

June 26, 2025

Governor Jim Pillen  
PO Box 94848  
Lincoln, NE 68509-4848

RE: Title 238 NAC 1

Dear Governor Pillen,

Pursuant to Nebraska Revised Statute § 84-901.04, the Nebraska Medical Cannabis Commission is requesting the adoption of emergency regulations to implement the Nebraska Medical Cannabis Regulation Act as required by Nebraska Revised Statute § 71-24,110 and § 71-24,111. In support thereof the Commission states the Act requires the criteria for the acceptance of applications for registered establishments be established by July 1, 2025. Without these regulations establishments will not be able to submit applications nor will the commission be able to review said applications to determine eligibility to dispense, manufacture, cultivate or transport under the Act. Failure to do so would force Nebraskans to seek medical cannabis or similar products from unregulated and potentially harmful sources. The inability to obtain medical cannabis from a Nebraska regulated establishment relates to the health, safety, or welfare of Nebraska residents.

Due to the time-limited authority of emergency regulations, the Commission will engage in the formal rulemaking process for these regulations.

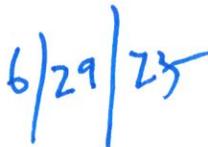
Sincerely,



Dr. Monica Oldenburg  
Chairperson  
Nebraska Medical Cannabis Commission



Approved by Governor



Date

**TITLE 238                    NEBRASKA MEDICAL CANNABIS COMMISSION**

**CHAPTER 1                    REGISTERED CANNABIS ESTABLISHMENTS**

**001. SCOPE AND AUTHORITY.** These regulations implement the Nebraska Medical Cannabis Regulation Act as authorized by Nebraska Revised Statute (Neb. Rev. Stat.) § 71-24,111.

**002. DEFINITIONS.** The definitions found in Neb. Rev. Stat. § 71-24,104 and § 71-24,107 and the following definitions apply:

**002.01 COVERED LOCATION.** Covered location means any school, childcare center or child day care, church or hospital.

**002.02 CULTIVATOR.** Cultivator means a registered establishment licensed to cultivate and process cannabis plants for sale and transport to dispensaries, product manufacturers, and to other cultivators, but cannot transfer cannabis plants or cannabis products to qualified patients or caregivers.

**002.03 DISPENSARY.** Dispensary means a registered establishment licensed to possess, sell or transfer medical cannabis to qualified patients or caregivers.

**002.04 LICENSE.** License means a registration granted by the Nebraska Medical Cannabis Commission in accordance with the Nebraska medical Cannabis Regulation Act.

**002.05 PRODUCT MANUFACTURER.** Product Manufacturer means a registered establishment license to process cannabis, conduct extractions, and manufacture cannabis products for sale or transfer to dispensaries, but cannot sell or transfer cannabis plants or cannabis products to qualified patients or caregivers.

**002.06 TRANSPORTER.** Transporter means a registered establishment licensed to transport cannabis, cannabis products, and cannabis accessories between medical cannabis licensees, provide logistical services for medical cannabis licensees, or store cannabis.

**003. DISPENSARY LICENSE APPLICATION.**

**003.01 VERTICLE LICENSING.** Vertical licensing is not permitted. An applicant may not possess more than one license type authorized by this chapter.

**003.02 FINGER PRINTING.** An applicant for initial issuance of any license under this Chapter shall also submit two legible sets of fingerprints to be furnished for every person included in the application to the Federal Bureau of Investigation through the Nebraska State Patrol for a national criminal history record information check and fee for such record check payable to the patrol. The applicant shall authorize the release of the national criminal history record information check to the commission.

**003.03 RESIDENCY REQUIREMENTS.** The following residency and citizenship requirements apply to any licensee applicant:

- (A) At least fifty-one (51%) percent of the ownership of the applicant must be comprised of natural person(s) who have been residents of Nebraska for at least four preceding years and a United States citizen; and
- (B) It shall be unlawful to operate as a licensee unless at least fifty-one (51%) percent of the ownership of the licensee is comprised of natural persons who have been residents of Nebraska for at least four preceding years and be United States citizen(s).

**003.04 REQUIRED INFORMATION.** An application shall include the following:

- (A) The name and address of the applicant and if applicable, the applicant's officers, directors, or managers;
- (B) A statement that the applicant and the applicant's officers, directors, or managers satisfy the residency requirements provided in this chapter, and none have a disqualifying conviction;
- (C) The premises for which a license is desired, designating the premises by street and number, if practicable, or by such other description as to definitively locate the premises;
- (D) The name of the owner of the premises upon which the business licensed is to be operated;
- (E) Certification of approval for the registered cannabis establishment by the local health department and either the village board, city council, or county board and statement providing that the proposed registered cannabis establishment meets all local requirements if any; and
- (F) Any additional requirements based on the type of license the applicant is applying for as set forth in this chapter.

**003.05 FALSE STATEMENTS.** If any false statement is made in any part of the application the license may be denied or revoked.

