the seed-to-sale tracking system. Prior to a manager receiving a sample,
a manager must be designated in the seed-to-sale tracking system as a
recipient of quality control and product development samples. The
licensee shall maintain documentation of all samples and shall make the
documentation available to the commission upon request.

(6) Prior to a manager receiving a sample pursuant to this section,
the licensee shall provide a standard operating procedure to the manager
explaining requirements pursuant to the Marijuana Control Act and
personal possession limits.

(7) A manager shall not:
(a) Sell or transfer the sample to any other person; or
(b) Consume the sample on the licensed premises.

(8) A licensee shall not use samples under this section as a means
of compensation.

(9) The commission shall adopt and promulgate rules and regulations
to carry out this section, including, but not limited to, rules and
regulations regarding:

(a) The quantity limits set forth on samples in this section;

(b) Which employees qualify as managers for purposes of this section; and

(c) If the commission deems it necessary, additional inventory tracking and recordkeeping requirements.

Sec. 146. There shall be the following classes of licenses under the Marijuana Control Act:

(1) Marijuana store;

(2) Cultivator;

(3) Products manufacturer;

(4) Testing facility; and

(5) Transporter.

Sec. 147. (1) A marijuana store may sell marijuana to consumers twenty-one years of age and older and to other marijuana stores pursuant to the requirements and restrictions of the Marijuana Control Act.

(2) A marijuana store may purchase marijuana from a cultivator, a products manufacturer, or another marijuana store. A marijuana store may cultivate its own marijuana if the licensee also obtains a cultivator license.

(3) A marijuana store shall track all of its marijuana from the point that it is transferred from a cultivator or products manufacturer to the point of sale.

Sec. 148. (1) A marijuana store shall not sell to a consumer:

(a) More than one ounce of marijuana or its equivalent in marijuana products or concentrated marijuana during a single transaction; or

(b) More than two ounces of marijuana or its equivalent in marijuana products or concentrated marijuana within a twenty-four hour period.

(2) This section does not apply to nonedible, nonpsychoactive marijuana products, including ointments, lotions, balms, and other nontransdermal topical products.
(3) For purposes of this section, equivalent means the equivalent amount established by the commission under section 82 of this act.

Sec. 149. (1) A marijuana store may only sell marijuana, marijuana products, concentrated marijuana, marijuana accessories, nonconsumable products such as apparel, and marijuana-related products, such as childproof packaging containers.

(2) A marijuana store shall be prohibited from selling or giving away any consumable product, including, but not limited to, cigarettes or alcohol, or edible products that do not contain marijuana, including, but not limited to, sodas, candies, or baked goods.

Sec. 150. A marijuana store may sell marijuana using an automatic dispensing machine. Any such sales shall be done in compliance with rules and regulations adopted and promulgated by the commission.

Sec. 151. A marijuana store shall not sell marijuana to a consumer unless the consumer is physically present in the licensed premises.

Sec. 152. (1) A marijuana store shall not sell or transfer marijuana to a consumer unless the consumer presents documentation which reasonably appears to be a valid government-issued identification card showing that the consumer is twenty-one years of age or older.

(2) If a person under twenty-one years of age presents a fraudulent proof of age, any action reasonably relying on the fraudulent proof shall not be grounds for the revocation or suspension of any license issued under the Marijuana Control Act.

Sec. 153. (1) In order to further the public policy of deterring licensees or other persons from violating section 41 of this act, a person who is at least fifteen years of age but under twenty-one years of age may assist a peace officer in determining compliance with such section if:

(a) The parent or legal guardian of the person has given written consent for the person to participate in such compliance check if such person is under nineteen years of age;
(b) The person is an employee, a volunteer, or an intern with a state or local law enforcement agency;

(c) The person is acting within the scope of such person's assigned duties as part of a law enforcement investigation;

(d) The person does not use or consume marijuana as part of such duties; and

(e) The person is not actively assigned to a diversion program, is not a party to a pending criminal proceeding or a proceeding pending under the Nebraska Juvenile Code, and is not on probation.

(2) Any person under the age of twenty-one years acting in accordance with and under the authority of this subsection shall not be in violation of section 38 or 39 of this act.

Sec. 154. (1) If an employee of a marijuana store has reasonable cause to believe that a person is under twenty-one years of age and is exhibiting fraudulent proof of age in an attempt to obtain any marijuana, the employee is authorized to confiscate such fraudulent proof of age, if possible, and shall, within seventy-two hours after the confiscation, remit it to a state or local law enforcement agency.

(2) The failure to confiscate such fraudulent proof of age or to remit to a state or local law enforcement agency within seventy-two hours after the confiscation does not constitute a criminal offense.

(3) If an employee of a marijuana store has reasonable cause to believe that a person is under twenty-one years of age and is exhibiting fraudulent proof of age in an attempt to obtain any marijuana, the employee or any peace officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may detain and question such person in a reasonable manner for the purpose of ascertaining whether the person is guilty of any unlawful act regarding the purchase or possession or attempted purchase or possession of marijuana.

(4) The questioning of a person by an employee or a peace officer does not render the licensee, the employee, or the peace officer civilly
or criminally liable for slander, false arrest, false imprisonment, malicious prosecution, or unlawful detention.

Sec. 155. (1) A cultivator may cultivate marijuana for sale to marijuana stores, to products manufacturers, and to other cultivators, but not to consumers, in accordance with the Marijuana Control Act.

(2) A cultivator shall track the marijuana it cultivates using a seed-to-sale tracking system which tracks the marijuana from seed or immature plant to wholesale purchase.

Sec. 156. (1) A products manufacturer may manufacture marijuana products for sale and distribution to marijuana stores and other products manufacturers, but not to consumers, in accordance with the Marijuana Control Act.

(2) A products manufacturer may cultivate its own marijuana if it obtains a cultivator license, or it may purchase marijuana from a separate licensed cultivator.

(3) A products manufacturer shall track all of its marijuana and marijuana products from the point of acquisition until sold or transferred to another licensee in accordance with the Marijuana Control Act.

Sec. 157. (1) A testing facility may analyze, test, and certify marijuana, including for potency and the presence of contaminants, in accordance with the Marijuana Control Act.

(2) When a testing facility has completed testing a sample of marijuana, the sample shall be disposed of in accordance with the rules and regulations of the commission.

(3) A testing facility shall track all marijuana from its receipt until its disposal.

Sec. 158. (1) A transporter may, in accordance with the Marijuana Control Act:

(a) Transport marijuana from the licensed premises of one licensee to the licensed premises of another licensee; and
(b) Temporarily store marijuana to be transported at its own licensed premises. The commission may approve multiple licensed premises in different locations for a single licensee, subject to sections 92 to 97 of this act.

(2) A transporter shall not sell marijuana.

(3) A transporter shall track all marijuana from receipt to delivery.

(4) A marijuana store, cultivator, or products manufacturer may transport and distribute its own marijuana without obtaining a transport license.

Sec. 159. (1) Except as provided in subsections (2) and (3) of this section, the following employees or agents of a licensee shall possess an employee authorization:

(a) Any natural person who possesses, cultivates, manufactures, tests, dispenses, sells, transports, or delivers marijuana as permitted by privileges of a license;

(b) Any natural person who has access to the inventory tracking system or point-of-sale system of a licensee; and

(c) Any natural person with unescorted access to a limited access area.

(2) The person or persons who signed a license application as an applicant or applicants are not required to obtain a separate employment authorization from the commission when working in or managing the licensed premises that was the subject of the approved license application.

(3) This section does not apply to independent contractors or other persons providing services that are unrelated to the cultivation, processing, distribution, or sale of marijuana, such as plumbers, carpenters, electricians, painters, other trades people, accountants, and attorneys. The commission shall by rule and regulation set forth other similar positions and types of work that do not require employment
authorization and rules and procedures for escorting such non-employees
into limited access areas.

(4) For purposes of this section, escorted and limited access area
have the same meaning as in section 121 of this act.

Sec. 160. (1) An application for issuance of an employment
authorization shall be in the form and manner required by the commission,
shall be accompanied by a nonrefundable fee of one hundred dollars, and
shall be verified by oath or affirmation of the applicant.

(2) An application for issuance of an employment authorization shall
include:

(a) The name and address of the applicant and how long the applicant
has resided in Nebraska;

(b) A statement that the applicant meets the requirements of section
161 of this act; and

(c) Such other information as the commission may from time to time
direct.

(3)(a) An applicant for initial issuance shall also submit two
legible sets of fingerprints to be furnished to the Federal Bureau of
Investigation through the Nebraska State Patrol for a national criminal
history record check and the fee for such record check payable to the
patrol. The applicant shall authorize release of the national criminal
history record check to the commission.

(b) The commission may require an applicant for renewal to comply
with subdivision (3)(a) of this section when there is a demonstrated
investigative need.

(4) If any false statement is made in any part of an application,
the applicant shall be deemed guilty of perjury, and upon conviction
thereof the authorization shall be revoked and the applicant subjected to
the penalties set forth in section 28-915.

Sec. 161. (1) In order to receive an employment authorization, a
person shall:
(a) Be a Nebraska resident and legally able to work in Nebraska;
(b) Be at least twenty-one years of age;
(c) Not have been convicted of or pleaded guilty or nolo contendere to a disqualifying offense;
(d) Not be a participating physician or employed by the commission or the Department of Revenue;
(e) Not be a peace officer, employee of a jail or the Department of Correctional Services, or an official or employee of a local governing body; and
(f) Not be a related person to or living in the same dwelling as a person employed by the commission.

(2) For purposes of this section, related person means a spouse, child, stepchild, grandchild, parent, stepparent, grandparent, sibling, stepsibling, half-sibling, aunt, uncle, niece, or nephew, or spouse of any thereof, of the individual or of the individual's spouse.

Sec. 162. The commission shall approve an application for an employment authorization if the applicant meets the requirements of section 161 of this act and submits an application and fee in conformance with section 160 of this act. An employment authorization is valid for two years from the date of issuance.

Sec. 163. A person may apply for the renewal of an employment authorization by submitting an application to the commission not earlier than thirty days prior to the date of expiration. The application shall be in a form and submitted in a manner as prescribed by the commission and accompanied by a nonrefundable fee of seventy-five dollars.

Sec. 164. (1) The employment authorization of any person who violates the Marijuana Control Act, any rule or regulation adopted or promulgated thereunder, or an ordinance regulating marijuana may be suspended or revoked or subject to such other sanction as the commission deems appropriate under section 110 of this act, except that any civil penalty issued shall not exceed one thousand dollars.
A denial of issuance or renewal, revocation, or imposition of a 
sanction against an employment authorization may be appealed in 
accordance with the Administrative Procedure Act.  
Sec. 165. (1) For purposes of this section:

(a) Approved training program means a training program offered by a 
provider and approved by the commission as provided in this section;

(b) Licensee or store means a marijuana store;

(c) Mandatory participants means the employees, managers, owners, 
and other persons associated with a licensee that are required by the 
commission to take part in an approved training program;

(d) Provider means a person providing training to stores and their 
managers and employees;

(2) On or before January 1, 2023, the commission shall develop 
standards for approved training programs. At a minimum, a program shall 
be taught in a classroom setting in a minimum of a two-hour period and 
shall include:

(a) Program standards that specify, at a minimum, who must attend, 
the time frame for new staff to attend, recertification requirements, 
recordkeeping, testing and assessment protocols, and effectiveness 
evaluations; and

(b) A core curriculum of pertinent statutory and regulatory 
provisions which includes, but need not be limited to, information 
regarding:

(i) Licensure, employment authorization, age requirements, registry 
verification documents, maintenance of records, privacy issues, and 
unlawful acts;

(ii) Administrative and criminal liability and license and court 
sanctions;

(iii) Statutory and regulatory requirements for employees and 
licensees;

(iv) Acceptable forms of identification documents;
(v) Local ordinances; and

(vi) Information on serving size, THC and cannabinoid potency, and impairment.

(3) In developing standards under subsection (2) of this section, the commission may consider input nationally from other state agencies, local governing bodies, and the marijuana industry.

