

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 999

Introduced by Ibach, 44; Ballard, 21; Blood, 3; Bostelman, 23; Brandt, 32; DeKay, 40; Holdcroft, 36; Hughes, 24; Lowe, 37; Meyer, 41; Sanders, 45; von Gillern, 4; Walz, 15.

Read first time January 05, 2024

Committee:

1 A BILL FOR AN ACT relating to agriculture; to amend sections 2-501,
2 2-503, 2-505, 2-509, 2-515, 2-518, and 2-958, Reissue Revised
3 Statutes of Nebraska, and sections 28-401, 28-476, and 81-2,162.27,
4 Revised Statutes Cumulative Supplement, 2022; to define and redefine
5 terms under the Nebraska Hemp Farming Act; to change federal
6 references; to change provisions relating to the cultivation,
7 possession, handling, transportation, processing, use, and
8 consumption of hemp as prescribed; to provide an exception; to
9 terminate funds and make fund transfers; to provide for
10 reimbursement of certain licensee fees; to eliminate obsolete
11 provisions; to redefine terms under the Controlled Substances Act;
12 to eliminate provisions relating to industrial hemp; to harmonize
13 provisions; to provide severability; to repeal the original
14 sections; to outright repeal sections 2-502, 2-504, 2-506, 2-507,
15 2-508, 2-510, 2-511, 2-512, 2-513, 2-514, 2-516, 2-517, 2-519, and
16 2-5701, Reissue Revised Statutes of Nebraska; and to declare an
17 emergency.
18 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-501, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 2-501 Sections 2-501 to 2-518 ~~2-519~~ shall be known and may be cited
4 as the Nebraska Hemp Farming Act.

5 Sec. 2. Section 2-503, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 2-503 For purposes of the Nebraska Hemp Farming Act:

8 ~~(1) Acceptable hemp THC level has the same meaning as in 7 C.F.R.~~
9 ~~990.1, as such section existed on January 1, 2020;~~

10 ~~(1) (2) Agriculture Improvement Act of 2018 means section 10113 of~~
11 ~~the federal Agriculture Improvement Act of 2018, Public Law 115-334, and~~
12 ~~any regulations adopted and promulgated under such section, as such~~
13 ~~section, act, and regulations existed on January 1, 2024 ~~2020~~;~~

14 ~~(2) Cannabidiol products means finished consumer products that~~
15 ~~contain cannabidiol extracted or derived from hemp and do not contain any~~
16 ~~amount or concentration of other cannabinoids, including, but not limited~~
17 ~~to, tetrahydrocannabinol or any isomers, acids, salts, and salts of~~
18 ~~isomers of tetrahydrocannabinol;~~

19 ~~(3) Approved testing facility means a testing facility approved by~~
20 ~~the department;~~

21 ~~(4) Broker means a person who engages or participates in the~~
22 ~~marketing of hemp by acting as an intermediary or negotiator between~~
23 ~~prospective buyers and sellers;~~

24 ~~(5) Commercial sale means the sale of products in the stream of~~
25 ~~commerce, at retail, wholesale, and online;~~

26 ~~(6) Commission means the Nebraska Hemp Commission;~~

27 ~~(3) (7) Cultivate or cultivating means planting, watering, growing,~~
28 ~~and harvesting a hemp plant or crop. The presence of plants of the plant~~
29 ~~Cannabis sativa L. growing as uncultivated, naturalized plants in the~~
30 ~~environment is not cultivating hemp for purposes of the Nebraska Hemp~~
31 ~~Farming Act;~~

1 ~~(8) Cultivator means a person who cultivates hemp;~~

2 ~~(9) Department means the Department of Agriculture;~~

3 ~~(10) Director means the Director of Agriculture or his or her~~
4 ~~designee;~~

5 ~~(11) GPS coordinates means latitude and longitude coordinates~~
6 ~~derived from a global positioning system;~~

7 ~~(12) Handle or handling means possessing or storing hemp plants or~~
8 ~~hemp plant parts prior to cultivation, in the process of cultivation, or~~
9 ~~after being harvested or dried but before processing. Handle or handling~~
10 ~~also includes possessing or storing such hemp plants or hemp plant parts~~
11 ~~in a vehicle for any period of time other than during its actual~~
12 ~~transport from the premises of a person licensed to cultivate or process~~
13 ~~hemp to the premises of another licensee. Handle or handling does not~~
14 ~~include possessing, storing, or transporting finished hemp products or~~
15 ~~hemp seeds;~~