**003.06 PROHIBITED PERSONS.** A license shall not be issued to or held by:

- (A) Any person who has been convicted of any felony or any controlled substance related offense within the preceding ten (10) years;
- (B) An entity if any of its officers, directors, or owners have been convicted of any felony or any controlled substance related offense within the preceding ten (10) years;
- (C) An entity if any of its officers, directors, or owners have had a license or permit suspended or revoked pursuant to these regulations;
- (D) A person under eighteen years of age;
- (E) Any state, county, municipality, or other political subdivision, any branch, department, agency, or subdivision of any of the foregoing, or any corporation or other body established by law to carry out any government function; or
- (F) A health care practitioner who has issued one or more written recommendations in the preceding five years.

**003.07 APPLICATION HEARING.** The commission may hold a hearing on any application for a license at its own discretion.

**003.08 LICENSE EXPIRATION.** A license granted by the commission expires two years from the date of issuance.

003.09 LOCATION. No dispensary license will be issued for any premises located within one thousand feet of any school, daycare, church or hospital. Except that this subsection shall not apply to any licensee operating an established registered cannabis establishment that was in operation prior to the covered location being established within one thousand feet of such establishment. One thousand feet will be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.

003.10 LICENSEE RELOCATION. A licensee shall not relocate a registered cannabis establishment from the place specified in the license.

003.11 LICENSE TRANSFER. Licenses are non-transferrable.

003.12 NUMBER OF LICENSES ALLOWED. No more than one (1) dispensary license shall be issued in any one District Court Judicial District as defined in Neb. Rev. Stat. § 24-301.02.

#### **004. CULTIVATOR LICENSE APPLICATION.**

004.01 VERTICLE LICENSING. Vertical licensing is not permitted. An applicant may not possess more than one license type authorized by this chapter.

004.02 FINGER PRINTING. An applicant for initial issuance of any license under this Chapter shall also submit two legible sets of fingerprints to be furnished for every person included in the application to the Federal Bureau of Investigation through the Nebraska State Patrol for a national criminal history record information check and fee for such record check payable to the patrol. The applicant shall authorize the release of the national criminal history record information check to the commission.

004.03 RESIDENCY REQUIREMENTS. The following residency and citizenship requirements apply to any licensee applicant:

- (A) At least fifty-one (51%) percent of the ownership of the applicant must be comprised of natural person(s) who have been residents of Nebraska for at least four preceding years and a United States citizen; and
- (B) It shall be unlawful to operate as a licensee unless at least fifty-one (51%) percent of the ownership of the licensee is comprised of natural persons who have been residents of Nebraska for at least four preceding years and be United States citizen(s).

004.04 REQUIRED INFORMATION. An application shall include the following:

- (A) The name and address of the applicant and if applicable, the applicant's officers, directors, or managers;
- (B) A statement that the applicant and the applicant's officers, directors, or managers satisfy the residency requirements provided in this chapter, and none have a disqualifying conviction;
- (C) The premises for which a license is desired, designating the premises by street and number, if practicable, or by such other description as to definitively locate the premises;
- (D) The name of the owner of the premises upon which the business licensed is to be operated;

- (E) Certification of approval for the registered cannabis establishment by the local health department and either the village board, city council, or county board and statement providing that the proposed registered cannabis establishment meets all local requirements if any; and
- (F) Any additional requirements based on the type of license the applicant is applying for as set forth in this chapter.

004.05 FALSE STATEMENTS. If any false statement is made in any part of the application the license may be denied or revoked.

004.06 PROHIBITED PERSONS. A license shall not be issued to or held by:

- (A) Any person who has been convicted of any felony or any controlled substance related offense within the preceding ten (10) years;
- (B) An entity if any of its officers, directors, or owners have been convicted of any felony or any controlled substance related offense within the preceding ten (10) years;
- (C) An entity if any of its officers, directors, or owners have had a license or permit suspended or revoked pursuant to these regulations;
- (D) A person under eighteen years of age;
- (E) Any state, county, municipality, or other political subdivision, any branch, department, agency, or subdivision of any of the foregoing, or any corporation or other body established by law to carry out any government function; or
- (F) A health care practitioner who has issued one or more written recommendations in the preceding five years.

004.07 APPLICATION HEARING. The commission may hold a hearing on any application for a license at its own discretion.

004.08 LICENSE EXPIRATION. A license granted by the commission expires two years from the date of issuance.

004.09 LOCATION. No cultivator license will be issued for any premises located within one thousand feet of any school, daycare, church or hospital. Except that this subsection shall not apply to any licensee operating an established registered cannabis establishment that was in operation prior to the covered location being established within one thousand feet of such establishment. One thousand feet will be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.

004.10 LICENSEE RELOCATION. A licensee shall not relocate a registered cannabis establishment from the place specified in the license.

004.11 LICENSE TRANSFER. Licenses are non-transferrable.

## **005. PRODUCT MANUFACTURER LICENSE APPLICATION.**

005.01 VERTICLE LICENSING. Vertical licensing is not permitted. An applicant may not possess more than one license type authorized by this chapter.

005.02 FINGER PRINTING. An applicant for initial issuance of any license under this Chapter shall also submit two legible sets of fingerprints to be furnished for every person included in the application to the Federal Bureau of Investigation through the Nebraska State Patrol for a national criminal history record information check and fee for such record check payable to the patrol. The applicant shall authorize the release of the national criminal history record information check to the commission.

