

THESE MINUTES HAVE NOT BEEN APPROVED BY THE MEDICAL CANNABIS COMMISSION

NEBRASKA MEDICAL CANNABIS COMMISSION MEETING

September 30, 2025

1:13 p.m. to 2:25 p.m.

301 Centennial Mall South, Nebraska Liquor Control Commission Hearing Room, 1st Floor
Lincoln NE 68508

Notice of this meeting was posted on the Nebraska Medical Cannabis Commission landing page on the Nebraska Liquor Control Commission's website, as well as on the Nebraska.gov Public Meetings Calendar.

DRAFT MINUTES

1. Call to Order/Open Meetings Act Notification

The meeting was called to order by the acting Commission Chair, Monica Oldenburg, on September 30, 2025, at 1:13 p.m. Present were Commission members J. Michael Coffey, Lorelle Mueting, and Monica Oldenburg, establishing a quorum. A copy of the Open Meetings Act was displayed in the meeting room next to the entrance.

2. Update On Commission Membership

Chair Oldenburg stated that former Commissioners Bruce Bailey and Kim Lowe had resigned from the Liquor Control Commission on September 29, 2025. Per state statute, the Medical Cannabis Commission shall consist of the three Liquor Control Commissioners and up to two additional commission members appointed by the governor. Due to the resignation of Bailey and Lowe from the Liquor Control Commission, they are no longer members of the Medical Cannabis Commission.

3. Roll Call

J. Michael Coffey – present
Lorelle Mueting – present
Monica Oldenburg -- present

4. Approval of Meeting Minutes from September 2nd and September 8th

Commissioner Coffey made a motion to approve the meeting minutes from the September 2nd, 2025, and September 8th, 2025 meetings, seconded by Mueting. The motion was adopted with all commissioners voting in favor.

5. Public Comment Period

Oldenburg noted that there will be an opportunity for the public to comment on the proposed regulations as part of the regulation hearing process and that those comments will be responded to in writing. She stated that the public comment portion of this commission meeting was not a question and answer session and that defamatory remarks and hostile commentary would not be tolerated. Each speaker is allowed three minutes to speak. The public comment portion of the meeting is limited to one hour or less. She asked that each speaker state and spell their name for the record and asked for a show of hands from the members of the public who wished to comment.

Public comments were made by the following individuals and are quoted verbatim.

- a. Angelica Marsaglia (Ms. Marsaglia provided a written copy of her statement, which is reproduced here verbatim and in full)

"My name is Angelica Marsaglia. I'm here to give Notice and to remind this Commission that your duty is to implement the laws Nebraskans passed - LB 437 and 438 - not to rewrite them. Right now, this process is failing the public. By forcing public comment to the beginning of meetings, you prevent us from responding to what is actually discussed. That is not transparency. The way you hear our public comments and request public emails, then conduct your meetings as if we aren't here or haven't given comment is also not transparency. The "transparency" on your website, where notes are posted that cherry-pick and reframe public comments, is not transparency either. The people of Nebraska deserve honesty and accuracy.

Even more concerning are the emergency regulations. By prohibiting flower, smoking, and vaping, and now attempting to limit cannabis sales only to tincture and pill form, you are directly contradicting Initiative 437. That law states: "cannabis means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin," and that penalties are inapplicable to the use, possession, and acquisition of cannabis for medical purposes. Nowhere in 437 does it say this Commission can decide how patients may use their medicine. Nowhere does it give you authority to change the form of cannabis patients can access. The people were clear, and 71% of voters approved it. Initiative 438 established this Commission to regulate the business side - licensing, compliance, testing, safety, and yes, even the number of dispensaries and cultivation-limits. However, it does not give you the power to contradict 437 or to redefine cannabis. It also does not give you authority to dictate to dispensaries what lawful forms of cannabis they may or may not sell.

The commission's role is to regulate the structure and safety of the industry, not to restrict patient access to cannabis in the forms Nebraskans voted for.

