

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SPECIAL SESSION

LEGISLATIVE BILL 52

Introduced by Wayne, 13.

Read first time July 29, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to cannabis; to amend sections 28-439, 43-292,
2 60-6,211.08, 77-2701.48, 77-2704.09, 77-4301, 77-4302, 77-4303,
3 77-4304, 77-4305, 77-4306, 77-4309, 77-4310.01, and 77-4310.03,
4 Reissue Revised Statutes of Nebraska, sections 28-1701 and 71-5727,
5 Revised Statutes Cumulative Supplement, 2022, sections 28-405,
6 28-416, and 28-1354, Revised Statutes Supplement, 2023; section
7 28-401, Revised Statutes Cumulative Supplement, 2022, as amended by
8 Laws 2024, LB262, section 21; section 28-476, Revised Statutes
9 Cumulative Supplement, 2022, as amended by Laws 2024, LB262, section
10 22; section 81-2,263, Revised Statutes Cumulative Supplement, 2022,
11 as amended by Laws 2024, LB262, section 37; section 77-2701.02,
12 Revised Statutes Supplement, 2023, as amended by Laws 2024, LB1317,
13 section 81; section 77-27,132, Revised Statutes Supplement, 2023, as
14 amended by Laws 2024, LB1108, section 3; and section 81-2,239,
15 Revised Statutes Supplement, 2023, as amended by Laws 2024, LB262,
16 section 28; to adopt the Cannabis Control Act and the Cannabis
17 Conviction Clean Slate Act; to remove cannabis as a controlled
18 substance under the Uniform Controlled Substances Act; to change
19 provisions relating to penalties for possession of a synthetic
20 cannabinoid and drug paraphernalia; to define, redefine, and
21 eliminate terms; to change provisions relating to termination of
22 parental rights, visitation, custody, and other parenting matters;
23 to prohibit possession of an open container of cannabis in a motor

1 vehicle; to provide for the applicability of the Nebraska Clean
2 Indoor Air Act and the Nebraska Pure Food Act; to impose a higher
3 sales and use tax rate on sales of cannabis; to provide for the
4 distribution of tax revenue; to remove cannabis from the cannabis
5 and controlled substances tax; to rename a fund; to eliminate
6 obsolete provisions; to harmonize provisions; to provide
7 severability; to repeal the original sections; and to outright
8 repeal sections 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and
9 28-469, Reissue Revised Statutes of Nebraska.

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

1 Section 1. Sections 1 to 178 of this act shall be known and may be
2 cited as the Cannabis Control Act.

3 Sec. 2. For purposes of the Cannabis Control Act, the definitions
4 found in sections 3 to 36 of this act apply.

5 Sec. 3. (1) Cannabis means all parts of the plant of the genus
6 Cannabis, whether growing or not, the seeds thereof, and every compound,
7 manufacture, salt, derivative, mixture, extract, or preparation of such
8 plant or its seeds.

9 (2) Cannabis includes cannabis in all forms, including, but not
10 limited to, cannabis products and concentrated cannabis.

11 (3) Cannabis does not include the mature stalks of such plant, fiber
12 produced from such stalks, oil or cake made from the seeds of such plant,
13 any other compound, manufacture, salt, derivative, mixture, or
14 preparation of such mature stalks, the sterilized seed of such plant
15 which is incapable of germination, or cannabidiol contained in a drug
16 product approved by the federal Food and Drug Administration.

17 (4) Cannabis does not include hemp.

18 (5) When the weight of cannabis is referred to in the Cannabis
19 Control Act:

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

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

26 Sec. 4. Cannabis accessories means any equipment, products, or
27 materials of any kind which are used, intended for use, or designed for
28 use in:

29 (1) Planting, propagating, cultivating, growing, harvesting,
30 manufacturing, compounding, converting, producing, processing, preparing,
31 testing, analyzing, packaging, repackaging, storing, consuming, smoking,

1 vaporizing, or containing cannabis; or

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

4 Sec. 5. Cannabis product means a product comprised of cannabis and
5 other ingredients and that is intended for use by consumption, other than
6 by smoking. Cannabis product includes, but is not limited to, edible
7 products, concentrated cannabis, ointments, and tinctures.

8 Sec. 6. Cannabis store means a person licensed by the commission
9 to:

10 (1) Purchase cannabis from cultivators;

11 (2) Purchase cannabis products from products manufacturers and other
12 cannabis stores; and

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

15 Sec. 7. (1) Canopy means an area used to cultivate cannabis that
16 shall be calculated in square feet and measured using clearly
17 identifiable boundaries of all areas that will contain mature cannabis
18 plants at any point in time, including all of the space within the
19 boundaries.

20 (2) A canopy may be noncontiguous, but each unique area included in
21 the total canopy calculation shall be separated by an identifiable
22 boundary. A boundary may include, but is not limited to, any of the
23 following: Interior walls, shelves, greenhouse walls, hoop house walls,
24 garden benches, hedge rows, fencing, garden beds, or garden plots.

25 (3) If mature plants are being cultivated using a shelving system,
26 the surface area of each level shall be included in the total canopy
27 calculation.

28 Sec. 8. Commission means the Nebraska Cannabis Enforcement
29 Commission.

30 Sec. 9. (1) Concentrated cannabis means the resin extracted from
31 any part of the plant of the genus Cannabis and every compound,

1 manufacture, salt, derivative, mixture, or preparation of that resin.
2 This includes inhalable concentrates which may be comprised of cannabis
3 and other ingredients inside a device that uses a heating element to
4 create a vapor, including, but not limited to, vaporizer cartridges and
5 vaporizer pens.

6 (2) When resins extracted from hemp are in the possession of a
7 person as authorized under the Nebraska Hemp Farming Act, they are not
8 considered concentrated cannabis for purposes of the Cannabis Control
9 Act.

10 Sec. 10. Cultivator means a person licensed by the commission to
11 cultivate cannabis plants pursuant to the Cannabis Control Act for sale
12 to cannabis stores, to products manufacturers, and to other cultivators,
13 but not to consumers.

14 Sec. 11. Disproportionately impacted area means an area within the
15 State of Nebraska that satisfies the following criteria, as determined by
16 the commission, in consultation with the Department of Economic
17 Development:

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

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

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

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

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

1 the state during the same period; and

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

5 Sec. 12. (1) Disqualifying offense means a felony, of which a
6 person was convicted in the preceding ten years, that is:

7 (a) A violent offense;

8 (b) A violation of the Cannabis Control Act; or

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

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

13 (3) For purposes of this section:

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

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

17 (c) Violent offense means:

18 (i) A felony violation of any of the following sections: 28-303,
19 28-304, 28-305, 28-306, 28-308, 28-309, 28-310.01, 28-311, 28-311.01,
20 28-311.03, 28-311.08, 28-313, 28-314, 28-316.01, 28-319, 28-319.01,
21 28-320, 28-320.01, 28-320.02, 28-322.02, 28-322.03, 28-322.04, 28-322.05,
22 28-323, 28-324, 28-386, 28-391, 28-392, 28-393, 28-394, 28-397, 28-398,
23 28-502, 28-503, 28-507, 28-703, 28-707, 28-813.01, 28-831, 28-833,
24 28-904, 28-905, 28-912, 28-929, 28-930, 28-931, 28-931.01, 28-932,
25 28-933, 28-934, 28-1005, 28-1009, 28-1105.01, 28-1205, 28-1212.02,
26 28-1212.04, 28-1221, 28-1222, 28-1223, 28-1224, 28-1351, 28-1463.03,
27 28-1463.05, or 42-924;

28 (ii) An offense which is a Class IIIA felony or higher which
29 includes, as an element of the offense:

30 (A) Sexual contact or sexual penetration; or

31 (B) The threat to inflict serious bodily injury or death on another

1 person, the infliction of serious bodily injury on another person, or
2 causing the death of another person;

3 (iii) Consists of attempt, conspiracy, being an accessory to, or
4 aiding and abetting a felony with any of the offenses described in
5 subdivision (3)(c)(i) or (ii) of this section as the underlying offense;
6 or

7 (iv) A felony offense that is substantially equivalent to an offense
8 described in subdivision (3)(c)(i), (ii), or (iii) of this section under
9 the laws of another jurisdiction in the United States.

10 Sec. 13. Employment authorization means authorization granted by
11 the commission for an individual to work for a licensee as provided in
12 sections 164 to 168 of this act.

13 Sec. 14. Extraction means a process by which cannabinoids are
14 separated from cannabis plant material through chemical or physical
15 means.

16 Sec. 15. Hemp has the same meaning as in section 2-503.

17 Sec. 16. Immature plant means a nonflowering cannabis plant that
18 is:

19 (1) No taller than eight inches;

20 (2) No wider than eight inches;

21 (3) Produced from a cutting, clipping, or seedling; and

22 (4) In a cultivating container.

23 Sec. 17. Implementation date means a date selected by the
24 commission that is:

25 (1) After the commission has adopted rules and regulations necessary
26 to carry out the Cannabis Control Act; and

27 (2) On or before January 1, 2026.

28 Sec. 18. Infusion means a process by which cannabis, cannabinoids,
29 or concentrated cannabis is directly incorporated into a product
30 formulation to produce a cannabis product.

31 Sec. 19. Kief means the resinous trichomes of a cannabis plant that

1 have been separated from the cannabis plant.

2 Sec. 20. License means a license issued by the commission pursuant
3 to the Cannabis Control Act. License does not include an employment
4 authorization or any other permit or certification issued by the
5 commission.

6 Sec. 21. Licensed premises means the premises specified in an
7 application for a license under the Cannabis Control Act, which are owned
8 by or in the possession of the licensee and within which the licensee is
9 authorized to cultivate, manufacture, distribute, sell, or test cannabis
10 in accordance with the Cannabis Control Act.

11 Sec. 22. Licensee means a person licensed by the commission
12 pursuant to the Cannabis Control Act.

13 Sec. 23. Local governing body means (1) the city council or village
14 board of trustees of a city or village within which the licensed premises
15 are located or (2) if the licensed premises are not within the corporate
16 limits of a city or village, the county board of the county within which
17 the licensed premises are located.

18 Sec. 24. Location means a particular parcel of land that may be
19 identified by an address or other descriptive means.

20 Sec. 25. Ordinance means any ordinance, regulation, resolution, or
21 other law duly enacted by a local governing body.

22 Sec. 26. Premises means a distinctly identified and definite
23 location, as required by the commission, and may include a building, a
24 part of a building, a room, or any other definite contiguous area.

25 Sec. 27. Private residence means a house, an apartment unit, a
26 mobile home, or other similar dwelling.

27 Sec. 28. Process or processing means to harvest, dry, cure, trim,
28 and separate parts of the cannabis plant by manual or mechanical means.

29 Sec. 29. Products manufacturer means a person licensed by the
30 commission to manufacture cannabis products pursuant to the Cannabis
31 Control Act for sale and distribution to cannabis stores and other

1 products manufacturers, but not to consumers.

2 Sec. 30. School means a public, private, denominational, or
3 parochial preschool, elementary, vocational, or secondary school, a
4 private postsecondary career school as defined in section 85-1603, a
5 community college, a public or private college, a junior college, or a
6 university.

7 Sec. 31. (1) Social equity applicant means an applicant for a
8 license that meets the criteria described in either subsection (2) or (3)
9 of this section.

10 (2) An applicant shall be eligible to apply as a social equity
11 applicant if at least thirty-three percent of the applicant is owned and
12 controlled by, and thirty-three percent of the applicant's profits are
13 shared by, individuals who:

14 (a) Have resided for at least five of the ten years preceding the
15 date of application in a disproportionately impacted area;

16 (b) Have been arrested for, convicted of, or adjudicated for a
17 qualifying cannabis offense; or

18 (c) Are a parent, legal guardian, child, spouse, or dependent of an
19 individual described in subdivision (2)(b) of this section.

20 (3) An applicant that will have at least ten full-time employees
21 shall be eligible to apply as a social equity applicant if:

22 (a) At least sixty percent of such full-time employees are
23 individuals described in subdivision (2)(a), (b), or (c) of this section;
24 and

25 (b) Such employees share in at least ten percent of the applicant's
26 profits.

27 (4) For purposes of this section, qualifying cannabis offense means:

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

31 (b) A violation of section 28-441 or 28-442 as such sections existed

1 prior to the effective date of this act involving cannabis;

2 (c) Violation of an ordinance substantially similar to an offense
3 described in subdivision (4)(a) or (b) of this section;

4 (d) Attempt, solicitation, aiding or abetting, being an accessory,
5 or conspiracy to commit an offense listed in subdivision (4)(a), (b), or
6 (c) of this section; or

7 (e) A violation of the laws of another jurisdiction that is
8 substantially similar to a violation described in subdivision (4)(a),
9 (b), (c), or (d) of this section.

10 Sec. 32. Testing facility means a person licensed under the
11 Cannabis Control Act to analyze, test, and certify cannabis, including
12 for potency and the presence of contaminants.

13 Sec. 33. THC means delta-9 tetrahydrocannabinol.

14 Sec. 34. Transfer means to grant, convey, hand over, assign, sell,
15 exchange, or barter, in any manner or by any means, with or without
16 consideration.

17 Sec. 35. Transporter means an entity or person that is licensed to
18 transport cannabis from one licensee to another and to temporarily store
19 the transported cannabis at its licensed premises, but which is not
20 authorized to sell cannabis under any circumstances.

21 Sec. 36. Unreasonably impracticable means that the measures
22 necessary to comply with the rules and regulations adopted and
23 promulgated pursuant to the Cannabis Control Act or the ordinances
24 enacted by a local governing body pursuant to the act would subject a
25 licensee to unreasonable risk or require such a high investment of risk,
26 money, time, or any other resource or asset that a reasonably prudent
27 businessperson would not operate as a licensee.

28 Sec. 37. The Cannabis Control Act sets forth the exclusive means by
29 which a person in Nebraska may engage in the cultivation, manufacture,
30 sale, distribution, transfer, dispensing, testing, possession, and use of
31 cannabis.

1 Sec. 38. Nothing in the Cannabis Control Act permits the transfer
2 of cannabis to a person under the age of twenty-one years or allows a
3 person under the age of twenty-one years to purchase, possess, use,
4 transport, cultivate, or consume cannabis.

5 Sec. 39. The following conduct relating to cannabis shall be lawful
6 under state and local law when conducted in accordance with the Cannabis
7 Control Act. An individual twenty-one years of age or older may:

8 (1) Possess, process, transport, purchase, obtain, or give away to
9 persons twenty-one years of age or older without any compensation
10 whatsoever, not more than one ounce of cannabis in any form;

11 (2) Possess, grow, plant, cultivate, harvest, dry, or process
12 cannabis plants as provided in section 40 of this act;

13 (3) Smoke, ingest, or otherwise consume cannabis; and

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

17 Sec. 40. (1) An individual who is twenty-one years of age or older
18 may cultivate not more than six living cannabis plants and possess the
19 cannabis produced by such plants, subject to the following restrictions:

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

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

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

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

30 or

31 (iii) Unless prohibited by an ordinance of a local governing body as

1 provided in subsection (3) of section 41 of this act, on the grounds of
2 the person's private residence in an area that is kept locked and such
3 plants and cannabis are not visible from a public place with normal,
4 unaided vision; and

5 (c) The person plants, cultivates, harvests, dries, processes, and
6 possesses such plants and cannabis in accordance with any ordinances of a
7 local governing body adopted under section 41 of this act.

8 (2) Cannabis plants and cannabis produced from such plants in
9 compliance with this section does not count toward the limit stated in
10 subdivision (1) of section 39 of this act or in section 47 of this act.

11 (3) A violation of this section involving:

12 (a) Less than twelve plants is:

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

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

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

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

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

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

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

22 Sec. 41. (1) Except as provided in subsection (2) of this section,
23 a local governing body may enact and enforce ordinances to reasonably
24 regulate the activities permitted by section 40 of this act.

25 (2) A local governing body shall not completely prohibit an
26 individual from engaging in conduct protected by section 40 of this act
27 if the individual is keeping and cultivating the cannabis plants and
28 cannabis produced by such plants in accordance with subdivision (1)(b)(i)
29 or (ii) of section 40 of this act.

30 (3) A local governing body may completely prohibit persons from
31 engaging in conduct under subdivision (1)(b)(iii) of section 40 of this

1 act.

2 Sec. 42. (1) A person shall not smoke or otherwise consume cannabis
3 or cannabis products in any public place, in or upon the licensed
4 premises of any licensee, or in a motor vehicle.

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

8 Sec. 43. (1) Except as provided in section 157 of this act, no
9 person under the age of twenty-one years shall possess cannabis.

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

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

13 Sec. 44. (1) Except as provided in section 157 of this act, no
14 person under the age of twenty-one years shall falsely represent that
15 such person is twenty-one years of age in order to obtain cannabis or
16 cannabis products.

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

18 Sec. 45. (1) A person shall not knowingly give cannabis to any
19 person under twenty-one years of age or knowingly leave or deposit
20 cannabis in any place with the intent that it will come into the
21 possession of a person under twenty-one years of age. A violation of this
22 subsection is a Class II misdemeanor.

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

28 Sec. 46. (1) Except as provided in subsection (2) of this section,
29 a person who intentionally makes a materially false statement to a law
30 enforcement official or employee of the commission about any fact or
31 circumstance relating to the use of cannabis to avoid arrest,

1 prosecution, or imposition of any civil sanction or penalty is guilty of
2 a Class III misdemeanor.

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

6 Sec. 47. (1) Except as provided in section 40 of this act and
7 subsection (4) of this section, a person commits an offense if such
8 person possesses more than one ounce of cannabis in any form.

9 (2) The following penalties shall apply to a violation of this
10 section involving cannabis, other than concentrated cannabis:

11 (a) Possession of more than one ounce but not more than two ounces
12 is an infraction;

13 (b) Possession of more than two ounces but not more than six ounces
14 is a Class I misdemeanor;

15 (c) Possession of more than six ounces but not more than twelve
16 ounces of cannabis is a Class IV felony; and

17 (d) Possession of more than twelve ounces is a Class IIIA felony.

18 (3) The following penalties shall apply to a violation of this
19 section involving concentrated cannabis:

20 (a) Possession of more than one ounce but not more than two ounces
21 is an infraction;

22 (b) Possession of more than two ounces but not more than three
23 ounces is a Class I misdemeanor;

24 (c) Possession of more than three ounces but not more than twelve
25 ounces is a Class IV felony; and

26 (d) Possession of more than twelve ounces is a Class IIIA felony.

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

29 Sec. 48. A person other than a licensee who transfers more than one
30 ounce of cannabis to another person without consideration is guilty of an
31 infraction.

1 Sec. 49. (1) A person other than a cannabis store, cultivator, or
2 products manufacturer shall not sell cannabis to another person.

3 (2) A violation of this section involving:

4 (a) Four ounces or less of cannabis or two ounces or less of
5 concentrated cannabis is a Class I misdemeanor for a first offense and a
6 Class IV felony for a second or subsequent offense;

7 (b) More than four ounces but not more than twelve ounces of
8 cannabis or more than two ounces but not more than six ounces of
9 concentrated cannabis is a Class IIIA felony;

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

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

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

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

20 Sec. 50. (1) A person who knowingly allows another person to
21 cultivate cannabis on such person's property in violation of section 40
22 of this act is guilty of an offense.

23 (2) A violation of this section involving:

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

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

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

29 Sec. 51. A person shall not manufacture cannabis or cannabis
30 products by chemical extraction or chemical synthesis unless done
31 pursuant to a products manufacturer license issued under the Cannabis

1 Control Act or as otherwise authorized by such act. A violation of this
2 section is a Class IV felony.

3 Sec. 52. Nothing in the Cannabis Control Act permits any person to
4 engage in or prevents the imposition of any civil, criminal, or other
5 penalties for:

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

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

13 (3) Using cannabis in violation of the Nebraska Clean Indoor Air
14 Act.

15 Sec. 53. Nothing in the Cannabis Control Act:

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

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

21 Sec. 54. Nothing in the Cannabis Control Act prohibits a person,
22 employer, school, hospital, detention facility, corporation, or any other
23 entity, whether public or private, who occupies, owns, or controls a
24 property from prohibiting or otherwise regulating the possession,
25 consumption, use, display, transfer, distribution, sale, transportation,
26 or cultivation of cannabis on or in that property.

27 Sec. 55. Except as otherwise provided in the Cannabis Control Act,
28 a person shall not be arrested, prosecuted, penalized, sanctioned, or
29 otherwise denied any benefit and shall not be subject to seizure or
30 forfeiture of assets for possessing, using, purchasing, cultivating,
31 processing, testing, or manufacturing cannabis in accordance with the

1 Cannabis Control Act.

2 Sec. 56. Except as otherwise provided in the Cannabis Control Act,
3 a person shall not be arrested, prosecuted, penalized, sanctioned, or
4 otherwise denied any benefit and shall not be subject to seizure or
5 forfeiture of assets for allowing property the person owns, occupies, or
6 manages to be used for any of the activities conducted lawfully under the
7 Cannabis Control Act or for enrolling or employing a person who engages
8 in cannabis-related activities lawfully under the Cannabis Control Act.

9 Sec. 57. (1) A landlord shall not prohibit the possession of
10 cannabis or consumption of cannabis, by means other than smoking, within
11 a single-family residence or a mobile home, by a person authorized to do
12 so under the Cannabis Control Act, unless:

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

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

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

20 (2) For purposes of this section:

21 (a) Landlord includes a landlord as defined in sections 76-1410 and
22 76-1462;

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

24 (c) Single-family residence has the same meaning as in section
25 76-1410.

26 Sec. 58. (1) Cannabis and cannabis accessories obtained,
27 manufactured, and distributed pursuant to the Cannabis Control Act and
28 associated property are not subject to forfeiture under section 28-431.

29 (2) Cannabis and cannabis accessories obtained, manufactured, and
30 distributed pursuant to the Cannabis Control Act are not contraband, nor
31 subject to seizure, and no conduct made lawful in the Cannabis Control

1 Act shall constitute a basis for detention, search, or arrest.

2 Sec. 59. (1) The use of cannabis shall not disqualify a person from
3 any needed medical procedure or treatment, including an organ or a tissue
4 transplant.

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

8 Sec. 60. An attorney shall not be subject to disciplinary action
9 for providing legal assistance to a prospective licensee, licensee, or
10 another person or entity who is engaged in lawful activities pursuant to
11 the Cannabis Control Act.

12 Sec. 61. A contract entered into by a licensee or its employees or
13 agents, or by those who allow their property to be used by a licensee or
14 its employees or agents, shall not be unenforceable on the basis that
15 cultivating, obtaining, manufacturing, distributing, dispensing, testing,
16 transporting, selling, possessing, or using cannabis is prohibited by
17 federal law. It is the public policy of the State of Nebraska that such
18 contracts shall be enforceable to the same extent as other contracts.

19 Sec. 62. (1) A financial institution may loan money to, accept
20 deposits from, and otherwise do business with any licensee to the same
21 extent as other persons, subject to any restrictions of the Cannabis
22 Control Act.

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

28 Sec. 63. (1) The state or any local government shall not restrict,
29 revoke, suspend, or otherwise infringe upon a person's right to own or
30 possess a firearm or ammunition based on the person engaging in conduct
31 permitted under the Cannabis Control Act.

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

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

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

17 Sec. 64. The state or any local government shall not employ or use
18 the results of any test of cannabis conducted by a laboratory unless such
19 laboratory is a testing facility or otherwise accredited for the
20 particular field of testing in accordance with the rules and regulations
21 of the commission.