(4)(a) A provider may apply to the commission for approval of a responsible vendor training program by submitting an application in a form and manner prescribed by the commission together with an eight-hundred-dollar fee.

(b) If the commission approves a provider's training program, the commission shall issue a certificate to the provider. The certificate shall be valid for two years and may be renewed by filing a form prescribed by the commission and payment of a one-hundred-dollar fee.

(c) A provider of an approved training program shall maintain its training records at its principal place of business for at least three years. The provider shall make the records available for inspection by the commission during normal business hours.

(5) The commission may revoke a provider's certification for failure to meet the standards set forth in this section.

(6)(a) A licensee may receive a responsible vendor designation from a program provider after successfully completing an approved training program. A responsible vendor designation is valid for two years from the date of issuance.

(b) Successful completion of an approved training program is achieved when the program has been attended by and, as determined by the program provider, satisfactorily completed by all mandatory participants.

(c) In order to maintain the responsible vendor designation, the licensee must have each new employee or person who is a mandatory participant attend and satisfactorily complete an approved training program within ninety days of hire. A licensee shall maintain
documentation of completion of the program by all mandatory participants.

(7) A licensee who receives a responsible vendor designation shall maintain information on all mandatory participants who have been trained in an approved training program. The information includes the date, place, time, and duration of training and a list of persons attending each specific training program.

(8) If the commission or a local governing body initiates an administrative action against a licensee who holds a responsible vendor designation, the commission or local governing body shall consider the designation as a mitigating factor when imposing sanctions or penalties on the licensee.

Sec. 166. (1) The commission, in consultation with the Department of Agriculture, shall develop a permitting system to allow pesticide manufacturers to obtain limited quantities of marijuana in order to conduct research to establish safe and effective protocols for the use of pesticides on marijuana. To apply, a pesticide manufacturer shall submit a fee of five hundred dollars to the commission with an application, on a form and in a manner prescribed by the commission. If the commission grants the application it shall enter into an agreement with the pesticide manufacturer, setting forth the terms and conditions under which the pesticide manufacturer may obtain, use, and dispose of marijuana. The permit shall be renewable annually for a fee of one hundred dollars, on such terms and conditions as the commission may prescribe.

(2) The commission may revoke a permit granted under this section for any violation of the Marijuana Control Act or the rules and regulations adopted and promulgated thereunder. A revocation may be appealed to the commission and such appeal shall be subject to the Administrative Procedure Act.

(3) A pesticide manufacturer acting under a permit issued pursuant to this section shall:
(a) Conduct such research within Nebraska;

(b) Only possess at any time the quantity of marijuana authorized by
the commission;

(c) Only use such marijuana for the research purposes authorized
pursuant to this section and its agreement with the commission;

(d) Only permit persons twenty-one years of age or older to possess
or handle marijuana;

(e) Dispose of marijuana in accordance with the commission's rules
and regulations; and

(f) Not apply pesticides for research purposes on any licensed
premises.

Sec. 167. (1) The Marijuana Control Fund is created. The fund shall
consist of all fees, gifts, grants, and other money, excluding fines and
civil penalties, received or collected by the commission under the
Marijuana Control Act.

(2) The commission shall use the fund for the administration and
enforcement of the Marijuana Control Act. The fund may be used to cover
any such administrative or enforcement costs, including, but not limited
to, salary and benefits, expenses incurred by the commission in producing
or distributing the forms, materials, and other documentation required by
the act, costs of equipment needed to enforce the act, and defraying
costs associated with electronic regulatory transactions, industry
education events, and enforcement training.

(3) Transfers may be made from the Marijuana Control Fund to the
General Fund at the direction of the Legislature.

(4) Any money in the Marijuana Control Fund available for investment
shall be invested by the state investment officer pursuant to the
Nebraska Capital Expansion Act and the Nebraska State Funds Investment
Act.

Sec. 168. For purposes of sections 168 to 173 of this act:

(1) Affiliated means licensees that are owned or controlled by the
same or related interests;

(2) Average market rate means the average price, as determined by
the commission on a quarterly basis, of all unprocessed marijuana that is
sold or transferred from cultivators in the state to products
manufacturers or marijuana stores, less taxes paid on the sales or
transfers. An average market rate may be based on the purchaser or
transferee of unprocessed marijuana or on the nature of the unprocessed
marijuana that is sold or transferred. The average market rate shall
include one or more rates that cover unprocessed marijuana that is
allocated to extractions, and the initial rates for these product types
must be lower than the rate for unprocessed marijuana that is allocated
for direct sale to consumers.

(3) Consumer means an individual twenty-one years of age or older
who purchases marijuana for personal use by individuals twenty-one years
of age or older but not for resale to others;

(4) Contract price means the invoice price charged by a cultivator
to each licensed purchaser for each sale or transfer of unprocessed
marijuana, exclusive of any tax that is included in the written invoice
price, and exclusive of any discount or other reduction. In the case of
multiple invoices reflecting multiple prices for the same transaction,
contract price is the highest such price;

(5) Excise tax means the tax imposed by section 169 of this act;

(6) Related interests includes individuals who are related by blood
or marriage or entities that are directly or indirectly controlled by an
entity or individual or related individuals;

(7) Sale means any exchange or barter, in any manner or by any means
whatsoever, for consideration; and

(8) Unprocessed marijuana means marijuana at the time of the first
transfer or sale from a marijuana cultivator to a products manufacturer,
a marijuana store, or an unaffiliated marijuana cultivator.

Sec. 169. (1) There is levied and shall be collected an excise tax
on the first sale or transfer of unprocessed marijuana by a marijuana
cultivator to a products manufacturer, a marijuana store, or an
unaffiliated cultivator. The tax shall be at a rate of fifteen percent
of:

(a) The average market rate of the unprocessed marijuana if the
transaction is between affiliated licensees; or

(b) The contract price for unprocessed marijuana if the transaction
is between unaffiliated licensees.

(2) The excise tax imposed by this section shall be in addition to
all other occupation or privilege taxes imposed by this state or by any
political subdivision of the state, subject to section 174 of this act.

Sec. 170. (1) Every marijuana cultivator shall keep at each
licensed premises complete and accurate electronic records for that
licensed premises, including itemized invoices of all marijuana
cultivated, held, shipped, or otherwise transported or sold to any other
licensee.

(2) The records required by subsection (1) of this section shall
include the names and addresses of licensees to which unprocessed
marijuana is sold or transferred, the inventory of all unprocessed
marijuana on hand, and other pertinent papers and documents relating to
the sale or transfer of unprocessed marijuana.

(3) A marijuana cultivator shall keep itemized invoices of all
unprocessed marijuana transferred to marijuana stores owned or controlled
by the owners of the marijuana cultivator.

(4) Every marijuana store shall keep at its place of business
complete and accurate records to show that all marijuana received by the
marijuana store was purchased from a marijuana cultivator or a products
manufacturer. The marijuana store shall provide a copy of such records to
the commission if so requested. The commission may establish the
acceptable form of such records.

Sec. 171. (1) Every marijuana cultivator shall file a return with
the commission by the twentieth day of the month following the month
reported and with the report shall remit the amount of excise tax due.

(2) The return, which shall be upon forms prescribed and furnished
by the commission, shall contain, among other things, the total amount of
unprocessed marijuana sold or transferred during the preceding month and
the amount of tax due thereon.

(3) The commission may require marijuana cultivators to file tax
returns electronically and to remit payments due by electronic funds
transfers.

Sec. 172. (1) A products manufacturer or marijuana store shall not
accept any marijuana from a cultivator unless the manufacturer or store
is provided with evidence that the excise tax was paid.

(2) A cultivator shall not accept any marijuana from an unaffiliated
cultivator unless provided with evidence that the excise tax was paid.

(3) A cultivator shall, prior to delivery of any marijuana to a
products manufacturer, a marijuana store, or an unaffiliated cultivator,
provide evidence that any applicable excise tax on the marijuana was
paid.

Sec. 173. (1) The commission shall collect the excise tax and shall
account for and remit to the State Treasurer at least once each month all
money collected pursuant to such tax for credit to the Marijuana Control
Fund.

(2) After deducting amounts necessary for the commission to
administer and enforce the Marijuana Control Act, the State Treasurer
shall credit the remaining revenues collected from the excise tax as
follows:

(a) Ten percent of the remainder shall be distributed to the
Department of Health and Human Services for drug education and treatment
programs;

(b) Ten percent of the remainder shall be transferred to the
Affordable Housing Trust Fund; and
(c) Eighty percent of the remainder shall be transferred to the

Property Tax Credit Cash Fund.

Sec. 174. No city, village, county, or other political subdivision
shall impose an occupation tax on a licensee which annually exceeds two
times the amount of the initial license fee required to be paid to the
commission by such licensee under section 92 of this act.

Sec. 175. Sections 175 to 186 of this act shall be known and may be
cited as the Marijuana Conviction Clean Slate Act.

Sec. 176. For purposes of the Marijuana Conviction Clean Slate Act,
the definitions found in the Marijuana Control Act, the Security,
Privacy, and Dissemination of Criminal History Information Act and
sections 177 and 178 of this act apply.

Sec. 177. The terms conviction and adjudication include a

conviction or adjudication following trial or entry of a guilty plea or
plea of nolo contendere and include a forfeiture of bail, bond, or other
security deposited to secure appearance by a person charged with an
offense.

Sec. 178. Qualified offense means:

(1) A violation of section 28-416 as such section existed prior to
the effective date of this act involving marijuana, except an offense
involving distribution to a person under eighteen years of age;

(2) A violation of section 28-441 or 28-442 as such sections existed
prior to the effective date of this act involving marijuana;

(3) Violation of an ordinance substantially similar to an offense
described in subsection (1) or (2) of this section; or

(4) Attempt, solicitation, aiding or abetting, being an accessory,
or conspiracy to commit an offense listed in subdivision (1), (2), or (3)
of this section.

Sec. 179. (1) Beginning June 1, 2022, a person shall automatically
be eligible for clean slate relief under sections 182 and 183 of this act
for a qualified offense if:
(a) The qualified offense was committed on or after January 1, 2010;

(b) As of June 1, 2022, such person has completed the sentence for
such offense; and

(c) As of June 1, 2022, such person has paid all court-ordered
financial obligations related to such offense.

(2) Eligibility for relief under this section shall be determined
internally and administratively by the State Court Administrator and does
not require any involvement by the person in interest.

(3) On or before June 1, 2022, the State Court Administrator shall:
(a) Identify all persons eligible for relief under subsection (1) of
this section; and

(b) Notify the court of conviction or adjudication of such
determination.

(4) Each court of conviction or adjudication shall, on or before
August 1, 2022, issue orders for clean slate relief under sections 182
and 183 of this act for each person for whom the court received a
notification under subsection (3) of this section.

(5) The State Court Administrator is not required to proceed under
subsection (3) of this section if the State Court Administrator
determines that the person in interest is deceased.

Sec. 180. (1) Beginning July 1, 2022, a person shall automatically
be eligible for clean slate relief under sections 182 and 183 of this act
for a qualified offense if:

(a) The qualified offense was committed on or after January 1, 2010;

(b) Such person has completed the sentence for such offense; and

(c) Such person has paid all court-ordered financial obligations
related to such offense.

(2) Eligibility for relief under this section shall be determined
internally and administratively by the State Court Administrator and does
not require any involvement by the person in interest.

(3) Beginning July 1, 2022, the State Court Administrator shall, on
a monthly basis:

(a) Identify all persons eligible for relief under subsection (1) of this section; and

(b) Notify the court of conviction or adjudication of such determination.

(4) Each court of conviction or adjudication shall, on a monthly basis, issue orders for clean slate relief under sections 182 and 183 of this act for each person for whom the court received a notification under subsection (3) of this section.

(5) The State Court Administrator is not required to proceed under subsection (3) of this section if the State Court Administrator determines that the person in interest is deceased.

(6) This section terminates on January 1, 2027.