Regulating businesses is within your scope. Regulating what products dispensaries can offer to patients, or how patients may use them, is not.

By limiting cannabis to tinctures and pills this Commission is not implementing the law - you are rewriting it. That exceeds your authority, undermines the will of the voters, and is unlawful. Even the Governor's signature cannot make an invalid regulation valid. By attempting to change how patients may use cannabis with the commission's "emergency regulations", this Commission is violating Nebraskans' constitutional rights - both the right of patients to access the medicine they approved through vote, and the constitutional right of the people to enact laws through the initiative process without interference.

I want to be clear: this is your notice there will be lawsuits if this Commission continues to violate its duties, strip away transparency, and alter the meaning of 437 and 438.

Nebraskans will not allow their will to be disregarded.

We are watching. We are paying attention. Nebraskans expect this Commission to honor the law as written and approved. I respectfully request that this full statement be entered into the public record."

b. Liah Post

"What is there to say that hasn't already been said? How many times do we have to walk down this same road of begging for our lives? How many times? Thirteen years – thirteen years my friends have been trying to help their children that have seizures. Thirteen years. Does anyone know what that's like to have to fight for your child's life? Do you? Good. Because you show up. I hate coming here. It physically makes me sick. It's one of the hardest things in my life that I have to do. But I will tell you, I do it because there's other patients who cannot. There are children with seizures that cannot. And I will show up till the day I die for this issue. And I was able to get off opioids, benzodiazepines, sedatives, all at the same time. I should have been dead, I should have been dead, I should have been dead. I don't know why God made me a Weeble, but I bounced back. Maybe it's the weight on me, I mean, you're not supposed to be fat anymore but here I am changing the world with a little beef on me. What do you say, what do you say, what do you say? There's no begging left in

me. It's all facts. It's evidence. This is a patient protection act. The last people that you are protecting is patients. The last people you're protecting is patients. What is wrong with you? I'm serious. What is wrong with you? Oh, I know, you're not supposed to answer. I pray that God uses someone in this room to get through your hardened hearts. I mean, Bruce Bailey was gonna meet with me. He never returned my call, but we know why. He was the only one that remotely would have seen me as a human being. Now it's you three. I'm sorry, Nebraska, I can't do more. I'm sorry."

c. John Reagan

"Hi there. My name is John Reagan. I live at 8120 S 178th Street in Omaha, Nebraska. I am a resident. I am a Republican, have been all my life. I voted and voted and voted but coming here and listening to you all is getting me to change the other direction because nobody will listen to us. You just won't listen to us. Seventy-one percent of the people, and I know you've heard this over and over again, voted for this. They want this. Why are you all stopping this? It's a question that I sit and think about every day is why? There are people suffering tremendously and the way that you all are taking this and turning it the way that you're turning it is wrong. We won. If I was running for governor of the state of Nebraska and you all voted me out, you know what? I lost. I walk away. In the same sense, if I won, I should be able to go on. Be the governor. Seventy-one percent of the people voted for this. That means it should go on. And not by drops and suppositories and pills. That's ridiculous. Absolutely ridiculous. You need flower. You need vaping. That's what we voted for. And if we don't get this changed, I will be one of the first ones out there to make it legal. This is what we've gotta do, and is it called for? No. It's ridiculous. We need to sit and think about it logically, which we're not doing. Please stand up for the seventy-one percent that voted for this. Not the three up there that 99.99 percent chance voted against it. Just because you voted against it doesn't mean it's wrong. Thank you for your attention."