22 Sec. 65. (1) For the purpose of regulating and controlling the
23 licensing of the cultivation, manufacture, distribution, testing, and
24 sale of cannabis in this state, the Nebraska Cannabis Enforcement
25 Commission is created.

26 (2) The power to regulate all phases of the control of the
27 cultivation, manufacture, distribution, testing, processing, sale, and
28 traffic of cannabis, except as specifically delegated in the Cannabis
29 Control Act, is vested exclusively in the commission.

30 Sec. 66. (1) The commission shall consist of three commissioners to
31 be appointed by the Tax Commissioner. No more than two commissioners

1 shall be members of the same political party, and no two commissioners
2 shall be residents of the same congressional district. On or before
3 January 15, 2025, the Tax Commissioner shall appoint the commissioners.
4 The terms of the commissioners shall be four years, except that the terms
5 of the initial commissioners shall be staggered so that one member is
6 appointed for a term of one year, one for a term of two years, and one
7 for a term of three years, as determined by the Tax Commissioner.

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

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

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

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

24 Sec. 67. The commission shall have an executive director, to be
25 appointed by the commission subject to the approval of the Tax
26 Commissioner. The executive director shall keep a record of all
27 proceedings, transactions, communications, and official acts of the
28 commission. The executive director shall be the custodian of all records
29 and perform such other duties as the commission may prescribe.

30 Sec. 68. No person shall be appointed as a commissioner or the
31 executive director of the commission who is not a citizen of the United

1 States and who has not resided within the State of Nebraska successively
2 for two years next preceding the date of appointment.

3 Sec. 69. (1) A majority of the commission shall constitute a quorum
4 to transact business, but no vacancy shall impair the right of the
5 remaining commissioners to exercise all of the powers of the commission.

6 (2) Every act of a majority of the members of the commission shall
7 be deemed to be the act of the commission.

8 Sec. 70. (1) The commission may expend for such investigators and
9 clerical and other assistants as may be necessary for the performance of
10 its duties.

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

15 Sec. 71. Before entering upon the duties of office, each
16 commissioner and the executive director shall be bonded or insured as
17 required by section 11-201. Employees of the commission who are
18 accountable for public funds shall be bonded or insured as required by
19 section 11-201 to secure the safety of such funds. The premium shall be
20 paid by the State of Nebraska out of the General Fund.

21 Sec. 72. (1) Except as otherwise provided in subsection (2) of this
22 section, a commissioner, the executive director, or any employee of the
23 commission shall not:

24 (a) Directly or indirectly, individually, as a member of a
25 partnership, as a member of a limited liability company, or as a
26 shareholder of a corporation, have any interest whatsoever in the
27 cultivation, manufacture, processing, distribution, testing, or sale of
28 cannabis or hemp; or

29 (b) Receive any compensation or profit from an activity described in
30 subdivision (1)(a) of this section or have any interest whatsoever in the
31 purchases or sales made by the persons authorized by the Cannabis Control

1 Act to purchase or sell cannabis.

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

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

10 Sec. 73. (1) Except as provided in subsection (2) of section 72 of
11 this act, a commissioner, the executive director, or any person employed
12 by the commission shall not:

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

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

20 (2) Except as provided in subsection (2) of section 72 of this act,
21 any person subject to the Cannabis Control Act and every officer, agent,
22 or employee of such person shall not offer to any commissioner, the
23 executive director, or any person employed by the commission any gift,
24 gratuity, emolument, or employment.

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

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

29 Sec. 74. (1) A commissioner, the executive director, or a
30 commission employee with regulatory oversight responsibilities for
31 licensees shall not work for, represent, or provide consulting services

1 to or otherwise derive pecuniary gain from a licensee or other business
2 entity established for the primary purpose of providing services to the
3 cannabis industry for a period of six months following such person's last
4 day of employment with the commission.

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

6 Sec. 75. (1) Each commissioner shall receive an annual salary of
7 not to exceed twelve thousand five hundred dollars, to be fixed by the
8 Tax Commissioner, payable monthly, and in addition actual and necessary
9 expenses incurred on behalf of the commission as provided in this
10 section. The salary of the executive director shall be fixed by the
11 commission, payable monthly.

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

20 Sec. 76. The office of the commission shall be in Lincoln, but the
21 commission may, with the approval of the Tax Commissioner, establish and
22 maintain branch offices at other places.

23 Sec. 77. The commission shall hold regular meetings at least once a
24 month and may hold such special meetings as it deems necessary at any
25 time and at any place within the state.

26 Sec. 78. (1) The commission may, for authentication of its records,
27 process, and proceedings, adopt, keep, and use a common seal, of which
28 seal judicial notice shall be taken in all of the courts of the state.

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

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

5 Sec. 79. The Attorney General shall designate one or more assistant
6 attorneys general, when requested by the commission and directed by the
7 Tax Commissioner, and the services of such assistant attorneys general
8 shall be available to the commission whenever demanded. The compensation
9 of such assistant attorneys general as are assigned to the commission
10 shall be paid by the office of the Attorney General.

11 Sec. 80. The commission shall hold a public hearing before the
12 adoption, amendment, or repeal of any rule or regulation.

13 Sec. 81. On or before January 1, 2027, and annually thereafter, the
14 commission shall annually publish a full report of its actions during the
15 preceding year, including a comprehensive description of its activities
16 and including the number of licensees of each class issued; enforcement
17 actions in which fines, suspension, revocations, or other disciplinary
18 sanctions were issued; and a statement of revenue and expenses of the
19 commission.

20 Sec. 82. The commission shall study cannabis commerce and may make
21 recommendations to the Legislature regarding changes in the laws of the
22 state that further the intent of the Cannabis Control Act.

23 Sec. 83. The commission and the Department of Agriculture,
24 Department of Revenue, and Department of Health and Human Services shall
25 work collaboratively in furtherance of the intent of the Cannabis Control
26 Act and to ensure that the cultivation, manufacture, distribution,
27 testing, and sale of cannabis in this state is conducted in accordance
28 with the act.

29 Sec. 84. (1) On or before September 1, 2025, the commission shall
30 adopt and promulgate rules and regulations necessary for the proper
31 regulation and control of the cultivation, manufacture, distribution,

1 sale, and testing of cannabis and for the enforcement of the Cannabis
2 Control Act. Such rules and regulations shall include, but shall not be
3 limited to:

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

9 (b) Qualifications and procedures for licensure under the Cannabis
10 Control Act;

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

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

18 (e) Rules and regulations regarding social equity applicants and the
19 duties imposed by section 101 of this act and other procedures and
20 policies to promote and encourage full participation in the regulation of
21 the cannabis industry by people from communities that have previously
22 been disproportionately harmed by cannabis prohibition and to positively
23 impact those communities;

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

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

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

31 (i) Documentation for identifying licensees and their owners,

1 officers, managers, and employees;

2 (j) A schedule of penalties for violations and procedures for
3 issuing and appealing citations for violations of statutes and rules and
4 issuing administrative citations;

5 (k) Rules and regulations concerning signage, marketing, and
6 advertising of cannabis, including, but not limited to:

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

9 (ii) Rules on cannabis accessory packaging and branding;

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

12 (iv) A prohibition on banner ads on mass-market websites;

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

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

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

27 (m) Regulations on the storage of, warehouses for, and
28 transportation of cannabis;

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

1 the commission;

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

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

10 (q) Rules concerning limited access areas as defined in section 127
11 of this act;

12 (r) Health and safety regulations and standards for the manufacture
13 of cannabis products and cultivation of cannabis;

14 (s) Sanitary requirements for cannabis stores;

15 (t) Limitations on the display of cannabis in cannabis stores;

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

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

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

25 (2) After September 1, 2025, the commission may adopt and promulgate
26 rules and regulations necessary to carry out the Cannabis Control Act.

27 Sec. 85. The commission may develop such forms, applications, and
28 other documentation as are necessary or convenient in the discretion of
29 the commission for the administration of the Cannabis Control Act or any
30 rules and regulations adopted and promulgated thereunder.

31 Sec. 86. (1) On or before September 1, 2025, the commission shall

1 adopt and promulgate rules and regulations establishing:

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

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

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

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

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

23 Sec. 87. (1) On or before September 1, 2025, the commission shall
24 adopt and promulgate rules and regulations regarding conditions under
25 which holders of appropriate licenses are authorized to transfer fibrous
26 waste to a person other than a licensee for the purpose of producing only
27 industrial fiber products. The conditions must include contract
28 requirements that stipulate that fibrous waste will only be used to
29 produce industrial fiber products; recordkeeping requirements; security
30 measures related to the transport and transfer of fibrous waste;
31 requirements for handling contaminated fibrous waste; and processes

1 associated with handling fibrous waste. The rules shall not require
2 licensees to alter fibrous waste from its natural state prior to
3 transfer.

4 (2) For purposes of this section:

5 (a) Fibrous waste means any roots, stalks, or stems from a cannabis
6 plant; and

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

13 Sec. 88. (1) On or before March 15, 2025, the commission shall
14 convene a group to make recommendations for rules and regulations on how
15 edible cannabis products can be clearly identified, when practicable, to
16 indicate that such products contain cannabis and are not for consumption
17 by children.

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

22 Sec. 89. Nothing in the Cannabis Control Act shall be construed as
23 delegating to the commission the power to fix prices for cannabis.

24 Sec. 90. Rules and regulations adopted and promulgated pursuant to
25 the Cannabis Control Act and any ordinance enacted by a local governing
26 body shall not:

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

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

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

3 (4) Require a cannabis store to acquire or record personal
4 information about customers other than information typically required in
5 a retail transaction; or

6 (5) Prohibit cultivation of cannabis using inorganic cultivation
7 methods.

8 Sec. 91. (1) The commission shall provide without charge to any
9 licensee a copy of the Cannabis Control Act, any rules and regulations
10 adopted and promulgated thereunder, and any other information which the
11 commission deems important in the area of cannabis control in the State
12 of Nebraska.

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

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

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

21 Sec. 92. The commission may:

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

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

28 Sec. 93. The commission may request the State Fire Marshal to
29 inspect any licensed premises or premises for which a license is sought
30 for fire safety pursuant to section 81-502. The State Fire Marshal shall
31 assess a fee for such inspection pursuant to section 81-505.01 payable by

1 such licensee or applicant. The State Fire Marshal may delegate the
2 authority to make such inspections to qualified local fire prevention
3 personnel pursuant to section 81-502.

4 Sec. 94. (1) The commission shall maintain the confidentiality of
5 reports or other information obtained from a licensee:

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

10 (b) Which reveals any customer information; or

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

13 (2) Confidential information and reports shall only be used for
14 purposes authorized by the Cannabis Control Act or for any other state or
15 local law enforcement purpose. Any customer information shall only be
16 used for purposes authorized by the Cannabis Control Act.

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

20 Sec. 95. (1) There shall be the following classes of licenses under
21 the Cannabis Control Act:

22 (a) Cannabis store;

23 (b) Cultivator;

24 (c) Products manufacturer;

25 (d) Testing facility; and

26 (e) Transporter.

27 (2) There shall be the following tiers of cultivator licenses, based
28 on canopy size:

29 (a) Tier 1 - Less than ten thousand square feet;

30 (b) Tier 2 - Ten thousand feet or more but less than twenty thousand
31 square feet; and

1 (c) Tier 3 - Twenty thousand square feet or more but no more than
2 thirty thousand square feet.

3 (3) There shall be the following subtypes of products manufacturer
4 licenses:

5 (a) Extraction-only;

6 (b) Infusion-only; and

7 (c) Extraction and infusion.

8 (4)(a) An extraction-only licensee may:

9 (i) Process cannabis plants and engage in extraction and sell such
10 processed cannabis and extractions to other product manufacturers; and

11 (ii) Manufacture cannabis products such as pre-rolls and kief that
12 do not require the infusion of cannabis and sell such cannabis products
13 to cannabis stores and other products manufacturers, other than infusion-
14 only licensees.

15 (b) An extraction-only licensee shall not manufacture products that
16 require infusion.

17 (5)(a) An infusion-only licensee may manufacture cannabis products
18 that require the infusion of cannabis, such as concentrated cannabis,
19 edible products, or vaporizer cartridges or refills, and sell such
20 products to cannabis stores and other products manufacturers, other than
21 extraction-only licensees.

22 (b) An infusion-only licensee shall not process cannabis plants or
23 engage in extraction.

24 (6) An extraction and infusion licensee may engage in extraction and
25 infusion and manufacture and sell cannabis products in all forms
26 permitted by the Cannabis Control Act to cannabis stores and other
27 products manufacturers, subject to the same limits on sales to infusion-
28 only licensees and extraction-only licensees set forth in subsections (4)
29 and (5) of this section.

30 Sec. 96. (1) The commission shall not issue licenses in excess of
31 the following limits:

- 1 (a) For cultivation licenses:
2 (i) Tier 2 - twenty licenses; and
3 (ii) Tier 3 - forty licenses;
4 (b) For products manufacturers:
5 (i) Extraction-only - four licenses per congressional district;
6 (ii) Infusion-only - ten licenses per congressional district; and
7 (iii) Extraction and infusion - twenty licenses per congressional
8 district;
9 (c) Cannabis stores - fifty licenses per congressional district; and
10 (d) Testing facilities - ten licenses.

11 (2) License types not referred to in this section are not subject to
12 the limits provided in this section.

13 Sec. 97. (1) Beginning on the implementation date, a person may
14 apply for a license under the Cannabis Control Act. An application for
15 issuance or renewal of a license shall be:

- 16 (a) In the form and manner required by the commission;
17 (b) Accompanied by the fee required by section 98 of this act; and
18 (c) Verified by oath or affirmation of the persons prescribed by the
19 commission.

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

- 22 (a) The name and address of the applicant and how long the applicant
23 has resided in Nebraska;
24 (b) The names and addresses of the applicant's officers, directors,
25 or managers;
26 (c) The particular premises for which a license is desired
27 designating the premises by street and number, if practicable, or by such
28 other description as definitively locates the premises;
29 (d) The name of the owner of the premises upon which the business
30 licensed is to be carried on;

31 (e) A statement that:

1 (i) The applicant is a resident of Nebraska and legally able to work
2 in Nebraska;

3 (ii) The applicant and the spouse of the applicant are not less than
4 twenty-one years of age; and

5 (iii) The applicant has never been convicted of, or pleaded guilty
6 or nolo contendere to, a disqualifying offense;

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

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

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

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

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

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

28 (4)(a) An application for issuance of a license shall be accompanied
29 by plans and specifications for the interior of any building on the
30 licensed premises, if the building to be occupied is in existence at the
31 time of the application. If such building is yet to be constructed, the

1 applicant shall file a plot plan and a detailed sketch for the interior
2 and submit an architect's drawing of the building to be constructed.

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

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

12 Sec. 98. (1) An application for initial issuance of a license shall
13 be accompanied by a nonrefundable application fee and a refundable
14 initial issuance fee. If issuance of the license is denied, or if after
15 application and with the commission's permission, the applicant withdraws
16 an application, the initial issuance fee shall be refunded. Except as
17 provided in subsections (3), (4), and (5) of this section, the fees for
18 application for initial issuance of a license shall be:

19	<u>Type of License</u>	<u>Application Fee,</u> <u>in Dollars</u>	<u>Initial Issuance</u> <u>Fee, in Dollars</u>	<u>Total Due at</u> <u>Application,</u> <u>in Dollars</u>
22	<u>Cannabis Store</u>	<u>5,000</u>	<u>2,000</u>	<u>7,000</u>
23	<u>Cultivator (by tier)</u>			
24	<u>Tier 1</u>	<u>5,000</u>	<u>1,500</u>	<u>6,500</u>
25	<u>Tier 2</u>	<u>7,000</u>	<u>2,000</u>	<u>9,000</u>
26	<u>Tier 3</u>	<u>9,000</u>	<u>3,000</u>	<u>12,000</u>
27	<u>Products Manufacturer</u>			
28	<u>(by subtype)</u>			
29	<u>Extraction-only</u>	<u>5,000</u>	<u>1,500</u>	<u>6,500</u>
30	<u>Infusion-only</u>	<u>5,000</u>	<u>1,500</u>	<u>6,500</u>
31	<u>Extraction and</u>			

1	<u>infusion</u>	<u>7,000</u>	<u>1,500</u>	<u>8,500</u>
2	<u>Testing Facility</u>	<u>1,000</u>	<u>1,500</u>	<u>2,500</u>
3	<u>Transporter</u>	<u>1,000</u>	<u>4,400</u>	<u>5,400</u>

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

11	<u>Type of License</u>	<u>Application Fee,</u>	<u>Renewal Fee,</u>	<u>Total Due at</u>
12		<u>in Dollars</u>	<u>in Dollars</u>	<u>Application,</u>
13				<u>in Dollars</u>
14	<u>Cannabis Store</u>	<u>300</u>	<u>1,500</u>	<u>1,800</u>
15	<u>Cultivator (by tier)</u>			
16	<u>Tier 1</u>	<u>300</u>	<u>1,500</u>	<u>1,800</u>
17	<u>Tier 2</u>	<u>500</u>	<u>2,000</u>	<u>2,500</u>
18	<u>Tier 3</u>	<u>1,000</u>	<u>3,000</u>	<u>4,000</u>
19	<u>Products Manufacturer</u>			
20	<u>(by subtype)</u>			
21	<u>Extraction-only</u>	<u>300</u>	<u>1,500</u>	<u>1,800</u>
22	<u>Infusion-only</u>	<u>300</u>	<u>1,500</u>	<u>1,800</u>
23	<u>Extraction and infusion</u>	<u>1,000</u>	<u>3,000</u>	<u>4,000</u>
24	<u>Testing Facility</u>	<u>300</u>	<u>1,500</u>	<u>1,800</u>
25	<u>Transporter</u>	<u>300</u>	<u>4,400</u>	<u>4,700</u>

26 (3) Beginning January 1, 2028, and on each fifth occurrence of
27 January 1 thereafter, the commission shall adjust the upper fee limit of
28 any fee set forth in this section to reflect the percentage change for
29 such five-year period in the Consumer Price Index for All Urban Consumers
30 published by the United States Department of Labor, Bureau of Labor

1 Statistics. If the amount so adjusted is not a multiple of one hundred
2 dollars, the amount shall be rounded to the nearest multiple of one
3 hundred dollars.

4 (4) Until January 1, 2027, the commission may raise the application
5 fee for applications for initial issuance of a license, for a specific
6 type or types of licenses or for all license types, if the commission
7 determines that a greater fee is necessary to carry out the commission's
8 responsibilities under the Cannabis Control Act. Such increase shall
9 remain in effect beyond January 1, 2027, unless reduced by the
10 commission.

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

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

18 (ii) Has no more than two other licenses.

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

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

28 (d) If a licensee who has been granted a fee waiver under this
29 section transfers ownership of the license, within five years after its
30 initial issuance, to a person who does not apply and qualify for a fee
31 waiver in a manner prescribed by the commission, the commission shall not

1 approve the transfer of the license unless the transferee pays to the
2 commission the balance of any waived fees.

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

5 (a) Fifty percent to the Cannabis Control Fund; and

6 (b) Fifty percent shall be transferred to the local governing body
7 with jurisdiction over the licensee.

8 (7) On or before September 1, 2025, the commission shall adopt and
9 promulgate rules and regulations as necessary to carry out this section.

10 Sec. 99. Upon receipt of an application for issuance or renewal of
11 a license, the commission shall notify the city clerk, village clerk, or
12 county clerk of the local governing body in whose jurisdiction the
13 license is sought and shall include one copy of the application with the
14 notice. No such license shall be issued or denied by the commission until
15 the expiration of the time allowed for the receipt of a recommendation of
16 denial or an objection requiring a hearing under subdivision (1)(a) or
17 (b) of section 102 of this act. During the period of forty-five days
18 after the date of receipt by mail or electronic delivery of such
19 application from the commission, the local governing body may submit
20 recommendations to the commission regarding issuance or renewal of such
21 license.

22 Sec. 100. (1) If no hearing is required pursuant to subdivision (1)
23 (a) or (b) of section 102 of this act and the commission has no
24 objections pursuant to subdivision (1)(c) of such section, the commission
25 may waive the forty-five-day objection period and, if not otherwise
26 prohibited by law and subject to the limits set forth in section 96 of
27 this act, issue or renew a license as a matter of course.

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

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

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

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

8 (d) The issuance of the license is or will be required by the
9 present or future public convenience and necessity.

10 (3) In making its determination pursuant to subsection (2) of this
11 section the commission shall consider:

12 (a) The recommendation of the local governing body;

13 (b) The existence of a citizens' protest made in accordance with
14 section 102 of this act;

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

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

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

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

28 (g) The adequacy of existing law enforcement;

29 (h) Zoning restrictions;

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

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

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

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

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

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

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

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

16 Sec. 101. (1) Twenty percent of all licenses granted by the
17 commission shall be to social equity applicants.

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

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

27 (4) On or before January 1, 2027, and annually thereafter, the
28 commission shall electronically submit a report to the Legislature
29 regarding social equity in the cannabis industry. The report shall
30 include data regarding the numbers of licensees who are social equity
31 applicants, the numbers of applications by social equity applicants

1 granted and denied, and recommendations on increasing diversity in the
2 cannabis industry and reducing or eliminating barriers to entry.

3 Sec. 102. (1) The commission shall set for hearing before it any
4 application for issuance or renewal of a license, relative to which it
5 has received:

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

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

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

22 (2) Hearings upon such applications shall be in the following
23 manner: Notice indicating the time and place of such hearing shall be
24 mailed or electronically delivered to the applicant, the local governing
25 body, and each individual protesting a license pursuant to subdivision
26 (1)(b) of this section at least fifteen days prior to such hearing. The
27 notice shall state that the commission will receive evidence for the
28 purpose of determining whether to approve or deny the application.
29 Mailing or electronic delivery to the attorney of record of a party shall
30 be deemed to fulfill the purposes of this section. The commission may
31 receive evidence, including testimony and documentary evidence, and may

1 hear and question witnesses concerning the application. The commission
2 shall not use electronic delivery with respect to an applicant or a
3 protestor under this section without the consent of the recipient to
4 electronic delivery.

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

9 Sec. 103. (1) In addition to the factors set forth in section 100
10 of this act, the commission may deny issuance or renewal of a license for
11 good cause.

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

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

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

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

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

25 Sec. 104. A license provided by the Cannabis Control Act shall not
26 be issued to or held by:

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

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

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

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

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

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

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

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

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

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

18 (9) A publicly traded company.

19 Sec. 105. A license is valid for a period of one year after the
20 date of issuance unless revoked or suspended pursuant to the Cannabis
21 Control Act or the rules and regulations adopted and promulgated
22 thereunder.

23 Sec. 106. Each license issued under the Cannabis Control Act shall:

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

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

28 Sec. 107. (1) At all times, a licensee shall possess and maintain
29 possession of the premises for which the license is issued by ownership,
30 lease, rental, or other arrangement for possession of the premises.

31 (2) At all times, a licensee shall maintain a copy of the license in

1 a conspicuous place on the licensed premises.

2 Sec. 108. (1) Each licensee shall personally manage the licensed
3 premises or employ a separate and distinct manager on the licensed
4 premises and shall report the name of the manager to the commission.

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

7 Sec. 109. (1) Ninety days prior to the expiration date of an
8 existing license, the commission shall notify the licensee of the
9 expiration date by first-class mail at the licensee's address of record
10 with the commission.

11 (2) A licensee may apply for the renewal of an existing license to
12 the commission not earlier than thirty days prior to the date of
13 expiration. The commission, in its discretion, subject to the
14 requirements of this section and based upon reasonable grounds, may waive
15 this requirement.