16 ~~(4)(a) (13) Hemp means the plant Cannabis sativa L. and any part of~~
17 ~~such plant, including the viable seeds of such plant and all derivatives,~~
18 ~~extracts, cannabinoids, isomers, acids, salts, and salts of isomers,~~
19 ~~whether growing or not, with a delta-9 tetrahydrocannabinol concentration~~
20 ~~of not more than 0.3 percent on a dry weight basis for raw hemp and not~~
21 ~~more than 0.3 percent on a percentage by weight basis for processed hemp.~~

22 ~~(b) Hemp does not include the mature stalks of such plant, fiber~~
23 ~~produced from such stalks, oil or cake made from the seeds of such plant,~~
24 ~~any other compound, manufacture, salt, derivative, mixture, or~~
25 ~~preparation of such mature stalks, or the sterilized seed of such plant~~
26 ~~which is incapable of germination. Any product containing hemp as~~
27 ~~described in this subdivision is considered hemp . Hemp shall be~~
28 ~~considered an agricultural commodity. Notwithstanding any other provision~~
29 ~~of law, hemp shall not be considered a controlled substance under the~~
30 ~~Uniform Controlled Substances Act;~~

31 ~~(14) Licensee means an individual or a business entity possessing a~~

1 ~~license issued by the department under the Nebraska Hemp Farming Act,~~
2 ~~including authorized employees or agents of such licensee, to cultivate,~~
3 ~~handle, process, or broker hemp;~~

4 ~~(15) Location ID means the unique identifier established by a~~
5 ~~licensee for each unique set of GPS coordinates where hemp is cultivated,~~
6 ~~handled, or processed;~~

7 ~~(16) Lot means a contiguous area in a field, greenhouse, or indoor~~
8 ~~growing structure containing the same variety or strain of hemp~~
9 ~~throughout such area;~~

10 ~~(17) Measurement of uncertainty has the same meaning as in 7 C.F.R.~~
11 ~~990.1, as such section existed on January 1, 2020;~~

12 ~~(5) (18) Person means an individual, partnership, corporation,~~
13 ~~limited liability company, association, postsecondary institution, or~~
14 ~~other legal entity;~~

15 ~~(19) Postsecondary institution means a postsecondary institution as~~
16 ~~defined in section 85-2403 that also meets the requirements of 20 U.S.C.~~
17 ~~1001, as such section existed on January 1, 2019;~~

18 ~~(6) (20) Process or processing means converting hemp plants or plant~~
19 ~~parts into a marketable form;~~

20 ~~(7) State-program-licensed hemp producer means a person licensed~~
21 ~~under a USDA-approved state or tribal program as authorized under the~~
22 ~~Agriculture Improvement Act of 2018 and includes the authorized employees~~
23 ~~or agents of such person;~~

24 ~~(21) Processor-handler means a person who handles or processes hemp;~~

25 ~~(22) Site means an area defined by the same legal description in a~~
26 ~~field, greenhouse, or other outdoor area or indoor structure, or for a~~
27 ~~mobile processor, such processor's primary place of business;~~

28 ~~(8) USDA means the United States Department of Agriculture (23) THC~~
29 ~~means tetrahydrocannabinol; and~~

30 ~~(9) (24) USDA-licensed hemp producer means a person licensed by the~~
31 ~~USDA United States Department of Agriculture to produce hemp as provided~~

1 in 7 C.F.R. part 990, subpart C, as such regulations existed on January
2 1, 2024, and includes the authorized employees or agents of such person
3 ~~2020~~.

4 Sec. 3. Section 2-505, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 2-505 (1) Hemp, other than cannabidiol products, shall not be
7 cultivated, possessed, handled, transported, processed, used, or consumed
8 in this state, except that:

9 (a) (1) Hemp may only be cultivated in this state by a USDA-licensed
10 hemp producer, in accordance with such producer's USDA-issued license, to
11 be transported to another state for processing or use; and or a person
12 meeting the requirements of section 2-5701 or in compliance with this
13 section.

14 (b) Hemp may be transported pursuant to section 2-515.