d. Denise Wegner

"Hi, I'm Denise Wegner. I'm from Omaha, Nebraska. I know that the Commission has heard my story the last few months and what I'd actually like to do today, instead of sharing my story again, my stiff person's hasn't gone away, it's not getting better, but what I'd like to do is just correct a couple of things that were said at the last meeting by board members that I believe were incorrect. Dr. Oldenburg, you mentioned that all vapes have nicotine in them, which is untrue. We were sitting in the audience and looked at each other, so perhaps you misspoke, but that is not true. Additionally, the methods of ingestion or the methods of consumption of cannabis, you mentioned that tinctures were immediate and that is also not true. They take between fifteen and thirty minutes, whereas smoking flower or a vape is instant. For those of us who are suffering, myself included, it can be the difference between going to the emergency room and having to have medical intervention and not having to have medical intervention. So, I think that, again, I can't echo what the first young lady said any louder or any clearer but I think that restricting the ways in which we use our medicine is really not listening to the patients of Nebraska and not taking into the fact that we are having pain. We need compassion. We don't need more regulations to make it harder for us to achieve health and happiness, which is what everyone deserves. So I think that it's interesting that we are still in this position again where we don't really know what's going on, but I do want you to know that those of us who are educating ourselves are watching very closely, as well as the fact that we need to be able to have access to medications that can save our lives. And they truly can. I thank you for your time."

e. Marcie Reed

"Hi. My name is Marcie Reed and I've spoke before. I brought my son today, which is who I passed the petition for. He's twelve years old now, he has epilepsy and ADHD and this is what he takes daily when he's not sick [lines up empty medication bottles]. He takes all of

this daily. He takes this as a rescue for his seizures when he takes a seizure. I don't know why I never went through and looked at like, they give you the stuff that tell you what the side effects are for the medications, probably because I'd rather not know, because when I do go to the doctor, I do tell them that this is too much. He's been taking this since he was five or six. It's too much medicine to take daily. Some of the side effects are body organs may be affected, reaction may be deadly, high risk of misuse, can lead to alcohol or drug use disorder, may be rare but some people have bad and sometimes deadly side effects. Signs of liver problems, sudden deaths have happened to people and some heart related problems, heart defects, and it just goes on and on. And I know you are doing what you're told to do, that there may be lawsuits if this becomes in effect, but I think if you have children you have to understand that getting him something more natural is so much better than putting this in his system daily. And I had somebody when I was passing the petition ask me, well, what happens if he grows up and he decides that he likes the medical cannabis a little too much? And I said, well, what happens if he grows up and he likes this Focalin a little too much? You know, it's a controlled substance. This is a controlled substance. Those are not good for the body either and I want my son to understand what is going on, why this has not happened yet, and what, you know, what you guys are thinking, and that's it. Thanks."

f. Dominic Gillen

"Good afternoon. Almost fourteen years of this, fighting for my son, just so you know. The word integrity carries tremendous weight. The consistent commitment to moral and ethical principles, especially when it's hard, and when everyone is watching. Integrity is what over six hundred and thirty thousand Nebraskans believed the state would uphold when creating these rules. But their trust, the full weight of it, has now been placed on your shoulders – not on the shoulders of the politicians pulling the strings. What we've come to realize is chilling. The integrity of a lawful election is being stolen by self-righteous politicians who beat their chests, trumpeting election integrity, while quietly using you as a commission to undermine it. The commission, what's left of it, you will become the scapegoat. Can you honestly look in the mirror and say I am honoring what I pledged to do in my public hearing even as rules move forward that in your heart you have to know blatantly conflict with statute 437? Maybe a taste of power has unduly influenced you. I honestly pray not. Nebraskans voted overwhelmingly for a comprehensive program – not the most restrictive. Two of your fellow commissioners were suddenly asked to resign – why? Bruce Bailey was guilty of what, honoring his commitment to the voters? He should be hailed as a hero for upholding his principles. The politicians have made their heartless choice. You, on the other hand, still have one. You can show the integrity they've turned their backs on. I don't honestly envy you; I truthfully mean that. You were likely never told by your benefactors how unprincipled they would be. You saw the outrage at the LB 67 town halls. You're bound to see even more at the public hearings. And when the public is heard, where will the governor and the other prohibitionist politicians like Senator Andersen and Storm be? I doubt they will be standing beside you. When asked on his latest call-in show, at the twenty-two minute thirty-seven second mark, because I called, who should answer to the public when this fails, the Governor said, share your concerns with the Commission. So let's be clear: you guys aren't politicians, but the people will blame you. Is it worth it for a program you had little to no voice in shaping? Case in point: your public acknowledgment of the need for vertical licenses and not being able to limit whole plant use -- exactly the opposite of what made it into the rules. Then I'm going to refer to you as volunteers getting a little help. But when this program fails, which it appears to be the goal, that help will disappear – you'll be the face of this. And when the Omaha tribe rolls out a functioning program, the truth will be absolutely undeniable. So, if you believe this process lacks integrity, if your presence is being used to legitimize something illegitimate, then take back the only power you ever really had – resign. Resign as an act of integrity to show that you won't be complicit and you won't be used as political cover. Resigning shines a light on the deception of those who put you here, and when the public asks who stayed silent, who refused to be part of the lie, what will they find? I ask you not as commissioners, but as Nebraskans, look inward – find your better angels. The weight of six