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

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

24 Sec. 110. (1) A license is not transferable without approval of the
25 commission as provided in this section. An application for transfer of
26 ownership of a license shall be:

27 (a) In the form and manner required by the commission;

28 (b) Accompanied by a nonrefundable fee of one thousand dollars; and

29 (c) Verified by oath or affirmation of the persons prescribed by the
30 commission.

31 (2) An application for transfer of ownership shall include:

1 (a) The name and address of each party and how long the transferee
2 has resided in Nebraska;

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

5 (c) The particular premises of the licensed premises, designating
6 the premises by street and number if practicable or, if not, by such
7 other description as definitively locates the premises;

8 (d) The name of the owner of the premises upon which the business
9 licensed is to be carried on;

10 (e) A statement that:

11 (i) Each party is a resident of Nebraska and legally able to work in
12 Nebraska;

13 (ii) Each party and the spouse of each party are not less than
14 twenty-one years of age; and

15 (iii) Neither party has been convicted of, or pleaded guilty or nolo
16 contendere to, a disqualifying offense;

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

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

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

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

29 (4) Upon receipt of an application, the transfer shall be considered
30 in the same manner as provided for applications for issuance or renewal
31 of a license as set forth in sections 98 to 103 of this act, except that

1 the commission may by rule or regulation modify or streamline the
2 procedures or requirements, or the factors to be considered in granting
3 transfer of ownership in light of the fact that the licensed premises is
4 already in operation.

5 Sec. 111. (1) A licensee shall not relocate the licensed premises
6 from the place specified in the license without approval of the
7 commission as provided in this section. An application for relocation of
8 a licensed premises shall be:

9 (a) In the form and manner required by the commission;

10 (b) Accompanied by a nonrefundable fee of one thousand dollars; and

11 (c) Verified by oath or affirmation of the persons prescribed by the
12 commission.

13 (2) An application for relocation of a licensed premises shall
14 include:

15 (a) The name and address of the applicant;

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

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

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

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

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

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

1 (4) Upon receipt of an application, the relocation shall be
2 considered in the same manner as provided for applications for issuance
3 or renewal of a license as set forth in sections 98 to 103 of this act.

4 Sec. 112. The commission, in its discretion, may revoke or elect
5 not to renew any license if it determines that the licensed premises have
6 been inactive, without good cause, for at least one year.

7 Sec. 113. A local governing body shall have the following powers,
8 functions, and duties with respect to licenses:

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

12 (2) To enter or to authorize any peace officer to enter at any time
13 upon any licensed premises to determine whether any provision of the
14 Cannabis Control Act, any rule or regulation adopted and promulgated
15 thereunder, or any ordinance has been or is being violated and at such
16 time examine the licensed premises in connection with such determination.
17 Any peace officer who determines that the act, any rule or regulation
18 adopted and promulgated thereunder, or any ordinance has been or is being
19 violated shall report such violation in writing to the executive director
20 (a) within thirty days after determining that such violation has
21 occurred, (b) within thirty days after the conclusion of an ongoing
22 police investigation, or (c) within thirty days after the verdict in a
23 prosecution related to such an ongoing police investigation if the
24 prosecuting attorney determines that reporting such violation prior to
25 the verdict would jeopardize such prosecution, whichever is later;

26 (3) To receive a signed complaint from any citizen within its
27 jurisdiction that any provision of the act, any rule or regulation
28 adopted and promulgated thereunder, or any ordinance relating to cannabis
29 has been or is being violated and to act upon such complaints in the
30 manner provided in the act;

31 (4) To examine or cause to be examined any applicant or any licensee

1 upon whom notice of revocation or other sanction has been served as
2 provided in the act, to examine or cause to be examined the books and
3 records of any applicant or licensee, and to hear testimony and to take
4 proof for its information in the performance of its duties. For purposes
5 of obtaining any of the information desired, the local governing body may
6 authorize its agent or attorney to act on its behalf;

7 (5) To revoke or impose sanctions on its own motion any license if,
8 upon the same notice and hearing as provided in section 115 of this act,
9 it determines that the licensee has violated the act, any rule or
10 regulation adopted and promulgated thereunder, or any ordinance relating
11 to cannabis. Such order of revocation or sanction may be appealed to the
12 commission within thirty days after the date of the order by filing a
13 notice of appeal with the commission. The commission shall handle the
14 appeal in the manner provided for hearing on an application in section
15 102 of this act; and

16 (6) Upon receipt from the commission of the notice and copy of
17 application as provided in section 99 of this act, to fix a time and
18 place for a hearing at which the local governing body shall receive
19 evidence, either orally or by affidavit from the applicant and any other
20 person, bearing upon the propriety of the issuance or renewal of a
21 license. Notice of the time and place of such hearing shall be published
22 in a legal newspaper in or of general circulation in such city, village,
23 or county one time not less than seven and not more than fourteen days
24 before the time of the hearing. Such notice shall include, but not be
25 limited to, a statement that all persons desiring to give evidence before
26 the local governing body in support of or in protest against the issuance
27 or renewal of such license may do so at the time of the hearing. Such
28 hearing shall be held not more than forty-five days after the date of
29 receipt of the notice from the commission, and after such hearing the
30 local governing body shall cause to be recorded in the minute record of
31 their proceedings a resolution recommending either issuance or refusal of

1 such license. The clerk of such city, village, or county shall mail to
2 the commission by first-class mail, postage prepaid, a copy of the
3 resolution which shall state the cost of the published notice, except
4 that failure to comply with this provision shall not void any license
5 issued by the commission. If the commission refuses to issue or renew
6 such a license, the cost of publication of notice shall be paid by the
7 commission from the security for costs.

8 Sec. 114. Any five residents of the jurisdiction of the local
9 governing body in which a licensed premises is located shall have the
10 right to file a complaint with the local governing body stating that any
11 licensee subject to the jurisdiction of such local governing body has
12 been or is violating the Cannabis Control Act, any rule or regulation
13 adopted and promulgated thereunder, or any ordinance regulating cannabis.
14 Such complaint shall be in writing in the form prescribed by the local
15 governing body and shall be signed and sworn to by the parties
16 complaining. The complaint shall state the particular statute, rule or
17 regulation, or ordinance believed to have been violated and the facts in
18 detail upon which such belief is based. If the local governing body is
19 satisfied that the complaint substantially charges a violation and that
20 from the facts alleged there is reasonable cause for such belief, it
21 shall set the matter for hearing within ten days from the date of the
22 filing of the complaint and shall serve notice upon the licensee of the
23 time and place of such hearing and of the particular charge in the
24 complaint. The complaint shall in all cases be disposed of by resolution
25 by the local governing body within thirty days from the date the
26 complaint was filed. Such resolution shall be deemed the final order for
27 purposes of appeal to the commission as provided in section 121 of this
28 act.

29 Sec. 115. (1) The commission may, on its own motion or on
30 complaint, after investigation and opportunity for a public hearing at
31 which the licensee must be afforded an opportunity to be heard, sanction

1 a licensee for a violation by the licensee or by its agents or employees
2 of the Cannabis Control Act, any rules and regulations adopted and
3 promulgated thereunder, any ordinance regulating cannabis, or of any of
4 the terms, conditions, or provisions of the license.

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

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

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

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

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

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

29 Sec. 116. Upon the completion of any hearing held regarding
30 discipline of a license, the director may dismiss the action or impose
31 any of the following sanctions:

- 1 (1) Censure;
- 2 (2) Probation;
- 3 (3) Limitation;
- 4 (4) Civil penalty;
- 5 (5) Suspension for up to six months;
- 6 (6) Seizure of cannabis that is the subject of a violation of the
- 7 Cannabis Control Act; or
- 8 (7) Revocation.

9 Sec. 117. (1) If a civil penalty is imposed pursuant to section 116
10 of this act, it shall not exceed twenty thousand dollars.

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

20 Sec. 118. (1) If the commission determines that cannabis in the
21 possession of a licensee is involved in a violation of the Cannabis
22 Control Act, the rules and regulations of the commission, an ordinance
23 regulating cannabis, or any terms or conditions of a license, the
24 commission may declare such cannabis to be contraband and seize and
25 destroy or dispose of it in accordance with rules and regulations of the
26 commission. The commission may also seize and dispose of associated
27 property.

28 (2) Following issuance of a final decision by the commission
29 authorizing seizure and destruction of cannabis or associated property of
30 a licensee, the licensee shall have fifteen days to file a petition for a
31 stay. The petition shall be filed in the district court of Lancaster

1 County. The district court shall expeditiously issue a preliminary ruling
2 upon the petition determining whether the licensee has a substantial
3 likelihood of success on judicial review so as to warrant a temporary
4 stay of the seizure and destruction or disposal of the cannabis and any
5 associated property. If the court grants a temporary stay, the court
6 shall issue an order setting forth terms and conditions pursuant to which
7 the licensee may maintain possession of the cannabis and associated
8 property pending a final decision on the merits of the licensee's
9 petition. Such order shall prohibit the licensee from using,
10 distributing, or disposing of the cannabis and any associated property.

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

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

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

22 Sec. 119. The state, local governments, and any state or local
23 agency shall not be required to cultivate or care for any cannabis seized
24 for a violation of the Cannabis Control Act.

25 Sec. 120. (1) A copy of the rule, regulation, order, or decision of
26 the commission denying an application or suspending, revoking, or
27 imposing another sanction against a licensee or of any notice required by
28 any proceeding before it, certified under the seal of the commission,
29 shall be served upon each party of record to the proceeding before the
30 commission. Service upon any attorney of record for any such party shall
31 be deemed to be service upon such party. Each party appearing before the

1 commission shall enter the party's appearance and indicate to the
2 commission the party's address for such service. The mailing of a copy of
3 any rule, regulation, order, or decision of the commission or of any
4 notice by the commission, in the proceeding, to such party at such
5 address shall be deemed to be service upon such party.

6 (2) Within thirty days after the service described in subsection (1)
7 of this section, such party may apply for a rehearing with respect to any
8 matters determined by the commission. The commission shall receive and
9 consider such application for a rehearing within thirty days after its
10 filing with the executive director of the commission. If such application
11 for rehearing is granted, the commission shall proceed as promptly as
12 possible to consider the matters presented by such application. No appeal
13 shall be allowed from any decision of the commission except as provided
14 in section 121 of this act.

15 (3) Upon final disposition of any proceeding, costs shall be paid by
16 the party or parties against whom a final decision is rendered. Only one
17 rehearing referred to in subsection (2) of this section shall be granted
18 by the commission on application of any one party.

19 (4) For purposes of this section, party of record means:

20 (a) The applicant or licensee;

21 (b) Any individual protesting pursuant to subdivision (1)(b) of
22 section 102 of this act;

23 (c) The local governing body if it is entering an appearance to
24 protest or requesting a hearing pursuant to subdivision (1)(c) of section
25 102 of this act; and

26 (d) The commission.

27 Sec. 121. Any order or decision by the commission granting or
28 denying issuance or renewal of a license, a request to transfer ownership
29 of a license, or a request to relocate a licensed premises; suspending,
30 revoking, or imposing another sanction against a licensee; or refusing to
31 suspend, revoke, or impose another sanction against a licensee may be

1 appealed in accordance with the Administrative Procedure Act.

2 Sec. 122. (1) A person holding the appropriate licenses may operate
3 as a cannabis store, cultivator, products manufacturer, and transporter
4 at the same location if approved by the commission and if the location is
5 within the jurisdiction of a local governing body that does not prohibit
6 such joint operations.

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

11 Sec. 123. (1) A local governing body may adopt ordinances
12 regulating state licensees that are more strict than those set forth in
13 the Cannabis Control Act. Such standards may include, but are not limited
14 to:

15 (a) Distance restrictions between licensed premises of any type or
16 the same type;

17 (b) A prohibition of joint operations under section 122 of this act;

18 (c) Reasonable restrictions on the size of a licensed premises; and

19 (d) Any other requirements necessary to ensure the local control of
20 licensees to aid enforcement of the Cannabis Control Act, ordinances, or
21 the terms and conditions of a license.

22 (2) Any ordinance regulating conduct authorized by the Cannabis
23 Control Act shall not make it unreasonably impracticable to operate as a
24 licensee, except that this restriction does not apply to a prohibition of
25 joint operations under section 122 of this act.

26 Sec. 124. Nothing in the Cannabis Control Act shall be construed to
27 limit a law enforcement agency's ability to investigate unlawful activity
28 in relation to a licensee.

29 Sec. 125. No licensee shall:

30 (1) Sell or transfer cannabis to any individual under twenty-one
31 years of age;

1 (2) Allow any individual under twenty-one years of age on its
2 premises;

3 (3) Employ or retain any individual under twenty-one years of age;
4 or

5 (4) Employ or retain any individual without an employment
6 authorization.

7 Sec. 126. No licensee shall transport cannabis, in any form,
8 outside the State of Nebraska.

9 Sec. 127. (1) For purposes of this section:

10 (a) Escorted means appropriately checked into the limited access
11 area and accompanied by a person authorized by the commission, except
12 that trade craftspeople not normally engaged in the business of
13 cultivating, processing, testing, or selling cannabis need not be
14 accompanied on a full-time basis, but only reasonably monitored; and

15 (b) Limited access area means a building, room, or other contiguous
16 area upon a licensed premises where cannabis is cultivated, stored,
17 weighed, packaged, or tested, under control of the licensee.

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

23 Sec. 128. All cultivation, processing, and manufacture of cannabis
24 shall:

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

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

31 (3) Take place on property in the licensee's lawful possession or

1 with the consent of the person in lawful physical possession of the
2 property.

3 Sec. 129. Each licensee shall:

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

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

9 Sec. 130. (1) Each licensee shall keep a complete set of all
10 records necessary to fully document the business transactions of the
11 licensee, all of which shall be open at all times during business hours
12 for the inspection and examination by the commission or its designee.

13 (2) The commission may require any licensee to furnish such
14 information as the commission considers necessary for the proper
15 administration of the Cannabis Control Act and may require an audit to be
16 made of the books of account and records on such occasions as the
17 commission may consider necessary by an auditor to be selected by the
18 commission who shall likewise have access to all books and records of the
19 licensee. All such audit expense shall be paid by the licensee.

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

29 (4) The refusal, impediment, obstruction, or interference with an
30 inspection of the licensed premises or records of a licensee by a
31 licensee or its agent or employee is a violation of the Cannabis Control

1 Act.

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

6 Sec. 131. (1) Every sale or transfer of cannabis from one licensee
7 to another licensee shall be recorded on a sales invoice or receipt.
8 Sales invoices and receipts may be maintained electronically. Sales
9 invoices and receipts shall:

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

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

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

16 (a) Name and address of the purchaser;

17 (b) Date and sale of invoice and number;

18 (c) Kind, quantity, size, and capacity of packages of cannabis sold;

19 (d) The cost to the purchaser, together with any discount applied to
20 the price as shown on the invoice;

21 (e) The place from which transport of the cannabis was made unless
22 transport was made from the premises of the licensee; and

23 (f) Any other information specified by the commission.

24 Sec. 132. Any licensee may provide a sample of its cannabis or
25 cannabis products to a testing facility for testing and research
26 purposes. The licensee shall maintain a record of what was provided to
27 the testing facility, the identity of the testing facility, and the
28 testing results.

29 Sec. 133. The commission shall adopt and promulgate rules and
30 regulations for testing requirements for testing facilities. The
31 commission may adopt standards based on those of the International

- 1 Organization for Standardization. The testing requirements shall include:
2 (1) Determining accurately, with respect to cannabis:
3 (a) The concentration of THC and cannabidiol;
4 (b) The presence and identification of mold and fungus;
5 (c) The composition; and
6 (d) The presence of chemicals, including, but not limited to,
7 pesticides, herbicides, or growth regulators; and
8 (2) Demonstrating the validity and accuracy of the methods used to
9 test cannabis.

10 Sec. 134. The commission may adopt and promulgate rules and
11 regulations that limit the amount of cannabis inventory that a cannabis
12 store may have on hand. Any such limitation must be commercially
13 reasonable and consider factors including a store's sales history.

14 Sec. 135. Every cannabis store shall display at all times in a
15 prominent place a printed sign with a minimum height of twenty inches and
16 a width of fourteen inches, with each letter to be a minimum one-fourth
17 inch in height, which shall read as follows:

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

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

26 Sec. 136. A display case in a cannabis store containing
27 concentrated cannabis must include the potency of the concentrated
28 cannabis next to the name of the product.

29 Sec. 137. (1) No person shall add harmful additives to any cannabis
30 or cannabis product, including, but not limited to, those that are toxic,
31 designed to make the product addictive, designed to make the product

1 appealing to children, or misleading to consumers. This section does not
2 prohibit the addition of common baking or cooking ingredients.

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

4 Sec. 138. No licensee shall cultivate, manufacture, sell, or
5 otherwise transact business with any products containing cannabinoids
6 other than those that were produced, distributed, and taxed in compliance
7 with the Cannabis Control Act or the Nebraska Hemp Farming Act.

8 Sec. 139. A products manufacturer shall:

9 (1) Process and prepare cannabis into a form allowable under the
10 Cannabis Control Act prior to distribution to any cannabis store or other
11 products manufacturer; and

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

16 Sec. 140. The commission shall adopt and promulgate rules and
17 regulations for the packaging of cannabis, cannabis products, and
18 concentrated cannabis which shall include:

19 (1) Special packaging requirements to protect children from
20 ingesting or consuming cannabis;

21 (2) Requirements for dividing each serving within a package
22 containing multiple servings in a manner that allows consumers to easily
23 identify a single serving; and

24 (3) Requirements to ensure that packaging and labels are not
25 attractive to children.

26 Sec. 141. (1) Prior to transfer or sale to a consumer by a cannabis
27 store, all cannabis, cannabis products, and concentrated cannabis shall
28 be labeled and placed in an opaque, resealable, and child-resistant
29 package in accordance with the Cannabis Control Act and all rules and
30 regulations adopted and promulgated thereunder.

31 (2) For purposes of this section:

1 (a) Opaque means that the packaging does not allow the product to be
2 seen without opening the packaging material; and

3 (b) Resealable means that the package continues to function within
4 effectiveness specifications, which shall be established by the
5 commission, similar to the federal Poison Prevention Packaging Act of
6 1970, 15 U.S.C. 1471 et seq., as such act existed on July 1, 2024, for
7 the number of opening and closings customary for its size and contents,
8 which shall be determined by the commission.

9 Sec. 142. The label required by section 141 of this act shall
10 include the following information prominently displayed in a clear and
11 legible fashion and in a font size no smaller than nine-point Arial or
12 ten-point Times New Roman:

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

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

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

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

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

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

28 (7) Text that reads: "Cannabis impairs concentration, coordination,
29 and judgment. It is illegal to drive a motor vehicle while under the
30 influence of cannabis.";

31 (8) Text that reads: "This product is a controlled substance under

1 federal law. This product may be unlawful outside the State of
2 Nebraska.";

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

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

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

14 Sec. 143. The principal display area of any packaging or label
15 required by section 141 of this act shall:

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

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

20 Sec. 144. The label required under section 141 of this act shall,
21 for edible cannabis products:

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

25 (2) List all ingredients and disclose nutritional information in the
26 same manner as the federal nutritional labeling requirements in 21 C.F.R.
27 101.9, as such section existed on July 1, 2024; and

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

29 Sec. 145. The commission may by rule or regulation exempt multi-
30 serving liquid cannabis products from the labeling requirements of
31 section 142 of this act when such requirements are unreasonably

1 impracticable, if:

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

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

9 Sec. 146. A sealed internal package of cannabis products shall
10 contain no more than one hundred milligrams of active THC.

11 Sec. 147. (1) The commission may issue a centralized distribution
12 permit to a cultivator authorizing temporary storage on its licensed
13 premises of concentrated cannabis and cannabis products received from a
14 products manufacturer for the sole purpose of transfer to the permit
15 holder's commonly owned cannabis stores.

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

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

26 (4) The commission shall notify the local governing body of its
27 decision regarding the centralized distribution permit. The commission
28 may deny issuance or renewal of a permit for any reasons set forth in
29 section 103 of this act.

30 (5) The centralized distribution activities authorized by this
31 section shall occur on the licensed premises. All security and

1 surveillance requirements that otherwise apply to the licensed premises
2 apply to such activities.

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

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

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

14 (9) All transfers of concentrated cannabis and cannabis products by
15 a licensee pursuant to a centralized distribution permit shall be:

16 (a) Without consideration; and

17 (b) Tracked in the licensee's seed-to-sale system.

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

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

25 Sec. 148. (1) A person who has an interest in a testing facility
26 shall not have any interest in any cannabis store, cultivator, or
27 products manufacturer.

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

31 Sec. 149. (1) Except as provided in subsection (2) of this section,

1 a license shall not be issued or renewed for a testing facility unless
2 the facility is accredited by a body that is recognized by the
3 International Laboratory Accreditation Cooperation in an appropriate
4 category of testing pursuant to the International Organization for
5 Standardization.

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

12 Sec. 150. (1) Subject to this section, a licensee may provide
13 samples of cannabis to no more than five managers employed by the
14 licensee for purposes of quality control and product development. The
15 licensee may designate no more than five managers per calendar month as
16 such recipients.

17 (2)(a) A cultivator may provide a sample of cannabis and
18 concentrated cannabis to a manager.

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

25 (c) A manager shall not receive more than one ounce total of
26 cannabis or eight grams of concentrated cannabis samples per calendar
27 month, regardless of the number of licenses with which the manager is
28 associated.

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

31 (b) A sample authorized pursuant to this section is limited to one

1 serving size of an edible cannabis product not exceeding ten milligrams
2 of THC or its applicable equivalent serving size of nonedible cannabis
3 product and one-quarter gram of concentrated cannabis, except that the
4 limit is one-half gram of concentrated cannabis if the intended use of
5 the final product is to be used in a device that can be used to deliver
6 concentrated cannabis in a vaporized form to the person inhaling from the
7 device.

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

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

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

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

25 (7) A manager shall not:

26 (a) Sell or transfer the sample to any other person; or

27 (b) Consume the sample on the licensed premises.

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

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

1 regulations regarding:

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

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

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

7 Sec. 151. (1) A cannabis store may sell cannabis to consumers
8 twenty-one years of age and older and to other cannabis stores pursuant
9 to the requirements and restrictions of the Cannabis Control Act.

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

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

17 Sec. 152. (1) A cannabis store shall not sell to a consumer:

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

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

22 (2) This section does not apply to nonedible, nonpsychoactive
23 cannabis products, including ointments, lotions, balms, and other
24 nontransdermal topical products.

25 (3) For purposes of this section, equivalent means the equivalent
26 amount established by the commission under section 86 of this act.

27 Sec. 153. (1) A cannabis store may only sell cannabis, cannabis
28 products, concentrated cannabis, cannabis accessories, nonconsumable
29 products such as apparel, and cannabis-related products, such as
30 childproof packaging containers.

31 (2) A cannabis store shall be prohibited from selling or giving away

1 any consumable product, including, but not limited to, cigarettes or
2 alcohol, or edible products that do not contain cannabis, including, but
3 not limited to, sodas, candies, or baked goods.

4 Sec. 154. A cannabis store may sell cannabis using an automatic
5 dispensing machine. Any such sales shall be done in compliance with rules
6 and regulations adopted and promulgated by the commission.

7 Sec. 155. A cannabis store shall not sell cannabis to a consumer
8 unless the consumer is physically present in the licensed premises.

9 Sec. 156. (1) A cannabis store shall not sell or transfer cannabis
10 to a consumer unless the consumer presents documentation which reasonably
11 appears to be a valid government-issued identification card showing that
12 the consumer is twenty-one years of age or older.