15 (2) This section does not apply to cannabidiol products possessed,
16 handled, transported, used, or consumed in accordance with (a) the
17 Nebraska Pure Food Act or (b) the Federal Food, Drug, and Cosmetic Act,
18 21 U.S.C. 301 et seq., and any regulations adopted and promulgated under
19 such act, as such act and regulations existed on January 1, 2024. Before
20 a person may be licensed to cultivate hemp under the Nebraska Hemp
21 Farming Act, such person shall submit an application on a form prescribed
22 by the department that includes, but is not limited to, the following:

23 (a) If the applicant is an individual, the applicant's full name,
24 birthdate, mailing address, telephone number, and valid email address;

25 (b) If the applicant is an entity and not an individual, (i) the
26 name of the applicant, mailing address, telephone number, and valid email
27 address, (ii) the full name of each officer, director, partner, member,
28 or owner owning in excess of ten percent of equity or stock in such
29 entity, (iii) the full name of each key participant as defined in 7
30 C.F.R. 990.1, and (iv) the birthdate, title, mailing address, telephone
31 number, and valid email address of each such person or key participant;

1 ~~(c) The proposed acreage to be cultivated or the square footage of a~~
2 ~~greenhouse or other indoor space to be cultivated;~~

3 ~~(d) The street address, legal description, location ID, and GPS~~
4 ~~coordinates for each field, greenhouse, building, or other site where~~
5 ~~hemp will be cultivated. The site information may be verified by the~~
6 ~~department; and~~

7 ~~(e) Maps depicting each site where hemp will be cultivated, with~~
8 ~~appropriate indications for entrances, field boundaries, and specific~~
9 ~~locations corresponding to the GPS coordinates provided under subdivision~~
10 ~~(d) of this subsection.~~

11 ~~(3) Before a person may be licensed to cultivate hemp under the~~
12 ~~Nebraska Hemp Farming Act, such person shall submit with the application~~
13 ~~a nonrefundable application fee as set by the department pursuant to~~
14 ~~section 2-508.~~

15 ~~(4) Before a person may be licensed to cultivate hemp under the~~
16 ~~Nebraska Hemp Farming Act, such person shall submit a site registration~~
17 ~~fee as set by the department pursuant to section 2-508. The site~~
18 ~~registration fee shall be paid for each separate site where the applicant~~
19 ~~will cultivate hemp. Subsequent modifications to the sites listed in the~~
20 ~~application shall be submitted on forms prescribed by the department~~
21 ~~along with a site modification fee and shall only take effect upon~~
22 ~~written approval of the department. The applicant must certify that all~~
23 ~~sites where hemp is to be cultivated are under the control of the~~
24 ~~applicant and that the department shall have unlimited access to all such~~
25 ~~sites.~~

26 ~~(5) After the department receives approval by the United States~~
27 ~~Secretary of Agriculture for the state plan described in section 2-516,~~
28 ~~an initial cultivator license application may be submitted at any time,~~
29 ~~except that the department may set a cutoff date for applications ahead~~
30 ~~of the growing season. An initial cultivator license issued by the~~
31 ~~department expires on December 31 in the calendar year for which it was~~

1 issued.

2 ~~(6) A renewal application for a license to cultivate hemp shall be~~
3 ~~submitted on forms prescribed by the department. A renewal application is~~
4 ~~due by December 31 and shall be accompanied by the cultivator license fee~~
5 ~~and the site registration fee for all sites listed in the renewal~~
6 ~~application. The renewal cultivator license is valid from January 1 or~~
7 ~~when the license is granted, whichever is later, through December 31 next~~
8 ~~following.~~

9 ~~(7) A cultivator license shall lapse automatically upon a change of~~
10 ~~ownership or location, and a new license must be obtained. The licensee~~
11 ~~shall promptly provide notice of change in ownership or location to the~~
12 ~~department.~~

13 ~~(8) An application and supporting documents submitted to the~~
14 ~~department under this section are not public records subject to~~
15 ~~disclosure pursuant to sections 84-712 to 84-712.09. Such information may~~
16 ~~be submitted to the United States Department of Agriculture pursuant to~~
17 ~~the requirements of the federal Agriculture Improvement Act of 2018 or~~
18 ~~any other federal statute, rule, or regulation, and may be submitted to~~
19 ~~law enforcement.~~