005.03 RESIDENCY REQUIREMENTS. The following residency and citizenship requirements apply to any licensee applicant:

- (A) At least fifty-one (51%) percent of the ownership of the applicant must be comprised of natural person(s) who have been residents of Nebraska for at least four preceding years and a United States citizen; and
- (B) It shall be unlawful to operate as a licensee unless at least fifty-one (51%) percent of the ownership of the licensee is comprised of natural persons who have been residents of Nebraska for at least four preceding years and be United States citizen(s).

005.04 REQUIRED INFORMATION. An application shall include the following:

- (A) The name and address of the applicant and if applicable, the applicant's officers, directors, or managers;
- (B) A statement that the applicant and the applicant's officers, directors, or managers satisfy the residency requirements provided in this chapter, and none have a disqualifying conviction;
- (C) The premises for which a license is desired, designating the premises by street and number, if practicable, or by such other description as to definitively locate the premises;
- (D) The name of the owner of the premises upon which the business licensed is to be operated;
- (E) Certification of approval for the registered cannabis establishment by the local health department and either the village board, city council, or county board and statement providing that the proposed registered cannabis establishment meets all local requirements if any; and
- (F) Any additional requirements based on the type of license the applicant is applying for as set forth in this chapter.

005.05 FALSE STATEMENTS. If any false statement is made in any part of the application the license may be denied or revoked.

005.06 PROHIBITED PERSONS. A license shall not be issued to or held by:

- (A) Any person who has been convicted of any felony or any controlled substance related offense within the preceding ten (10) years;
- (B) An entity if any of its officers, directors, or owners have been convicted of any felony or any controlled substance related offense within the preceding ten (10) years;
- (C) An entity if any of its officers, directors, or owners have had a license or permit suspended or revoked pursuant to these regulations;
- (D) A person under eighteen years of age;

- (E) Any state, county, municipality, or other political subdivision, any branch, department, agency, or subdivision of any of the foregoing, or any corporation or other body established by law to carry out any government function; or
- (F) A health care practitioner who has issued one or more written recommendations in the preceding five years.

005.07 APPLICATION HEARING. The commission may hold a hearing on any application for a license at its own discretion.

005.08 LICENSE EXPIRATION. A license granted by the commission expires two years from the date of issuance.

005.09 LOCATION. No Manufacturer license will be issued for any premises located within one thousand feet of any school, daycare, church or hospital. Except that this subsection shall not apply to any licensee operating an established registered cannabis establishment that was in operation prior to the covered location being established within one thousand feet of such establishment. One thousand feet will be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.

005.10 LICENSEE RELOCATION. A licensee shall not relocate a registered cannabis establishment from the place specified in the license.

005.11 LICENSE TRANSFER. Licenses are non-transferrable.

## **006. TRANSPORTER LICENSE APPLICATION.**

006.01 VERTICLE LICENSING. Vertical licensing is not permitted. An applicant may not possess more than one license type authorized by this chapter.

006.02 FINGER PRINTING. An applicant for initial issuance of any license under this Chapter shall also submit two legible sets of fingerprints to be furnished for every person included in the application to the Federal Bureau of Investigation through the Nebraska State Patrol for a national criminal history record information check and fee for such record check payable to the patrol. The applicant shall authorize the release of the national criminal history record information check to the commission.

006.03 RESIDENCY REQUIREMENTS. The following residency and citizenship requirements apply to any licensee applicant:

- (A) At least fifty-one (51%) percent of the ownership of the applicant must be comprised of natural person(s) who have been residents of Nebraska for at least four preceding years and a United States citizen; and
- (B) It shall be unlawful to operate as a licensee unless at least fifty-one (51%) percent of the ownership of the licensee is comprised of natural persons who have been residents of Nebraska for at least four preceding years and be United States citizen(s).

006.04 REQUIRED INFORMATION. An application shall include the following:

- (A) The name and address of the applicant and if applicable, the applicant's officers, directors, or managers;
- (B) A statement that the applicant and the applicant's officers, directors, or managers satisfy the residency requirements provided in this chapter, and none have a disqualifying conviction;
- (C) The premises for which a license is desired, designating the premises by street and number, if practicable, or by such other description as to definitively locate the premises;
- (D) The name of the owner of the premises upon which the business licensed is to be operated;
- (E) Certification of approval for the registered cannabis establishment by the local health department and either the village board, city council, or county board and statement providing that the proposed registered cannabis establishment meets all local requirements if any; and
- (F) Any additional requirements based on the type of license the applicant is applying for as set forth in this chapter.

006.05 FALSE STATEMENTS. If any false statement is made in any part of the application the license may be denied or revoked.

006.06 PROHIBITED PERSONS. A license shall not be issued to or held by:

- (A) Any person who has been convicted of any felony or any controlled substance related offense within the preceding ten (10) years;
- (B) An entity if any of its officers, directors, or owners have been convicted of any felony or any controlled substance related offense within the preceding ten (10) years;
- (C) An entity if any of its officers, directors, or owners have had a license or permit suspended or revoked pursuant to these regulations;
- (D) A person under eighteen years of age;
- (E) Any state, county, municipality, or other political subdivision, any branch, department, agency, or subdivision of any of the foregoing, or any corporation or other body established by law to carry out any government function; or
- (F) A health care practitioner who has issued one or more written recommendations in the preceding five years.