hundred and thirty thousand fellow Nebraskans is squarely on you and we won't quit five minutes before the miracle happens, I promise you."

g. Shannon Coryelle

"So, I've caught the news lately, not great, but I have a suggestion – instead of doubling down on sabotaging a functioning cannabis program, you instead focus on rebuilding trust with the state. One of the ways you can rebuild trust is by implementing regulations that don't completely strangle the program. Give the patients of Nebraska a functioning program, which they have asked for. Your only job should be licensing, making sure facilities follow best practices, and history will look more kindly on you. Families are counting on this commission and the state to enact regulations that protect them, not stifle them. When a little old lady is having her grandson bring her medicine from Illinois once a month had me bring her the petition because she's homebound, I'm here to speak for her. For the adorable elderly veteran who signed the petition saying he fought for the freedoms we have in this country and as long as he is still alive, he will keep fighting for this. Some people's personal beliefs should not dictate what others can do. Continuing to treat cannabis as a gateway to death or hysteria is an outdated tactic. Nebraskans know better. We are known for being informed voters. We also pay attention, so please do the right thing. Change the narrative. We have the ability to be 'Nebraska nice.' It's a much better story than the one currently circulating in the news. Thank you."

h. Colin Fury

"Mr. Botelho, please shut me off if I go too long or what have you. My name is Colin Fury and today, I could go about this a hundred different ways, but I'm gonna focus my testimony on the President, on growing, and processing, and we're gonna finish up talking about an economic model called cartel. Yesterday the President of the United States on the Truth Social posted a video that started out with the following statement: 'You can revolutionize senior healthcare today.' The video went on to talk about the economic impact of not fully integrating cannabis into the medical system, stating that according to Price Waterhouse Cooper, it costs American healthcare consumers sixty-four billion dollars not integrating cannabis into healthcare, and the video ended 'You will deliver the most important senior healthcare initiative of the century cementing your legacy and transforming aging care. Millions everywhere will thank you.' I understand you all are all employees of the governor, so I just would like the governor to keep the thoughts of the President of the United States in mind as he moves forward. The last two meetings there were limits set on plants and even though Commissioner Bailey was trying to reach a middle ground the consensus was cartel was the ideal and continues to be the ideal economic model for medical cannabis and healthcare in Nebraska. With the twelve hundred fifty plant limit, for growers, let's say they're producing two thousand pounds. There's a number of different extraction methods, with kind of the cheapest way being to just do an ice bath, do an alcohol wash. If we're looking for products that consumers can trust, we don't want to go the alcohol wash route, but I personally think CO 2 critical extraction's the best because you can remove the lipids, the fats, you can remove the heavy metals, but to put in a good CO 2 extraction facility your equipment's going to be a half million dollars, with the electrical and build out it's gonna be a million. And the average price right now in the hemp extraction market is about five to ten dollars per pound to extract. Well, if you're doing two thousand pounds twice a year, you know, say, out in Pleasanton at Sweetwater Hemp, the only hemp extraction facility in Nebraska, they're charging, their median rate's \$7.50. Four thousand times \$7.50 isn't gonna keep the lights on, and really we're gonna be keeping the drug cartels alive because the price is gonna be so over the top that these consumers are just not gonna be able to afford it. And the thing I'd say to Governor Pillen is we can't allow cartel to become the rule for healthcare in Nebraska. We already have cartels when it comes to our rehab hospitals with the Jimmy Carter era certificate of need laws. We already have cartels when it comes to our nursing homes. I will just quickly say that the reason that folks voted for President Trump, in large