20 Sec. 4. Section 2-509, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 2-509 The Nebraska Hemp Program Fund is established. The fund
23 terminates on the effective date of this act and the State Treasurer
24 shall transfer any money in the fund on such date to the Noxious Weed
25 Cash Fund shall be administered by the department for the purpose of
26 covering the costs of the department in administering sections 2-504 to
27 2-516 and 2-5701. The fund may receive appropriations by the Legislature,
28 gifts, grants, federal funds, and any other funds both public and
29 private. All fees collected by the department under sections 2-508 and
30 2-5701 shall be remitted to the State Treasurer for credit to the fund.
31 Transfers from the Nebraska Hemp Program Fund to the Noxious Weed Cash

~~1 Fund may be made as provided in section 2-958. Transfers from the
2 Nebraska Hemp Program Fund to the Fertilizers and Soil Conditioners
3 Administrative Fund may be made as provided in section 81-2,162.27. Any
4 money in the fund available for investment shall be invested by the state
5 investment officer pursuant to the Nebraska Capital Expansion Act and the
6 Nebraska State Funds Investment Act.~~

7 Sec. 5. Section 2-515, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 2-515 (1) Except as provided in subsection ~~(3)~~ ~~(4)~~ of this section,
10 any USDA-licensed hemp producer or state-program-licensed hemp producer
11 ~~cultivator~~ transporting hemp cultivated under the Nebraska Hemp Farming
12 Act shall carry with the hemp being transported a copy of the USDA
13 ~~cultivator license or state program license~~ under which it was cultivated
14 and a copy of the test results pertaining to each lot of hemp being
15 transported.

16 ~~(2) Except as provided in subsection (4) of this section, any~~
17 ~~processor-handler transporting hemp processed under the Nebraska Hemp~~
18 ~~Farming Act shall carry with the hemp being transported a copy of the~~
19 ~~processor-handler license under which the hemp is being transported and a~~
20 ~~copy of the test results pertaining to such hemp.~~

21 ~~(2) (3)(a) A USDA-licensed hemp producer cultivating hemp in this~~
22 ~~state licensee shall maintain a record of shipments of hemp shipped from~~
23 ~~or received by such producer the licensee. Such record shall, for each~~
24 ~~shipment of hemp, indicate the date of shipment, identify the point of~~
25 ~~origin and destination, identify the name of the person sending and~~
26 ~~receiving the shipment, and include the vehicle identification number of~~
27 ~~the vehicle transporting the hemp. Each shipment of hemp shall be entered~~
28 ~~on the record of shipments kept by the licensee by the close of the~~
29 ~~business day the shipment is shipped from or received by the licensee.~~

30 ~~(b) A licensee may give notice to the Nebraska State Patrol up to~~
31 ~~seven days prior to a shipment of hemp to be shipped from or received by~~

1 ~~the licensee. Such notification shall be given in a manner and form~~
2 ~~prescribed by the Nebraska State Patrol and shall not be considered a~~
3 ~~public record for purposes of sections 84-712 to 84-712.09.~~

4 (3) (4) Any USDA-licensed hemp producer or state-program-licensed
5 hemp producer licensee transporting hemp cultivated or processed under
6 such producer's USDA license or state program license the Nebraska Hemp
7 Farming Act shall not be required to carry a copy of the test results
8 relating to such hemp as provided in subsection (1) or (2) of this
9 section if such producer licensee carries with the hemp being transported
10 a copy of the applicable USDA license or state program license and is
11 transporting:

12 (a) Hemp between two registered sites listed on the producer's USDA
13 or state program licensee's license application;

14 (b) Samples of hemp for testing to determine the
15 tetrahydrocannabinol THC level for private testing purposes prior to
16 testing pursuant to section 2-514; or

17 (c) Live hemp plants to a registered site listed on the producer's
18 USDA or state program licensee's license application prior to cultivating
19 such hemp plants.

20 (4) Any person who is carrying or transporting hemp prohibited by
21 subsection (1) of section 2-505 and who is not a USDA-licensed hemp
22 producer or state-program-licensed hemp producer shall only carry or
23 transport such hemp if such hemp meets the following requirements:

24 (a) The hemp is carried or transported with a bill of lading stating
25 the owner of the hemp, the point of origin of the hemp, and the
26 destination of the hemp;

27 (b) The hemp is carried or transported with a copy of the valid USDA
28 or state program license under which the hemp was cultivated;

29 (c) The hemp is carried or transported with a copy of the test
30 results pertaining to each lot of hemp being transported; and

31 (d) The hemp is not unloaded or in any way removed from the vehicle

1 transporting such hemp unless authorized by state or federal law
2 enforcement.