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

17 Sec. 157. (1) In order to further the public policy of deterring
18 licensees or other persons from violating section 45 of this act, a
19 person who is at least fifteen years of age but under twenty-one years of
20 age may assist a peace officer in determining compliance with such
21 section if:

22 (a) The parent or legal guardian of the person has given written
23 consent for the person to participate in such compliance check if such
24 person is under nineteen years of age;

25 (b) The person is an employee, a volunteer, or an intern with a
26 state or local law enforcement agency;

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

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

31 (e) The person is not actively assigned to a diversion program, is

1 not a party to a pending criminal proceeding or a proceeding pending
2 under the Nebraska Juvenile Code, and is not on probation.

3 (2) Any person under the age of twenty-one years acting in
4 accordance with and under the authority of this section shall not be in
5 violation of section 43 or 44 of this act.

6 Sec. 158. (1) If an employee of a cannabis store has reasonable
7 cause to believe that a person is under twenty-one years of age and is
8 exhibiting fraudulent proof of age in an attempt to obtain any cannabis,
9 the employee is authorized to confiscate such fraudulent proof of age, if
10 possible, and shall, within seventy-two hours after the confiscation,
11 remit it to a state or local law enforcement agency.

12 (2) The failure to confiscate such fraudulent proof of age or to
13 remit to a state or local law enforcement agency within seventy-two hours
14 after the confiscation shall not be grounds for the revocation or
15 suspension of any license issued under the Cannabis Control Act.

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

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

28 Sec. 159. (1) Subject to the applicable limit for the cultivator's
29 license tier, a cultivator may cultivate cannabis for sale to cannabis
30 stores, to products manufacturers, and to other cultivators, but not to
31 consumers, in accordance with the Cannabis Control Act.

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

4 Sec. 160. (1) A products manufacturer may manufacture cannabis
5 products for sale and distribution as permitted by the license subtype as
6 provided in section 95 of this act and in accordance with the Cannabis
7 Control Act. A products manufacturer shall not sell cannabis products to
8 consumers.

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

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

15 Sec. 161. (1) A testing facility may analyze, test, and certify
16 cannabis, including for potency and the presence of contaminants, in
17 accordance with the Cannabis Control Act.

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

21 (3) A testing facility shall track all cannabis from its receipt
22 until its disposal.

23 Sec. 162. (1) A transporter may, in accordance with the Cannabis
24 Control Act:

25 (a) Transport cannabis from the licensed premises of one licensee to
26 the licensed premises of another licensee; and

27 (b) Temporarily store cannabis to be transported at its own licensed
28 premises. The commission may approve multiple licensed premises in
29 different locations for a single licensee, subject to sections 98 to 103
30 of this act.

31 (2) A transporter shall not sell cannabis.

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

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

5 Sec. 163. (1) Except as provided in subsections (2) and (3) of this
6 section, the following employees or agents of a licensee shall possess an
7 employee authorization:

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

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

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

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

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

28 (4) For purposes of this section, escorted and limited access area
29 have the same meaning as in section 127 of this act.

30 Sec. 164. (1) An application for issuance of an employment
31 authorization shall be in the form and manner required by the commission,

1 shall be accompanied by a nonrefundable fee of one hundred dollars, and
2 shall be verified by oath or affirmation of the applicant.

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

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

7 (b) A statement that the applicant meets the requirements of section
8 165 of this act; and

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

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

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

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

24 Sec. 165. (1) In order to receive an employment authorization, a
25 person shall:

26 (a) Be a Nebraska resident and legally able to work in Nebraska;

27 (b) Be at least twenty-one years of age;

28 (c) Not have been convicted of or pleaded guilty or nolo contendere
29 to a disqualifying offense;

30 (d) Not be employed by the commission or the Department of Revenue;

31 (e) Not be a peace officer, employee of a jail or the Department of

1 Correctional Services, or an official or employee of a local governing
2 body;

3 (f) Not be a related person with respect to any person employed by
4 the commission; and

5 (g) Not live in the same dwelling as any person employed by the
6 commission.

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

11 Sec. 166. The commission shall approve an application for an
12 employment authorization if the applicant meets the requirements of
13 section 165 of this act and submits an application and fee in conformance
14 with section 164 of this act. An employment authorization is valid for
15 two years from the date of issuance.

16 Sec. 167. A person may apply for the renewal of an employment
17 authorization by submitting an application to the commission not earlier
18 than thirty days prior to the date of expiration. The application shall
19 be in a form and submitted in a manner as prescribed by the commission
20 and accompanied by a nonrefundable fee of seventy-five dollars.

21 Sec. 168. (1) The employment authorization of any person who
22 violates the Cannabis Control Act, any rule or regulation adopted or
23 promulgated thereunder, or an ordinance regulating cannabis may be
24 suspended or revoked or subject to such other sanction as the commission
25 deems appropriate under section 116 of this act, except that any civil
26 penalty issued shall not exceed one thousand dollars.

27 (2) A denial of issuance or renewal, suspension, revocation, or
28 imposition of a sanction against an employment authorization may be
29 appealed in accordance with the Administrative Procedure Act.

30 Sec. 169. (1) For purposes of this section:

31 (a) Approved training program means a training program offered by a

1 provider and approved by the commission as provided in this section;

2 (b) Licensee or store means a cannabis store;

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

6 (d) Provider means a person providing training to stores and their
7 managers and employees.

8 (2) On or before January 1, 2026, the commission shall by rule and
9 regulation determine which employees of which licensees are mandatory
10 participants and develop standards for approved training programs. At a
11 minimum, a program shall include two hours of instruction in a classroom
12 setting and shall include:

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

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

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

23 (ii) Civil and criminal liability and administrative sanctions;

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

26 (iv) Acceptable forms of identification documents;

27 (v) Local ordinances; and

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

30 (3) In developing standards under subsection (2) of this section,
31 the commission may consider input nationally from other state agencies,

1 local governing bodies, and the cannabis industry.

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

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

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

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

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

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

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

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

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

6 Sec. 170. (1) The commission, in consultation with the Department
7 of Agriculture, shall develop a permitting system to allow pesticide
8 manufacturers to obtain limited quantities of cannabis in order to
9 conduct research to establish safe and effective protocols for the use of
10 pesticides on cannabis. To apply, a pesticide manufacturer shall submit a
11 fee of five hundred dollars to the commission with an application, on a
12 form and in a manner prescribed by the commission. If the commission
13 grants the application it shall enter into an agreement with the
14 pesticide manufacturer, setting forth the terms and conditions under
15 which the pesticide manufacturer may obtain, use, and dispose of
16 cannabis. The permit shall be renewable annually for a fee of one hundred
17 dollars, on such terms and conditions as the commission may prescribe.

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

23 (3) A pesticide manufacturer acting under a permit issued pursuant
24 to this section shall:

25 (a) Conduct such research within Nebraska;

26 (b) Only possess at any time the quantity of cannabis authorized by
27 the commission;

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

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

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

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

5 Sec. 171. (1) The Cannabis Control Fund is created. The fund shall
6 consist of all fees, gifts, grants, and other money, excluding fines and
7 civil penalties, received or collected by the commission under the
8 Cannabis Control Act.

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

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

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

23 Sec. 172. For purposes of sections 172 to 177 of this act:

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

26 (2) Average market rate means the average price, as determined by
27 the commission on a quarterly basis, of all unprocessed cannabis that is
28 sold or transferred from cultivators in the state to products
29 manufacturers or cannabis stores, less taxes paid on the sales or
30 transfers. An average market rate may be based on the purchaser or
31 transferee of unprocessed cannabis or on the nature of the unprocessed

1 cannabis that is sold or transferred. The average market rate shall
2 include one or more rates that cover unprocessed cannabis that is
3 allocated to extractions, and the initial rates for these product types
4 must be lower than the rate for unprocessed cannabis that is allocated
5 for direct sale to consumers;

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

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

15 (5) Excise tax means the tax imposed by section 173 of this act;

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

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

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

24 Sec. 173. (1) There is levied and shall be collected an excise tax
25 on the first sale or transfer of unprocessed cannabis by a cultivator to
26 a products manufacturer, a cannabis store, or an unaffiliated cultivator.
27 The tax shall be at a rate of twenty-five percent of:

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

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

1 (2) The excise tax imposed by this section shall be in addition to
2 all other occupation or privilege taxes imposed by this state or by any
3 political subdivision of the state, subject to section 178 of this act.

4 Sec. 174. (1) Every cultivator shall keep at each licensed premises
5 complete and accurate electronic records for that licensed premises,
6 including itemized invoices of all cannabis cultivated, held, shipped, or
7 otherwise transported or sold to any other licensee.

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

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

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

22 Sec. 175. (1) Every cultivator shall file a return with the
23 commission by the twentieth day of the month following the month reported
24 and with the report shall remit the amount of excise tax due.

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

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

31 Sec. 176. (1) A products manufacturer or cannabis store shall not

1 accept any cannabis from a cultivator unless the manufacturer or store is
2 provided with evidence that the excise tax was paid.

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

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

8 Sec. 177. (1) The commission shall collect the excise tax and shall
9 account for and remit to the State Treasurer at least once each month all
10 money collected pursuant to such tax for credit to the Cannabis Control
11 Fund.

12 (2) After deducting amounts necessary for the commission to
13 administer and enforce the Cannabis Control Act, the State Treasurer
14 shall credit the remaining revenue collected from the excise tax to the
15 Education Future Fund.

16 Sec. 178. No city, village, county, or other political subdivision
17 shall impose an occupation tax on a licensee which annually exceeds two
18 times the amount of the initial license fee required to be paid to the
19 commission by such licensee under section 98 of this act.

20 Sec. 179. Sections 179 to 190 of this act shall be known and may be
21 cited as the Cannabis Conviction Clean Slate Act.

22 Sec. 180. For purposes of the Cannabis Conviction Clean Slate Act,
23 the definitions found in the Cannabis Control Act, the Security, Privacy,
24 and Dissemination of Criminal History Information Act and sections 181
25 and 182 of this act apply.

26 Sec. 181. The terms conviction and adjudication include a
27 conviction or adjudication following trial or entry of a guilty plea or
28 plea of nolo contendere and include a forfeiture of bail, bond, or other
29 security deposited to secure appearance by a person charged with an
30 offense.

31 Sec. 182. Qualifying cannabis offense has the same meaning as in

1 section 31 of this act.

2 Sec. 183. (1) Beginning June 1, 2025, a person shall automatically
3 be eligible for clean slate relief under sections 186 and 187 of this act
4 for a qualifying cannabis offense if:

5 (a) The qualifying cannabis offense was committed on or after
6 January 1, 2010;

7 (b) As of June 1, 2025, such person has completed the sentence for
8 such offense; and

9 (c) As of June 1, 2025, such person has paid all court-ordered
10 financial obligations related to such offense.

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

14 (3) On or before June 1, 2025, the State Court Administrator shall:

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

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

19 (4) Each court of conviction or adjudication shall, on or before
20 August 1, 2025, issue orders for clean slate relief under sections 186
21 and 187 of this act for each person for whom the court received a
22 notification under subsection (3) of this section.

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

26 Sec. 184. (1) Beginning July 1, 2025, a person shall automatically
27 be eligible for clean slate relief under sections 186 and 187 of this act
28 for a qualifying cannabis offense if:

29 (a) The qualifying cannabis offense was committed on or after
30 January 1, 2010;

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

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

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

6 (3) Beginning July 1, 2025, the State Court Administrator shall, on
7 a monthly basis:

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

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

12 (4) Each court of conviction or adjudication shall, on a monthly
13 basis, issue orders for clean slate relief under sections 186 and 187 of
14 this act for each person for whom the court received a notification under
15 subsection (3) of this section.

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

19 (6) This section terminates on January 1, 2030.

20 Sec. 185. (1) A person convicted of, or adjudicated for, a
21 qualifying cannabis offense may petition the court for clean slate relief
22 under sections 186 and 187 of this act if such person has completed the
23 sentence for such offense and paid all court-ordered financial
24 obligations related to such offense.

25 (2) This section applies to a qualifying cannabis offense regardless
26 of when it was committed.

27 (3) The petition shall be filed in the court of conviction or
28 adjudication. There shall be no filing or docketing fee charged by the
29 court for the filing of a petition except for the fee authorized by this
30 subsection. The court may charge a filing fee in an amount set by the
31 State Court Administrator. The fee shall be set at an amount to recoup

1 the costs associated with administering the Clean Slate Act, but shall
2 not exceed forty dollars.

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

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

12 (6) Upon granting a petition under this section, the court shall
13 issue an order for clean slate relief under sections 186 and 187 of this
14 act.

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

17 Sec. 186. (1) An order for clean slate relief shall:

18 (a) Nullify the conviction;

19 (b) Remove all civil disabilities and disqualifications imposed as a
20 result of the conviction; and

21 (c) Notify the person in interest that such person should consult
22 with an attorney regarding the effect of the order, if any, on such
23 person's ability to possess a firearm under state or federal law.

24 (2) An order for clean slate relief shall not:

25 (a) Require the reinstatement of any office, employment, or position
26 which was previously held and lost or forfeited as a result of the
27 conviction; or

28 (b) Affect eligibility for, or obligations relating to, a commercial
29 driver's license.

30 Sec. 187. (1) Following entry of a court order granting a person
31 clean slate relief under section 186 of this act, a criminal justice

1 agency shall respond to a public inquiry in the same manner as if there
2 were no criminal history record information and criminal history record
3 information shall not be disseminated to any person other than a criminal
4 justice agency, except as provided in subsections (4) and (5) of this
5 section.

6 (2) In issuing an order for clean slate relief, the court shall:

7 (a) Order that all records, including any information or other data
8 concerning any proceedings relating to the case, including the arrest,
9 taking into custody, petition, complaint, indictment, information, trial,
10 hearing, adjudication, correctional supervision, dismissal, or other
11 disposition or sentence, are not part of the public record and shall not
12 be disseminated to persons other than criminal justice agencies, except
13 as provided in subsections (4) and (5) of this section;

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

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

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

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

30 (3) In any application for employment, bonding, licensing,
31 education, or other right or privilege, any appearance as a witness, or

1 any other public inquiry, a person shall not be questioned with respect
2 to any offense for which the record is sealed. If an inquiry is made in
3 violation of this subsection, the person may respond as if the offense
4 never occurred.

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

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

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

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

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

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

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

31 (i) Federal law, including rules and regulations, and including

1 rules and regulations promulgated by a self-regulatory organization
2 created under federal law; or

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

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

14 Sec. 188. An appeal by a person in interest who is denied clean
15 slate relief shall be expedited. If, on appeal, it is determined that the
16 person in interest was wrongfully denied clean slate relief, the state
17 shall pay such person's attorney's fees for the appeal.

18 Sec. 189. (1) Upon petition of the county attorney or city
19 attorney, and with notice to the person in interest and opportunity to be
20 heard, the court shall vacate an order for clean slate relief issued
21 pursuant to section 183 or 184 of this act if the court determines that
22 the order was erroneously entered and not in accordance with the Cannabis
23 Conviction Clean Slate Act.

24 (2) Upon entry of an order under subsection (1) of this section, the
25 court shall send notice of such order as provided in subdivision (2)(b)
26 of section 187 of this act.

27 Sec. 190. The State Court Administrator may adopt and promulgate
28 rules and regulations as necessary to carry out the Cannabis Conviction
29 Clean Slate Act.

30 Sec. 191. Section 28-401, Revised Statutes Cumulative Supplement,
31 2022, as amended by Laws 2024, LB262, section 21, is amended to read:

1 28-401 As used in the Uniform Controlled Substances Act, unless the
2 context otherwise requires:

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

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

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

12 (4) Cannabis has the same meaning as in section 3 of this act;

13 (5) ~~(4)~~ Controlled substance means a drug, biological, substance, or
14 immediate precursor in Schedules I through V of section 28-405.
15 Controlled substance does not include distilled spirits, wine, malt
16 beverages, tobacco, hemp, or any nonnarcotic substance if such substance
17 may, under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et
18 seq., as such act existed on January 1, 2014, and the law of this state,
19 be lawfully sold over the counter without a prescription;

20 (6) ~~(5)~~ Counterfeit substance means a controlled substance which, or
21 the container or labeling of which, without authorization, bears the
22 trademark, trade name, or other identifying mark, imprint, number, or
23 device, or any likeness thereof, of a manufacturer, distributor, or
24 dispenser other than the person or persons who in fact manufactured,
25 distributed, or dispensed such substance and which thereby falsely
26 purports or is represented to be the product of, or to have been
27 distributed by, such other manufacturer, distributor, or dispenser;

28 (7) ~~(6)~~ Department means the Department of Health and Human
29 Services;

30 (8) ~~(7)~~ Division of Drug Control means the personnel of the Nebraska
31 State Patrol who are assigned to enforce the Uniform Controlled

1 Substances Act;

2 (9) ~~(8)~~ Dispense means to deliver a controlled substance to an
3 ultimate user or a research subject pursuant to a medical order issued by
4 a practitioner authorized to prescribe, including the packaging,
5 labeling, or compounding necessary to prepare the controlled substance
6 for such delivery;

7 (10) ~~(9)~~ Distribute means to deliver other than by administering or
8 dispensing a controlled substance;

9 (11) ~~(10)~~ Prescribe means to issue a medical order;

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

18 (13) ~~(12)~~ Deliver or delivery means the actual, constructive, or
19 attempted transfer from one person to another of a controlled substance,
20 whether or not there is an agency relationship;

21 (14) ~~(13)~~ Hemp has the same meaning as in section 2-503;

22 ~~(14)(a) Marijuana means all parts of the plant of the genus~~
23 ~~cannabis, whether growing or not, the seeds thereof, and every compound,~~
24 ~~manufacture, salt, derivative, mixture, or preparation of such plant or~~
25 ~~its seeds.~~

26 ~~(b) Marijuana does not include the mature stalks of such plant,~~
27 ~~hashish, tetrahydrocannabinols extracted or isolated from the plant,~~
28 ~~fiber produced from such stalks, oil or cake made from the seeds of such~~
29 ~~plant, any other compound, manufacture, salt, derivative, mixture, or~~
30 ~~preparation of such mature stalks, the sterilized seed of such plant~~
31 ~~which is incapable of germination, or cannabidiol contained in a drug~~

1 ~~product approved by the federal Food and Drug Administration.~~

2 ~~(c) Marijuana does not include hemp.~~

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

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

24 (16) Narcotic drug means any of the following, whether produced
25 directly or indirectly by extraction from substances of vegetable origin,
26 independently by means of chemical synthesis, or by a combination of
27 extraction and chemical synthesis: (a) Opium, opium poppy and poppy
28 straw, coca leaves, and opiates; (b) a compound, manufacture, salt,
29 derivative, or preparation of opium, coca leaves, or opiates; or (c) a
30 substance and any compound, manufacture, salt, derivative, or preparation
31 thereof which is chemically equivalent to or identical with any of the

1 substances referred to in subdivisions (a) and (b) of this subdivision,
2 except that the words narcotic drug as used in the Uniform Controlled
3 Substances Act does not include decocainized coca leaves or extracts of
4 coca leaves, which extracts do not contain cocaine or ecgonine, or
5 isoquinoline alkaloids of opium;

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

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

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

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

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

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

29 (23) Immediate precursor means a substance which is the principal
30 compound commonly used or produced primarily for use and which is an
31 immediate chemical intermediary used or likely to be used in the

1 manufacture of a controlled substance, the control of which is necessary
2 to prevent, curtail, or limit such manufacture;

3 (24) State means the State of Nebraska;

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

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

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

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

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

23 ~~(c) Hashish or concentrated cannabis does not include cannabidiol~~
24 ~~contained in a drug product approved by the federal Food and Drug~~
25 ~~Administration;~~

26 (28) ~~(29)~~ Exceptionally hazardous drug means (a) a narcotic drug,
27 (b) thiophene analog of phencyclidine, (c) phencyclidine, (d)
28 amobarbital, (e) secobarbital, (f) pentobarbital, (g) amphetamine, or (h)
29 methamphetamine;

30 (29) ~~(30)~~ Imitation controlled substance means a substance which is
31 not a controlled substance or controlled substance analogue but which, by

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

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

20 (b) Controlled substance analogue does not include (i) a controlled
21 substance, (ii) any substance generally recognized as safe and effective
22 within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
23 301 et seq., as such act existed on January 1, 2014, (iii) any substance
24 for which there is an approved new drug application, or (iv) with respect
25 to a particular person, any substance if an exemption is in effect for
26 investigational use for that person, under section 505 of the Federal
27 Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
28 January 1, 2014, to the extent conduct with respect to such substance is
29 pursuant to such exemption;

30 (31) ~~(32)~~ Anabolic steroid means any drug or hormonal substance,
31 chemically and pharmacologically related to testosterone (other than

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

10 (32) ~~(33)~~ Chart order means an order for a controlled substance
11 issued by a practitioner for a patient who is in the hospital where the
12 chart is stored or for a patient receiving detoxification treatment or
13 maintenance treatment pursuant to section 28-412. Chart order does not
14 include a prescription;

15 (33) ~~(34)~~ Medical order means a prescription, a chart order, or an
16 order for pharmaceutical care issued by a practitioner;

17 (34) ~~(35)~~ Prescription means an order for a controlled substance
18 issued by a practitioner. Prescription does not include a chart order;

19 (35) ~~(36)~~ Registrant means any person who has a controlled
20 substances registration issued by the state or the Drug Enforcement
21 Administration of the United States Department of Justice;

22 (36) ~~(37)~~ Reverse distributor means a person whose primary function
23 is to act as an agent for a pharmacy, wholesaler, manufacturer, or other
24 entity by receiving, inventorying, and managing the disposition of
25 outdated, expired, or otherwise nonsaleable controlled substances;

26 (37) ~~(38)~~ Signature means the name, word, or mark of a person
27 written in his or her own hand with the intent to authenticate a writing
28 or other form of communication or a digital signature which complies with
29 section 86-611 or an electronic signature;

30 (38) ~~(39)~~ Facsimile means a copy generated by a system that encodes
31 a document or photograph into electrical signals, transmits those signals

1 over telecommunications lines, and reconstructs the signals to create an
2 exact duplicate of the original document at the receiving end;

3 ~~(39)~~ ~~(40)~~ Electronic signature has the definition found in section
4 86-621;

5 ~~(40)~~ ~~(41)~~ Electronic transmission means transmission of information
6 in electronic form. Electronic transmission includes computer-to-computer
7 transmission or computer-to-facsimile transmission;

8 ~~(41)~~ ~~(42)~~ Long-term care facility means an intermediate care
9 facility, an intermediate care facility for persons with developmental
10 disabilities, a long-term care hospital, a mental health substance use
11 treatment center, a nursing facility, or a skilled nursing facility, as
12 such terms are defined in the Health Care Facility Licensure Act;

13 ~~(42)~~ ~~(43)~~ Compounding has the same meaning as in section 38-2811;

14 ~~(43)~~ ~~(44)~~ Cannabinoid receptor agonist means any chemical compound
15 or substance that, according to scientific or medical research, study,
16 testing, or analysis, demonstrates the presence of binding activity at
17 one or more of the CB1 or CB2 cell membrane receptors located within the
18 human body. Cannabinoid receptor agonist does not include (a) cannabidiol
19 contained in a drug product approved by the federal Food and Drug
20 Administration or (b) cannabis; and