part, was because they felt that politicians spoke to them in a demeaning, belittling way, the same way that Commissioner Oldenburg would speak to Commissioner Bailey when he'd state absolute facts about tinctures taking fifteen minutes to sixty minutes to take effect. And the problem you run into is for folks with myoclonic seizures, they want relief. So they'll take a dose, they'll keep having their myoclonic seizure, and then they're gonna take another dose, and it's gonna hit them like a freight train, and that's where the emergency – so you guys are gonna, with your policies, the way you're setting things up, there's gonna be more emergency room visits and I would just like to thank Commissioner Bailey for his moral witness, because when Commissioner Oldenburg was belittling him at past meetings, he turned the other cheek every time. Thank you for your time."

i. Odilia Hernandez Underwood

"Hello. My name is Odilia Hernandez Underwood. I am from Bellevue, Nebraska. I am a board certified nurse coach, a BSN prepared RN, and an assistant director of nursing at a long-term care facility. I am also a veteran, I am a mother, and I am a lupus warrior. I have been diagnosed with lupus for over ten years now, and I used to take over twelve pills every day. There were times I felt just so defeated by our healthcare system that we have today because I am a part of it. I know what it's like. I pass out those pills. I help people die at long-term care facilities and we are not doing people any kind of justice in whatever we are doing here in Nebraska. We voted and I think it's your part to do your job, basically. Cannabis is the most researched plant on the planet and I am taking evidence-based medicine. So, when you guys finally go down your rabbit hole and learn about what this plant is capable of doing, it is very versatile and you cannot limit its uses to people, because you're just bringing them a death sentence. And regardless of what you do here, it's the children that really need this program, because any adult can just go across to Missouri and buy what they need. But what you're doing is you're killing these kids. Thank you for your time."

j. Troy Burgess

"Afternoon. I represent one of the grow license applications, and we submitted that. What I want to speak on is behalf of the business side and the timing. In the application you required and requested some information. There is a lot unknown for us and we're willing to gamble, you know, pretty much everything we own when we're trying to start a new business, and a lot of the hesitations and questions people have is the limitations. We don't know what you guys are deciding, and that creates conflict for us. So, we're trying to develop business plans and models and be able to launch businesses with a lot of uncertainty. The twelve hundred and fifty plant thing I believe is low for a lot of growers, especially outdoor. Indoor, not so much, but outdoor, that's going to be a big problem for an outdoor grow. They can take – they can grow acres and you can put twelve hundred and fifty plants in one acre. That's going to create a timing issue as well, because outdoor grows can't start until probably the spring, you're probably looking at June. Indoors could start, we could start today at my place, and the problem we have is timing. These patients need relief, and if you guys require us to come from seeds, you're looking at twenty weeks before I can have a harvest. That's five months that nothing will happen. So, if you approve us today, it's five months before I can get anything to a processor. You're probably looking at another two or three weeks before that processor can process it, and probably another two or three weeks before we can get it to a patient. So, we're looking close to seven to eight months before we can get to relief to these patients. And I think no matter, we've got to make a decision as a group, right, we go left, we go right. We've got to make a decision. These patients need relief, we need to get it to them. We can work out some more details later, but we've got to make a decision on what we want to do with this group. People wanted this. Patients need it. We as a business want to provide it and we need to be able to do that in a timely manner. Again, eight months is a lifetime when you're diagnosed with these diseases I keep hearing. I feel bad for them. We can treat them. The other problem we've got is if you don't allow flower, flower helps