3 (5) No person shall transport or carry hemp in this state
4 concurrently with any other plant material that is not such hemp.

5 Sec. 6. Section 2-518, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 2-518 The Hemp Promotion Fund is established. The fund terminates on
8 the effective date of this act and the State Treasurer shall transfer any
9 money in the fund on such date to the General Fund shall be administered
10 by the commission for the purposes set forth in section 2-517. The fund
11 may receive appropriations by the Legislature and gifts, grants, federal
12 funds, and any other funds both public and private. All fees collected as
13 set forth in section 2-519 shall be remitted to the State Treasurer for
14 credit to the fund. Any money in the fund available for investment shall
15 be invested by the state investment officer pursuant to the Nebraska
16 Capital Expansion Act and the Nebraska State Funds Investment Act.

17 Sec. 7. Section 2-958, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 2-958 (1) A noxious weed control fund may be established for each
20 control authority, which fund shall be available for expenses authorized
21 to be paid from such fund, including necessary expenses of the control
22 authority in carrying out its duties and responsibilities under the
23 Noxious Weed Control Act. The weed control superintendent within the
24 county shall (a) ascertain and tabulate each year the approximate amount
25 of land infested with noxious weeds and its location in the county, (b)
26 ascertain and prepare all information required by the county board in the
27 preparation of the county budget, including actual and expected revenue
28 from all sources, cash balances, expenditures, amounts proposed to be
29 expended during the year, and working capital, and (c) transmit such
30 information tabulated by the control authority to the county board not
31 later than June 1 of each year.

1 (2) The Noxious Weed Cash Fund is created. The fund shall consist of
2 proceeds raised from fees imposed for the registration of pesticides and
3 earmarked for the fund pursuant to section 2-2634, funds credited or
4 transferred pursuant to sections 2-509, 81-201, and 81-201.05, any gifts,
5 grants, or donations from any source, and any reimbursement funds for
6 control work done pursuant to subdivision (1)(b)(vi) of section 2-954. An
7 amount from the General Fund may be appropriated annually for the Noxious
8 Weed Control Act. The fund shall be administered and used by the director
9 to maintain the noxious weed control program and for expenses directly
10 related to the program. Until January 1, 2025 ~~2020~~, the fund may also be
11 used to reimburse licensees who paid fees to the Department of
12 Agriculture for licenses issued for calendar year 2024 under defray all
13 ~~reasonable and necessary costs related to the implementation of the~~
14 ~~Nebraska Hemp Farming Act. The Department of Agriculture shall document~~
15 ~~all costs incurred for such purpose. The budget administrator of the~~
16 ~~budget division of the Department of Administrative Services may transfer~~
17 ~~a like amount from the Nebraska Hemp Program Fund to the Noxious Weed~~
18 ~~Cash Fund no later than October 1, 2022.~~

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

22 Sec. 8. Section 28-401, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 28-401 As used in the Uniform Controlled Substances Act, unless the
25 context otherwise requires:

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

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

1 keeper;

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

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

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

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

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

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

28 (9) Distribute means to deliver other than by administering or
29 dispensing a controlled substance;

30 (10) Prescribe means to issue a medical order;

31 (11) Drug means (a) articles recognized in the official United

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

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

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

12 (14)(a) Marijuana means all parts of the plant of the genus
13 cannabis, whether growing or not, the seeds thereof, and every compound,
14 manufacture, salt, derivative, mixture, or preparation of such plant or
15 its seeds.

16 (b) Marijuana does not include the mature stalks of such plant,
17 hashish, tetrahydrocannabinols extracted or isolated from the plant,
18 fiber produced from such stalks, oil or cake made from the seeds of such
19 plant, any other compound, manufacture, salt, derivative, mixture, or
20 preparation of such mature stalks, the sterilized seed of such plant
21 which is incapable of germination, cannabidiol extracted from hemp
22 contained in a cannabidiol product as defined in section 2-503, or
23 cannabidiol contained in a drug product approved by the federal Food and
24 Drug Administration.

25 (c) Marijuana includes does not include hemp, except for hemp
26 possessed pursuant to the Nebraska Hemp Farming Act.