21 ~~(44)~~ ~~(45)~~ Lookalike substance means a product or substance, not
22 specifically designated as a controlled substance in section 28-405, that
23 is either portrayed in such a manner by a person to lead another person
24 to reasonably believe that it produces effects on the human body that
25 replicate, mimic, or are intended to simulate the effects produced by a
26 controlled substance or that possesses one or more of the following
27 indicia or characteristics:

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

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

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

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

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

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

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

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

1 Sec. 192. Section 28-405, Revised Statutes Supplement, 2023, is
2 amended to read:

3 28-405 The following are the schedules of controlled substances
4 referred to in the Uniform Controlled Substances Act, unless specifically
5 contained on the list of exempted products of the Drug Enforcement
6 Administration of the United States Department of Justice as the list
7 existed on January 31, 2022:

8 Schedule I

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

- 13 (1) Acetylmethadol;
- 14 (2) Allylprodine;
- 15 (3) Alphacetylmethadol, except levo-alphacetylmethadol which is also
16 known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
- 17 (4) Alphameprodine;
- 18 (5) Alphamethadol;
- 19 (6) Benzethidine;
- 20 (7) Betacetylmethadol;
- 21 (8) Betameprodine;
- 22 (9) Betamethadol;
- 23 (10) Betaprodine;
- 24 (11) Clonitazene;
- 25 (12) Dextromoramide;
- 26 (13) DifenoXin;
- 27 (14) Diampromide;
- 28 (15) Diethylthiambutene;
- 29 (16) Dimenoxadol;
- 30 (17) Dimepheptanol;
- 31 (18) Dimethylthiambutene;

- 1 (19) Dioxaphetyl butyrate;
- 2 (20) Dipipanone;
- 3 (21) Ethylmethylthiambutene;
- 4 (22) Etonitazene;
- 5 (23) Etoxeridine;
- 6 (24) Furethidine;
- 7 (25) Hydroxypethidine;
- 8 (26) Ketobemidone;
- 9 (27) Levomoramide;
- 10 (28) Levophenacylmorphane;
- 11 (29) Morpheridine;
- 12 (30) Noracymethadol;
- 13 (31) Norlevorphanol;
- 14 (32) Normethadone;
- 15 (33) Norpipanone;
- 16 (34) Phenadoxone;
- 17 (35) Phenampromide;
- 18 (36) Phenomorphan;
- 19 (37) Phenoperidine;
- 20 (38) Piritramide;
- 21 (39) Proheptazine;
- 22 (40) Properidine;
- 23 (41) Propiram;
- 24 (42) Racemoramide;
- 25 (43) Trimeperidine;
- 26 (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl-4-
- 27 piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)
- 28 piperidine;
- 29 (45) Tilidine;
- 30 (46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
- 31 phenylpropanamide, its optical and geometric isomers, salts, and salts of

1 isomers;

2 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical
3 isomers, salts, and salts of isomers;

4 (48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine, its
5 optical isomers, salts, and salts of isomers;

6 (49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-phenethyl)-4-
7 piperidinyl)-N-phenylacetamide, its optical isomers, salts, and salts of
8 isomers;

9 (50) Alpha-methylthiofentanyl, N-(1-methyl-2-(2-thienyl)ethyl-4-
10 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
11 of isomers;

12 (51) Benzylfentanyl, N-(1-benzyl-4-piperidyl)-N-phenylpropanamide,
13 its optical isomers, salts, and salts of isomers;

14 (52) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-phenethyl)-4-
15 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
16 of isomers;

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

20 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-thienyl)ethyl-4-
21 piperidinyl)-N-phenylpropanamide, its optical and geometric isomers,
22 salts, and salts of isomers;

23 (55) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
24 (thenylfentanyl), its optical isomers, salts, and salts of isomers;

25 (56) Thiofentanyl, N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-
26 propanamide, its optical isomers, salts, and salts of isomers;

27 (57) Para-fluorofentanyl, N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-
28 piperidinyl)propanamide, its optical isomers, salts, and salts of
29 isomers;

30 (58) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
31 methylbenzamide;

- 1 (59) 4-Fluoroisobutyryl Fentanyl;
- 2 (60) Acetyl Fentanyl;
- 3 (61) Acryloylfentanyl;
- 4 (62) AH-7921; 3, 4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]
- 5 benzamide;
- 6 (63) Butyryl fentanyl;
- 7 (64) Cyclopentyl fentanyl;
- 8 (65) Cyclopropyl fentanyl;
- 9 (66) Furanyl fentanyl;
- 10 (67) Isobutyryl fentanyl;
- 11 (68) Isotonitazene;
- 12 (69) Methoxyacetyl fentanyl;
- 13 (70) MT-45; 1-cyclohexyl-4-(1,2-diphenylethyl) piperazine;
- 14 (71) Tetrahydrofuranyl fentanyl;
- 15 (72) 2-fluorofentanyl; N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-
- 16 yl) propionamide;
- 17 (73) Ocfentanil;
- 18 (74) Ortho-Fluorofentanyl;
- 19 (75) Para-chloroisobutyryl fentanyl;
- 20 (76) Para-Fluorobutyryl Fentanyl;
- 21 (77) Valeryl fentanyl;
- 22 (78) Phenyl Fentanyl;
- 23 (79) Para-Methylfentanyl;
- 24 (80) Thiofuranyl Fentanyl;
- 25 (81) Beta-methyl Fentanyl;
- 26 (82) Beta'-Phenyl Fentanyl;
- 27 (83) Crotonyl Fentanyl;
- 28 (84) 2'-Fluoro Ortho-Fluorofentanyl;
- 29 (85) 4'-Methyl Acetyl Fentanyl;
- 30 (86) Ortho-Fluorobutyryl Fentanyl;
- 31 (87) Ortho-Methyl Acetylfentanyl;

1 (88) Ortho-Methyl Methoxyacetyl Fentanyl;

2 (89) Ortho-Fluoroacryl Fentanyl;

3 (90) Fentanyl Carbamate;

4 (91) Ortho-Fluoroisobutyryl Fentanyl;

5 (92) Para-Fluoro Furanyl Fentanyl;

6 (93) Para-Methoxybutyryl Fentanyl;

7 (94) Brorphine (other name: 1-(1-(1-(4-bromophenyl) ethyl)
8 piperidin-4-yl-1,3-dihydro-2H-benzo[D]imidazole-2-one); and

9 (95) Fentanyl-related substances, their isomers, esters, ethers,
10 salts and salts of isomers, esters, and ethers. Unless specifically
11 excepted, listed in another schedule, or specifically named in this
12 schedule, this includes any substance that is structurally related to
13 fentanyl by one or more of the following modifications:

14 (A) Replacement of the phenyl portion of the phenethyl group by any
15 monocycle, whether or not further substituted in or on the monocycle;

16 (B) Substitution in or on the phenethyl group with alkyl, alkenyl,
17 alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;

18 (C) Substitution in or on the piperidine ring with alkyl, alkenyl,
19 alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

20 (D) Replacement of the aniline ring with any aromatic monocycle
21 whether or not further substituted in or on the aromatic monocycle; or

22 (E) Replacement of the N-propionyl group by another acyl group.

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

27 (1) Acetorphine;

28 (2) Acetyldihydrocodeine;

29 (3) Benzylmorphine;

30 (4) Codeine methylbromide;

31 (5) Codeine-N-Oxide;

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

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

25 (1) Bufotenine. Trade and other names shall include, but are not
26 limited to: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-
27 dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-
28 dimethyltryptamine; and mappine;

29 (2) 4-bromo-2,5-dimethoxyamphetamine. Trade and other names shall
30 include, but are not limited to: 4-bromo-2,5-dimethoxy-alpha-
31 methylphenethylamine; and 4-bromo-2,5-DMA;

1 (3) 4-methoxyamphetamine. Trade and other names shall include, but
2 are not limited to: 4-methoxy-alpha-methylphenethylamine; and
3 paramethoxyamphetamine, PMA;

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

7 (5) Para-methoxymethamphetamine. Trade and other names shall
8 include, but are not limited to: 1-(4-Methoxyphenyl)-N-methylpropan-2-
9 amine, PMMA, and 4-MMA;

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

14 (7) Lysergic acid diethylamide;

15 ~~(8) Marijuana;~~

16 ~~(8) (9) Mescaline;~~

17 ~~(9) (10) Methoxetamine (MXE);~~

18 ~~(10) (11) Peyote.~~ Peyote shall mean all parts of the plant presently
19 classified botanically as *Lophophora williamsii* Lemaire, whether growing
20 or not, the seeds thereof, any extract from any part of such plant, and
21 every compound, manufacture, salts, derivative, mixture, or preparation
22 of such plant or its seeds or extracts;

23 ~~(11) (12) Psilocybin;~~

24 ~~(12) (13) Psilocyn;~~

25 ~~(13) Synthetic tetrahydrocannabinols (14) Tetrahydrocannabinols,~~
26 including, but not limited to, synthetic equivalents of the substances
27 contained in the plant or in the resinous extractives of cannabis, sp. or
28 synthetic substances, derivatives, and their isomers with similar
29 chemical structure and pharmacological activity such as the following:
30 Delta 1 cis or trans tetrahydrocannabinol and their optical isomers,
31 excluding dronabinol in a drug product approved by the federal Food and

1 Drug Administration; Delta 6 cis or trans tetrahydrocannabinol and their
2 optical isomers; and Delta 3,4 cis or trans tetrahydrocannabinol and its
3 optical isomers. Since nomenclature of these substances is not
4 internationally standardized, compounds of these structures shall be
5 included regardless of the numerical designation of atomic positions
6 covered. Tetrahydrocannabinols does not include (a) cannabidiol contained
7 in a drug product approved by the federal Food and Drug Administration or
8 (b) naturally occurring tetrahydrocannabinols extracted or derived from
9 cannabis;

10 ~~(14) (15)~~ N-ethyl-3-piperidyl benzilate;

11 ~~(15) (16)~~ N-methyl-3-piperidyl benzilate;

12 ~~(16) (17)~~ Thiophene analog of phencyclidine. Trade and other names
13 shall include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-
14 piperidine; 2-thienyl analog of phencyclidine; TCP; and TCP;

15 ~~(18) Hashish or concentrated cannabis;~~

16 ~~(17) (19)~~ Parahexyl. Trade and other names shall include, but are
17 not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
18 dibenzo(b,d)pyran; and Synhexyl;

19 ~~(18) (20)~~ Ethylamine analog of phencyclidine. Trade and other names
20 shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine;
21 (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
22 cyclohexamine; and PCE;

23 ~~(19) (21)~~ Pyrrolidine analog of phencyclidine. Trade and other names
24 shall include, but are not limited to: 1-(1-phenylcyclohexyl)-
25 pyrrolidine; PCPy; and PHP;

26 ~~(20) (22)~~ Alpha-ethyltryptamine. Some trade or other names:
27 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
28 indole; alpha-ET; and AET;

29 ~~(21) (23)~~ 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

30 ~~(22) (24)~~ 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

31 ~~(23) (25)~~ Alpha-methyltryptamine, which is also known as AMT;

1 ~~(24)~~ ~~(26)~~ Salvia divinorum or Salvinorin A. Salvia divinorum or
2 Salvinorin A includes all parts of the plant presently classified
3 botanically as Salvia divinorum, whether growing or not, the seeds
4 thereof, any extract from any part of such plant, and every compound,
5 manufacture, derivative, mixture, or preparation of such plant, its
6 seeds, or its extracts, including salts, isomers, and salts of isomers
7 whenever the existence of such salts, isomers, and salts of isomers is
8 possible within the specific chemical designation;

9 ~~(25)~~ ~~(27)~~ Any material, compound, mixture, or preparation containing
10 any quantity of synthetically produced cannabinoids as listed in
11 subdivisions (A) through (L) of this subdivision, including their salts,
12 isomers, salts of isomers, and nitrogen, oxygen, or sulfur-heterocyclic
13 analogs, unless specifically excepted elsewhere in this section. Since
14 nomenclature of these synthetically produced cannabinoids is not
15 internationally standardized and may continually evolve, these structures
16 or compounds of these structures shall be included under this
17 subdivision, regardless of their specific numerical designation of atomic
18 positions covered, so long as it can be determined through a recognized
19 method of scientific testing or analysis that the substance contains
20 properties that fit within one or more of the following categories:

21 (A) Tetrahydrocannabinols: Meaning synthetic equivalents of
22 tetrahydrocannabinols naturally contained in a plant of the genus
23 cannabis (cannabis plant), as well as synthetic equivalents of the
24 substances contained in the plant, or in the resinous extractives of
25 cannabis, sp. and/or synthetic substances, derivatives, and their isomers
26 with similar chemical structure and pharmacological activity such as the
27 following: Delta 1 cis or trans tetrahydrocannabinol, and their optical
28 isomers; Delta 6 cis or trans tetrahydrocannabinol, and their optical
29 isomers; Delta 3,4 cis or trans tetrahydrocannabinol, and its optical
30 isomers. This subdivision does not include cannabidiol contained in a
31 drug product approved by the federal Food and Drug Administration;

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

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

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

25 (E) Naphthylideneindenes: Any compound containing a
26 naphthylideneindene structure with substitution at the 3-position of the
27 indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
28 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
29 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
30 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
31 tetrahydropyranylmethyl group, whether or not further substituted in or

1 on any of the listed ring systems to any extent;

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

10 (G) Cyclohexylphenols: Any compound containing a 2-(3-
11 hydroxycyclohexyl)phenol structure with substitution at the 5-position of
12 the phenolic ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
13 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
14 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
15 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
16 tetrahydropyranylmethyl group, whether or not substituted in or on any of
17 the listed ring systems to any extent;

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

26 (I) Adamantoylindoles: Any compound containing a 3-adamantoylindole
27 structure with substitution at the nitrogen atom of the indole ring by an
28 alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl,
29 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
30 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
31 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not

1 further substituted in or on any of the listed ring systems to any
2 extent;

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

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

23 (L) Indole carboxylates: Any compound containing a 1-indole-3-
24 carboxylate structure with substitution at the nitrogen atom of the
25 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
26 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
27 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
28 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
29 tetrahydropyranylmethyl group, substitution at the carboxylate group by
30 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,
31 phenyl, aminoalkyl group, or quinolinyl group, whether or not further

1 substituted in or on any of the listed ring systems to any extent or to
2 the adamantyl, 1-maphthyl, phenyl, aminooxoalkyl, benzyl, or
3 propionaldehyde groups to any extent; and

4 (M) Any nonnaturally occurring substance, chemical compound,
5 mixture, or preparation, not specifically listed elsewhere in these
6 schedules and which is not approved for human consumption by the federal
7 Food and Drug Administration, containing or constituting a cannabinoid
8 receptor agonist as defined in section 28-401. This subdivision (M) does
9 not apply to any product or preparation containing solely
10 tetrahydrocannabinols which are naturally occurring and extracted or
11 derived from cannabis;

12 ~~(26)~~ ~~(28)~~ Zipeprol 1-methoxy-3-[4-(2-methoxy-2-
13 phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol, including its isomers,
14 esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
15 the existence of such isomers, esters, ethers, and salts is possible
16 within the specific chemical designation;

17 ~~(27)~~ ~~(29)~~ Any material, compound, mixture, or preparation containing
18 any quantity of a substituted phenethylamine as listed in subdivisions
19 (A) through (C) of this subdivision, unless specifically excepted, listed
20 in another schedule, or specifically named in this schedule, that is
21 structurally derived from phenylethan-2-amine by substitution on the
22 phenyl ring with a fused methylenedioxy ring, fused furan ring, or a
23 fused tetrahydrofuran ring; by substitution with two alkoxy groups; by
24 substitution with one alkoxy and either one fused furan, tetrahydrofuran,
25 or tetrahydropyran ring system; or by substitution with two fused ring
26 systems from any combination of the furan, tetrahydrofuran, or
27 tetrahydropyran ring systems, whether or not the compound is further
28 modified in any of the following ways:

29 (A) Substitution of the phenyl ring by any halo, hydroxyl, alkyl,
30 trifluoromethyl, alkoxy, or alkylthio groups; (B) substitution at the 2-
31 position by any alkyl groups; or (C) substitution at the 2-amino nitrogen

1 atom with alkyl, dialkyl, benzyl, hydroxybenzyl, or methoxybenzyl groups,
2 and including, but not limited to:

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

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

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

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

11 (v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is also known as
12 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;

13 (vi) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine, which is also known
14 as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine;

15 (vii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine, which is also
16 known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine;

17 (viii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine, which is
18 also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine;

19 (ix) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine, which is
20 also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine;

21 (x) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine, which is also known
22 as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine;

23 (xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine, which is also
24 known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine;

25 (xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine, which is also
26 known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;

27 (xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane, which is also
28 known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;

29 (xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine, which is also
30 known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;

31 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-

1 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe; 25B-
2 NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;

3 (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
4 methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe; 25I-
5 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;

6 (xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine,
7 which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-
8 methoxybenzyl)phenethylamine;

9 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
10 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or
11 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;

12 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine,
13 which is also known as 2CB-5-hemiFLY;

14 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-
15 yl)ethanamine, which is also known as 2C-B-FLY;

16 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
17 yl)ethanamine, which is also known as 2C-B-butterFLY;

18 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-
19 b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-
20 NBOMe;

21 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine,
22 which is also known as bromo-benzodifuranylisopropylamine or bromo-
23 dragonFLY;

24 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which
25 is also known as 2C-INBOH or 25I-NBOH;

26 (xxv) 5-(2-Aminopropyl)benzofuran, which is also known as 5-APB;

27 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;

28 (xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known
29 as 5-APDB;

30 (xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also
31 known as 6-APDB;

1 (xxix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-
2 dimethoxy- α -methylphenethylamine; 2, 5-DMA;

3 (xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;

4 (xxxi) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also
5 known as 2C-T-7;

6 (xxxii) 5-methoxy-3,4-methylenedioxy-amphetamine;

7 (xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as
8 4-methyl-2,5-dimethoxy- α -methylphenethylamine; DOM and STP;

9 (xxxiv) 3,4-methylenedioxy amphetamine, which is also known as MDA;

10 (xxxv) 3,4-methylenedioxymethamphetamine, which is also known as
11 MDMA;

12 (xxxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is also known
13 as N-ethyl- α -methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA;

14 (xxxvii) 3,4,5-trimethoxy amphetamine; and

15 (xxxviii) n-hydroxy-3, 4-Methylenedioxy-N-Hydroxyamphetamine, which
16 is also known as N-hydroxyMDA;

17 (28) ~~(30)~~ Any material, compound, mixture, or preparation containing
18 any quantity of a substituted tryptamine unless specifically excepted,
19 listed in another schedule, or specifically named in this schedule, that
20 is structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also
21 known as tryptamine, by mono- or di-substitution of the amine nitrogen
22 with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom
23 in a cyclic structure whether or not the compound is further substituted
24 at the alpha position with an alkyl group or whether or not further
25 substituted on the indole ring to any extent with any alkyl, alkoxy,
26 halo, hydroxyl, or acetoxy groups, and including, but not limited to:

27 (A) 5-methoxy-N,N-diallyltryptamine, which is also known as 5-MeO-
28 DALT;

29 (B) 4-acetoxy-N,N-dimethyltryptamine, which is also known as 4-AcO-
30 DMT or OAcetylpsilocin;

31 (C) 4-hydroxy-N-methyl-N-ethyltryptamine, which is also known as 4-

1 HO-MET;

2 (D) 4-hydroxy-N,N-diisopropyltryptamine, which is also known as 4-
3 HO-DIPT;

4 (E) 5-methoxy-N-methyl-N-isopropyltryptamine, which is also known as
5 5-MeOMiPT;

6 (F) 5-Methoxy-N,N-Dimethyltryptamine, which is also known as 5-MeO-
7 DMT;

8 (G) 5-methoxy-N,N-diisopropyltryptamine, which is also known as 5-
9 MeO-DiPT;

10 (H) Diethyltryptamine, which is also known as N,N-Diethyltryptamine,
11 DET; and

12 (I) Dimethyltryptamine, which is also known as DMT; and

13 ~~(29)(A)~~ ~~(31)(A)~~ Any substance containing any quantity of the
14 following materials, compounds, mixtures, or structures:

15 (i) 3,4-methylenedioxymethcathinone, or bk-MDMA, or methydone;

16 (ii) 3,4-methylenedioxypyrovalerone, or MDPV;

17 (iii) 4-methylmethcathinone, or 4-MMC, or mephedrone;

18 (iv) 4-methoxymethcathinone, or bk-PMMA, or PMMC, or methedrone;

19 (v) Fluoromethcathinone, or FMC;

20 (vi) Naphthylpyrovalerone, or naphyrone; or

21 (vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or
22 butylone; or

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

29 (i) Substitution in the ring system to any extent with alkyl,
30 alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents,
31 whether or not further substituted in the ring system by one or more

1 other univalent substituents;

2 (ii) Substitution at the 3-position with an acyclic alkyl
3 substituent; or

4 (iii) Substitution at the 2-amino nitrogen atom with alkyl or
5 dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic
6 structure.

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

13 (1) Amineptine 7-[(10,11-dihydro-5H-dibenzo[a,d]-cyclohepten-5-
14 yl)amino]heptanoic acid, including its salts, isomers, and salts of
15 isomers;

16 (2) Mecloqualone;

17 (3) Methaqualone; and

18 (4) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-
19 hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium
20 Oxybate; and Sodium Oxybutyrate.

21 (e) Unless specifically excepted or unless listed in another
22 schedule, any material, compound, mixture, or preparation which contains
23 any quantity of the following substances having a stimulant effect on the
24 central nervous system, including its salts, isomers, and salts of
25 isomers:

26 (1) Fenethylamine;

27 (2) N-ethylamphetamine;

28 (3) Aminorex; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-
29 dihydro-5-phenyl-2-oxazolamine;

30 (4) Cathinone; 2-amino-1-phenyl-1-propanone; alpha-
31 aminopropiophenone; 2-aminopropiophenone; and norephedrone;

1 (5) Methcathinone, its salts, optical isomers, and salts of optical
2 isomers. Some other names: 2-(methylamino)-propiofenone; alpha-
3 (methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-
4 N-methylaminopropiofenone; methylcathinone; monomethylpropion;
5 ephedrone; N-methylcathinone; AL-464; AL-422; AL-463; UR1432; and 4-MEC;

6 (6) (+/-)cis-4-methylaminorex; and (+/-)cis-4,5-dihydro-4-methyl-5-
7 phenyl-2-oxazolamine;

8 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine;
9 and N,N-alpha-trimethylphenethylamine;

10 (8) Benzylpiperazine, 1-benzylpiperazine;

11 (9) 4,4'-dimethylaminorex (other names: 4,4'-DMAR, 4,5-dihydro-4-
12 methyl-5-(4-methylphenyl)-2-oxazolamine); and

13 (10) N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-
14 ium-5-yl)carbamimidate), including its salts, isomers, and salts of
15 isomers.

16 (f) Any controlled substance analogue to the extent intended for
17 human consumption.