Sec. 181. (1) A person convicted of, or adjudicated for, a qualified offense may petition the court for clean slate relief under sections 182 and 183 of this act if such person has completed the sentence for such offense and paid all court-ordered financial obligations related to such offense.

(2) This section applies to a qualified offense regardless of when it was committed.

(3) The petition shall be filed in the court of conviction or adjudication. There shall be no filing or docketing fee charged by the court for the filing of a petition except for the fee authorized by this subsection. The court may charge a filing fee in an amount set by the State Court Administrator. The fee shall be set at an amount to recoup the costs associated with administering the Clean Slate Act, but shall not exceed forty dollars.

(4) The court shall provide notice of the filing of the petition to the appropriate county attorney or city attorney within ten days. Within thirty days after receipt of notice, the county attorney or city attorney may file objections to the petition. If no objection is timely filed, the
court shall grant the petition without further hearing if the requirements of this section have been met.

(5) If the court determines that the person in interest meets the eligibility requirements of this section, the court shall grant the petition.

(6) Upon granting a petition under this section, the court shall issue an order for clean slate relief under sections 182 and 183 of this act.

(7) An order granting or denying a petition under this section is a final, appealable order for purposes of section 25-1902.

Sec. 182. (1) An order for clean slate relief shall:
(a) Nullify the conviction;
(b) Remove all civil disabilities and disqualifications imposed as a result of the conviction; and
(c) Notify the person in interest that such person should consult with an attorney regarding the effect of the order, if any, on such person's ability to possess a firearm under state or federal law.

(2) An order for clean slate relief shall not:
(a) Require the reinstatement of any office, employment, or position which was previously held and lost or forfeited as a result of the conviction; or
(b) Affect eligibility for, or obligations relating to, a commercial driver's license.

Sec. 183. (1) Following entry of a court order granting a person clean slate relief under section 182 of this act, a criminal justice agency shall respond to a public inquiry in the same manner as if there were no criminal history record information and criminal history record information shall not be disseminated to any person other than a criminal justice agency, except as provided in subsections (4) and (5) of this section.

(2) In issuing an order for clean slate relief, the court shall:
(a) Order that all records, including any information or other data concerning any proceedings relating to the case, including the arrest, taking into custody, petition, complaint, indictment, information, trial, hearing, adjudication, correctional supervision, dismissal, or other disposition or sentence, are not part of the public record and shall not be disseminated to persons other than criminal justice agencies, except as provided in subsections (4) and (5) of this section;

(b) Send notice of the order to (i) the Nebraska Commission on Law Enforcement and Criminal Justice, (ii) the Nebraska State Patrol, and (iii) law enforcement agencies, county attorneys, and city attorneys referenced in the court record;

(c) If the order relates to an adjudication, send notice of the order to (i) the Department of Motor Vehicles, if the adjudication included impoundment or prohibition to obtain a license or permit pursuant to section 43-287, and (ii) the Department of Health and Human Services, if the person in interest was a ward of the state at the time the proceeding was initiated or if the department was a party in the proceeding;

(d) Order all parties notified under subdivisions (2)(b) and (c) of this section to seal all records pertaining to the case; and

(e) If the case was transferred from one court to another, send notice of the order to seal the record to the original, transferring court.

(3) In any application for employment, bonding, license, education, or other right or privilege, any appearance as a witness, or any other public inquiry, a person shall not be questioned with respect to any offense for which the record is sealed. If an inquiry is made in violation of this subsection, the person may respond as if the offense never occurred.

(4) A criminal justice agency may, with respect to criminal history record information sealed under this section, disclose, disseminate,
respond to inquiries regarding, or allow inspection of such criminal history record information:

(a) If the person in interest has made a notarized request for the release of information, to the extent authorized in such release;

(b) If the person in interest is currently the subject of prosecution or correctional control as the result of a separate arrest;

(c) If the person in interest is currently an announced candidate for or holder of public office;

(d) If the criminal history record information is kept unidentified, and the record is used for purposes of surveying or summarizing individual or collective law enforcement agency activity or practices, or the dissemination is requested consisting only of release of criminal history record information showing (i) dates of arrests, (ii) reasons for arrests, and (iii) the nature of the dispositions, including, but not limited to, reasons for not prosecuting the case or cases;

(e) To individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that specifically authorizes access to the information, limits the use of the information to research, evaluative, or statistical activities, and ensures the confidentiality and security of the information; and

(f) In response to an inquiry for employment, security, or other purposes to the extent disclosure of such criminal history record information is required by:

(i) Federal law, including rules and regulations and rules and regulations promulgated by a self-regulatory organization created under federal law; or

(ii) State law, including rules or regulations, relating to operation of a motor vehicle or caring for or interacting with children, including, but not limited to, determining whether an application filed or a license issued under sections 71-1901 to 71-1906.01, the Child Care
Licensing Act, or the Children's Residential Facilities and Placing Licensure Act or a certificate issued under sections 79-806 to 79-815 should be denied, suspended, or revoked.

(5) In addition to disclosures authorized under subsection (4) of this section, inspection of criminal history record information relating to an adjudication that has been sealed under this section may be made by the persons and for the purposes authorized in section 43-2,108.05.

Sec. 184. An appeal by a person in interest who is denied clean slate relief shall be expedited. If, on appeal, it is determined that the person in interest was wrongfully denied clean slate relief, the state shall pay such person's attorney's fees for the appeal.

Sec. 185. (1) Upon petition of the county attorney or city attorney, and with notice to the person in interest and opportunity to be heard, the court shall vacate an order for clean slate relief issued pursuant to section 179 or 180 of this act if the court determines that the order was erroneously entered and not in accordance with the Marijuana Conviction Clean Slate Act.

(2) Upon entry of an order under subsection (1) of this section, the court shall send notice of such order as provided in subdivision (2)(b) of section 183 of this act.

Sec. 186. The State Court Administrator may adopt and promulgate rules and regulations as necessary to carry out the Marijuana Conviction Clean Slate Act.

Sec. 187. Section 28-401, Revised Statutes Cumulative Supplement, 2020, is amended to read:

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

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

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

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

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

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

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

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

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

(9) Distribute means to deliver other than by administering or
dispensing a controlled substance;
(10) Prescribe means to issue a medical order;

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

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

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

(14) (a) Marijuana has the same meaning as in section 17 of this act; means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds.

(b) Marijuana does not include the mature stalks of such plant, hashish, tetrahydrocannabinols extracted or isolated from the plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, the sterilized seed of such plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration or obtained pursuant to sections 28-463 to 28-468.

(c) Marijuana does not include hemp.

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

(e) When industrial hemp as defined in section 2-5701 is in the

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possession of a person as authorized under section 2-5701, it is not considered marijuana for purposes of the Uniform Controlled Substances Act.

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

(16) Narcotic drug means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (a) Opium, opium poppy and poppy straw, coca leaves, and opiates; (b) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates; or (c) a substance and any compound, manufacture, salt, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to in subdivisions (a) and (b) of this subdivision, except that the words narcotic drug as used in the Uniform Controlled Substances Act does not include decocainized coca leaves or extracts of...
coca leaves, which extracts do not contain cocaine or ecgonine, or
isoquinoline alkaloids of opium;

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

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

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

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

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

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

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

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

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

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

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

(b) When resins extracted from (i) industrial hemp as defined in section 2-5701 are in the possession of a person as authorized under section 2-5701 or (ii) hemp as defined in section 2-503 are in the possession of a person as authorized under the Nebraska Hemp Farming Act, they are not considered hashish or concentrated cannabis for purposes of the Uniform Controlled Substances Act;

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

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

(30)(a) (31)(a) Controlled substance analogue means a substance (i)
the chemical structure of which is substantially similar to the chemical
structure of a Schedule I or Schedule II controlled substance as provided
in section 28-405 or (ii) which has a stimulant, depressant, analgesic,
or hallucinogenic effect on the central nervous system that is
substantially similar to or greater than the stimulant, depressant,
algesic, or hallucinogenic effect on the central nervous system of a
Schedule I or Schedule II controlled substance as provided in section
28-405. A controlled substance analogue shall, to the extent intended for
human consumption, be treated as a controlled substance under Schedule I
of section 28-405 for purposes of the Uniform Controlled Substances Act;
and

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

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

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

(33) (34) Medical order means a prescription, a chart order, or an
order for pharmaceutical care issued by a practitioner;

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

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

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

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

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

(39) (40) Electronic signature has the definition found in section
86-621;
Electronic transmission means transmission of information in electronic form. Electronic transmission includes computer-to-computer transmission or computer-to-facsimile transmission;

Long-term care facility means an intermediate care facility, an intermediate care facility for persons with developmental disabilities, a long-term care hospital, a mental health substance use treatment center, a nursing facility, or a skilled nursing facility, as such terms are defined in the Health Care Facility Licensure Act;

Compounding has the same meaning as in section 38-2811;

Cannabinoid receptor agonist shall mean any chemical compound or substance other than marijuana that, according to scientific or medical research, study, testing, or analysis, demonstrates the presence of binding activity at one or more of the CB1 or CB2 cell membrane receptors located within the human body; and

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

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

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

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

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

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

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

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

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

Sec. 188. Section 28-405, Revised Statutes Cumulative Supplement, 2020, is amended to read:

28-405 The following are the schedules of controlled substances referred to in the Uniform Controlled Substances Act, unless specifically contained on the list of exempted products of the Drug Enforcement Administration of the United States Department of Justice as the list
Schedule I

(a) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol;

(2) Allylprodine;

(3) Alphacetylmethadol, except levo-alphacetylmethadol which is also known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;

(4) Alphameprodine;

(5) Alphamethadol;

(6) Benzethidine;

(7) Betacetylmethadol;

(8) Betameprodine;

(9) Betamethadol;

(10) Betaprodine;

(11) Clonitazene;

(12) Dextromoramide;

(13) Difenoxin;

(14) Diampromide;

(15) Diethylthiambutene;

(16) Dimenoxadol;

(17) Dimepheptanol;

(18) Dimethylthiambutene;

(19) Dioxaphetyl butyrate;

(20) Dipipanone;

(21) Ethylmethylthiambutene;

(22) Etonitazene;

(23) Etoxeridine;

(24) Furethidine;
(25) Hydroxypethidine;
(26) Ketobemidone;
(27) Levomoramide;
(28) Levophenacylmorphan;
(29) Morpheridine;
(30) Noracymethadol;
(31) Norlevorphanol;
(32) Normethadone;
(33) Norpipanone;
(34) Phenadoxone;
(35) Phenampromide;
(36) Phenomorphan;
(37) Phenoperidine;
(38) Piritramide;
(39) Proheptazine;
(40) Properidine;
(41) Propiram;
(42) Racemoramide;
(43) Trimeperidine;
(44) Alpha-methylfentanyl, \( N\)-(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine;
(45) Tilidine;
(46) 3-Methylfentanyl, \( N\)-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide, its optical and geometric isomers, salts, and salts of isomers;
(47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts, and salts of isomers;
(48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxyipiperidine, its optical isomers, salts, and salts of isomers;
(49) Acetyl-alpha-methylfentanyl, \( N\)-(1-(1-methyl-2-phenethyl)-4-
(50) Alpha-methylthiofentanyl, \( \text{N-(1-methyl-2-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide} \), its optical isomers, salts, and salts of isomers;

(51) Benzylfentanyl, \( \text{N-(1-benzyl-4-piperidyl)-N-phenylpropanamide} \), its optical isomers, salts, and salts of isomers;

(52) Beta-hydroxyfentanyl, \( \text{N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-phenylpropanamide} \), its optical isomers, salts, and salts of isomers;

(53) Beta-hydroxy-3-methylfentanyl, (other name: \( \text{N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide} \)), its optical and geometric isomers, salts, and salts of isomers;

(54) 3-methylthiofentanyl, \( \text{N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide} \), its optical and geometric isomers, salts, and salts of isomers;

(55) \( \text{N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide} \) (thenylfentanyl), its optical isomers, salts, and salts of isomers;

(56) Thiofentanyl, \( \text{N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide} \), its optical isomers, salts, and salts of isomers;

(57) Para-fluorofentanyl, \( \text{N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)propanamide} \), its optical isomers, salts, and salts of isomers; and

(58) U-47700, \( \text{3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide} \).