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

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

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

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

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

1 coca leaves, which extracts do not contain cocaine or ecgonine, or
2 isoquinoline alkaloids of opium;

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

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

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

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

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

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

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

31 (24) State means the State of Nebraska;

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

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

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

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

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

22 (c) Hashish or concentrated cannabis does not include cannabidiol
23 extracted from hemp contained in a cannabidiol product as defined in
24 section 2-503 or contained in a drug product approved by the federal Food
25 and Drug Administration;

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

30 (30) Imitation controlled substance means a substance which is not a
31 controlled substance or controlled substance analogue but which, by way

1 of express or implied representations and consideration of other relevant
2 factors including those specified in section 28-445, would lead a
3 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 (31)(a) Controlled substance analogue means a substance (i) the
9 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 (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 (33) Chart order means an order for a controlled substance issued by
11 a practitioner for a patient who is in the hospital where the chart is
12 stored or for a patient receiving detoxification treatment or maintenance
13 treatment pursuant to section 28-412. Chart order does not include a
14 prescription;

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

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

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

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

26 (38) Signature means the name, word, or mark of a person written in
27 his or her own hand with the intent to authenticate a writing or other
28 form of communication or a digital signature which complies with section
29 86-611 or an electronic signature;

30 (39) Facsimile means a copy generated by a system that encodes a
31 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 (40) Electronic signature has the definition found in section
4 86-621;

5 (41) Electronic transmission means transmission of information in
6 electronic form. Electronic transmission includes computer-to-computer
7 transmission or computer-to-facsimile transmission;

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

13 (43) Compounding has the same meaning as in section 38-2811;

14 (44) Cannabinoid receptor agonist means any chemical compound or
15 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 cannabidiol
19 extracted from hemp contained in a cannabidiol product as defined in
20 section 2-503 or contained in a drug product approved by the federal Food
21 and Drug Administration; and

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

29 (a) The packaging or labeling of the product or substance suggests
30 that the user will achieve euphoria, hallucination, mood enhancement,
31 stimulation, or another effect on the human body that replicates or

1 mimics those produced by a controlled substance;

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

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

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

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

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

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

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

1 product or substance.

2 Sec. 9. Section 28-476, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 ~~28-476 (1) Any person other than the Department of Agriculture, a~~
5 ~~cultivator, a processor handler, or an approved testing facility who is~~
6 ~~transporting hemp shall carry with such hemp being transported (a) a bill~~
7 ~~of lading indicating the owner of the hemp, the point of origin of the~~
8 ~~hemp, and the destination of the hemp and (b) either a copy of the test~~
9 ~~results pertaining to such hemp or other documentation affirming that the~~
10 ~~hemp was produced in compliance with the federal Agriculture Improvement~~
11 ~~Act of 2018.~~

12 ~~(1) (2)(a) No person shall carry or transport hemp in this state~~
13 ~~unless such hemp is:~~

14 ~~(a) (i) Produced in compliance with: (A) For hemp originating in this~~
15 ~~state, the requirements of the federal Agriculture Improvement Act of~~
16 ~~2018 under the Nebraska Hemp Farming Act and any rules and regulations~~
17 ~~adopted and promulgated thereunder, a tribal hemp production plan~~
18 ~~approved by the United States Secretary of Agriculture, or the United~~
19 ~~States Department of Agriculture Domestic Hemp Production Plan; or (B) For~~
20 ~~hemp originating outside this state, the requirements of the federal~~
21 ~~Agriculture Improvement Act of 2018; and~~

22 ~~(b) (ii) Carried or transported as provided in section 2-515 or~~
23 ~~subsection (1) of this section.~~

24 ~~(b) No person shall transport hemp in this state concurrently with~~
25 ~~any other plant material that is not hemp.~~

26 ~~(3)(a) A peace officer may detain any person carrying or~~
27 ~~transporting hemp in this state if such person does not provide the~~
28 ~~documentation required by this section and section 2-515. Unless the~~
29 ~~peace officer has probable cause to believe the hemp is, or is being~~
30 ~~carried or transported with, marijuana or any other controlled substance,~~
31 ~~the peace officer shall immediately release the hemp and the person~~

1 ~~carrying or transporting such hemp upon production of such documentation.~~

2 ~~(b) The failure of a person detained as described in this subsection~~
3 ~~to produce documentation required by this section shall constitute~~
4 ~~probable cause to believe the hemp may be marijuana or another controlled~~
5 ~~substance. In such case, a peace officer may collect such hemp for~~
6 ~~testing to determine the delta-9 tetrahydrocannabinol concentration in~~
7 ~~the hemp, and, if the peace officer has probable cause to believe the~~
8 ~~person detained is carrying or transporting marijuana or any other~~
9 ~~controlled substance in violation of state or federal law, the peace~~
10 ~~officer may seize and impound the hemp or marijuana or other controlled~~
11 ~~substance and arrest such person.~~