18 Schedule II

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

24 (1) Opium and opiate, and any salt, compound, derivative, or
25 preparation of opium or opiate, excluding apomorphine, buprenorphine,
26 thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene,
27 naloxone, and naltrexone and their salts, but including the following:

28 (A) Raw opium;

29 (B) Opium extracts;

30 (C) Opium fluid;

31 (D) Powdered opium;

- 1 (E) Granulated opium;
- 2 (F) Tincture of opium;
- 3 (G) Codeine;
- 4 (H) Ethylmorphine;
- 5 (I) Etorphine hydrochloride;
- 6 (J) Hydrocodone;
- 7 (K) Hydromorphone;
- 8 (L) Metopon;
- 9 (M) Morphine;
- 10 (N) Oxycodone;
- 11 (O) Oxymorphone;
- 12 (P) Oripavine;
- 13 (Q) Thebaine; and
- 14 (R) Dihydroetorphine;
- 15 (2) Any salt, compound, derivative, or preparation thereof which is
- 16 chemically equivalent to or identical with any of the substances referred
- 17 to in subdivision (1) of this subdivision, except that these substances
- 18 shall not include the isoquinoline alkaloids of opium;
- 19 (3) Opium poppy and poppy straw;
- 20 (4) Coca leaves and any salt, compound, derivative, or preparation
- 21 of coca leaves, and any salt, compound, derivative, or preparation
- 22 thereof which is chemically equivalent to or identical with any of these
- 23 substances, including cocaine or ecgonine and its salts, optical isomers,
- 24 and salts of optical isomers, except that the substances shall not
- 25 include decocainized coca leaves or extractions which do not contain
- 26 cocaine or ecgonine; and
- 27 (5) Concentrate of poppy straw, the crude extract of poppy straw in
- 28 either liquid, solid, or powder form which contains the phenanthrene
- 29 alkaloids of the opium poppy.
- 30 (b) Unless specifically excepted or unless in another schedule any
- 31 of the following opiates, including their isomers, esters, ethers, salts,

1 and salts of their isomers, esters, and ethers whenever the existence of
2 such isomers, esters, ethers, and salts is possible within the specific
3 chemical designation, dextrorphan excepted:

- 4 (1) Alphaprodine;
- 5 (2) Anileridine;
- 6 (3) Bezitramide;
- 7 (4) Diphenoxylate;
- 8 (5) Fentanyl;
- 9 (6) Isomethadone;
- 10 (7) Levomethorphan;
- 11 (8) Levorphanol;
- 12 (9) Metazocine;
- 13 (10) Methadone;
- 14 (11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl
15 butane;
- 16 (12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-
17 diphenylpropane-carboxylic acid;
- 18 (13) Norfentanyl (N-phenyl-N-piperidin-4-yl) propionamide;
- 19 (14) Oliceridine;
- 20 (15) Pethidine or meperidine;
- 21 (16) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 22 (17) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
23 carboxylate;
- 24 (18) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
25 carboxylic acid;
- 26 (19) Phenazocine;
- 27 (20) Piminodine;
- 28 (21) Racemethorphan;
- 29 (22) Racemorphan;
- 30 (23) Dihydrocodeine;
- 31 (24) Bulk Propoxyphene in nondosage forms;

1 (25) Sufentanil;

2 (26) Alfentanil;

3 (27) Levo-alphaacetylmethadol which is also known as levo-alpha-
4 acetylmethadol, levomethadyl acetate, and LAAM;

5 (28) Carfentanil;

6 (29) Remifentanil;

7 (30) Tapentadol; and

8 (31) Thiafentanil.

9 (c) Any material, compound, mixture, or preparation which contains
10 any quantity of the following substances having a potential for abuse
11 associated with a stimulant effect on the central nervous system:

12 (1) Amphetamine, its salts, optical isomers, and salts of its
13 optical isomers;

14 (2) Phenmetrazine and its salts;

15 (3) Methamphetamine, its salts, isomers, and salts of its isomers;

16 (4) Methylphenidate; and

17 (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

18 (d) Any material, compound, mixture, or preparation which contains
19 any quantity of the following substances having a potential for abuse
20 associated with a depressant effect on the central nervous system,
21 including their salts, isomers, and salts of isomers whenever the
22 existence of such salts, isomers, and salts of isomers is possible within
23 the specific chemical designations:

24 (1) Amobarbital;

25 (2) Secobarbital;

26 (3) Pentobarbital;

27 (4) Phencyclidine; and

28 (5) Glutethimide.

29 (e) Hallucinogenic substances known as:

30 (1) Nabilone. Another name for nabilone: (+/-)-trans-3-(1,1-
31 dimethylheptyl)- 6,6a,7,8,10,10a-Hexahydro-1-hydroxy-6,6-dimethyl-9H-

1 dibenzo(b,d)pyran-9-one; and

2 (2) Dronabinol in an oral solution in a drug product approved by the
3 federal Food and Drug Administration.

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

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

11 (2) Immediate precursors to phencyclidine, PCP:

12 (A) 1-phenylcyclohexylamine; or

13 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

14 (3) Immediate precursor to fentanyl; 4-anilino-N-phenethylpiperidine
15 (ANPP).

16 Schedule III

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

24 (1) Benzphetamine;

25 (2) Chlorphentermine;

26 (3) Clortermine; and

27 (4) Phendimetrazine.

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

31 (1) Any substance which contains any quantity of a derivative of

1 barbituric acid or any salt of a derivative of barbituric acid, except
2 those substances which are specifically listed in other schedules of this
3 section;

4 (2) Aprobarbital;

5 (3) Butabarbital;

6 (4) Butalbital;

7 (5) Butethal;

8 (6) Butobarbital;

9 (7) Chlorhexadol;

10 (8) Embutramide;

11 (9) Lysergic acid;

12 (10) Lysergic acid amide;

13 (11) Methypylon;

14 (12) Perampanel;

15 (13) Secbutabarbital;

16 (14) Sulfondiethylmethane;

17 (15) Sulfonethylmethane;

18 (16) Sulfonmethane;

19 (17) Nalorphine;

20 (18) Talbutal;

21 (19) Thiamylal;

22 (20) Thiopental;

23 (21) Vinbarbital;

24 (22) Any compound, mixture, or preparation containing amobarbital,
25 secobarbital, pentobarbital, or any salt thereof and one or more other
26 active medicinal ingredients which are not listed in any schedule;

27 (23) Any suppository dosage form containing amobarbital,
28 secobarbital, pentobarbital, or any salt of any of these drugs and
29 approved by the federal Food and Drug Administration for marketing only
30 as a suppository;

31 (24) Any drug product containing gamma-hydroxybutyric acid,

1 including its salts, isomers, and salts of isomers, for which an
2 application is approved under section 505 of the Federal Food, Drug, and
3 Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2014;

4 (25) Ketamine, its salts, isomers, and salts of isomers. Some other
5 names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-
6 cyclohexanone; and

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

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

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

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

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

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

31 (D) Not more than three hundred milligrams of ethylmorphine per one

1 hundred milliliters or not more than fifteen milligrams per dosage unit,
2 with one or more active, nonnarcotic ingredients in recognized
3 therapeutic amounts;

4 (E) Not more than five hundred milligrams of opium per one hundred
5 milliliters or per one hundred grams, or not more than twenty-five
6 milligrams per dosage unit, with one or more active, nonnarcotic
7 ingredients in recognized therapeutic amounts; and

8 (F) Not more than fifty milligrams of morphine per one hundred
9 milliliters or per one hundred grams with one or more active, nonnarcotic
10 ingredients in recognized therapeutic amounts; and

11 (2) Any material, compound, mixture, or preparation containing any
12 of the following narcotic drug or its salts, as set forth below:

13 (A) Buprenorphine.

14 (d) Unless contained on the list of exempt anabolic steroids of the
15 Drug Enforcement Administration of the United States Department of
16 Justice as the list existed on January 31, 2022, any anabolic steroid,
17 which shall include any material, compound, mixture, or preparation
18 containing any quantity of the following substances, including its salts,
19 isomers, and salts of isomers whenever the existence of such salts of
20 isomers is possible within the specific chemical designation:

21 (1) 3-beta,17-dihydroxy-5a-androstane;

22 (2) 3-alpha,17-beta-dihydroxy-5a-androstane;

23 (3) 5-alpha-androstan-3,17-dione;

24 (4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-
25 ene);

26 (5) 1-androstenediol (3-alpha,17-beta-dihydroxy-5-alpha-androst-1-
27 ene);

28 (6) 4-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

29 (7) 5-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

30 (8) 1-androstenedione ([5-alpha]-androst-1-en-3,17-dione);

31 (9) 4-androstenedione (androst-4-en-3,17-dione);

- 1 (10) 5-androstenedione (androst-5-en-3,17-dione);
- 2 (11) Bolasterone (7-alpha,17-alpha-dimethyl-17-beta-
- 3 hydroxyandrost-4-en-3-one);
- 4 (12) Boldenone (17-beta-hydroxyandrost-1,4-diene-3-one);
- 5 (13) Boldione (androsta-1,4-diene-3,17-3-one);
- 6 (14) Calusterone (7-beta,17-alpha-dimethyl-17-beta-hydroxyandrost-4-
- 7 en-3-one);
- 8 (15) Clostebol (4-chloro-17-beta-hydroxyandrost-4-en-3-one);
- 9 (16) Dehydrochloromethyltestosterone (4-chloro-17-beta-hydroxy-17-
- 10 alpha-methyl-androst-1,4-dien-3-one);
- 11 (17) Desoxymethyltestosterone (17-alpha-methyl-5-alpha-androst-2-
- 12 en-17-beta-ol) (a.k.a. 'madol');
- 13 (18) Delta-1-Dihydrotestosterone (a.k.a. '1-testosterone')(17-beta-
- 14 hydroxy-5-alpha-androst-1-en-3-one);
- 15 (19) 4-Dihydrotestosterone (17-beta-hydroxy-androstan-3-one);
- 16 (20) Drostanolone (17-beta-hydroxy-2-alpha-methyl-5-alpha-
- 17 androstan-3-one);
- 18 (21) Ethylestrenol (17-alpha-ethyl-17-beta-hydroxyestr-4-ene);
- 19 (22) Fluoxymesterone (9-fluoro-17-alpha-methyl-11-beta,17-beta-
- 20 dihydroxyandrost-4-en-3-one);
- 21 (23) Formebolone (formebolone); (2-formyl-17-alpha-methyl-11-
- 22 alpha,17-beta-dihydroxyandrost-1,4-dien-3-one);
- 23 (24) Furazabol (17-alpha-methyl-17-beta-hydroxyandrostando[2,3-c]-
- 24 furazan);
- 25 (25) 13-beta-ethyl-17-beta-hydroxygon-4-en-3-one;
- 26 (26) 4-hydroxytestosterone (4,17-beta-dihydroxy-androst-4-en-3-one);
- 27 (27) 4-hydroxy-19-nortestosterone (4,17-beta-dihydroxy-estr-4-en-3-
- 28 one);
- 29 (28) Mestanolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
- 30 one);
- 31 (29) Mesterolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-

- 1 one);
- 2 (30) Methandienone (17-alpha-methyl-17-beta-hydroxyandrost-1,4-
- 3 dien-3-one);
- 4 (31) Methandriol (17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-
- 5 ene);
- 6 (32) Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-
- 7 beta-ol-3-one);
- 8 (33) Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-
- 9 one);
- 10 (34) 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;
- 11 (35) 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;
- 12 (36) 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;
- 13 (37) 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-
- 14 hydroxy-17-beta-hydroxyestr-4-en-3-one);
- 15 (38) Methyldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-
- 16 dien-3-one);
- 17 (39) Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-
- 18 trien-3-one);
- 19 (40) Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-
- 20 en-3-one);
- 21 (41) Mibolerone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-
- 22 en-3-one);
- 23 (42) 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-
- 24 hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-
- 25 methyl-1-testosterone');
- 26 (43) Nandrolone (17-beta-hydroxyestr-4-en-3-one);
- 27 (44) 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);
- 28 (45) 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);
- 29 (46) 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);
- 30 (47) 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);
- 31 (48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-

- 1 dione);
- 2 (49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 3 (50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 4 (51) Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-
- 5 en-3-one);
- 6 (52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);
- 7 (53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-
- 8 one);
- 9 (54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-
- 10 one);
- 11 (55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-
- 12 androstan-3-one);
- 13 (56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrost-4-
- 14 en-3-one);
- 15 (57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-
- 16 hydroxy-[5-alpha]-androstan-3-one);
- 17 (58) Prostanazol (17-beta-hydroxy-5-alpha-androstano[3,2-
- 18 c]pyrazole);
- 19 (59) Stanazolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-
- 20 androst-2-eno[3,2-c]-pyrazole);
- 21 (60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-
- 22 one);
- 23 (61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-
- 24 oic acid lactone);
- 25 (62) Testosterone (17-beta-hydroxyandrost-4-en-3-one);
- 26 (63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-
- 27 hydroxygon-4,9,11-trien-3-one);
- 28 (64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one);
- 29 (65) [3,2-c]-furazan-5 alpha-androstane-17 beta-ol;
- 30 (66) [3,2-c]pyrazole-androst-4-en-17 beta-ol;
- 31 (67) 17 alpha-methyl-androst-ene-3,17 beta-diol;

- 1 (68) 17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
2 (69) 17 alpha-methyl-androstan-3-hydroxyimine-17 beta-ol;
3 (70) 17 beta-hydroxy-androstano[2,3-d]isoxazole;
4 (71) 17 beta-hydroxy-androstano[3,2-c]isoxazole;
5 (72) 18a-homo-3-hydroxy-estra-2,5(10)-dien-17-one;
6 (73) 2 alpha, 3 alpha-epithio-17 alpha-methyl-5 alpha-androstan-17
7 beta-ol;
8 (74) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3-one;
9 (75) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3,11-
10 dione;
11 (76) 4-chloro-17 alpha-methyl-androst-4-ene-3 beta,17 beta-diol;
12 (77) 4-chloro-17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
13 (78) 4-hydroxy-androst-4-ene-3,17-dione;
14 (79) 5 alpha-Androstan-3,6,17-trione;
15 (80) 6-bromo-androst-1,4-diene-3,17-dione;
16 (81) 6-bromo-androstan-3,17-dione;
17 (82) 6 alpha-methyl-androst-4-ene-3,17-dione;
18 (83) Delta 1-dihydrotestosterone;
19 (84) Estra-4,9,11-triene-3,17-dione; and
20 (85) Any salt, ester, or ether of a drug or substance described or
21 listed in this subdivision if the salt, ester, or ether promotes muscle
22 growth.

23 (e) Hallucinogenic substances known as:

- 24 (1) Dronabinol, synthetic, in sesame oil and encapsulated in a soft
25 gelatin capsule in a drug product approved by the federal Food and Drug
26 Administration. Some other names for dronabinol are (6aR-
27 trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo
28 (b,d)pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol.

29 Schedule IV

- 30 (a) Any material, compound, mixture, or preparation which contains
31 any quantity of the following substances, including their salts, isomers,

1 and salts of isomers whenever the existence of such salts, isomers, and
2 salts of isomers is possible within the specific chemical designation:

- 3 (1) Barbital;
- 4 (2) Chloral betaine;
- 5 (3) Chloral hydrate;
- 6 (4) Chlordiazepoxide, but not including librax (chlordiazepoxide
7 hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and
8 water soluble esterified estrogens);
- 9 (5) Clonazepam;
- 10 (6) Clorazepate;
- 11 (7) Daridorexant;
- 12 (8) Diazepam;
- 13 (9) Ethchlorvynol;
- 14 (10) Ethinamate;
- 15 (11) Flurazepam;
- 16 (12) Mebutamate;
- 17 (13) Meprobamate;
- 18 (14) Methohexital;
- 19 (15) Methylphenobarbital;
- 20 (16) Oxazepam;
- 21 (17) Paraldehyde;
- 22 (18) Petrichloral;
- 23 (19) Phenobarbital;
- 24 (20) Prazepam;
- 25 (21) Alprazolam;
- 26 (22) Bromazepam;
- 27 (23) Camazepam;
- 28 (24) Clobazam;
- 29 (25) Clotiazepam;
- 30 (26) Cloxazolam;
- 31 (27) Delorazepam;

- 1 (28) Estazolam;
- 2 (29) Ethyl loflazepate;
- 3 (30) Fludiazepam;
- 4 (31) Flunitrazepam;
- 5 (32) Halazepam;
- 6 (33) Haloxazolam;
- 7 (34) Ketazolam;
- 8 (35) Loprazolam;
- 9 (36) Lorazepam;
- 10 (37) Lormetazepam;
- 11 (38) Medazepam;
- 12 (39) Nimetazepam;
- 13 (40) Nitrazepam;
- 14 (41) Nordiazepam;
- 15 (42) Oxazolam;
- 16 (43) Pinazepam;
- 17 (44) Temazepam;
- 18 (45) Tetrazepam;
- 19 (46) Triazolam;
- 20 (47) Midazolam;
- 21 (48) Quazepam;
- 22 (49) Zolpidem;
- 23 (50) Dichloralphenazone;
- 24 (51) Zaleplon;
- 25 (52) Zopiclone;
- 26 (53) Fospropofol;
- 27 (54) Alfaxalone;
- 28 (55) Suvorexant;
- 29 (56) Carisoprodol;
- 30 (57) Brexanolone; 3 alpha-hydroxy-5 alpha-pregnan-20-one;
- 31 (58) Lemborexant;

- 1 (59) Solriamfetol; 2-amino-3-phenylpropyl carbamate;
- 2 (60) Remimazolam; and
- 3 (61) Serdexmethylphenidate.

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

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

- 16 (1) Diethylpropion;
- 17 (2) Phentermine;
- 18 (3) Pemoline, including organometallic complexes and chelates
19 thereof;
- 20 (4) Mazindol;
- 21 (5) Pipradrol;
- 22 (6) SPA, ((-)-1-dimethylamino-1,2-diphenylethane);
- 23 (7) Cathine. Another name for cathine is ((+)-norpseudoephedrine);
- 24 (8) Fencamfamin;
- 25 (9) Fenproporex;
- 26 (10) Mefenorex;
- 27 (11) Modafinil; and
- 28 (12) Sibutramine.

29 (d) Unless specifically excepted or unless listed in another
30 schedule, any material, compound, mixture, or preparation which contains
31 any quantity of the following narcotic drugs, or their salts or isomers

1 calculated as the free anhydrous base or alkaloid, in limited quantities
2 as set forth below:

3 (1) Propoxyphene in manufactured dosage forms;

4 (2) Not more than one milligram of difenoxin and not less than
5 twenty-five micrograms of atropine sulfate per dosage unit; and

6 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its
7 salts, optical and geometric isomers, and salts of these isomers to
8 include: Tramadol.

9 (e) Unless specifically excepted or unless listed in another
10 schedule, any material, compound, mixture, or preparation which contains
11 any quantity of the following substance, including its salts:

12 (1) Pentazocine; and

13 (2) Butorphanol (including its optical isomers).

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

18 (g)(1) Unless specifically excepted or unless listed in another
19 schedule, any material, compound, mixture, or preparation which contains
20 any quantity of the following substance, including its salts, optical
21 isomers, and salts of such optical isomers: Ephedrine.

22 (2) The following drug products containing ephedrine, its salts,
23 optical isomers, and salts of such optical isomers, are excepted from
24 subdivision (g)(1) of Schedule IV if they (A) are stored behind a
25 counter, in an area not accessible to customers, or in a locked case so
26 that a customer needs assistance from an employee to access the drug
27 product; (B) are sold by a person, eighteen years of age or older, in the
28 course of his or her employment to a customer eighteen years of age or
29 older with the following restrictions: No customer shall be allowed to
30 purchase, receive, or otherwise acquire more than three and six-tenths
31 grams of ephedrine base during a twenty-four-hour period; no customer

1 shall purchase, receive, or otherwise acquire more than nine grams of
2 ephedrine base during a thirty-day period; and the customer shall display
3 a valid driver's or operator's license, a Nebraska state identification
4 card, a military identification card, an alien registration card, or a
5 passport as proof of identification; (C) are labeled and marketed in a
6 manner consistent with the pertinent OTC Tentative Final or Final
7 Monograph; (D) are manufactured and distributed for legitimate medicinal
8 use in a manner that reduces or eliminates the likelihood of abuse; and
9 (E) are not marketed, advertised, or represented in any manner for the
10 indication of stimulation, mental alertness, euphoria, ecstasy, a buzz or
11 high, heightened sexual performance, or increased muscle mass:

- 12 (i) Primatene Tablets; and
- 13 (ii) Bronkaid Dual Action Caplets.

14 Schedule V

15 (a) Any compound, mixture, or preparation containing any of the
16 following limited quantities of narcotic drugs or salts calculated as the
17 free anhydrous base or alkaloid, which shall include one or more
18 nonnarcotic active medicinal ingredients in sufficient proportion to
19 confer upon the compound, mixture, or preparation valuable medicinal
20 qualities other than those possessed by the narcotic drug alone:

21 (1) Not more than two hundred milligrams of codeine per one hundred
22 milliliters or per one hundred grams;

23 (2) Not more than one hundred milligrams of dihydrocodeine per one
24 hundred milliliters or per one hundred grams;

25 (3) Not more than one hundred milligrams of ethylmorphine per one
26 hundred milliliters or per one hundred grams;

27 (4) Not more than two and five-tenths milligrams of diphenoxylate
28 and not less than twenty-five micrograms of atropine sulfate per dosage
29 unit;

30 (5) Not more than one hundred milligrams of opium per one hundred
31 milliliters or per one hundred grams; and

1 (6) Not more than five-tenths milligram of difenoxin and not less
2 than twenty-five micrograms of atropine sulfate per dosage unit.

3 (b) Unless specifically exempted or excluded or unless listed in
4 another schedule, any material, compound, mixture, or preparation which
5 contains any quantity of the following substances having a stimulant
6 effect on the central nervous system, including its salts, isomers, and
7 salts of isomers: Pyrovalerone.

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

13 (1) Ezogabine (N-(2-amino-4-(4-fluorobenzylamino)-phenyl)-carbamic
14 acid ethyl ester);

15 (2) Ganaxolone;

16 (3) Lacosamide ((R)-2-acetoamido-N-benzyl-3-methoxy-propionamide);

17 (4) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid);

18 (5) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]
19 butanamide) (also referred to as BRV; UCB-34714; Briviact), including its
20 salts;

21 (6) Cenobamate; and

22 (7) Lasmiditan.

23 Sec. 193. Section 28-416, Revised Statutes Supplement, 2023, is
24 amended to read:

25 28-416 (1) Except as authorized by the Uniform Controlled Substances
26 Act, it shall be unlawful for any person knowingly or intentionally: (a)
27 To manufacture, distribute, deliver, dispense, or possess with intent to
28 manufacture, distribute, deliver, or dispense a controlled substance; or
29 (b) to create, distribute, or possess with intent to distribute a
30 counterfeit controlled substance.

31 (2) Except as provided in subsections (4), (5), (7), (8), (9), and

1 (10) of this section, any person who violates subsection (1) of this
2 section with respect to: (a) A controlled substance classified in
3 Schedule I, II, or III of section 28-405 which is an exceptionally
4 hazardous drug shall be guilty of a Class II felony; (b) any other
5 controlled substance classified in Schedule I, II, or III of section
6 28-405 shall be guilty of a Class IIA felony; or (c) a controlled
7 substance classified in Schedule IV or V of section 28-405 shall be
8 guilty of a Class IIIA felony.

9 (3) A person knowingly or intentionally possessing a controlled
10 substance, except ~~marijuana~~ or any substance containing a quantifiable
11 amount of the substances, chemicals, or compounds described, defined, or
12 delineated in subdivision (c)(25) ~~(c)(27)~~ of Schedule I of section
13 28-405, unless such substance was obtained directly or pursuant to a
14 medical order issued by a practitioner authorized to prescribe while
15 acting in the course of his or her professional practice, or except as
16 otherwise authorized by the act, shall be guilty of a Class IV felony. A
17 person shall not be in violation of this subsection if section 28-472 or
18 28-1701 applies.