(b) Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;

(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Drotebanol;
(10) Etorphine, except hydrochloride salt;
(11) Heroin;
(12) Hydromorphinol;
(13) Methyldesorphine;
(14) Methyldihydromorphine;
(15) Morphine methylbromide;
(16) Morphine methylsulfonate;
(17) Morphine-N-Oxide;
(18) Myrophine;
(19) Nicocodeine;
(20) Nicomorphine;
(21) Normorphine;
(22) Pholcodine; and
(23) Thebacon.

(c) Any material, compound, mixture, or preparation which contains
any quantity of the following hallucinogenic substances, their salts,
isomers, and salts of isomers, unless specifically excepted, whenever the
existence of such salts, isomers, and salts of isomers is possible within
the specific chemical designation, and, for purposes of this subdivision
only, isomer shall include the optical, position, and geometric isomers:

(1) Bufotenine. Trade and other names shall include, but are not
limited to: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-
dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-
dimethyltryptamine; and mappine;
(2) 4-bromo-2,5-dimethoxyamphetamine. Trade and other names shall include, but are not limited to: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; and 4-bromo-2,5-DMA;

(3) 4-methoxyamphetamine. Trade and other names shall include, but are not limited to: 4-methoxy-alpha-methylphenethylamine; and paramethoxyamphetamine, PMA;

(4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other names shall include, but are not limited to: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; DOM; and STP;

(5) Ibogaine. Trade and other names shall include, but are not limited to: 7-Ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole; and Tabernanthe iboga;

(6) Lysergic acid diethylamide;

(7) Marijuana;

(7) (8) Mescaline;

(8) (9) Peyote. Peyote shall mean all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant or its seeds or extracts;

(9) (10) Psilocybin;

(10) (11) Psilocyn;

(11) (12) Tetrahydrocannabinols, including, but not limited to, synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis, sp. or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol and their optical isomers, excluding dronabinol in a drug product approved by the federal Food and Drug Administration; Delta 6 cis or trans tetrahydrocannabinol and their optical isomers; and Delta
3,4 cis or trans tetrahydrocannabinol and its optical isomers. Since nomenclature of these substances is not internationally standardized, compounds of these structures shall be included regardless of the numerical designation of atomic positions covered;

(12) (13) N-ethyl-3-piperidyl benzilate;
(13) (14) N-methyl-3-piperidyl benzilate;
(14) (15) Thiophene analog of phencyclidine. Trade and other names shall include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-piperidine; 2-thienyl analog of phencyclidine; TPCP; and TCP;
(16) Hashish or concentrated cannabis;
(15) (17) Parahexyl. Trade and other names shall include, but are not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d)pyran; and Synhexyl;
(16) (18) Ethylamine analog of phencyclidine. Trade and other names shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; and PCE;
(17) (19) Pyrrolidine analog of phencyclidine. Trade and other names shall include, but are not limited to: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; and PHP;
(18) (20) Alpha-ethyltryptamine. Some trade or other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)indole; alpha-ET; and AET;
(19) (21) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;
(20) (22) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;
(21) (23) Alpha-methyltryptamine, which is also known as AMT;
(22) (24) Salvia divinorum or Salvinorin A. Salvia divinorum or Salvinorin A includes all parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, derivative, mixture, or preparation of such plant, its
seeds, or its extracts, including salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation;

(23) (25) Any material, compound, mixture, or preparation containing any quantity of synthetically produced cannabinoids as listed in subdivisions (A) through (L) of this subdivision, including their salts, isomers, salts of isomers, and nitrogen, oxygen, or sulfur-heterocyclic analogs, unless specifically excepted elsewhere in this section. Since nomenclature of these synthetically produced cannabinoids is not internationally standardized and may continually evolve, these structures or compounds of these structures shall be included under this subdivision, regardless of their specific numerical designation of atomic positions covered, so long as it can be determined through a recognized method of scientific testing or analysis that the substance contains properties that fit within one or more of the following categories:

(A) Tetrahydrocannabinols: Meaning synthetic equivalents of tetrahydrocannabinols naturally contained in a plant of the genus cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers;

(B) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholiny1)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholiny1)methyl, or
tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;

(C) Naphthylmethylindoles: Any compound containing a 1 H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;

(D) Naphthoylpyrroles: Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;

(E) Naphthylideneindenes: Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;

(F) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
(G) Cyclohexylphenols: Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranyl group, whether or not substituted in or on any of the listed ring systems to any extent;

(H) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranyl group, whether or not further substituted in or on any of the listed ring systems to any extent;

(I) Adamantoylindoles: Any compound containing a 3-adamantoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranyl group, whether or not further substituted in or on any of the listed ring systems to any extent;

(J) Tetramethylcyclopropanoylindoles: Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in or on any of the listed ring systems to any extent;

(K) Indole carboxamides: Any compound containing a 1-indole-3-carboxamide structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, substitution at the carboxamide group by an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl, phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further substituted in or on any of the listed ring systems to any extent or to the adamantyl, 1-mapthyl, phenyl, aminooxoalkyl, benzyl, or propionaldehyde groups to any extent;

(L) Indole carboxylates: Any compound containing a 1-indole-3-carboxylate structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, substitution at the carboxylate group by an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl, phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further substituted in or on any of the listed ring systems to any extent or to the adamantyl, 1-mapthyl, phenyl, aminooxoalkyl, benzyl, or propionaldehyde groups to any extent; and

(M) Any nonnaturally occurring substance, chemical compound, mixture, or preparation, not specifically listed elsewhere in these schedules and which is not approved for human consumption by the federal
Food and Drug Administration, containing or constituting a cannabinoid receptor agonist as defined in section 28-401;

(24) Any material, compound, mixture, or preparation containing any quantity of a substituted phenethylamine as listed in subdivisions (A) through (C) of this subdivision, unless specifically excepted, listed in another schedule, or specifically named in this schedule, that is structurally derived from phenylethan-2-amine by substitution on the phenyl ring with a fused methylenedioxy ring, fused furan ring, or a fused tetrahydrofuran ring; by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system; or by substitution with two fused ring systems from any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems, whether or not the compound is further modified in any of the following ways:

(A) Substitution of the phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups; (B) substitution at the 2-position by any alkyl groups; or (C) substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, hydroxybenzyl or methoxybenzyl groups, and including, but not limited to:

(i) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine, which is also known as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine;

(ii) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine, which is also known as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine;

(iii) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine, which is also known as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine;

(iv) 2-(2,5-Dimethoxyphenyl)ethanamine, which is also known as 2C-H or 2,5-Dimethoxyphenethylamine;

(v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is also known as 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;

(vi) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine, which is also known as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine;
(vii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine, which is also known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine;
(viii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine, which is also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine;
(ix) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine, which is also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine;
(x) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine, which is also known as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine;
(xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine, which is also known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine;
(xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine, which is also known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;
(xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane, which is also known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;
(xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine, which is also known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;
(xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe; 25B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;
(xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe; 25I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;
(xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine, which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine;
(xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;
(xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine, which is also known as 2CB-5-hemiFLY;
(xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro[2,3-f][1]benzofuran-4-
(xi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine, which is also known as 2C-B-FLY;
(xii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-butterFLY;
(xiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine, which is also known as bromo-benzodifuranylisopropylamine or bromo-dragonFLY;
(xiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which is also known as 2C-INBOH or 25I-NBOH;
(xv) 5-((2-Aminopropyl)benzofuran, which is also known as 5-APB;
(xvi) 6-((2-Aminopropyl)benzofuran, which is also known as 6-APB;
(xvii) 5-((2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known as 5-APDB;
(xviii) 6-((2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known as 6-APDB;
(xix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-dimethoxy-a-methylphenethylamine; 2, 5-DMA;
(xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;
(xxi) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also known as 2C-T-7;
(xxii) 5-methoxy-3,4-methylenedioxy-amphetamine;
(xxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and STP;
(xxiv) 3,4-methylenedioxy amphetamine, which is also known as MDA;
(xxv) 3,4-methylenedioxymethamphetamine, which is also known as MDMA;
(xxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA; and
(xxvii) 3,4,5-trimethoxy amphetamine;
Any material, compound, mixture, or preparation containing any quantity of a substituted tryptamine unless specifically excepted, listed in another schedule, or specifically named in this schedule, that is structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also known as tryptamine, by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups, and including, but not limited to:

(A) 5-methoxy-N,N-diallyltryptamine, which is also known as 5-MeO-DALT;
(B) 4-acetoxy-N,N-dimethyltryptamine, which is also known as 4-AcO-DMT or OAcetylpsilocin;
(C) 4-hydroxy-N-methyl-N-ethyltryptamine, which is also known as 4-HO-MET;
(D) 4-hydroxy-N,N-diisopropyltryptamine, which is also known as 4-HO-DIPT;
(E) 5-methoxy-N-methyl-N-isopropyltryptamine, which is also known as 5-MeOMiPT;
(F) 5-Methoxy-N,N-Dimethyltryptamine, which is also known as 5-MeO-DMT;
(G) 5-methoxy-N,N-diisopropyltryptamine, which is also known as 5-MeO-DiPT;
(H) Diethyltryptamine, which is also known as N,N-Diethyltryptamine, DET; and
(I) Dimethyltryptamine, which is also known as DMT; and

Any substance containing any quantity of the following materials, compounds, mixtures, or structures:

(i) 3,4-methylenedioxymethcathinone, or bk-MDMA, or methylone;
(ii) 3,4-methylenedioxypyrovalerone, or MDPV;
(iii) 4-methylmethcathinone, or 4-MMC, or mephedrone;
(iv) 4-methoxymethcathinone, or bk-PMMA, or PMMC, or methedrone;
(v) Fluoromethcathinone, or FMC;
(vi) Naphthylpyrovalerone, or naphyrone; or
(vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or 
butylone; or

(B) Unless listed in another schedule, any substance which contains
any quantity of any material, compound, mixture, or structure, other than
bupropion, that is structurally derived by any means from 2-
aminopropan-1-one by substitution at the 1-position with either phenyl,
naphthyl, or thiophene ring systems, whether or not the compound is
further modified in any of the following ways:

(i) Substitution in the ring system to any extent with alkyl, 
alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents,
whether or not further substituted in the ring system by one or more
other univalent substituents;
(ii) Substitution at the 3-position with an acyclic alkyl
substituent; or
(iii) Substitution at the 2-amino nitrogen atom with alkyl or
dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic
structure.

(d) Unless specifically excepted or unless listed in another
schedule, any material, compound, mixture, or preparation which contains
any quantity of the following substances having a depressant effect on
the central nervous system, including its salts, isomers, and salts of
isomers whenever the existence of such salts, isomers, and salts of
isomers is possible within the specific chemical designation:

(1) Mecloqualone;
(2) Methaqualone; and
(3) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-
hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium
(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

1. Fenethylamine;
2. N-ethylamphetamine;
3. Aminorex; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;
4. Cathinone; 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; and norephedrine;
5. Methcathinone, its salts, optical isomers, and salts of optical isomers. Some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; methylethcathinone; monomethylpropion; ephedrine; N-methylcathinone; AL-464; AL-422; AL-463; and UR1432;
6. (+/-)cis-4-methylaminorex; and (+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine;
7. N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine; and N,N-alpha-trimethylphenethylamine; and
(f) Any controlled substance analogue to the extent intended for human consumption.