006.07 APPLICATION HEARING. The commission may hold a hearing on any application for a license at its own discretion.

006.08 LICENSE EXPIRATION. A license granted by the commission expires two years from the date of issuance.

006.09 LOCATION. No Transporter license will be issued for any premises located within one thousand feet of any school, daycare, church or hospital. Except that this subsection shall not apply to any licensee operating an established registered cannabis establishment that was in operation prior to the covered location being established within one thousand feet of such establishment. One thousand feet will be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.

006.10 LICENSEE RELOCATION. A licensee shall not relocate a registered cannabis establishment from the place specified in the license.

006.11 LICENSE TRANSFER. Licenses are non-transferrable.

## **007. LICENSE RENEWAL FOR ALL LICENSE TYPES.**

007.01 RENEWAL APPLICATION PROCESS. A licensee may apply for renewal beginning ninety (90) days prior to the expiration date of an existing license.

007.02 FINGER PRINTING. An applicant for renewal of any license under this Chapter shall also submit two legible sets of fingerprints to be furnished for every person included in the application to the Federal Bureau of Investigation through the Nebraska State Patrol for a national criminal history record information check and fee for such record check payable to the patrol. The applicant shall authorize the release of the national criminal history record information check to the commission.

007.03 RESIDENCY REQUIREMENTS. The following residency and citizenship requirements apply to any licensee renewal applicant:

- (A) At least fifty-one (51%) percent of the ownership of the applicant must be comprised of natural person(s) who have been residents of Nebraska for at least four preceding years and a United States citizen; and
- (B) It shall be unlawful to operate as a licensee unless at least fifty-one (51%) percent of the ownership of the licensee is comprised of natural persons who have been residents of Nebraska for at least four preceding years and be United States citizen(s).

007.04 REQUIRED INFORMATION. An application for any type of license renewal shall include the following:

- (A) The name and address of the applicant and if applicable, the applicant's officers, directors, or managers;
- (B) A statement that the applicant and the applicant's officers, directors, or managers satisfy the residency requirements provided in this chapter, and none have a disqualifying conviction;
- (C) The premises for which a license is desired, designating the premises by street and number, if practicable, or by such other description as to definitively locate the premises;
- (D) The name of the owner of the premises upon which the business licensed is to be operated;
- (E) Certification of approval for the registered cannabis establishment by the local health department and either the village board, city council, or county board and statement providing that the proposed registered cannabis establishment meets all local requirements if any; and
- (F) Any additional requirements based on the type of license the applicant is applying for as set forth in this chapter.

007.05 FALSE STATEMENTS. If any false statement is made in any part of the renewal application the license may be denied or revoked.

**007.06** PROHIBITED PERSONS. A license shall not be granted to, renewed to or held by:

- (A) Any person who has been convicted of any felony or any controlled substance related offense within the preceding ten (10) years;
- (B) An entity if any of its officers, directors, or owners have been convicted of any felony or any controlled substance related offense within the preceding ten (10) years;
- (C) An entity if any of its officers, directors, or owners have had a license or permit suspended or revoked pursuant to these regulations;
- (D) A person under eighteen years of age;
- (E) Any state, county, municipality, or other political subdivision, any branch, department, agency, or subdivision of any of the foregoing, or any corporation or other body established by law to carry out any government function; or
- (F) A health care practitioner who has issued one or more written recommendations in the preceding five years.

**007.07** APPLICATION HEARING. The commission may hold a hearing on any application for renewal at its own discretion.

## **008. LICENSE DENIAL.**

**008.01** DENIAL. In addition to the other factors and requirements set forth in the Nebraska Medical Cannabis Regulation Act and these regulations, the commission may deny issuance or renewal of a license for good cause.

**008.02** GOOD CAUSE. For purposes of this section, good cause means:

- (A) The licensee or applicant has violated the Nebraska Medical Cannabis Regulation Act or rules and regulations adopted and promulgated thereunder, particularly when such violations adversely affect public health or safety;
- (B) The licensee or applicant has made materially false statement to the commission;
- (C) The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license pursuant to an order of the commission; or
- (D) The license would otherwise violate conditions contained in this chapter.

## **009. LICENSE SANCTIONS.**

**009.01** SANCTIONS. A licensee may be sanctioned by the commission for violations of this chapter or the Nebraska Medical Cannabis Regulation Act. Sanctions may include:

- (A) License suspension;
- (B) Licenses revocation;
- (C) Fines;
- (D) Limitations upon license;
- (E) Terms of probation;
- (F) Seizure or destruction of cannabis, cannabis products, or cannabis accessories; or
- (G) Any combination of the above.

**009.02** INACTIVE REGISTERED CANNABIS ESTABLISHMENT. If a registered cannabis establishment has been inactive, without good cause, for two or more years the commission may revoke, cancel or elect not to renew the license of the registered cannabis establishment.

009.03 CONVICTIONS. A registered establishment's license may be revoked if the license holder is convicted of any felony or any controlled substance related offense during the term of the license.

## **010. APPEALS.**

010.01 APPEALS OF COMMISSION ACTIONS. A licensee may appeal a decision of the commission to deny a license or to sanction a license or licensee by requesting a fair hearing in accordance with the Nebraska Administrative Procedures Act. A request to appeal must be submitted in writing to the commission within thirty (30) days of the action to be appealed. Hearings will be conducted in accordance with the Nebraska Administrative Procedures Act.