balance out the business. So if you look at Iowa, they have very limited medical marijuana. And they have mainly about one percent of their population uses the cannabis coming from their dispensaries. I would bet that there's probably seven to eight percent more of that population that are buying either in other states or buying it on the black market because they need the flower or the vape products. So you need to take that into account when you make these rules and regs. People will get their medicine and either we can control it as a group or we'll make them do things that they shouldn't have to. They shouldn't have to make these decisions. If they need flower for their relief, let them have it. If they need a vape for instant relief, let them have it. What's the worst that could happen? I can make very clean medicine and it'll be managed, it'll be lab tested. I can grow stuff that doesn't have heavy metals, doesn't have pesticides. If you buy weed on the black market, it will have that. They go the cheapest, efficient way possible and there's a lot of chemicals that they will use that I will not. My stuff's organic. So if we want to help the patients, there's a lot of things we can do, but we've got to do it soon. We can work as a group and make good decisions, we can manage this, and we can get started today. Thank you."

k. Amy Burgess

"Hello. I am Amy Burgess. I am the other half of Troy and Amy. This is not an enviable position to be in for you guys, I wouldn't want to be sitting there. I'm sure you're getting a lot of hate and a lot of terrible comments, but we are all here because Nebraska voted for this to be passed. It is part of your job to make sure that's done in a timely and safe manner. Back to what Troy was saying about the smokable product. If there's anyone left from the original Liquor Commission, I have no idea, being around liquor, you know, there's a lot of different kinds of liquor. Now if somebody was to say, you can only have beer. That's all you can have, for the rest of your life. Oh, and it has to be Schlitz. This is what you get. This is what the governor is choosing for you to have. You can have this Schlitz in a can or you can have this Schlitz in a bottle. That's it. That's not what people want, is it? There's a lot of different kinds of alcohol. There's a lot of different kinds of marijuana. There's a lot of different ways that you can ingest marijuana. My twenty year old daughter was having a seizure earlier this week. She has functional neurological disorder. She gets tics and seizures. She has tried tinctures, she has tried capsules, she has tried those things. That doesn't help her when she's smacking her head against a wall repeatedly, but if I give her a vape, she can take a hit of that vape and her seizures dissipate like that. She can take a hit off a joint and the seizures are done. That's not going to happen with a tincture. There's so many different ways that it is ingested and into our bodies functioning with the endocannabinoid system that already exists within our bodies. I really feel like you need to educate yourself, surround yourself with experts, people in the field who know what the heck they're talking about, because, look, some of the ideas that I've heard come out of this committee are just silly, guys, I mean, come on. You're dealing with outdated beliefs and outdated morals and instead of listening to people in the government who are not in the position to tell you the benefits of marijuana and the benefits of cannabis, try listening to experts and patients instead and actually go with the will of the people. I will finish up. The last thing I have - I just have a little quote for you that I like if I can find that. Thomas Jefferson in 1871 says 'If we allow the government to decide what foods we eat and medicines we take we'll soon be living in as sorry a state as the souls living under tyranny.' That is exactly what is happening in our country right now. You have the opportunity to not be part of it. Thank you."

l. Josh Egle

"Hello. My name's Josh Egle, a large landowner out in Banner County, Nebraska, also been in the cannabis industry for about twenty years now in Colorado, Arkansas, and Wyoming. Part of an application for cultivation and this might be something you guys are speaking on later in the meeting, but just ask if you are able to share as much info you have on that process and how it's going and what it looks like going forward as far as the lottery and the grading of the applications and all that, so. That's all I got. I appreciate it. Thank you."