19 (4)(a) Except as authorized by the Uniform Controlled Substances
20 Act, any person eighteen years of age or older who knowingly or
21 intentionally manufactures, distributes, delivers, dispenses, or
22 possesses with intent to manufacture, distribute, deliver, or dispense a
23 controlled substance or a counterfeit controlled substance (i) to a
24 person under the age of eighteen years, (ii) in, on, or within one
25 thousand feet of the real property comprising a public or private
26 elementary, vocational, or secondary school, a community college, a
27 public or private college, junior college, or university, or a
28 playground, or (iii) within one hundred feet of a public or private youth
29 center, public swimming pool, or video arcade facility shall be punished
30 by the next higher penalty classification than the penalty prescribed in
31 subsection (2), (7), (8), (9), or (10) of this section, depending upon

1 the controlled substance involved, for the first violation and for a
2 second or subsequent violation shall be punished by the next higher
3 penalty classification than that prescribed for a first violation of this
4 subsection, but in no event shall such person be punished by a penalty
5 greater than a Class IB felony.

6 (b) For purposes of this subsection:

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

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

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

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

27 (b) Except as authorized by the Uniform Controlled Substances Act,
28 it shall be unlawful for any person eighteen years of age or older to
29 knowingly and intentionally employ, hire, use, cause, persuade, coax,
30 induce, entice, seduce, or coerce any person under the age of eighteen
31 years to aid and abet any person in the manufacture, transportation,

1 distribution, carrying, delivery, dispensing, preparation for delivery,
2 offering for delivery, or possession with intent to do the same of a
3 controlled substance or a counterfeit controlled substance.

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

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

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

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

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

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

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

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

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

31 (c) At least ten grams but less than twenty-eight grams shall be

1 guilty of a Class ID felony.

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

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

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

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

11 (10) Any person who violates subsection (1) of this section with
12 respect to amphetamine, its salts, optical isomers, and salts of its
13 isomers, or with respect to methamphetamine, its salts, optical isomers,
14 and salts of its isomers, in a quantity of:

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

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

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

21 ~~(11) Any person knowingly or intentionally possessing marijuana~~
22 ~~weighing more than one ounce but not more than one pound shall be guilty~~
23 ~~of a Class III misdemeanor.~~

24 ~~(12) Any person knowingly or intentionally possessing marijuana~~
25 ~~weighing more than one pound shall be guilty of a Class IV felony.~~

26 (11) ~~(13)~~ Except as provided in section 28-1701, any person
27 knowingly or intentionally possessing ~~marijuana weighing one ounce or~~
28 ~~less or~~ any substance containing a quantifiable amount of the substances,
29 chemicals, or compounds described, defined, or delineated in subdivision
30 (c)(25) ~~(c)(27)~~ of Schedule I of section 28-405 shall:

31 (a) For the first offense, be guilty of an infraction, receive a

1 citation, be fined three hundred dollars, and be assigned to attend a
2 course as prescribed in section 29-433 if the judge determines that
3 attending such course is in the best interest of the individual
4 defendant;

5 (b) For the second offense, be guilty of a Class IV misdemeanor,
6 receive a citation, and be fined four hundred dollars and may be
7 imprisoned not to exceed five days; and

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

11 ~~(12)~~ ~~(14)~~ Any person convicted of violating this section, if placed
12 on probation, shall, as a condition of probation, satisfactorily attend
13 and complete appropriate treatment and counseling on drug abuse provided
14 by a program authorized under the Nebraska Behavioral Health Services Act
15 or other licensed drug treatment facility.

16 ~~(13)~~ ~~(15)~~ Any person convicted of violating this section, if
17 sentenced to the Department of Correctional Services, shall attend
18 appropriate treatment and counseling on drug abuse.

19 ~~(14)~~ ~~(16)~~ Any person knowingly or intentionally possessing a firearm
20 while in violation of subsection (1) of this section shall be punished by
21 the next higher penalty classification than the penalty prescribed in
22 subsection (2), (7), (8), (9), or (10) of this section, but in no event
23 shall such person be punished by a penalty greater than a Class IB
24 felony.

25 ~~(15)~~ ~~(17)~~ A person knowingly or intentionally in possession of money
26 used or intended to be used to facilitate a violation of subsection (1)
27 of this section shall be guilty of a Class IV felony.

28 ~~(16)~~ ~~(18)~~ In addition to the existing penalties available for a
29 violation of subsection (1) of this section, including any criminal
30 attempt or conspiracy to violate subsection (1) of this section, a
31 sentencing court may order that any money, securities, negotiable

1 instruments, firearms, conveyances, or electronic communication devices
2 as defined in section 28-833 or any equipment, components, peripherals,
3 software, hardware, or accessories related to electronic communication
4 devices be forfeited as a part of the sentence imposed if it finds by
5 clear and convincing evidence adduced at a separate hearing in the same
6 prosecution, following conviction for a violation of subsection (1) of
7 this section, and conducted pursuant to section 28-1601, that any or all
8 such property was derived from, used, or intended to be used to
9 facilitate a violation of subsection (1) of this section.

10 ~~(17)~~ (19) In addition to the penalties provided in this section:

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

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

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

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

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

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

6 (ii) For a second offense, the court may, as part of the judgment of
7 conviction or adjudication, (A) prohibit such person from obtaining any
8 permit or any license pursuant to the act for which such person would
9 otherwise be eligible until ninety days after the date of such order and
10 (B) require such person to complete no fewer than twenty hours and no
11 more than forty hours of community service and to attend a drug education
12 class; and

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

20 A copy of an abstract of the court's conviction or adjudication
21 shall be transmitted to the Director of Motor Vehicles pursuant to
22 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a
23 juvenile is prohibited from obtaining a license or permit under this
24 subsection.

25 (18) It shall not be an offense for a person to use or possess
26 cannabis.

27 Sec. 194. Section 28-439, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 28-439 (1) As used in sections 28-101, 28-431, and 28-439 to
30 28-444, unless the context otherwise requires, drug paraphernalia shall
31 mean all equipment, products, and materials of any kind which are used,

1 intended for use, or designed for use, in manufacturing, injecting,
2 ingesting, inhaling, or otherwise introducing into the human body a
3 controlled substance in violation of sections 28-101, 28-431, and 28-439
4 to 28-444 or the Uniform Controlled Substances Act. It shall include, but
5 not be limited to, the following:

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

9 ~~(2) Separation gins and sifters used, intended for use, or designed~~
10 ~~for use in removing twigs and seeds from, or in otherwise cleaning or~~
11 ~~refining, marijuana;~~

12 (b) ~~(3)~~ Hypodermic syringes, needles, and other objects used,
13 intended for use, and designed for use in parenterally injecting
14 controlled substances into the human body; and

15 (c) ~~(4)~~ Objects used, intended for use, or designed for use in
16 ingesting, inhaling, or otherwise introducing ~~marijuana, cocaine,~~
17 ~~hashish, or hashish oil~~ into the human body, ~~which shall include but~~
18 ~~not be limited to the following:~~

19 (2) Items used or intended for use in the consumption, manufacture,
20 cultivation, or processing of cannabis shall not be considered drug
21 paraphernalia.

22 ~~(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes~~
23 ~~with or without screens, permanent screens, hashish heads, or punctured~~
24 ~~metal bowls;~~

25 ~~(b) Water pipes;~~

26 ~~(c) Carburetion tubes and devices;~~

27 ~~(d) Smoking and carburetion masks;~~

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

31 ~~(f) Miniature cocaine spoons, and cocaine vials;~~

- 1 ~~(g) Chamber pipes;~~
- 2 ~~(h) Carburetor pipes;~~
- 3 ~~(i) Electric pipes;~~
- 4 ~~(j) Air-driven pipes;~~
- 5 ~~(k) Chillums;~~
- 6 ~~(l) Bongs; and~~
- 7 ~~(m) Ice pipes or chillers.~~

8 Sec. 195. Section 28-476, Revised Statutes Cumulative Supplement,
9 2022, as amended by Laws 2024, LB262, section 22, is amended to read:

10 28-476 (1) No person shall carry or transport hemp in this state
11 unless such hemp is:

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

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

15 (2)(a) A peace officer may detain any person carrying or
16 transporting hemp in this state if such person does not provide the
17 documentation required by this section and section 2-515. Unless the
18 peace officer has probable cause to believe the hemp is, or is being
19 carried or transported with, cannabis marijuana or any ~~other~~ controlled
20 substance, the peace officer shall immediately release the hemp and the
21 person carrying or transporting such hemp upon production of such
22 documentation.

23 (b) The failure of a person detained as described in this subsection
24 to produce documentation required by this section shall constitute
25 probable cause to believe the hemp may be cannabis marijuana or a ~~another~~
26 controlled substance. In such case, a peace officer may collect such hemp
27 for testing to determine the delta-9 tetrahydrocannabinol concentration
28 in the hemp, and, if the peace officer has probable cause to believe the
29 person detained is carrying or transporting cannabis marijuana or a ~~any~~
30 ~~other~~ controlled substance in violation of state or federal law, the
31 peace officer may seize and impound the hemp, cannabis, or ~~marijuana or~~

1 ~~other~~ controlled substance and arrest such person.

2 (c) This subsection does not limit or restrict in any way the power
3 of a peace officer to enforce violations of the Uniform Controlled
4 Substances Act, the Cannabis Control Act, and federal law regulating
5 ~~marijuana and other~~ controlled substances.

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

9 Sec. 196. Section 28-1354, Revised Statutes Supplement, 2023, is
10 amended to read:

11 28-1354 For purposes of the Public Protection Act:

12 (1) Enterprise means any individual, sole proprietorship,
13 partnership, corporation, trust, association, or any legal entity, union,
14 or group of individuals associated in fact although not a legal entity,
15 and shall include illicit as well as licit enterprises as well as other
16 entities;

17 (2) Pattern of racketeering activity means a cumulative loss for one
18 or more victims or gains for the enterprise of not less than one thousand
19 five hundred dollars resulting from at least two acts of racketeering
20 activity, one of which occurred after August 30, 2009, and the last of
21 which occurred within ten years, excluding any period of imprisonment,
22 after the commission of a prior act of racketeering activity;

23 (3) Until January 1, 2017, person means any individual or entity, as
24 defined in section 21-2014, holding or capable of holding a legal,
25 equitable, or beneficial interest in property. Beginning January 1, 2017,
26 person means any individual or entity, as defined in section 21-214,
27 holding or capable of holding a legal, equitable, or beneficial interest
28 in property;

29 (4) Prosecutor includes the Attorney General of the State of
30 Nebraska, the deputy attorney general, assistant attorneys general, a
31 county attorney, a deputy county attorney, or any person so designated by

1 the Attorney General, a county attorney, or a court of the state to carry
2 out the powers conferred by the act;

3 (5) Racketeering activity includes the commission of, criminal
4 attempt to commit, conspiracy to commit, aiding and abetting in the
5 commission of, aiding in the consummation of, acting as an accessory to
6 the commission of, or the solicitation, coercion, or intimidation of
7 another to commit or aid in the commission of any of the following:

8 (a) Offenses against the person which include: Murder in the first
9 degree under section 28-303; murder in the second degree under section
10 28-304; manslaughter under section 28-305; assault in the first degree
11 under section 28-308; assault in the second degree under section 28-309;
12 assault in the third degree under section 28-310; terroristic threats
13 under section 28-311.01; kidnapping under section 28-313; false
14 imprisonment in the first degree under section 28-314; false imprisonment
15 in the second degree under section 28-315; sexual assault in the first
16 degree under section 28-319; and robbery under section 28-324;

17 (b) Offenses relating to controlled substances which include: To
18 unlawfully manufacture, distribute, deliver, dispense, or possess with
19 intent to manufacture, distribute, deliver, or dispense a controlled
20 substance under subsection (1) of section 28-416; ~~possession of marijuana~~
21 ~~weighing more than one pound under subsection (12) of section 28-416;~~
22 possession of money used or intended to be used to facilitate a violation
23 of subsection (1) of section 28-416 prohibited under subsection ~~(15)~~ (17)
24 of section 28-416; any violation of section 28-418; to unlawfully
25 manufacture, distribute, deliver, or possess with intent to distribute or
26 deliver an imitation controlled substance under section 28-445;
27 possession of anhydrous ammonia with the intent to manufacture
28 methamphetamine under section 28-451; and possession of ephedrine,
29 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
30 methamphetamine under section 28-452;

31 (c) Offenses against property which include: Arson in the first

1 degree under section 28-502; arson in the second degree under section
2 28-503; arson in the third degree under section 28-504; burglary under
3 section 28-507; theft by unlawful taking or disposition under section
4 28-511; theft by shoplifting under section 28-511.01; theft by deception
5 under section 28-512; theft by extortion under section 28-513; theft of
6 services under section 28-515; theft by receiving stolen property under
7 section 28-517; criminal mischief under section 28-519; and unlawfully
8 depriving or obtaining property or services using a computer under
9 section 28-1344;

10 (d) Offenses involving fraud which include: Burning to defraud an
11 insurer under section 28-505; forgery in the first degree under section
12 28-602; forgery in the second degree under section 28-603; criminal
13 possession of a forged instrument under section 28-604; criminal
14 possession of written instrument forgery devices under section 28-605;
15 criminal impersonation under section 28-638; identity theft under section
16 28-639; identity fraud under section 28-640; false statement or book
17 entry under section 28-612; tampering with a publicly exhibited contest
18 under section 28-614; issuing a false financial statement for purposes of
19 obtaining a financial transaction device under section 28-619;
20 unauthorized use of a financial transaction device under section 28-620;
21 criminal possession of a financial transaction device under section
22 28-621; unlawful circulation of a financial transaction device in the
23 first degree under section 28-622; unlawful circulation of a financial
24 transaction device in the second degree under section 28-623; criminal
25 possession of a blank financial transaction device under section 28-624;
26 criminal sale of a blank financial transaction device under section
27 28-625; criminal possession of a financial transaction forgery device
28 under section 28-626; unlawful manufacture of a financial transaction
29 device under section 28-627; laundering of sales forms under section
30 28-628; unlawful acquisition of sales form processing services under
31 section 28-629; unlawful factoring of a financial transaction device

1 under section 28-630; and fraudulent insurance acts under section 28-631;
2 (e) Offenses involving governmental operations which include: Abuse
3 of public records under section 28-911; perjury or subornation of perjury
4 under section 28-915; bribery under section 28-917; bribery of a witness
5 under section 28-918; tampering with a witness or informant or jury
6 tampering under section 28-919; bribery of a juror under section 28-920;
7 assault on an officer, an emergency responder, a state correctional
8 employee, a Department of Health and Human Services employee, or a health
9 care professional in the first degree under section 28-929; assault on an
10 officer, an emergency responder, a state correctional employee, a
11 Department of Health and Human Services employee, or a health care
12 professional in the second degree under section 28-930; assault on an
13 officer, an emergency responder, a state correctional employee, a
14 Department of Health and Human Services employee, or a health care
15 professional in the third degree under section 28-931; and assault on an
16 officer, an emergency responder, a state correctional employee, a
17 Department of Health and Human Services employee, or a health care
18 professional using a motor vehicle under section 28-931.01;

19 (f) Offenses involving gambling which include: Promoting gambling in
20 the first degree under section 28-1102; possession of gambling records
21 under section 28-1105; gambling debt collection under section 28-1105.01;
22 and possession of a gambling device under section 28-1107;

23 (g) Offenses relating to firearms, weapons, and explosives which
24 include: Carrying a concealed weapon under section 28-1202;
25 transportation or possession of machine guns, short rifles, or short
26 shotguns under section 28-1203; unlawful possession of a handgun under
27 section 28-1204; unlawful transfer of a firearm to a juvenile under
28 section 28-1204.01; possession of a firearm by a prohibited juvenile
29 offender under section 28-1204.05; using a deadly weapon to commit a
30 felony, possession of a deadly weapon during the commission of a felony,
31 or carrying a firearm or destructive device during the commission of a

1 dangerous misdemeanor under section 28-1205; possession of a deadly
2 weapon by a prohibited person under section 28-1206; possession of a
3 defaced firearm under section 28-1207; defacing a firearm under section
4 28-1208; unlawful discharge of a firearm under section 28-1212.02;
5 possession, receipt, retention, or disposition of a stolen firearm under
6 section 28-1212.03; unlawful possession of explosive materials in the
7 first degree under section 28-1215; unlawful possession of explosive
8 materials in the second degree under section 28-1216; unlawful sale of
9 explosives under section 28-1217; use of explosives without a permit
10 under section 28-1218; obtaining an explosives permit through false
11 representations under section 28-1219; possession of a destructive device
12 under section 28-1220; threatening the use of explosives or placing a
13 false bomb under section 28-1221; using explosives to commit a felony
14 under section 28-1222; using explosives to damage or destroy property
15 under section 28-1223; and using explosives to kill or injure any person
16 under section 28-1224;

17 (h) Any violation of the Securities Act of Nebraska pursuant to
18 section 8-1117;

19 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
20 section 77-2713;

21 (j) Offenses relating to public health and morals which include:
22 Prostitution under section 28-801; pandering under section 28-802;
23 keeping a place of prostitution under section 28-804; labor trafficking,
24 sex trafficking, labor trafficking of a minor, or sex trafficking of a
25 minor under section 28-831; a violation of section 28-1005; and any act
26 relating to the visual depiction of sexually explicit conduct prohibited
27 in the Child Pornography Prevention Act; and

28 (k) A violation of the Computer Crimes Act;

29 (6) State means the State of Nebraska or any political subdivision
30 or any department, agency, or instrumentality thereof; and

31 (7) Unlawful debt means a debt of at least one thousand five hundred

1 dollars:

2 (a) Incurred or contracted in gambling activity which was in
3 violation of federal law or the law of the state or which is
4 unenforceable under state or federal law in whole or in part as to
5 principal or interest because of the laws relating to usury; or

6 (b) Which was incurred in connection with the business of gambling
7 in violation of federal law or the law of the state or the business of
8 lending money or a thing of value at a rate usurious under state law if
9 the usurious rate is at least twice the enforceable rate.

10 Sec. 197. Section 28-1701, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 28-1701 (1) A person shall not be arrested or prosecuted for an
13 eligible alcohol or drug offense if such person witnessed or was the
14 victim of a sexual assault and such person:

15 (a) Either:

16 (i) In good faith, reported such sexual assault to law enforcement;
17 or

18 (ii) Requested emergency medical assistance for the victim of the
19 sexual assault; and

20 (b) Evidence supporting the arrest or prosecution of the eligible
21 alcohol or drug offense was obtained or discovered as a result of such
22 person reporting such sexual assault to law enforcement or requesting
23 emergency medical assistance.

24 (2) A person shall not be arrested or prosecuted for an eligible
25 alcohol or drug offense if:

26 (a) Evidence supporting the arrest or prosecution of the person for
27 the offense was obtained or discovered as a result of the investigation
28 or prosecution of a sexual assault; and

29 (b) Such person cooperates with law enforcement in the investigation
30 or prosecution of the sexual assault.

31 (3) For purposes of this section:

1 (a) Eligible alcohol or drug offense means:

2 (i) A violation of subsection (3) or (11) ~~(13)~~ of section 28-416 or
3 of section 28-441;

4 (ii) A violation of section 53-180.02 committed by a person older
5 than eighteen years of age and under the age of twenty-one years, as
6 described in subdivision (4)(a) of section 53-180.05;

7 (iii) A violation of a city or village ordinance similar to
8 subdivision (3)(a)(i) or (ii) of this section; or

9 (iv) Attempt, conspiracy, solicitation, being an accessory to,
10 aiding and abetting, aiding the consummation of, or compounding a felony
11 with any of the offenses in subdivision (3)(a)(i), (ii), or (iii) of this
12 section as the underlying offense; and

13 (b) Sexual assault means:

14 (i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320,
15 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,
16 28-322.05, 28-703, or 28-1463.03, sex trafficking or sex trafficking of a
17 minor under section 28-831, or subdivision (1)(c) or (g) of section
18 28-386 or subdivision (1)(d), (e), or (f) of section 28-707; or

19 (ii) Attempt, conspiracy, solicitation, being an accessory to,
20 aiding and abetting, aiding the consummation of, or compounding a felony
21 with any of the offenses listed in subdivision (3)(b)(i) of this section
22 as the underlying offense.

23 Sec. 198. Section 43-292, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 43-292 The court may terminate all parental rights between the
26 parents or the mother of a juvenile born out of wedlock and such juvenile
27 when the court finds such action to be in the best interests of the
28 juvenile and it appears by the evidence that one or more of the following
29 conditions exist:

30 (1) The parents have abandoned the juvenile for six months or more
31 immediately prior to the filing of the petition;

1 (2) The parents have substantially and continuously or repeatedly
2 neglected and refused to give the juvenile or a sibling of the juvenile
3 necessary parental care and protection;

4 (3) The parents, being financially able, have willfully neglected to
5 provide the juvenile with the necessary subsistence, education, or other
6 care necessary for his or her health, morals, or welfare or have
7 neglected to pay for such subsistence, education, or other care when
8 legal custody of the juvenile is lodged with others and such payment
9 ordered by the court;

10 (4) The parents are unfit by reason of debauchery, habitual use of
11 intoxicating liquor or narcotic drugs, or repeated lewd and lascivious
12 behavior, which conduct is found by the court to be seriously detrimental
13 to the health, morals, or well-being of the juvenile. A person's parental
14 rights shall not be terminated for actions that are lawful under the
15 Cannabis Control Act absent clear, convincing, and articulable evidence
16 that such actions have created an unreasonable danger to the safety of a
17 minor child;

18 (5) The parents are unable to discharge parental responsibilities
19 because of mental illness or mental deficiency and there are reasonable
20 grounds to believe that such condition will continue for a prolonged
21 indeterminate period;

22 (6) Following a determination that the juvenile is one as described
23 in subdivision (3)(a) of section 43-247, reasonable efforts to preserve
24 and reunify the family if required under section 43-283.01, under the
25 direction of the court, have failed to correct the conditions leading to
26 the determination;

27 (7) The juvenile has been in an out-of-home placement for fifteen or
28 more months of the most recent twenty-two months;

29 (8) The parent has inflicted upon the juvenile, by other than
30 accidental means, serious bodily injury;

31 (9) The parent of the juvenile has subjected the juvenile or another

1 minor child to aggravated circumstances, including, but not limited to,
2 abandonment, torture, chronic abuse, or sexual abuse;

3 (10) The parent has (a) committed murder of another child of the
4 parent, (b) committed voluntary manslaughter of another child of the
5 parent, (c) aided or abetted, attempted, conspired, or solicited to
6 commit murder, or aided or abetted voluntary manslaughter of the juvenile
7 or another child of the parent, or (d) committed a felony assault that
8 resulted in serious bodily injury to the juvenile or another minor child
9 of the parent; or

10 (11) One parent has been convicted of felony sexual assault of the
11 other parent under section 28-319.01 or 28-320.01 or a comparable crime
12 in another state.

13 Sec. 199. A person shall not be denied custody, visitation, or
14 parenting time based solely on the fact that such person is engaged in
15 conduct that is lawful under the Cannabis Control Act, unless such
16 conduct creates an unreasonable danger to the child or is otherwise
17 contrary to the best interests of the child.