## **011. REGISTERED CANNABIS ESTABLISHMENT MANAGEMENT STANDARDS.**

011.01 MANAGER. Each licensee shall personally manage the licensed registered cannabis establishment or employ a separate and distinct manager for the licensed registered cannabis establishment and shall report the name of the manager to the commission.

011.02 MANAGEMENT CHANGE. The licensee shall report any change in manager to the commission in the manner provided by the commission.

011.03 LICENSE PUBLISHING. A licensee shall possess and maintain a copy of the license in a conspicuous place visible to the public on the licensed premises.

011.04 MINORS ON PREMISES. No licensee shall allow any individual under the age of eighteen (18) on or in any licensed premises.

011.05 CONSUMPTION ON PREMISES. No licensee shall allow the consumption or use of cannabis or cannabis products on or in any licensed premises.

011.06 EMPLOYEES OR AGENTS. No licensee shall employ or maintain as an employee or agent a prohibited person as set forth in this chapter.

## **012. DISPENSARY REQUIREMENTS.**

012.01 POSSESSION FOR SALE OR TRANSFER. A dispensary may only possess, sell or transfer cannabis for medical purposes, as defined by Neb. Rev. Stat § 71-24,107, or those purposes expressed in this chapter. A dispensary shall not give away or otherwise offer or transfer cannabis as part of a promotional event.

012.02 CANNABIS PRODUCT. A Dispensary may only obtain cannabis products from a Nebraska licensed cultivator, a Nebraska licensed transporter, or a Nebraska licensed manufacturer.

012.03 SALE OR TRANSFER. A dispensary may only sell or transfer medical cannabis to a qualified patient or caregiver in possession of a valid written recommendation which comports both to the requirements contained in the Neb. Rev. Stat. § 71-24,104 and includes the following:

- (A) The medical cannabis product being recommended;
- (B) The recommended dosage and potency;
- (C) The number of doses;
- (D) The directions for use; and
- (E) The name of the patient for whom medical cannabis is being recommended.

012.04 QUALIFIED PATIENT REQUIREMENT. A dispensary shall only sell or transfer cannabis to the qualified patient, who is eighteen (18) years of age or older, as specified in the valid, unexpired written recommendation which includes the requirements contained in the Neb. Rev. Stat. § 71-24,104 and this section.

012.05 QUALIFIED CAREGIVER REQUIREMENT. A dispensary shall only sell or transfer medical cannabis to a Qualified Caregiver under the following circumstances:

- (A) When the Qualified Patient is at least eighteen (18) years of age and the Qualified Caregiver has been designated by the Qualified Patient in a signed affidavit;
- (B) When the Qualified Patient is under eighteen (18) years of age and the Qualified Caregiver is the legal guardian or parent of the qualified Patient and produces a signed attestation stating as such, or the Qualified Caregiver is a person designated by the legal guardian or parent of the qualified Patient in a sworn affidavit with the authority to make health care decisions on behalf of the Qualified Patient; or
- (C) A health care facility or home health agency which meets the requirements set forth in Neb. Rev. Stat. § 71-24,104.

012.06 QUANTITY REQUIREMENT. A dispensary may not sell or transfer any amount of cannabis that would result in the qualified patient or caregiver possessing more than five (5) ounces as allowed by Neb. Rev. Stat. § 71-24,104 or the amount contained in the written recommendation if less than five (5) ounces.

012.07 DISPENSABLE PRODUCTS. A dispensary shall not sell or transfer any cannabis or cannabis product that that does not meet the requirements of this chapter.

012.07(A) ALLOWABLE PRODUCTS. The following product types or formulations are allowed:

- (i) Oral tablets, capsules, or tinctures;
- (ii) Non-sugarcoated gelatinous cubes, gelatinous rectangular cuboids, or lozenges in a cube or rectangular cuboid shape;
- (iii) Gels, oils, creams, or other topical preparation;
- (iv) Suppositories;
- (v) Transdermal patches; or
- (vi) Liquids or oils for administration using a nebulizer or inhaler.

012.07(B) UNALLOWABLE PRODUCTS. The following product types or formulations are not allowed:

- (i) Raw plant material;
- (ii) Any product administered by smoking, combustion, or vaping;
- (iii) Any product containing artificial flavoring, natural flavoring, or coloring;
- (iv) A food or drink that has cannabis baked, mixed, or otherwise infused into it; or

- (v) Any product that includes a hemp-based product or intoxicating cannabinoids in a cannabis product, including, but not limited to, delta-8 tetrahydrocannabinol and delta-10 tetrahydrocannabinol.