m. Crista Eggers

"Good afternoon. My name is Crista Eggers and I'm here on behalf of Nebraskans for Medical Marijuana. Well, my time today is going to be focused on this commission. I cannot ignore the irony of the governor's comments just last week. He expressed his extreme disappointment in a specific commission, calling out what he described as a complete failure of leadership, a betrayal of the public trust that fall far short of what Nebraskans expect from officials entrusted with authority. He condemned them for lacking integrity. My question is simple: why does this same standard not apply here? The governor casts public attacks on one commission while this one carries out decisions taken straight from his own playbook. Let's be clear: this commission has disregarded the will of the people who entrusted you with the responsibility to implement the law as written. The emergency rules and regulations that you have approved represent not only a failure of leadership but a direct violation of both statutes and the mandate of Nebraska voters. Rather than upholding the law you have chosen to rewrite them, stripping patients of rights guaranteed to them, imposing barriers the law does not permit and possibly ignoring deadlines that you are legally bound to meet. Integrity, as spoken about before, is not claimed, it is proven. It is not bending to political pressures from the governor or the attorney general. It is not hiding behind loopholes and red tape or pretending to follow the law while dismantling it. And right now every action this commission is doing tells Nebraska that integrity is absent here. What remains simple is abuse of power. Your integrity will define your legacy, and right now your legacy is collapsing. A simple Google search of your names no longer calls to mind a respected judge, a woman who has been there for those struggling with addiction, or a physician recognized for compassion. Instead, it delivers headlines and decisions that cast doubt on your integrity. This is not a spin; this is not an attack; this is the undeniable record you are writing for yourselves by acting as servants to political agendas instead of the law enacted by the people. Like you, I too took an oath. Mine was not formal nor bound by statute; it was silent, born from the pleas and the suffering of an entire state, formed by the cries of parents who watched their children ravaged by seizures, from the voices of veterans tormented by trauma, and in the desperation of cancer patients fighting to survive. I believe I honor that oath every time I stand here, and I keep it because Nebraskans entrusted me to embody it, to lead with integrity, not in my words, but in my actions. The truth is, this commission still has time to change course. Before you is the clearest opportunity yet to demonstrate independence, leadership, and uphold the law as it was written and approved. I am not asking you to defend your missteps; I am asking you to recognize them and have the courage to correct them. You can either continue down a path that erodes public trust and cements failure, or you can rise to the mandate of the people of Nebraska and leave a legacy of integrity and service to Nebraskans. The choice truly is yours."

n. Sherman Hom (via Zoom)

"My name is Doctor Sherman Hom. I am a PhD molecular microbiologist with fifteen years of experience. I am the director of regulatory affairs at Medicinal Genomics Corporation. I have fourteen plus years of experience in the cannabis testing and cannabis testing regulations area which was mostly within the New Jersey Department of Public Health Commission of Public Health and Environmental Laboratories. In 2012 I was the project manager that started the first state cannabis testing lab. Since 2017, I have created and analyzed ten areas of cannabis testing rules from all U.S. states, D.C., U.S. territories and tribal nations. After reviewing your emergency regulations, I have the following recommendations. I have the data set of what parts are allowed in each jurisdiction. Nebraska is the only jurisdiction with a full medical cannabis program that does not allow flowers to be dispensed. Please note: Georgia is a low-THC medical cannabis program, and Iowa does not have a medical cannabis program -- they have a medical cannabidiol or CBD program. The two total count tests should be eliminated because the result does not provide any information concerning harm to humans. The total count tests are included one should follow the Minnesota model

where these two tests are not a pass/fail test, but any result exceeding the action level will cause the cultivators to submit a report - this is why the level was exceeded. For edible products include testing for *listeria monocytogenes*. Use of remediation technology should not be allowed to lower microbial count because treated product can impact worker and consumer safety. Concerning connecting with other states, we recommend Chair Pepper of the Vermont Cannabis Control Board, Senior Director of the Marijuana Enforcement Division for Colorado Dominique Mendiola, and Heather Krug of the Colorado Department of Public Health and Environment. In support of your draft final regulations, MTC as I stated, it has ten obvious 2025 updated data sets. Some key additional testing issues include allowable benefits, maximum cannabis harvests, sampling with subsequent testing, sample amount for each type of test, proficiency testing, lists of approved microbiological pesticides, cannabis product recall notices. And this is very important – all the lab results must be submitted to the MCC so that data analytics group can flag potential lab shopping. At no cost I would be glad to advise the committee that will be drafting your testing guidance document. I will send you a copy of my comment. Thank you.”