Schedule II
(a) Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

1. Opium and opiate, and any salt, compound, derivative, or
preparation of opium or opiate, excluding apomorphine, buprenorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone and their salts, but including the following:

1. (A) Raw opium;
2. (B) Opium extracts;
3. (C) Opium fluid;
4. (D) Powdered opium;
5. (E) Granulated opium;
6. (F) Tincture of opium;
7. (G) Codeine;
8. (H) Ethylmorphine;
9. (I) Etorphine hydrochloride;
10. (J) Hydrocodone;
11. (K) Hydromorphone;
12. (L) Metopon;
13. (M) Morphine;
14. (N) Oxycodone;
15. (O) Oxymorphone;
16. (P) Oripavine;
17. (Q) Thebaine; and
18. (R) Dihydroetorphine;

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to in subdivision (1) of this subdivision, except that these substances shall not include the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with any of these substances, including cocaine or ecgonine and its salts, optical isomers, and salts of optical isomers, except that the substances shall not
include decocainized coca leaves or extractions which do not contain
cocaine or egonine; and

(5) Concentrate of poppy straw, the crude extract of poppy straw in
either liquid, solid, or powder form which contains the phenanthrene
alkaloids of the opium poppy.

(b) Unless specifically excepted or unless in another schedule any
of the following opiates, including their isomers, esters, ethers, salts,
and salts of their isomers, esters, and ethers whenever the existence of
such isomers, esters, ethers, and salts is possible within the specific
chemical designation, dextrorphan excepted:

(1) Alphaprodine;
(2) Anileridine;
(3) Bezitramide;
(4) Diphenoxylate;
(5) Fentanyl;
(6) Isomethadone;
(7) Levomethorphan;
(8) Levorphanol;
(9) Metazocine;
(10) Methadone;
(11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl
butane;
(12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-
diphenylpropane-carboxylic acid;
(13) Pethidine or meperidine;
(14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
(15) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
carboxylate;
(16) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
carboxylic acid;
(17) Phenazocine;
(18) Piminodine;
(19) Racemethorphan;
(20) Racemorphan;
(21) Dihydrocodeine;
(22) Bulk Propoxyphene in nondosage forms;
(23) Sufentanil;
(24) Alfentanil;
(25) Levo-alphacetylmethadol which is also known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
(26) Carfentanil;
(27) Remifentanil;
(28) Tapentadol; and
(29) Thiafentanil.

(c) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:
(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
(2) Phenmetrazine and its salts;
(3) Methamphetamine, its salts, isomers, and salts of its isomers;
(4) Methylphenidate; and
(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designations:
(1) Amobarbital;
(2) Secobarbital;
(3) Pentobarbital;
(4) Phencyclidine; and
(5) Glutethimide.

(e) Hallucinogenic substances known as:

(1) Nabilone. Another name for nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-Hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one; and
(2) Dronabinol in an oral solution in a drug product approved by the federal Food and Drug Administration.

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine: Phenylacetone. Trade and other names shall include, but are not limited to: Phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone;

(2) Immediate precursors to phencyclidine, PCP:
(A) 1-phenylcyclohexylamine; or
(B) 1-piperidinocyclohexanecarbonitrile, PCC; or
(3) Immediate precursor to fentanyl; 4-anilino-N-phenethyl-4-piperidine (ANNPP).

Schedule III

(a) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including their salts, isomers, whether optical, position, or geometric, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Benzphetamine;
(2) Chlorphentermine;
(3) Clortermine; and
Phendimetrazine.

Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

1. Any substance which contains any quantity of a derivative of barbituric acid or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules of this section;
2. Chlorhexadol;
3. Embutramide;
4. Lysergic acid;
5. Lysergic acid amide;
6. Methyprylon;
7. Perampanel;
8. Sulfondiethylmethane;
9. Sulfonethylmethane;
10. Sulfonmethane;
11. Nalorphine;
12. Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;
13. Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the federal Food and Drug Administration for marketing only as a suppository;
14. Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2014;
15. Ketamine, its salts, isomers, and salts of isomers. Some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-
cyclohexanone; and

(16) Tiletamine and zolazepam or any salt thereof. Trade or other names for a tiletamine-zolazepam combination product shall include, but are not limited to: telazol. Trade or other names for tiletamine shall include, but are not limited to: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Trade or other names for zolazepam shall include, but are not limited to: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e) (1,4)-diazepin-7(1H)-one, and flupyrazapon.

(c) Unless specifically excepted or unless listed in another schedule:

(1) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(A) Not more than one and eight-tenths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(B) Not more than one and eight-tenths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(C) Not more than one and eight-tenths grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(D) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(E) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams, or not more than twenty-five
milligrams per dosage unit, with one or more active, nonnarcotic
ingredients in recognized therapeutic amounts; and
(F) Not more than fifty milligrams of morphine per one hundred
milliliters or per one hundred grams with one or more active, nonnarcotic
ingredients in recognized therapeutic amounts; and
(2) Any material, compound, mixture, or preparation containing any
of the following narcotic drug or its salts, as set forth below:
(A) Buprenorphine.
(d) Unless contained on the list of exempt anabolic steroids of the
Drug Enforcement Administration of the United States Department of
Justice as the list existed on November 9, 2017, any anabolic steroid,
which shall include any material, compound, mixture, or preparation
containing any quantity of the following substances, including its salts,
isomers, and salts of isomers whenever the existence of such salts of
isomers is possible within the specific chemical designation:
(1) 3-beta,17-dihydroxy-5a-androstane;
(2) 3-alpha,17-beta-dihydroxy-5a-androstane;
(3) 5-alpha-androstan-3,17-dione;
(4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-
ene);
(5) 1-androstenediol (3-alpha,17-beta-dihydroxy-5-alpha-androst-1-
ene);
(6) 4-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);
(7) 5-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);
(8) 1-androstenedione ([5-alpha]-androst-1-en-3,17-dione);
(9) 4-androstenedione (androst-4-en-3,17-dione);
(10) 5-androstenedione (androst-5-en-3,17-dione);
(11) Bolasterone (7-alpha,17-alpha-dimethyl-17-beta-
hydroxyandrost-4-en-3-one);
(12) Boldenone (17-beta-hydroxyandrost-1,4-diene-3-one);
(13) Boldione (androsta-1,4-diene-3,17-3-one);
(14) Calusterone (7-beta,17-alpha-dimethyl-17-beta-hydroxyandrost-4-en-3-one);
(15) Clostebol (4-chloro-17-beta-hydroxyandrost-4-en-3-one);
(16) Dehydrochloromethyltestosterone (4-chloro-17-beta-hydroxy-17-alpha-methyl-androst-1,4-dien-3-one);
(17) Desoxymethyltestosterone (17-alpha-methyl-5-alpha-androst-2-en-17-beta-ol) (a.k.a. 'madol');
(18) Delta-1-Dihydrotestosterone (a.k.a. '1-testosterone')(17-beta-hydroxy-5-alpha-androst-1-en-3-one);
(19) 4-Dihydrotestosterone (17-beta-hydroxy-androstan-3-one);
(20) Drostanolone (17-beta-hydroxy-2-alpha-methyl-5-alpha-androstan-3-one);
(21) Ethylestrenol (17-alpha-ethyl-17-beta-hydroxyestr-4-ene);
(22) Fluoxymesterone (9-fluoro-17-alpha-methyl-11-beta,17-beta-dihydroxyandrost-4-en-3-one);
(23) Formebulone (formebolone); (2-formyl-17-alpha-methyl-11-alpha,17-beta-dihydroxyandrost-1,4-dien-3-one);
(24) Furazabol (17-alpha-methyl-17-beta-hydroxyandrostan[2,3-c]-furazan);
(25) 13-beta-ethyl-17-beta-hydroxygon-4-en-3-one;
(26) 4-hydroxytestosterone (4,17-beta-dihydroxy-androst-4-en-3-one);
(27) 4-hydroxy-19-nortestosterone (4,17-beta-dihydroxy-estr-4-en-3-one);
(28) Mestanolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-one);
(29) Mesterolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-one);
(30) Methandienone (17-alpha-methyl-17-beta-hydroxyandrost-1,4-dien-3-one);
(31) Methandriol (17-alpha-methyl-3-beta,17-beta-dihydroxyandrostan-5-ene);
1. Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-
  beta-ol-3-one);
2. Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-
  one);
3. 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;
4. 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;
5. 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;
6. 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-
  hydroxy-17-beta-hydroxyestr-4-en-3-one);
7. Methylldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-
  dien-3-one);
8. Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-
  trien-3-one);
9. Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-
  en-3-one);
10. Mibolerone (7-alpha,17-alpha-diethyl-17-beta-hydroxygon-4-
    en-3-one);
11. 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-
    hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-
    methyl-1-testosterone');
12. Nandrolone (17-beta-hydroxyestr-4-en-3-one);
13. 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);
14. 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);
15. 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);
16. 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);
17. 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-
    dione);
18. 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-
    dione);
19. 19-nor-4-androstenedione (estr-4-en-3,17-dione);
20. 19-nor-5-androstenedione (estr-5-en-3,17-dione);
21. Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-
    en-3-one);
(52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);
(53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-one);
(54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-one);
(55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-androstan-3-one);
(56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrostan-4-en-3-one);
(57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-hydroxy-[5-alpha]-androstan-3-one);
(58) Prostanozol (17-beta-hydroxy-5-alpha-androstan[3,2-c]pyrazole);
(59) Stanozolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-androst-2-eno[3,2-c]-pyrazole);
(60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-one);
(61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
(62) Testosterone (17-beta-hydroxyandrostan-4-en-3-one);
(63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-hydroxyoxygen-4,9,11-trien-3-one);
(64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one); and
(65) Any salt, ester, or ether of a drug or substance described or listed in this subdivision if the salt, ester, or ether promotes muscle growth.

(e) Hallucinogenic substances known as:
(1) Dronabinol, synthetic, in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the federal Food and Drug Administration. Some other names for dronabinol are (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibeno
(b,d)pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol.

Schedule IV

(a) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Barbital;
(2) Chlortal betaine;
(3) Chloral hydrate;
(4) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens);
(5) Clonazepam;
(6) Clorazepate;
(7) Diazepam;
(8) Ethchlorvynol;
(9) Ethinamate;
(10) Flurazepam;
(11) Mebutamate;
(12) Meprobamate;
(13) Methohexital;
(14) Methylphenobarbital;
(15) Oxazepam;
(16) Paraldehyde;
(17) Petrichloral;
(18) Phenobarbital;
(19) Prazepam;
(20) Alprazolam;
(21) Bromazepam;
(22) Camazepam;
(23) Clobazam;
Clotiazepam; 1
Cloxazolam; 2
Delorazepam; 3
Estazolam; 4
Ethyl loflazepate; 5
Fludiazepam; 6
Flunitrazepam; 7
Halazepam; 8
Haloxazolam; 9
Ketazolam; 10
Loprazolam; 11
Lorazepam; 12
Lormetazepam; 13
Medazepam; 14
Nimetazepam; 15
Nitrazepam; 16
Nordiazepam; 17
Oxazolam; 18
Pinazepam; 19
Temazepam; 20
Tetrazepam; 21
Triazolam; 22
Midazolam; 23
Quazepam; 24
Zolpidem; 25
Dichloralphenazone; 26
Zaleplon; 27
Zopiclone; 28
Fospropofol; 29
Alfaxalone; 30
Suvorexant; and 31
(55) Carisoprodol.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts, isomers, whether optical, position, or geometric, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: Fenfluramine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, whether optical, position, or geometric, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Diethylpropion;
(2) Phentermine;
(3) Pemoline, including organometallic complexes and chelates thereof;
(4) Mazindol;
(5) Pipradrol;
(6) SPA, ((-)-1-dimethylamino- 1,2-diphenylethane);
(7) Cathine. Another name for cathine is ((+)-norpseudoephedrine);
(8) Fencamfamin;
(9) Fenproporex;
(10) Mefenorex;
(11) Modafinil; and
(12) Sibutramine.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following narcotic drugs, or their salts or isomers calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
(1) Propoxyphene in manufactured dosage forms;
(2) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit; and
(3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers to include: Tramadol.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts:
   (1) Pentazocine; and
   (2) Butorphanol (including its optical isomers).

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: Lorcaserin.