**012.08 RECORD REQUIREMENTS FOR DISPENSARIES.** Registered establishments dispensing medical cannabis products to qualified patients or qualified caregivers must retain the following records for no less than seven (7) years:

- (A) Copies of all documents required under this chapter for sale or transfer of medical cannabis;
- (B) Sales invoices or receipts for all sales or transfers of medical cannabis, which shall include the following:
  - (i) Name and address of purchaser;
  - (ii) Date of sale and invoice number;
  - (iii) Item, category, and quantity of cannabis sold;
  - (iv) The cost to the purchaser, together with any discount applied to the price as shown on the invoice;
  - (v) The place from which transport of the cannabis was made unless transport or delivery was made from the premises of the licensee;
  - (vi) Seller's name, license number and address; and
  - (vii) Any associated manifests from transporter;
- (C) Daily inventory records which shall include the following:
  - (i) The type, quantity and potency of all medical cannabis products;
  - (ii) Daily transactions; and
  - (iii) Any discrepancies between the daily inventory and daily transactions; and
- (D) Records of all purchases of inventory and stock for purposes of sale or transfer which include:
  - (i) Transport manifests; and
  - (ii) The name and license number of all cultivators or manufacturers for all products sold, transferred, or purchased by the establishment for sale or transfer.

### **013. CULTIVATOR REQUIREMENTS.**

**013.01 POSSESSION FOR CULTIVATION.** A cultivator may only possess, cultivate or process cannabis for medical purposes, as defined by Neb. Rev. Stat. § 71-24,107, or those purposes expressed in this chapter.

**013.02 CULTIVATION FOR SALE OR TRANSFER.** A cultivator may only cultivate or process cannabis for sale or transport to a licensed dispensary, licensed product manufacturer, or other licensed cultivator.

**013.03 LOCATION.** All cultivation of medical cannabis shall take place at the premises identified in the cultivator license. Cultivation may occur outdoors or indoors.

**013.04 LOCATION ACCESS.** Cultivation locations must be secured to reasonably prevent access to any cannabis plants or products by animals, or individuals who are not authorized agents of the cultivator or otherwise authorized access by law.

013.05 TESTING. A cultivator may provide cannabis samples to a testing facility for testing and research for development purposes.

013.06 SEED OR PLANT STOCK. A cultivator may only obtain cannabis seeds, immature cannabis plants, or cannabis genetic material from another Nebraska licensed cultivator or a cultivator authorized to operate in another state of the United States.

013.07 RECORDS REQUIRED FOR CULTIVATORS. Cultivators must retain the following records for no less than seven (7) years:

- (A) Sales invoices or receipts for all sales or transfers of medical cannabis, which shall include the following:
  - (i) Name and address of purchaser;
  - (ii) Date of sale and invoice number;
  - (iii) Item, category, and quantity of cannabis sold;
  - (iv) The cost to the purchaser, together with any discount applied to the price as shown on the invoice;
  - (v) The place from which transport of the cannabis was made unless transport or delivery was made from the premises of the licensee;
  - (vi) Seller's name, license number and address; and
  - (vii) Any associated manifests from transporter;
- (B) Daily inventory records which shall include the following:
  - (i) The type, quantity and potency of all medical cannabis products;
  - (ii) Daily transactions; and
  - (iii) Any discrepancies between the daily inventory and daily transactions; and
- (C) Records of all purchases of inventory/stock for purposes of sale or transfer which include:
  - (i) Transport manifests; and
  - (ii) The name and license number of all cultivators or manufacturers for all products sold or transferred, or purchased by the establishment for sale or transfer;
- (D) When cannabis seeds are planted;
- (E) When each cannabis plant is in a vegetative state, harvested, transferred, transported, processed, destroyed or sold;
- (F) Description of each cannabis plant type cultivated to include type, THC content, and THC potency;
- (G) All pesticides, herbicides, fertilizers, and any other chemicals applied to cannabis plants or growing medium during cultivation and all ingredients contained in any pesticides, herbicides, fertilizers, and any other chemicals applied to cannabis plants or growing medium during cultivation; and
- (H) All samples provided to a testing facility, the identity and address of the testing facility, and test results.

#### **014. PRODUCT MANUFACTURER REQUIREMENTS.**

014.01 POSSESSION FOR MANUFACTURING. A manufacturer may only possess, manufacture or process cannabis for medical purposes, as defined by Neb. Rev. Stat. § 71-24,107, or those purposes expressed in this chapter.

014.02 MANUFACTURING FOR SALE OR TRANSFER. A manufacturer may only manufacture, possess or process cannabis for sale or transport to a licensed dispensary, another licensed product manufacturer, or licensed cultivator.

014.03 LOCATION. All manufacturing of medical cannabis shall take place at the premise identified in the manufacturing license.

014.04 LOCATION ACCESS. Manufacturing locations must be secured to reasonably prevent access to any cannabis plants or products by animals, or individuals who are not authorized agents of the manufacturer or otherwise authorized access by law.

014.05 TESTING. A manufacturer may provide cannabis or cannabis product samples to a testing facility for testing and research for development purposes.

014.06 CANNABIS SEED, CANNABIS PLANT STOCK OR CANNABIS PRODUCT. A manufacturer may only obtain cannabis seeds, cannabis plants, or cannabis products from a Nebraska licensed cultivator or another Nebraska licensed manufacturer.

014.07 ALLOWABLE PRODUCTS. A manufacturer may only manufacture or produce products allowed to be sold or transferred by dispensaries to qualified patients or caregivers as set forth in this chapter.

014.08 PACKAGING. A product manufacturer may only sell or transfer products that are sealed and comport with the following:

- (A) The package shall protect the product from contamination and shall not expose the product to any toxic or harmful substance; and
- (B) The package shall be tamper-evident, which means the product shall be packaged in a container within which a product is sealed so that the contents cannot be opened without obvious destruction of the seal.