18 Sec. 200. Section 60-6,211.08, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 60-6,211.08 (1) For purposes of this section:

21 (a) Alcoholic beverage means (i) beer, ale, porter, stout, and other
22 similar fermented beverages, including sake or similar products, of any
23 name or description containing one-half of one percent or more of alcohol
24 by volume, brewed or produced from malt, wholly or in part, or from any
25 substitute therefor, (ii) wine of not less than one-half of one percent
26 of alcohol by volume, or (iii) distilled spirits which is that substance
27 known as ethyl alcohol, ethanol, or spirits of wine in any form,
28 including all dilutions and mixtures thereof from whatever source or by
29 whatever process produced. Alcoholic beverage does not include trace
30 amounts not readily consumable as a beverage;

31 (b) Cannabis has the same meaning as in section 3 of this act;

1 (c) ~~(b)~~ Highway means a road or street including the entire area
2 within the right-of-way;

3 (d) ~~(c)~~ Limousine means a luxury vehicle used to provide prearranged
4 passenger transportation on a dedicated basis at a premium fare that has
5 a seating capacity of at least five and no more than fourteen persons
6 behind the driver with a physical partition separating the driver seat
7 from the passenger compartment. Limousine does not include taxicabs,
8 hotel or airport buses or shuttles, or buses;

9 (e) ~~(d)~~ Open ~~alcoholic beverage~~ container, except as provided in
10 subsection (3) of section 53-123.04 and subdivision (1)(c) of section
11 53-123.11, means any bottle, can, or other receptacle:

- 12 (i) That contains any amount of alcoholic beverage or cannabis; and
13 (ii)(A) That is open or has a broken seal or (B) the contents of
14 which are partially removed; and

15 (f) ~~(e)~~ Passenger area means the area designed to seat the driver
16 and passengers while the motor vehicle is in operation and any area that
17 is readily accessible to the driver or a passenger while in their seating
18 positions, including any compartments in such area. Passenger area does
19 not include the area behind the last upright seat of such motor vehicle
20 if the area is not normally occupied by the driver or a passenger and the
21 motor vehicle is not equipped with a trunk.

22 (2) Except as otherwise provided in this section, it is unlawful for
23 any person in the passenger area of a motor vehicle to possess an open
24 ~~alcoholic beverage~~ container while the motor vehicle is located in a
25 public parking area or on any highway in this state.

26 (3) Except as provided in section 53-186 or subsection (4) of this
27 section, it is unlawful for any person to consume an alcoholic beverage
28 or cannabis (a) in a public parking area or on any highway in this state
29 or (b) inside a motor vehicle while in a public parking area or on any
30 highway in this state.

31 (4) This section does not apply to possession or consumption of

1 alcoholic beverages by persons who are passengers of, but not drivers of,
2 a limousine or bus being used in a charter or special party service as
3 defined by rules and regulations adopted and promulgated by the Public
4 Service Commission and subject to Chapter 75, article 3. Such passengers
5 may possess open ~~alcoholic beverage~~ containers of alcoholic beverages and
6 may consume alcoholic beverages while such limousine or bus is in a
7 public parking area or on any highway in this state if (a) the driver of
8 the limousine or bus is prohibited from consuming alcoholic liquor and
9 (b) alcoholic liquor is not present in any area that is readily
10 accessible to the driver while in the driver's seat, including any
11 compartments in such area.

12 Sec. 201. Section 71-5727, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 71-5727 Smoke or smoking means inhaling, exhaling, burning, or
15 carrying any lighted or heated cigar, cigarette, pipe, hookah, or any
16 other lighted or heated tobacco, cannabis as defined in section 3 of this
17 act, or plant product intended for inhalation, whether natural or
18 synthetic, in any manner or in any form. The term includes the use of an
19 electronic smoking device or similar device for cannabis which creates an
20 aerosol or vapor, in any manner or in any form.

21 Sec. 202. Section 77-2701.02, Revised Statutes Supplement, 2023, as
22 amended by Laws 2024, LB1317, section 81, is amended to read:

23 77-2701.02 Pursuant to section 77-2715.01:

24 (1) Until July 1, 1998, the rate of the sales tax levied pursuant to
25 section 77-2703 shall be five percent;

26 (2) Commencing July 1, 1998, and until July 1, 1999, the rate of the
27 sales tax levied pursuant to section 77-2703 shall be four and one-half
28 percent;

29 (3) Commencing July 1, 1999, and until the start of the first
30 calendar quarter after July 20, 2002, the rate of the sales tax levied
31 pursuant to section 77-2703 shall be five percent;

1 (4) Commencing on the start of the first calendar quarter after July
2 20, 2002, and until July 1, 2023, the rate of the sales tax levied
3 pursuant to section 77-2703 shall be five and one-half percent;

4 (5) Commencing July 1, 2023, and until July 1, 2024, the rate of the
5 sales tax levied pursuant to section 77-2703 shall be five and one-half
6 percent, except that such rate shall be two and three-quarters percent on
7 transactions occurring within a good life district as defined in section
8 77-4403; and

9 (6) Commencing July 1, 2024, the rate of the sales tax levied
10 pursuant to section 77-2703 shall be five and one-half percent, except
11 that such rate shall be:

12 (a) Two ~~two~~ and three-quarters percent on transactions that occur
13 within that portion of a good life district established pursuant to the
14 Good Life Transformational Projects Act which is located within the
15 corporate limits of a city or village; and -

16 (b) Twenty-five percent for sales of cannabis by cannabis stores to
17 consumers under the Cannabis Control Act.

18 Sec. 203. Section 77-2701.48, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 77-2701.48 (1) Bundled transaction means the retail sale of two or
21 more products, except real property and services to real property, when
22 (a) the products are otherwise distinct and identifiable and (b) the
23 products are sold for one non-itemized price. Bundled transaction does
24 not include the sale of any products in which the sales price varies, or
25 is negotiable, based on the selection by the purchaser of the products
26 included in the transaction.

27 (2) Distinct and identifiable products do not include:

28 (a) Packaging, such as containers, boxes, sacks, bags, and bottles
29 or other materials such as wrapping, labels, tags, and instruction guides
30 that accompany the retail sale of the products and are incidental or
31 immaterial to the retail sale thereof. Examples of packaging that are

1 incidental or immaterial include grocery sacks, shoeboxes, dry cleaning
2 garment bags, and express delivery envelopes and boxes;

3 (b) A product provided free of charge with the required purchase of
4 another product. A product is provided free of charge if the sales price
5 of the product purchased does not vary depending on the inclusion of the
6 product provided free of charge; and

7 (c) Items included in the definition of sales price pursuant to
8 section 77-2701.35.

9 (3) One non-itemized price does not include a price that is
10 separately identified by product on binding sales or other supporting
11 sales-related documentation made available to the customer in paper or
12 electronic form, including, but not limited to, an invoice, bill of sale,
13 receipt, contract, service agreement, lease agreement, periodic notice of
14 rates and services, rate card, or price list.

15 (4) A transaction that otherwise meets the definition of a bundled
16 transaction is not a bundled transaction if it is (a) the retail sale of
17 tangible personal property and a service where the tangible personal
18 property is essential to the use of the service, and is provided
19 exclusively in connection with the service, and the true object of the
20 transaction is the service, (b) the retail sale of services when one
21 service is provided that is essential to the use or receipt of a second
22 service and the first service is provided exclusively in connection with
23 the second service and the true object of the transaction is the second
24 service, or (c) a transaction that includes taxable products and
25 nontaxable products and the purchase price or sales price of the taxable
26 products is de minimus. De minimus means the seller's purchase price or
27 sales price of the taxable products is ten percent or less of the total
28 purchase price or sales price of the bundled products. Sellers shall use
29 either the purchase price or the sales price of the products to determine
30 if the taxable products are de minimus. Sellers may not use a combination
31 of the purchase price and sales price of the products to determine if the

1 taxable products are de minimus. Sellers shall use the full term of a
2 service contract to determine if the taxable products are de minimus.

3 (5) Bundled transaction does not include the retail sale of exempt
4 tangible personal property and taxable tangible personal property if (a)
5 the transaction includes food and food ingredients, drugs, durable
6 medical equipment, mobility enhancing equipment, over-the-counter drugs,
7 prosthetic devices, or medical supplies as such terms are defined in
8 section 77-2704.09 and (b) the seller's purchase price or sales price of
9 the taxable tangible personal property is fifty percent or less of the
10 total purchase price or sales price of the bundled tangible personal
11 property. Sellers may not use a combination of the purchase price and
12 sales price of the tangible personal property when making the fifty-
13 percent determination for a transaction.

14 Sec. 204. Section 77-2704.09, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 77-2704.09 (1) Sales and use taxes shall not be imposed on the gross
17 receipts from the sale, lease, or rental of and the storage, use, or
18 other consumption in this state of (a) insulin, (b) mobility enhancing
19 equipment and drugs, not including over-the-counter drugs, when sold for
20 a patient's use under a prescription, and (c) the following when sold for
21 a patient's use under a prescription and which are of the type eligible
22 for coverage under the medical assistance program established pursuant to
23 the Medical Assistance Act: Durable medical equipment; home medical
24 supplies; prosthetic devices; oxygen; and oxygen equipment.

25 (2) For purposes of this section:

26 (a)(i) ~~(a)~~ Drug means a compound, substance, preparation, and
27 component of a compound, substance, or preparation, other than food and
28 food ingredients, dietary supplements, or alcoholic beverages:

29 (A) ~~(i)~~ Recognized in the official United States Pharmacopoeia,
30 official Homeopathic Pharmacopoeia of the United States, or official
31 National Formulary, and any supplement to any of them;

1 (B) ~~(ii)~~ Intended for use in the diagnosis, cure, mitigation,
2 treatment, or prevention of disease; or

3 (C) ~~(iii)~~ Intended to affect the structure or any function of the
4 body; and

5 (ii) Drug does not include cannabis obtained pursuant to the
6 Cannabis Control Act;

7 (b) Durable medical equipment means equipment which can withstand
8 repeated use, is primarily and customarily used to serve a medical
9 purpose, generally is not useful to a person in the absence of illness or
10 injury, is appropriate for use in the home, and is not worn in or on the
11 body. Durable medical equipment includes repair and replacement parts for
12 such equipment;

13 (c) Home medical supplies means supplies primarily and customarily
14 used to serve a medical purpose which are appropriate for use in the home
15 and are generally not useful to a person in the absence of illness or
16 injury;

17 (d) Mobility enhancing equipment means equipment which is primarily
18 and customarily used to provide or increase the ability to move from one
19 place to another, which is not generally used by persons with normal
20 mobility, and which is appropriate for use either in a home or a motor
21 vehicle. Mobility enhancing equipment includes repair and replacement
22 parts for such equipment. Mobility enhancing equipment does not include
23 any motor vehicle or equipment on a motor vehicle normally provided by a
24 motor vehicle manufacturer;

25 (e) Over-the-counter drug means a drug that contains a label that
26 identifies the product as a drug as required by 21 C.F.R. 201.66, as such
27 regulation existed on January 1, 2003. The over-the-counter drug label
28 includes a drug facts panel or a statement of the active ingredients with
29 a list of those ingredients contained in the compound, substance, or
30 preparation;

31 (f) Oxygen equipment means oxygen cylinders, cylinder transport

1 devices including sheaths and carts, cylinder studs and support devices,
2 regulators, flowmeters, tank wrenches, oxygen concentrators, liquid
3 oxygen base dispensers, liquid oxygen portable dispensers, oxygen tubing,
4 nasal cannulas, face masks, oxygen humidifiers, and oxygen fittings and
5 accessories;

6 (g) Prescription means an order, formula, or recipe issued in any
7 form of oral, written, electronic, or other means of transmission by a
8 duly licensed practitioner authorized under the Uniform Credentialing
9 Act; and

10 (h) Prosthetic devices means a replacement, corrective, or
11 supportive device worn on or in the body to artificially replace a
12 missing portion of the body, prevent or correct physical deformity or
13 malfunction, or support a weak or deformed portion of the body, and
14 includes any supplies used with such device and repair and replacement
15 parts.

16 Sec. 205. Section 77-27,132, Revised Statutes Supplement, 2023, as
17 amended by Laws 2024, LB1108, section 3, is amended to read:

18 77-27,132 (1) There is hereby created a fund to be designated the
19 Revenue Distribution Fund which shall be set apart and maintained by the
20 Tax Commissioner. Revenue not required to be credited to the General Fund
21 or any other specified fund may be credited to the Revenue Distribution
22 Fund. Credits and refunds of such revenue shall be paid from the Revenue
23 Distribution Fund. The balance of the amount credited, after credits and
24 refunds, shall be allocated as provided by the statutes creating such
25 revenue.

26 (2) The Tax Commissioner shall pay to a depository bank designated
27 by the State Treasurer all amounts collected under the Nebraska Revenue
28 Act of 1967. The Tax Commissioner shall present to the State Treasurer
29 bank receipts showing amounts so deposited in the bank, and of the
30 amounts so deposited the State Treasurer shall:

31 (a)(i) For transactions occurring on or after October 1, 2014, and

1 before July 1, 2024, credit to the Game and Parks Commission Capital
2 Maintenance Fund all of the proceeds of the sales and use taxes imposed
3 pursuant to section 77-2703 on the sale or lease of motorboats as defined
4 in section 37-1204, personal watercraft as defined in section 37-1204.01,
5 all-terrain vehicles as defined in section 60-103, and utility-type
6 vehicles as defined in section 60-135.01; and

7 (ii) For transactions occurring on or after July 1, 2024, credit to
8 the Game and Parks Commission Capital Maintenance Fund all of the
9 proceeds of the sales and use taxes imposed pursuant to section 77-2703
10 on the sale or lease of motorboats as defined in section 37-1204,
11 personal watercraft as defined in section 37-1204.01, all-terrain
12 vehicles as defined in section 60-103, and utility-type vehicles as
13 defined in section 60-135.01, and from such proceeds, transfers shall be
14 made to the Nebraska Emergency Medical System Operations Fund as provided
15 in section 37-327.02;

16 (b) Credit to the Highway Trust Fund all of the proceeds of the
17 sales and use taxes derived from the sale or lease for periods of more
18 than thirty-one days of motor vehicles, trailers, and semitrailers,
19 except that the proceeds equal to any sales tax rate provided for in
20 section 77-2701.02 that is in excess of five percent derived from the
21 sale or lease for periods of more than thirty-one days of motor vehicles,
22 trailers, and semitrailers shall be credited to the Highway Allocation
23 Fund;

24 (c) For transactions occurring on or after July 1, 2013, and before
25 July 1, 2042, of the proceeds of the sales and use taxes derived from
26 transactions other than those listed in subdivisions (2)(a), (b), ~~and~~
27 (e), and (f) of this section from a sales tax rate of one-quarter of one
28 percent, credit monthly eighty-five percent to the Highway Trust Fund and
29 fifteen percent to the Highway Allocation Fund;

30 (d) Of the proceeds of the sales and use taxes derived from
31 transactions other than those listed in subdivisions (2)(a), (b), ~~and~~

1 (e), ~~and (f)~~ of this section, credit to the Property Tax Credit Cash Fund
2 the amount certified under section 77-27,237, if any such certification
3 is made; ~~and~~

4 (e) For transactions occurring on or after July 1, 2023, credit to
5 the Department of Transportation Aeronautics Capital Improvement Fund all
6 of the proceeds of the sales and use taxes imposed pursuant to section
7 77-2703 on the sale or lease of aircraft as defined in section 3-101;
8 and -

9 (f) Credit the proceeds of the sales and use taxes imposed pursuant
10 to section 77-2703 on the sale of cannabis by cannabis stores to
11 consumers under the Cannabis Control Act to the Education Future Fund.

12 The balance of all amounts collected under the Nebraska Revenue Act
13 of 1967 shall be credited to the General Fund.

14 Sec. 206. Section 77-4301, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 77-4301 For purposes of sections 77-4301 to 77-4316:

17 (1) Controlled substance means ~~shall mean~~ any drug or substance,
18 including an imitation controlled substance, that is held, possessed,
19 transported, transferred, sold, or offered to be sold in violation of
20 Nebraska law. Controlled substance does ~~shall~~ not include cannabis
21 marijuana;

22 (2) Dealer means ~~shall mean~~ a person who, in violation of Nebraska
23 law, manufactures, produces, ships, transports, or imports into Nebraska
24 or in any manner acquires or possesses ~~six or more ounces of marijuana,~~
25 seven or more grams of any controlled substance which is sold by weight,
26 or ten or more dosage units of any controlled substance which is not sold
27 by weight;

28 (3) Imitation controlled substance has ~~shall have~~ the meaning as
29 provided in section 28-401; and

30 (4) Cannabis has Marijuana ~~shall have~~ the meaning as provided in
31 section 3 of this act ~~28-401~~.

1 Sec. 207. Section 77-4302, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 77-4302 No dealer may possess ~~marijuana~~ or controlled substances
4 upon which a tax is imposed by section 77-4303 unless the tax has been
5 paid on the ~~marijuana~~ or controlled substance as evidenced by an official
6 stamp, label, or other indicium.

7 Sec. 208. Section 77-4303, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 77-4303 (1) A tax is hereby imposed on ~~marijuana~~ and controlled
10 substances at the following rates:

11 ~~(a) On each ounce of marijuana or each portion of an ounce, one~~
12 ~~hundred dollars;~~

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

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

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

27 (3) The tax shall not be imposed upon a person registered or
28 otherwise lawfully in possession of ~~marijuana~~ or a controlled substance
29 pursuant to Chapter 28, article 4.

30 Sec. 209. Section 77-4304, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 77-4304 (1) Subject to the rules and regulations of the Tax
2 Commissioner, official stamps, labels, or other indicia to be affixed to
3 all ~~marijuana~~ and controlled substances shall be purchased from the
4 Department of Revenue. The purchaser shall pay one hundred percent of
5 face value for each official stamp, label, or other indicium purchased
6 and shall not be required to give his or her name, address, social
7 security number, or other identifying information.

8 (2) The Tax Commissioner shall adopt a uniform system of providing,
9 affixing, and displaying an official stamp, label, or other indicium for
10 ~~marijuana~~ and controlled substances on which a tax is imposed. Official
11 stamps, labels, or other indicia shall expire six months from the date of
12 issuance.

13 Sec. 210. Section 77-4305, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 77-4305 The tax imposed upon ~~marijuana~~ and controlled substances by
16 section 77-4303 shall be due and payable immediately upon acquisition or
17 possession of ~~marijuana~~ and controlled substances in this state by a
18 dealer.

19 Sec. 211. Section 77-4306, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 77-4306 If a dealer acquires or ships, transports, or imports into
22 this state ~~marijuana~~ or a controlled substance and if the official stamp,
23 label, or indicium evidencing the payment of the tax has not already been
24 affixed, the dealer shall have it permanently affixed on the ~~marijuana~~ or
25 controlled substance immediately upon acquisition or possession of the
26 ~~marijuana~~ or controlled substance. Each official stamp, label, or other
27 indicium may be used only once.

28 Sec. 212. Section 77-4309, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 77-4309 Any dealer violating sections 77-4301 to 77-4316 shall be
31 subject to a penalty of one hundred percent of the tax in addition to the

1 tax imposed by section 77-4303. The penalty shall be collected as part of
2 the tax.

3 A dealer distributing or possessing ~~marijuana~~ or a controlled
4 substance without affixing the official stamp, label, or other indicium
5 shall be guilty of a Class IV felony. Notwithstanding any other provision
6 of the criminal laws of this state, an indictment may be found and filed
7 or an information or complaint filed upon any criminal offense specified
8 in this section in the proper court within six years after the commission
9 of such offense.

10 Sec. 213. Section 77-4310.01, Reissue Revised Statutes of Nebraska,
11 is amended to read:

12 77-4310.01 Proceeds of the tax imposed by section 77-4303 shall be
13 remitted to the State Treasurer for credit as follows:

14 (1) Five percent of such proceeds shall be credited to the ~~Marijuana~~
15 ~~and~~ Controlled Substances Tax Administration Cash Fund; and

16 (2) Of the remaining proceeds:

17 (a) Fifty percent shall be remitted to the respective counties from
18 which the proceeds originated for credit to the County Drug Law
19 Enforcement and Education Fund of each such county. Money remitted to a
20 county pursuant to this subdivision shall be remitted to the county
21 treasurer of such county for credit to such fund. For purposes of this
22 subdivision, county from which the proceeds originated shall mean: (i) If
23 the proceeds result from seizure under the Uniform State Tax Lien
24 Registration and Enforcement Act of property located in a county other
25 than the county in which the dealer resides, the county in which the
26 seizure was made; and (ii) in all other cases, the county in which the
27 dealer resides; and

28 (b) All remaining funds, including those which did not originate in
29 a county, shall be credited to the Nebraska State Patrol Drug Control and
30 Education Cash Fund.

31 Sec. 214. Section 77-4310.03, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 77-4310.03 There is hereby created the ~~Marijuana~~ and Controlled
3 Substances Tax Administration Cash Fund. Money in the fund shall be used
4 by the Tax Commissioner for the purposes of administering, collecting,
5 and enforcing the tax imposed by section 77-4303, except that transfers
6 may be made from the fund to the General Fund at the direction of the
7 Legislature. Any money in the ~~Marijuana~~ and Controlled Substances Tax
8 Administration Cash Fund available for investment shall be invested by
9 the state investment officer pursuant to the Nebraska Capital Expansion
10 Act and the Nebraska State Funds Investment Act.

11 Sec. 215. Section 81-2,239, Revised Statutes Supplement, 2023, as
12 amended by Laws 2024, LB262, section 28, is amended to read:

13 81-2,239 Sections 81-2,239 to 81-2,292, ~~and~~ sections 32, 35, and 36
14 of this act, and section 217 of this act and the provisions of the Food
15 Code and the Current Good Manufacturing Practice In Manufacturing,
16 Packing, or Holding Human Food adopted by reference in sections
17 81-2,257.01 and 81-2,259, shall be known and may be cited as the Nebraska
18 Pure Food Act.

19 Sec. 216. Section 81-2,263, Revised Statutes Cumulative Supplement,
20 2022, as amended by Laws 2024, LB262, section 37, is amended to read:

21 81-2,263 If there is an inconsistency between sections 81-2,239 to
22 81-2,292, ~~and~~ sections 32, 35, and 36 of this act, and section 217 of
23 this act and any code adopted by reference, the requirements of the
24 sections shall control.

25 Sec. 217. Edible cannabis products sold under the Cannabis Control
26 Act are subject to the Nebraska Pure Food Act to the same extent as other
27 items of food.

28 Sec. 218. If any section in this act or any part of any section is
29 declared invalid or unconstitutional, the declaration shall not affect
30 the validity or constitutionality of the remaining portions.

31 Sec. 219. Original sections 28-439, 43-292, 60-6,211.08,

1 77-2701.48, 77-2704.09, 77-4301, 77-4302, 77-4303, 77-4304, 77-4305,
2 77-4306, 77-4309, 77-4310.01, and 77-4310.03, Reissue Revised Statutes of
3 Nebraska, sections 28-1701 and 71-5727, Revised Statutes Cumulative
4 Supplement, 2022, sections 28-405, 28-416, and 28-1354, Revised Statutes
5 Supplement, 2023; section 28-401, Revised Statutes Cumulative Supplement,
6 2022, as amended by Laws 2024, LB262, section 21; section 28-476, Revised
7 Statutes Cumulative Supplement, 2022, as amended by Laws 2024, LB262,
8 section 22; section 81-2,263, Revised Statutes Cumulative Supplement,
9 2022, as amended by Laws 2024, LB262, section 37; section 77-2701.02,
10 Revised Statutes Supplement, 2023, as amended by Laws 2024, LB1317,
11 section 81; section 77-27,132, Revised Statutes Supplement, 2023, as
12 amended by Laws 2024, LB1108, section 3; and section 81-2,239, Revised
13 Statutes Supplement, 2023, as amended by Laws 2024, LB262, section 28,
14 are repealed.

15 Sec. 220. The following sections are outright repealed: Sections
16 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and 28-469, Reissue
17 Revised Statutes of Nebraska.