(g)(1) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts, optical isomers, and salts of such optical isomers: Ephedrine.
   (2) The following drug products containing ephedrine, its salts, optical isomers, and salts of such optical isomers, are excepted from subdivision (g)(1) of Schedule IV if they (A) are stored behind a counter, in an area not accessible to customers, or in a locked case so that a customer needs assistance from an employee to access the drug product; (B) are sold by a person, eighteen years of age or older, in the course of his or her employment to a customer eighteen years of age or older with the following restrictions: No customer shall be allowed to purchase, receive, or otherwise acquire more than three and six-tenths grams of ephedrine base during a twenty-four-hour period; no customer shall purchase, receive, or otherwise acquire more than nine grams of ephedrine base during a thirty-day period; and the customer shall display...
a valid driver's or operator's license, a Nebraska state identification
card, a military identification card, an alien registration card, or a
passport as proof of identification; (C) are labeled and marketed in a
manner consistent with the pertinent OTC Tentative Final or Final
Monograph; (D) are manufactured and distributed for legitimate medicinal
use in a manner that reduces or eliminates the likelihood of abuse; and
(E) are not marketed, advertised, or represented in any manner for the
indication of stimulation, mental alertness, euphoria, ecstasy, a buzz or
high, heightened sexual performance, or increased muscle mass:
  (i) Primatene Tablets; and
  (ii) Bronkaid Dual Action Caplets.
Schedule V
(a) Any compound, mixture, or preparation containing any of the
following limited quantities of narcotic drugs or salts calculated as the
free anhydrous base or alkaloid, which shall include one or more
nonnarcotic active medicinal ingredients in sufficient proportion to
confer upon the compound, mixture, or preparation valuable medicinal
qualities other than those possessed by the narcotic drug alone:
  (1) Not more than two hundred milligrams of codeine per one hundred
      milliliters or per one hundred grams;
  (2) Not more than one hundred milligrams of dihydrocodeine per one
      hundred milliliters or per one hundred grams;
  (3) Not more than one hundred milligrams of ethylmorphine per one
      hundred milliliters or per one hundred grams;
  (4) Not more than two and five-tenths milligrams of diphenoxylate
      and not less than twenty-five micrograms of atropine sulfate per dosage
      unit;
  (5) Not more than one hundred milligrams of opium per one hundred
      milliliters or per one hundred grams; and
  (6) Not more than five-tenths milligram of difenoxin and not less
      than twenty-five micrograms of atropine sulfate per dosage unit.
(b) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers: Pyrovalerone.

(c) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:

1. Ezogabine (N-(2-amino-4-(4-fluorobenzylamino)-phenyl)-carbamic acid ethyl ester);
2. Lacosamide ((R)-2-acetoamido-N-benzyl-3-methoxy-propionamide);
3. Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid); and
4. Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (also referred to as BRV; UCB-34714; Briviact), including its salts.

(d) Cannabidiol in a drug product approved by the federal Food and Drug Administration.

Sec. 189. Section 28-416, Revised Statutes Cumulative Supplement, 2020, is amended to read:

28-416 (1) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person knowingly or intentionally: (a) To manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance; or (b) to create, distribute, or possess with intent to distribute a counterfeit controlled substance.

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

(3) A person knowingly or intentionally possessing a controlled substance, except marijuana or any substance containing a quantifiable amount of the substances, chemicals, or compounds described, defined, or delineated in subdivision (c)(23) (c)(25) of Schedule I of section 28-405, unless such substance was obtained directly or pursuant to a medical order issued by a practitioner authorized to prescribe while acting in the course of his or her professional practice, or except as otherwise authorized by the act, shall be guilty of a Class IV felony. A person shall not be in violation of this subsection if section 28-472 applies.

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

(b) For purposes of this subsection:

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

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

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

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

(b) Except as authorized by the Uniform Controlled Substances Act,
it shall be unlawful for any person eighteen years of age or older to
knowingly and intentionally employ, hire, use, cause, persuade, coax,
induce, entice, seduce, or coerce any person under the age of eighteen
years to aid and abet any person in the manufacture, transportation,
distribution, carrying, delivery, dispensing, preparation for delivery,
offering for delivery, or possession with intent to do the same of a
controlled substance or a counterfeit controlled substance.
(c) Any person who violates subdivision (a) or (b) of this subsection shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Any person who violates subsection (1) of this section with respect to amphetamine, its salts, optical isomers, and salts of its isomers, or with respect to methamphetamine, its salts, optical isomers, and salts of its isomers, in a quantity of:

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

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

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

(11) Any person knowingly or intentionally possessing marijuana weighing more than one ounce but not more than one pound shall be guilty of a Class III misdemeanor.

(12) Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.

(11) Any person knowingly or intentionally possessing marijuana weighing one ounce or less or any substance containing a quantifiable amount of the substances, chemicals, or compounds described, defined, or delineated in subdivision (c)(23) (c)(25) of Schedule I of section 28-405 shall:

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

(b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined four hundred dollars and may be imprisoned not to exceed five days; and

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

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

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

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

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

In addition to the existing penalties available for a violation of subsection (1) of this section, including any criminal attempt or conspiracy to violate subsection (1) of this section, a sentencing court may order that any money, securities, negotiable instruments, firearms, conveyances, or electronic communication devices as defined in section 28-833 or any equipment, components, peripherals, software, hardware, or accessories related to electronic communication
devices be forfeited as a part of the sentence imposed if it finds by clear and convincing evidence adduced at a separate hearing in the same prosecution, following conviction for a violation of subsection (1) of this section, and conducted pursuant to section 28-1601, that any or all such property was derived from, used, or intended to be used to facilitate a violation of subsection (1) of this section.

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

(a) If the person convicted or adjudicated of violating this section is eighteen years of age or younger and has one or more licenses or permits issued under the Motor Vehicle Operator's License Act: (i) For the first offense, the court may, as a part of the judgment of conviction or adjudication, (A) impound any such licenses or permits for thirty days and (B) require such person to attend a drug education class;

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

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

(b) If the person convicted or adjudicated of violating this section is eighteen years of age or younger and does not have a permit or license issued under the Motor Vehicle Operator's License Act: (i) For the first offense, the court may, as part of the judgment of conviction or adjudication, (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until thirty days after the date of such order and (B) require
such person to attend a drug education class;

(ii) For a second offense, the court may, as part of the judgment of conviction or adjudication, (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until ninety days after the date of such order and (B) require such person to complete no fewer than twenty hours and no more than forty hours of community service and to attend a drug education class; and

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

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

Sec. 190. Section 28-439, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

(2) (3) Hypodermic syringes, needles, and other objects used,
intended for use, and designed for use in parenterally injecting
controlled substances into the human body; and

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

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
with or without screens, permanent screens, hashish heads, or punctured
metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

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

(f) Miniature cocaine spoons, and cocaine vials;

(g) Chamber pipes;

(h) Carburetor pipes;

(i) Electric pipes;

(j) Air-driven pipes;

(k) Chillums;

(l) Bongs; and

(m) Ice pipes or chillers.

Sec. 191. Section 28-476, Revised Statutes Cumulative Supplement,
2020, is amended to read:
(1) Any person other than the Department of Agriculture, a cultivator, a processor-handler, or an approved testing facility who is transporting hemp shall carry with such hemp being transported (a) a bill of lading indicating the owner of the hemp, the point of origin of the hemp, and the destination of the hemp and (b) either a copy of the test results pertaining to such hemp or other documentation affirming that the hemp was produced in compliance with the federal Agriculture Improvement Act of 2018.

(2)(a) No person shall carry or transport hemp in this state unless such hemp is:

(i) Produced in compliance with:

(A) For hemp originating in this state, the requirements of the federal Agriculture Improvement Act of 2018 under the Nebraska Hemp Farming Act and any rules and regulations adopted and promulgated thereunder, a tribal hemp production plan approved by the United States Secretary of Agriculture, or the United States Department of Agriculture Domestic Hemp Production Plan; or

(B) For hemp originating outside this state, the requirements of the federal Agriculture Improvement Act of 2018; and

(ii) Carried or transported as provided in section 2-515 or subsection (1) of this section.

(b) No person shall transport hemp in this state concurrently with any other plant material that is not hemp.

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

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

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

(4) In addition to any other penalties provided by law, including those imposed under the Nebraska Hemp Farming Act, any person who intentionally violates this section shall be guilty of a Class IV misdemeanor and fined not more than one thousand dollars.

(5) This section does not apply to a person transporting hemp products purchased at retail in small amounts for personal or household use and not intended for resale.

(6) For purposes of this section:

(a) Agriculture Improvement Act of 2018 has the same meaning as in section 2-503;

(b) Approved testing facility has the same meaning as in section 2-503;

(c) Cultivator has the same meaning as in section 2-503; and

(d) Processor-handler has the same meaning as in section 2-503.

Sec. 192. Section 28-1354, Revised Statutes Cumulative Supplement, 2020, is amended to read:

28-1354 For purposes of the Public Protection Act:

(1) Enterprise means any individual, sole proprietorship,
partnership, corporation, trust, association, or any legal entity, union,
or group of individuals associated in fact although not a legal entity,
and shall include illicit as well as licit enterprises as well as other
entities;

(2) Pattern of racketeering activity means a cumulative loss for one
or more victims or gains for the enterprise of not less than one thousand
five hundred dollars resulting from at least two acts of racketeering
activity, one of which occurred after August 30, 2009, and the last of
which occurred within ten years, excluding any period of imprisonment,
after the commission of a prior act of racketeering activity;

(3) Until January 1, 2017, person means any individual or entity, as
defined in section 21-2014, holding or capable of holding a legal,
equitable, or beneficial interest in property. Beginning January 1, 2017,
person means any individual or entity, as defined in section 21-214,
holding or capable of holding a legal, equitable, or beneficial interest
in property;

(4) Prosecutor includes the Attorney General of the State of
Nebraska, the deputy attorney general, assistant attorneys general, a
county attorney, a deputy county attorney, or any person so designated by
the Attorney General, a county attorney, or a court of the state to carry
out the powers conferred by the act;

(5) Racketeering activity includes the commission of, criminal
attempt to commit, conspiracy to commit, aiding and abetting in the
commission of, aiding in the consummation of, acting as an accessory to
the commission of, or the solicitation, coercion, or intimidation of
another to commit or aid in the commission of any of the following:

(a) Offenses against the person which include: Murder in the first
degree under section 28-303; murder in the second degree under section
28-304; manslaughter under section 28-305; assault in the first degree
under section 28-308; assault in the second degree under section 28-309;
assault in the third degree under section 28-310; terroristic threats
under section 28-311.01; kidnapping under section 28-313; false
imprisonment in the first degree under section 28-314; false imprisonment
in the second degree under section 28-315; sexual assault in the first
degree under section 28-319; and robbery under section 28-324;

(b) Offenses relating to controlled substances which include: To
unlawfully manufacture, distribute, deliver, dispense, or possess with
intent to manufacture, distribute, deliver, or dispense a controlled
substance under subsection (1) of section 28-416; possession of marijuana
weighing more than one pound under subsection (12) of section 28-416;

possession of money used or intended to be used to facilitate a violation
of subsection (1) of section 28-416 prohibited under subsection (15) (17)
of section 28-416; any violation of section 28-418; to unlawfully
manufacture, distribute, deliver, or possess with intent to distribute or
deliver an imitation controlled substance under section 28-445;

possession of anhydrous ammonia with the intent to manufacture
methamphetamine under section 28-451; and possession of ephedrine,
pseudoephedrine, or phenylpropanolamine with the intent to manufacture
methamphetamine under section 28-452;

(c) Offenses against property which include: Arson in the first
degree under section 28-502; arson in the second degree under section
28-503; arson in the third degree under section 28-504; burglary under
section 28-507; theft by unlawful taking or disposition under section
28-511; theft by shoplifting under section 28-511.01; theft by deception
under section 28-512; theft by extortion under section 28-513; theft of
services under section 28-515; theft by receiving stolen property under
section 28-517; criminal mischief under section 28-519; and unlawfully
depriving or obtaining property or services using a computer under
section 28-1344;