014.09 RECORDS REQUIRED FOR MANUFACTURERS. Manufacturers must retain the following records for no less than seven (7) years:

- (A) Sales invoices or receipts for all sales or transfers of medical cannabis, which shall include the following:
  - (i) Name and address of purchaser;
  - (ii) Date of sale and invoice number;
  - (iii) Item, category, and quantity of cannabis product sold;
  - (iv) The cost to the purchaser, together with any discount applied to the price as shown on the invoice;
  - (v) The place from which transport of the cannabis was made unless transport or delivery was made from the premises of the licensee;
  - (vi) Seller's name, license number and address; and
  - (vii) Any associated manifests from transporter;
- (B) Daily inventory records which shall include the following:
  - (i) The type, quantity and potency of all medical cannabis products;
  - (ii) Daily transactions; and
  - (iii) Any discrepancies between the daily inventory and daily transactions; and

- (C) Records of all purchases of inventory/stock for purposes of sale or transfer which includes:
  - (i) Transport manifests; and
  - (ii) The name and license number of all cultivators, manufacturers or dispensaries for all products sold or transferred, or purchased by the licensee for sale or transfer;
- (D) Description of each cannabis product manufactured to include product type, THC content, and THC potency, and any other ingredients contained in each final product; and
- (E) All samples provided to a testing facility, the identity and address of the testing facility, and test results.

## **015. TRANSPORTER REQUIREMENTS.**

015.01 POSSESSION FOR TRANSPORTING. A transporter may only possess or transport cannabis for medical purposes, as defined by Neb. Rev. Stat. § 71-24,107, and those purposes expressed in this chapter.

015.02 TRANSPORTING FOR SALE OR TRANSFER. A transporter may only transport, possess cannabis for transport to a licensed dispensary, a licensed product manufacturer, a licensed cultivator, or another licensed transporter.

015.03 LOCATION. All storage of medical cannabis for transportation shall take place at the premise identified in the transporter license.

015.04 LOCATION ACCESS. Transportation storage locations must be secured to reasonably prevent access to any cannabis plants or products by animals, or individuals who are not authorized agents of the manufacturer or otherwise authorized access by law.

015.05 CANNABIS SEED, CANNABIS PLANT STOCK OR CANNABIS PRODUCT. A transporter may only obtain cannabis seeds, cannabis plants, or cannabis products from a Nebraska licensed cultivator, Nebraska licensed manufacturer, Nebraska licensed dispensary or another Nebraska licensed transporter, or a cannabis cultivator authorized to operate in another State of the United States.

015.06 ALLOWABLE PRODUCTS. A transporter may only transport cannabis for medical purposes or cannabis products allowed to be sold or transferred under this chapter or the Nebraska Cannabis Regulation Act.

015.07 PACKAGING. Transporters may only sell or transfer products that are sealed and comport with the following:

- (A) The package shall protect the product from contamination and shall not expose the product to any toxic or harmful substance; and
- (B) The package shall be tamper-evident, which means the product shall be packaged in a container within which a product is sealed so that the contents cannot be opened without obvious destruction of the seal.

015.08 POSSESSION. A transporter is responsible for the cannabis, cannabis products, and cannabis accessories once taking possession.

015.09 STORAGE. A transporter may maintain storage facilities at the premises identified in the transporter's license for temporary storage of cannabis, cannabis products, and cannabis accessories.

015.10 MANIFEST REQUIREMENTS. A manifest is required for all cannabis for medical purposes transported. A manifest shall contain the following information:

- (A) The date the manifest was created;
- (B) The license number, address, and contact information of the originating registered cannabis establishment;
- (C) The license number, address, and contact information of the receiving registered cannabis establishment;
- (D) The quantity, by weight and unit and product type, of the cannabis for medical purposes being transported;
- (E) The name of each person accompanying the transport;
- (F) The date and time of departure and delivery;
- (G) The transport driver's signature once the delivery has been completed; and
- (H) The name and signature of the authorized agent of the receiving registered cannabis establishment confirming receipt of the cannabis for medical purposes.

015.11 MANIFEST COPIES. A transporter is required to provide a copy of each manifest to the originating party and the receiving party.

015.12 VEHICLES PERMITTED. Vehicles permitted to transport cannabis for medical purposes must:

- (A) Be equipped with a locked storage compartment or container;
- (B) Have no markings that would either identify or indicate the vehicle is being used to transport cannabis for medical purposes;
- (C) Carry a copy of the valid transporter license for the registered cannabis establishment that is the registered owner of the vehicle; and
- (D) Meet the Nebraska requirements to be operated lawfully on public roads.

015.13 DRIVER REQUIREMENTS. A transport driver must:

- (A) Have a means of communication to allow contact with the originating or receiving registered cannabis establishment or 911;
- (B) Conspicuously display an employee identification badge issued by the licensed transporter; and
- (C) Possess a valid Nebraska driver's license.