12 ~~(c) This subsection does not limit or restrict in any way the power~~
13 ~~of a peace officer to enforce violations of the Uniform Controlled~~
14 ~~Substances Act and federal law regulating marijuana and other controlled~~
15 ~~substances.~~

16 ~~(2) (4) In addition to any other penalties provided by law,~~
17 ~~including those imposed under the Nebraska Hemp Farming Act, any person~~
18 ~~who intentionally violates this section shall be guilty of a Class IV~~
19 ~~misdemeanor and fined not more than one thousand dollars.~~

20 ~~(5) This section does not apply to a person transporting hemp~~
21 ~~products purchased at retail in small amounts for personal or household~~
22 ~~use and not intended for resale.~~

23 ~~(6) For purposes of this section:~~

24 ~~(a) Agriculture Improvement Act of 2018 has the same meaning as in~~
25 ~~section 2-503;~~

26 ~~(b) Approved testing facility has the same meaning as in section~~
27 ~~2-503;~~

28 ~~(c) Cultivator has the same meaning as in section 2-503; and~~

29 ~~(d) Processor handler has the same meaning as in section 2-503.~~

30 Sec. 10. Section 81-2,162.27, Revised Statutes Cumulative
31 Supplement, 2022, is amended to read:

1 81-2,162.27 (1) All money received under the Nebraska Commercial
2 Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials
3 Act shall be remitted to the State Treasurer for credit to the
4 Fertilizers and Soil Conditioners Administrative Fund, which fund is
5 hereby created. Money so received shall be used by the department for
6 defraying the expenses of administering the Nebraska Commercial
7 Fertilizer and Soil Conditioner Act and the Agricultural Liming Materials
8 Act. The fund may also be used to defray costs incurred by the department
9 directly related to administrative and budgetary support of the Healthy
10 Soils Task Force pursuant to sections 2-401 to 2-404, except that no more
11 than ten thousand dollars may be expended by the department from the fund
12 for such purpose. ~~Until January 1, 2020, the fund may also be used to~~
13 ~~defray all reasonable and necessary costs related to the implementation~~
14 ~~of the Nebraska Hemp Farming Act. The Department of Agriculture shall~~
15 ~~document all costs incurred for such purpose. The budget administrator of~~
16 ~~the budget division of the Department of Administrative Services may~~
17 ~~transfer a like amount from the Nebraska Hemp Program Fund to the~~
18 ~~Fertilizers and Soil Conditioners Administrative Fund no later than~~
19 ~~October 1, 2022.~~ Transfers may be made from the fund to the General Fund
20 at the direction of the Legislature. The State Treasurer shall transfer
21 two hundred seventy-five thousand dollars from the Fertilizers and Soil
22 Conditioners Administrative Fund to the General Fund on or before June
23 30, 2019, on such dates and in such amounts as directed by the budget
24 administrator of the budget division of the Department of Administrative
25 Services.

26 (2) Any unexpended balance in the Fertilizers and Soil Conditioners
27 Administrative Fund at the close of any biennium shall, when
28 reappropriated, be available for the uses and purposes of the fund for
29 the succeeding biennium. Any money in the fund available for investment
30 shall be invested by the state investment officer pursuant to the
31 Nebraska Capital Expansion Act and the Nebraska State Funds Investment

1 Act.

2 Sec. 11. If any section in this act or any part of any section is
3 declared invalid or unconstitutional, the declaration shall not affect
4 the validity or constitutionality of the remaining portions.

5 Sec. 12. Original sections 2-501, 2-503, 2-505, 2-509, 2-515,
6 2-518, and 2-958, Reissue Revised Statutes of Nebraska, and sections
7 28-401, 28-476, and 81-2,162.27, Revised Statutes Cumulative Supplement,
8 2022, are repealed.

9 Sec. 13. The following sections are outright repealed: Sections
10 2-502, 2-504, 2-506, 2-507, 2-508, 2-510, 2-511, 2-512, 2-513, 2-514,
11 2-516, 2-517, 2-519, and 2-5701, Reissue Revised Statutes of Nebraska.

12 Sec. 14. Since an emergency exists, this act takes effect when
13 passed and approved according to law.