(d) Offenses involving fraud which include: Burning to defraud an
insurer under section 28-505; forgery in the first degree under section
28-602; forgery in the second degree under section 28-603; criminal
possession of a forged instrument under section 28-604; criminal
possession of written instrument forgery devices under section 28-605;
criminal impersonation under section 28-638; identity theft under section
28-639; identity fraud under section 28-640; false statement or book
entry under section 28-612; tampering with a publicly exhibited contest
under section 28-614; issuing a false financial statement for purposes of
obtaining a financial transaction device under section 28-619;
unauthorized use of a financial transaction device under section 28-620;
criminal possession of a financial transaction device under section
28-621; unlawful circulation of a financial transaction device in the
first degree under section 28-622; unlawful circulation of a financial
transaction device in the second degree under section 28-623; criminal
possession of a blank financial transaction device under section 28-624;
criminal sale of a blank financial transaction device under section
28-625; criminal possession of a financial transaction forgery device
under section 28-626; unlawful manufacture of a financial transaction
device under section 28-627; laundering of sales forms under section
28-628; unlawful acquisition of sales form processing services under
section 28-629; unlawful factoring of a financial transaction device
under section 28-630; and fraudulent insurance acts under section 28-631;
(e) Offenses involving governmental operations which include: Abuse
of public records under section 28-911; perjury or subornation of perjury
under section 28-915; bribery under section 28-917; bribery of a witness
under section 28-918; tampering with a witness or informant or jury
tampering under section 28-919; bribery of a juror under section 28-920;
assault on an officer, an emergency responder, a state correctional
employee, a Department of Health and Human Services employee, or a health
care professional in the first degree under section 28-929; assault on an
officer, an emergency responder, a state correctional employee, a
Department of Health and Human Services employee, or a health care
professional in the second degree under section 28-930; assault on an
officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional in the third degree under section 28-931; and assault on an officer, an emergency responder, a state correctional employee, a Department of Health and Human Services employee, or a health care professional using a motor vehicle under section 28-931.01;

(f) Offenses involving gambling which include: Promoting gambling in the first degree under section 28-1102; possession of gambling records under section 28-1105; gambling debt collection under section 28-1105.01; and possession of a gambling device under section 28-1107;

(g) Offenses relating to firearms, weapons, and explosives which include: Carrying a concealed weapon under section 28-1202; transportation or possession of machine guns, short rifles, or short shotguns under section 28-1203; unlawful possession of a handgun under section 28-1204; unlawful transfer of a firearm to a juvenile under section 28-1204.01; possession of a firearm by a prohibited juvenile offender under section 28-1204.05; using a deadly weapon to commit a felony or possession of a deadly weapon during the commission of a felony under section 28-1205; possession of a deadly weapon by a prohibited person under section 28-1206; possession of a defaced firearm under section 28-1207; defacing a firearm under section 28-1208; unlawful discharge of a firearm under section 28-1212.02; possession, receipt, retention, or disposition of a stolen firearm under section 28-1212.03; unlawful possession of explosive materials in the first degree under section 28-1215; unlawful possession of explosive materials in the second degree under section 28-1216; unlawful sale of explosives under section 28-1217; use of explosives without a permit under section 28-1218; obtaining an explosives permit through false representations under section 28-1219; possession of a destructive device under section 28-1220; threatening the use of explosives or placing a false bomb under section 28-1221; using explosives to commit a felony under section
28-1222; using explosives to damage or destroy property under section 28-1223; and using explosives to kill or injure any person under section 28-1224;

(h) Any violation of the Securities Act of Nebraska pursuant to section 8-1117;

(i) Any violation of the Nebraska Revenue Act of 1967 pursuant to section 77-2713;

(j) Offenses relating to public health and morals which include: Prostitution under section 28-801; pandering under section 28-802; keeping a place of prostitution under section 28-804; labor trafficking, sex trafficking, labor trafficking of a minor, or sex trafficking of a minor under section 28-831; a violation of section 28-1005; and any act relating to the visual depiction of sexually explicit conduct prohibited in the Child Pornography Prevention Act; and

(k) A violation of the Computer Crimes Act;

(6) State means the State of Nebraska or any political subdivision or any department, agency, or instrumentality thereof; and

(7) Unlawful debt means a debt of at least one thousand five hundred dollars:

(a) Incurred or contracted in gambling activity which was in violation of federal law or the law of the state or which is unenforceable under state or federal law in whole or in part as to principal or interest because of the laws relating to usury; or

(b) Which was incurred in connection with the business of gambling in violation of federal law or the law of the state or the business of lending money or a thing of value at a rate usurious under state law if the usurious rate is at least twice the enforceable rate.

Sec. 193. Section 43-292, Reissue Revised Statutes of Nebraska, is amended to read:

43-292 The court may terminate all parental rights between the parents or the mother of a juvenile born out of wedlock and such juvenile

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when the court finds such action to be in the best interests of the
juvenile and it appears by the evidence that one or more of the following
conditions exist:

(1) The parents have abandoned the juvenile for six months or more
immediately prior to the filing of the petition;

(2) The parents have substantially and continuously or repeatedly
neglected and refused to give the juvenile or a sibling of the juvenile
necessary parental care and protection;

(3) The parents, being financially able, have willfully neglected to
provide the juvenile with the necessary subsistence, education, or other
care necessary for his or her health, morals, or welfare or have
neglected to pay for such subsistence, education, or other care when
legal custody of the juvenile is lodged with others and such payment
ordered by the court;

(4) The parents are unfit by reason of debauchery, habitual use of
intoxicating liquor or narcotic drugs, or repeated lewd and lascivious
behavior, which conduct is found by the court to be seriously detrimental
to the health, morals, or well-being of the juvenile. A person's parental
rights shall not be terminated for actions that are lawful under the
Marijuana Control Act absent clear, convincing, and articulable evidence
that such actions have created an unreasonable danger to the safety of a
minor child;

(5) The parents are unable to discharge parental responsibilities
because of mental illness or mental deficiency and there are reasonable
grounds to believe that such condition will continue for a prolonged
indeterminate period;

(6) Following a determination that the juvenile is one as described
in subdivision (3)(a) of section 43-247, reasonable efforts to preserve
and reunify the family if required under section 43-283.01, under the
direction of the court, have failed to correct the conditions leading to
the determination;
(7) The juvenile has been in an out-of-home placement for fifteen or more months of the most recent twenty-two months;

(8) The parent has inflicted upon the juvenile, by other than accidental means, serious bodily injury;

(9) The parent of the juvenile has subjected the juvenile or another minor child to aggravated circumstances, including, but not limited to, abandonment, torture, chronic abuse, or sexual abuse;

(10) The parent has (a) committed murder of another child of the parent, (b) committed voluntary manslaughter of another child of the parent, (c) aided or abetted, attempted, conspired, or solicited to commit murder, or aided or abetted voluntary manslaughter of the juvenile or another child of the parent, or (d) committed a felony assault that resulted in serious bodily injury to the juvenile or another minor child of the parent; or

(11) One parent has been convicted of felony sexual assault of the other parent under section 28-319.01 or 28-320.01 or a comparable crime in another state.

Sec. 194. A person shall not be denied custody, visitation, or parenting time based solely on the fact that such person is engaged in conduct that is lawful under the Marijuana Control Act, unless such conduct creates an unreasonable danger to the child or is otherwise contrary to the best interests of the child.

Sec. 195. Section 60-6,211.08, Revised Statutes Cumulative Supplement, 2020, is amended to read:

60-6,211.08 (1) For purposes of this section:

(a) Alcoholic beverage means (i) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor, (ii) wine of not less than one-half of one percent of alcohol by volume, or (iii) distilled spirits which is that substance
known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. Alcoholic beverage does not include trace amounts not readily consumable as a beverage;

(b) Marijuana has the same meaning as in section 17 of this act;

(c) Highway means a road or street including the entire area within the right-of-way;

(d) Limousine means a luxury vehicle used to provide prearranged passenger transportation on a dedicated basis at a premium fare that has a seating capacity of at least five and no more than fourteen persons behind the driver with a physical partition separating the driver seat from the passenger compartment. Limousine does not include taxicabs, hotel or airport buses or shuttles, or buses;

(e) Open alcoholic beverage container, except as provided in subsection (3) of section 53-123.04 and subdivision (1)(c) of section 53-123.11, means any bottle, can, or other receptacle:

(i) That contains any amount of alcoholic beverage or marijuana; and

(ii)(A) That is open or has a broken seal or (B) the contents of which are partially removed; and

(f) Passenger area means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. Passenger area does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.

(2) Except as otherwise provided in this section, it is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this state.

(3) Except as provided in section 53-186 or subsection (4) of this
section, it is unlawful for any person to consume an alcoholic beverage or marijuana (a) in a public parking area or on any highway in this state or (b) inside a motor vehicle while in a public parking area or on any highway in this state.

(4) This section does not apply to possession or consumption of alcoholic beverages by persons who are passengers of, but not drivers of, a limousine or bus being used in a charter or special party service as defined by rules and regulations adopted and promulgated by the Public Service Commission and subject to Chapter 75, article 3. Such passengers may possess open containers of alcoholic beverages and may consume alcoholic beverages while such limousine or bus is in a public parking area or on any highway in this state if (a) the driver of the limousine or bus is prohibited from consuming alcoholic liquor and (b) alcoholic liquor is not present in any area that is readily accessible to the driver while in the driver's seat, including any compartments in such area.

Sec. 196. Section 71-5727, Revised Statutes Cumulative Supplement, 2020, is amended to read:

71-5727 Smoke or smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco, marijuana, or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. The term includes the use of an electronic smoking device or similar device for marijuana which creates an aerosol or vapor, in any manner or in any form.

Sec. 197. Section 77-2701.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2701.02 Pursuant to section 77-2715.01: (1) Until July 1, 1998, the rate of the sales tax levied pursuant to section 77-2703 shall be five percent; (2) Commencing July 1, 1998, and until July 1, 1999, the rate of the sales tax levied pursuant to section 77-2703 shall be four
(3) Commencing July 1, 1999, and until the start of the first calendar quarter after July 20, 2002, the rate of the sales tax levied pursuant to section 77-2703 shall be five percent; and (4) Commencing on the start of the first calendar quarter after July 20, 2002, the rate of the sales tax levied pursuant to section 77-2703 shall be five and one-half percent, except that the rate of the sales tax levied on sales of marijuana by marijuana stores to consumers under the Marijuana Control Act shall be fifteen percent.

Sec. 198. Section 77-2701.48, Reissue Revised Statutes of Nebraska, is amended to read:

77-2701.48 (1) Bundled transaction means the retail sale of two or more products, except real property and services to real property, when (a) the products are otherwise distinct and identifiable and (b) the products are sold for one non-itemized price. Bundled transaction does not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction.

(2) Distinct and identifiable products do not include:

(a) Packaging, such as containers, boxes, sacks, bags, and bottles or other materials such as wrapping, labels, tags, and instruction guides that accompany the retail sale of the products and are incidental or immaterial to the retail sale thereof. Examples of packaging that are incidental or immaterial include grocery sacks, shoeboxes, dry cleaning garment bags, and express delivery envelopes and boxes;

(b) A product provided free of charge with the required purchase of another product. A product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the product provided free of charge; and

(c) Items included in the definition of sales price pursuant to section 77-2701.35.

(3) One non-itemized price does not include a price that is
separately identified by product on binding sales or other supporting
sales-related documentation made available to the customer in paper or
electronic form, including, but not limited to, an invoice, bill of sale,
receipt, contract, service agreement, lease agreement, periodic notice of
rates and services, rate card, or price list.

(4) A transaction that otherwise meets the definition of a bundled
transaction is not a bundled transaction if it is (a) the retail sale of
tangible personal property and a service where the tangible personal
property is essential to the use of the service, and is provided
exclusively in connection with the service, and the true object of the
transaction is the service, (b) the retail sale of services when one
service is provided that is essential to the use or receipt of a second
service and the first service is provided exclusively in connection with
the second service and the true object of the transaction is the second
service, or (c) a transaction that includes taxable products and
nontaxable products and the purchase price or sales price of the taxable
products is de minimus. De minimus means the seller's purchase price or
sales price of the taxable products is ten percent or less of the total
purchase price or sales price of the bundled products. Sellers shall use
either the purchase price or the sales price of the products to determine
if the taxable products are de minimus. Sellers may not use a combination
of the purchase price and sales price of the products to determine if the
taxable products are de minimus. Sellers shall use the full term of a
service contract to determine if the taxable products are de minimus.