015.14 RECORDS REQUIRED FOR TRANSPORTERS. Transporters must retain the following records for no less than seven (7) years:

- (A) Invoices or receipts for all transports of cannabis for medical purposes, which shall include the following:
  - (i) Name and address of each receiver, originator and payor;
  - (ii) Date of sale and invoice number;
  - (iii) Item, category, and quantity of cannabis product transported or stored;
  - (iv) The cost to the payor, together with any discount applied to the price as shown on the invoice;
  - (v) Transporters name, license number and address;

- (B) Daily inventory records which shall include the following;
  - (i) The type, quantity of all medical cannabis products stored or transported;
  - (ii) Daily transactions; and
  - (iii) Any discrepancies between the daily inventory and daily transactions; and
- (C) Records of all transports which include:
  - (i) Transport manifests; and
  - (ii) The name and license number of all cultivators, manufacturers or dispensaries for all products stored or transported, or purchased by the licensee for transport or storage.

## **016. LABELING AND PACKAGING REQUIREMENTS.**

**016.01 LABEL TEXT SIZE.** Labeling text on container must be unobstructed and conspicuous. The labeling text on the container must be no smaller than 1/16 of an inch.

**016.02 PACKAGING LABEL NECESSARY INFORMATION.** The label for a medical cannabis product shall include an information panel that includes only the following:

- (A) The licensed manufacturer and its contact number or website address;
- (B) The date of manufacture and expiration date; and
- (C) Each of the following statements:
  - (i) "SCHEDULE I CONTROLLED SUBSTANCE";
  - (ii) "KEEP OUT OF REACH OF CHILDREN AND ANIMALS";
  - (iii) "FOR MEDICAL USE BY QUALIFIED PATIENTS ONLY";
  - (iv) "THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE DELAYED";
  - (v) "THIS PRODUCT MAY IMPAIR THE ABILITY TO DRIVE OR OPERATE MACHINERY, PLEASE USE EXTREME CAUTION"; and
  - (vi) "IT IS ILLEGAL TO TRANSFER MEDICAL CANNABIS TO ANOTHER PERSON".

**016.03 ADDITIONAL INFORMATION REQUIRED TO BE PROVIDED.** Qualified patients or caregivers must be provided with the following information with each quantity of cannabis dispensed:

- (A) A list of all product ingredients in descending order of predominance by weight or volume;
- (B) The batch or lot number;
- (C) Instructions for intake, such as method consumption or application, and any preparation necessary prior to use;
- (D) The amount of THC in mg per dose and per container; and
- (E) The unique manufacturer license number and unique registration number for the product.

**016.04 PACKAGING REQUIREMENTS.** A package used to contain a cannabis product shall adhere to the following requirements:

- (A) The package shall protect the product from contamination and shall not expose the product to any toxic or harmful substance;
- (B) The package shall be tamper-evident, which means the product shall be packaged in a container within which a product is sealed so that the contents cannot be opened without obvious destruction of the seal;

- (C) The package shall be child-resistant, which means the package shall be designated or constructed to be significantly difficult for children under five (5) years of age to open or otherwise obtain access to the product contained therein within a reasonable time and shall not be difficult for normal adults to open or obtain access to the product contained therein. A package shall be deemed child-resistant if it satisfies the standard for “special packaging” as set forth in the Poison Prevention Packaging Act of 1970 regulations (16 CFR § 1700(b)(4)); and
- (D) The package shall be resealable, which means the package continues to function within effectiveness specifications set forth in the Poison Prevention Packaging Act of 1970 regulations for the number of opening and closings customary for its size and contents.

**016.05 LABELING PLACEMENT.** Product packaging may not be designed in such a manner that the required elements for packaging and labeling are easily removed or separated from the package, such as placing required information on part of the package that must be removed to access the product.

**016.06 PROHIBITED PACKAGING.** The product’s container, labeling, or packaging shall not contain any of the following:

- (A) Depictions of cartoon-like fictional characters that mimic a character primarily aimed at entertaining minors;
- (B) Trademarks or trade dress of products that imitate or mimic those of products that are or have been primarily marketed to minors;
- (C) Symbols that are primarily used to market products to minors; or
- (D) Images or likenesses of celebrities.

## **017. COMMISSION.**

**017.01 MAJORITY.** A majority the appointed commission members shall constitute a quorum. Every act of the majority shall be deemed to be an act of the commission.

**017.02 EMPLOYEES.** The commission may appoint or employ the staff necessary to carry out the Nebraska Medical Cannabis Regulation Act or to perform the duties and exercise the powers of the commission.

**017.03 INVESTIGATION POWERS.** The commission may, on its own motion or on complaint, investigate registered cannabis establishments for any violation of this chapter or the Nebraska Medical Cannabis Regulation Act.

**017.03(A) ON-SITE INSPECTION.** The commission or its employees may enter onto a licensed premises or transporter vehicle with or without notice for the purposes of enforcing or investigating compliance with this chapter of the Nebraska Medical Cannabis Regulation Act.

**017.03(B) RECORD INSPECTION.** The commission or its employees may request copies of or view the originals of any record required to be kept by this chapter or the Nebraska Medical Cannabis Regulation Act.

017.03(C) REFUSAL OR OBSTRUCTION. Registered establishments must comply with all requests made by the commission or its employees to investigate compliance with this chapter or the Nebraska Medical Cannabis Regulation Act. Obstructing an investigation or refusal to comply with any such request may result in sanctions including immediate license revocation.