(5) Bundled transaction does not include the retail sale of exempt
tangible personal property and taxable tangible personal property if (a)
the transaction includes food and food ingredients, drugs, durable
medical equipment, mobility enhancing equipment, over-the-counter drugs,
prosthetic devices, or medical supplies as such terms are defined in
section 77-2704.09 and (b) the seller's purchase price or sales price of
the taxable tangible personal property is fifty percent or less of the
total purchase price or sales price of the bundled tangible personal property. Sellers may not use a combination of the purchase price and sales price of the tangible personal property when making the fifty-percent determination for a transaction.

Sec. 199. Section 77-2704.09, Reissue Revised Statutes of Nebraska, is amended to read:

77-2704.09 (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of (a) insulin, (b) mobility enhancing equipment and drugs, not including over-the-counter drugs, when sold for a patient's use under a prescription, and (c) the following when sold for a patient's use under a prescription and which are of the type eligible for coverage under the medical assistance program established pursuant to the Medical Assistance Act: Durable medical equipment; home medical supplies; prosthetic devices; oxygen; and oxygen equipment.

(2) For purposes of this section:

(a)(i) Drug means a compound, substance, preparation, and component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, or alcoholic beverages:

(A) (i) Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and any supplement to any of them;

(B) (ii) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

(C) (iii) Intended to affect the structure or any function of the body; and

(ii) Drug does not include marijuana obtained pursuant to the Marijuana Control Act;

(b) Durable medical equipment means equipment which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or
injury, is appropriate for use in the home, and is not worn in or on the body. Durable medical equipment includes repair and replacement parts for such equipment;

(c) Home medical supplies means supplies primarily and customarily used to serve a medical purpose which are appropriate for use in the home and are generally not useful to a person in the absence of illness or injury;

(d) Mobility enhancing equipment means equipment which is primarily and customarily used to provide or increase the ability to move from one place to another, which is not generally used by persons with normal mobility, and which is appropriate for use either in a home or a motor vehicle. Mobility enhancing equipment includes repair and replacement parts for such equipment. Mobility enhancing equipment does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer;

(e) Over-the-counter drug means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. 201.66, as such regulation existed on January 1, 2003. The over-the-counter drug label includes a drug facts panel or a statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation;

(f) Oxygen equipment means oxygen cylinders, cylinder transport devices including sheaths and carts, cylinder studs and support devices, regulators, flowmeters, tank wrenches, oxygen concentrators, liquid oxygen base dispensers, liquid oxygen portable dispensers, oxygen tubing, nasal cannulas, face masks, oxygen humidifiers, and oxygen fittings and accessories;

(g) Prescription means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized under the Uniform Credentialing Act; and
(h) Prosthetic devices means a replacement, corrective, or supportive device worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body, and includes any supplies used with such device and repair and replacement parts.

Sec. 200. Section 77-27,132, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,132 (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall:

(a) For transactions occurring on or after October 1, 2014, and before October 1, 2022, credit to the Game and Parks Commission Capital Maintenance Fund all of the proceeds of the sales and use taxes imposed pursuant to section 77-2703 on the sale or lease of motorboats as defined in section 37-1204, personal watercraft as defined in section 37-1204.01, all-terrain vehicles as defined in section 60-103, and utility-type vehicles as defined in section 60-135.01;

(b) Credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from the sale or lease for periods of more than thirty-one days of motor vehicles, trailers, and semitrailers,
except that the proceeds equal to any sales tax rate provided for in section 77-2701.02 that is in excess of five percent derived from the sale or lease for periods of more than thirty-one days of motor vehicles, trailers, and semitrailers shall be credited to the Highway Allocation Fund;

(c) For transactions occurring on or after July 1, 2013, and before July 1, 2033, of the proceeds of the sales and use taxes derived from transactions other than those listed in subdivisions (2)(a), (b), and (e) of this section from a sales tax rate of one-quarter of one percent, credit monthly eighty-five percent to the State Highway Capital Improvement Fund and fifteen percent to the Highway Allocation Fund; and

(d) Of the proceeds of the sales and use taxes derived from transactions other than those listed in subdivisions (2)(a), (b), and (e) of this section, credit to the Property Tax Credit Cash Fund the amount certified under section 77-27,237, if any such certification is made; and

(e) Credit the proceeds of the sales and use taxes imposed pursuant to section 77-2703 on the sale of marijuana by marijuana stores to consumers under the Marijuana Control Act as follows:

(i) Ten percent shall be distributed to the Department of Health and Human Services for drug education and treatment programs;

(ii) Ten percent shall be transferred to the Affordable Housing Trust Fund; and

(iii) Eighty percent shall be transferred to the Property Tax Credit Cash Fund.

The balance of all amounts collected under the Nebraska Revenue Act of 1967 shall be credited to the General Fund.

Sec. 201. Section 77-4301, Reissue Revised Statutes of Nebraska, is amended to read:

77-4301 For purposes of sections 77-4301 to 77-4316:

(1) Controlled substance means any drug or substance,
including an imitation controlled substance, that is held, possessed, 
transported, transferred, sold, or offered to be sold in violation of 
Nebraska law. Controlled substance does not include marijuana;

(2) Dealer shall mean a person who, in violation of Nebraska 
law, manufactures, produces, ships, transports, or imports into Nebraska 
or in any manner acquires or possesses six or more ounces of marijuana, 
seven or more grams of any controlled substance which is sold by weight, 
or ten or more dosage units of any controlled substance which is not sold 
by weight;

(3) Imitation controlled substance has the same meaning 
as provided in section 28-401; and

(4) Marijuana has the same meaning as provided in section 
17 of this act 28-401.

Sec. 202. Section 77-4302, Reissue Revised Statutes of Nebraska, is 
amended to read:

77-4302 No dealer may possess marijuana or controlled substances 
upon which a tax is imposed by section 77-4303 unless the tax has been 
paid on the marijuana or controlled substance as evidenced by an official 
stamp, label, or other indicium.

Sec. 203. Section 77-4303, Reissue Revised Statutes of Nebraska, is 
amended to read:

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

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

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

(c) On each fifty dosage units or portion thereof of a 
controlled substance that is not customarily sold by weight, five hundred 
dollars.
(2) For purposes of calculating the tax under this section, marijuana or any controlled substance that is customarily sold by weight or volume shall be measured by the weight of the substance in the dealer's possession. The weight shall be the actual weight, if known, or the estimated weight as determined by the Nebraska State Patrol or other law enforcement agency. Such determination shall be presumed to be the weight of such marijuana or controlled substances for purposes of sections 77-4301 to 77-4316.

(3) The tax shall not be imposed upon a person registered or otherwise lawfully in possession of marijuana or a controlled substance pursuant to Chapter 28, article 4.

Sec. 204. Section 77-4304, Reissue Revised Statutes of Nebraska, is amended to read:

77-4304 (1) Subject to the rules and regulations of the Tax Commissioner, official stamps, labels, or other indicia to be affixed to all marijuana and controlled substances shall be purchased from the Department of Revenue. The purchaser shall pay one hundred percent of face value for each official stamp, label, or other indicium purchased and shall not be required to give his or her name, address, social security number, or other identifying information.

(2) The Tax Commissioner shall adopt a uniform system of providing, affixing, and displaying an official stamp, label, or other indicium for marijuana and controlled substances on which a tax is imposed. Official stamps, labels, or other indicia shall expire six months from the date of issuance.

Sec. 205. Section 77-4305, Reissue Revised Statutes of Nebraska, is amended to read:

77-4305 The tax imposed upon marijuana and controlled substances by section 77-4303 shall be due and payable immediately upon acquisition or possession of marijuana and controlled substances in this state by a dealer.
Sec. 206. Section 77-4306, Reissue Revised Statutes of Nebraska, is amended to read:

77-4306 If a dealer acquires or ships, transports, or imports into this state marijuana or a controlled substance and if the official stamp, label, or indicium evidencing the payment of the tax has not already been affixed, the dealer shall have it permanently affixed on the marijuana or controlled substance immediately upon acquisition or possession of the marijuana or controlled substance. Each official stamp, label, or other indicium may be used only once.

Sec. 207. Section 77-4309, Reissue Revised Statutes of Nebraska, is amended to read:

77-4309 Any dealer violating sections 77-4301 to 77-4316 shall be subject to a penalty of one hundred percent of the tax in addition to the tax imposed by section 77-4303. The penalty shall be collected as part of the tax.

A dealer distributing or possessing marijuana or a controlled substance without affixing the official stamp, label, or other indicium shall be guilty of a Class IV felony. Notwithstanding any other provision of the criminal laws of this state, an indictment may be found and filed or an information or complaint filed upon any criminal offense specified in this section in the proper court within six years after the commission of such offense.

Sec. 208. Section 77-4310.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-4310.01 Proceeds of the tax imposed by section 77-4303 shall be remitted to the State Treasurer for credit as follows:

(1) Five percent of such proceeds shall be credited to the Marijuana and Controlled Substances Tax Administration Cash Fund; and

(2) Of the remaining proceeds:

(a) Fifty percent shall be remitted to the respective counties from which the proceeds originated for credit to the County Drug Law
Enforcement and Education Fund of each such county. Money remitted to a county pursuant to this subdivision shall be remitted to the county treasurer of such county for credit to such fund. For purposes of this subdivision, county from which the proceeds originated shall mean: (i) If the proceeds result from seizure under the Uniform State Tax Lien Registration and Enforcement Act of property located in a county other than the county in which the dealer resides, the county in which the seizure was made; and (ii) in all other cases, the county in which the dealer resides; and

(b) All remaining funds, including those which did not originate in a county, shall be credited to the Nebraska State Patrol Drug Control and Education Cash Fund.

Sec. 209. Section 77-4310.03, Reissue Revised Statutes of Nebraska, is amended to read:

77-4310.03 There is hereby created the Marijuana and Controlled Substances Tax Administration Cash Fund. Money in the fund shall be used by the Tax Commissioner for the purposes of administering, collecting, and enforcing the tax imposed by section 77-4303, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Marijuana and Controlled Substances Tax Administration Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 210. Section 81-2,239, Revised Statutes Cumulative Supplement, 2020, is amended to read:

81-2,239 Sections 81-2,239 to 81-2,292 and section 212 of this act and the provisions of the Food Code and the Current Good Manufacturing Practice In Manufacturing, Packing, or Holding Human Food adopted by reference in sections 81-2,257.01 and 81-2,259, shall be known and may be cited as the Nebraska Pure Food Act.

Sec. 211. Section 81-2,263, Revised Statutes Cumulative Supplement,
2020, is amended to read:

81-2,263 If there is an inconsistency between sections 81-2,239 to
81-2,292 and section 212 of this act and any code adopted by reference,
the requirements of the sections shall control.

Sec. 212. Edible marijuana products sold under the
Marijuana Control Act are subject to the Nebraska Pure Food Act to the
same extent as other items of food.

Sec. 213. If any section in this act or any part of any section is
declared invalid or unconstitutional, the declaration shall not affect
the validity or constitutionality of the remaining portions.

Sec. 214. Original sections 28-439, 43-292, 77-2701.02, 77-2701.48,
77-2704.09, 77-27,132, 77-4301, 77-4302, 77-4303, 77-4304, 77-4305,
77-4306, 77-4309, 77-4310.01, and 77-4310.03, Reissue Revised Statutes of
Nebraska, and sections 28-401, 28-405, 28-416, 28-476, 28-1354,
60-6,211.08, 71-5727, 81-2,239, and 81-2,263, Revised Statutes Cumulative
Supplement, 2020, are repealed.

Sec. 215. The following sections are outright repealed: Sections
Revised Statutes of Nebraska.