o. Cristy Knorr (via Zoom)

“I would be there today but I’m not feeling well so I wanted to not get other people sick. I’m coming to you today as a hospice nurse. I cannot tell you how many patients would benefit from this. I’ve had patients who don’t want to take narcotics. They don’t want to take the benzodiazepines but they’re so afraid because they don’t want to break the law. My patients deserve better. My patients deserve a choice. Seventy-one percent of Nebraskans voted for this. We didn’t tell y’all that we wanted y’all to try to limit what we voted for. We want y’all to follow and do what we asked you to do. Follow the will of the voters. Follow what the people of Nebraska have asked you to do. We deserve better. Again, my patients deserve better. I have had patients in the past who were able to go from taking fifteen to twenty medications per day to taking almost no medications with using medical cannabis. It works, folks. I promise you it works, and it’s worth it. The research is there. Do what we’ve asked you to do. Do what we’ve voted for. Take your own feelings out of it. Don’t listen to the noise from the governor, and do what we voted for. Thank you.”

p. Josh Orisman

“My name is Joshua Orisman. Good afternoon, commissioners, members of the public, fellow Nebraskans. Thank you for the opportunity to speak today on behalf of patients, caregivers, and advocates who have worked tirelessly to bring safe, regulated, medical cannabis access to our state. You need to respect the will of the voters. In 2024, Nebraskans approved medical cannabis through two ballot measures. That vote was clear. Patients should have access to cannabis in forms that meet their medical needs. The commission’s role is to implement the law, not rewrite it. Any attempt to narrow product access beyond what voters intended risks undermining public trust and delaying relief for patients. Why limiting products harms our patients? Well, the current restrictions, the emergency rules, now prohibit smokable flower, vapes, and edibles, allowing only oral tablets, tinctures, patches, and topicals. Our patient needs, such as veterans with PTSD, have testified that inhaled cannabis is critical for some panic episodes. Patients with chronic pain and nausea explain that flavored or edible products make treatment tolerable, just as flavored medications are common in other areas of medicine. The medical evidence is inhalation provides rapid relief for conditions like migraines, seizures, and anxiety attacks, something that oral tablets cannot match. Neighboring states, we have four out of the six bordering states already allow product access with patient participation rates ranging from .55 percent in Iowa to nearly two percent in Missouri, restricting Nebraska’s programmers, pushing patients across state lines or back to the illicit market. [unintelligible] dispensaries at twelve statewide creates artificial scarcity which will drive up prices, reduce patient access in rural areas, and encourage unregulated, unsafe alternatives. On contrast, an honest system with flower, vapes and edibles ensures competition, affordability, and patient choice.

Regarding cultivation licensing, the Commission opened its first cultivation application window from September fourth through the twenty-third. Applications are obviously now frozen and licenses will be awarded by lottery with applicants required to meet [unintelligible] thresholds for business plans, financial stability, and compliance readiness. Nebraska has kept cultivation at four licenses, each limited to one thousand two hundred and fifty plants, for a total of five thousand plants statewide. This has cautious start because it raises concerns. Will this supply be enough for an estimated twenty thousand patients, roughly one percent of Nebraska's population based on the neighboring state participation rates? My questions for the commission is, how many cultivation applications were submitted during the September window? When will the commission announce the results of the lottery and notify applicants? And when is the timeline for opening up application periods for dispensaries and product manufacturers so patients can realistically expect access? Commissioners, Nebraska voted for a medical cannabis program that provides relief, not one that forces patients into narrow, impractical options. Restricting access to only tablets and tinctures ignores medical realities, economic realities, and the will of the people. I urge you to honor the intent of the ballot measures and approve a full range of patient accessible products, including flower, vapes, and edibles, and move swiftly to finalize cultivation and dispensary licensing so that patients can finally receive [crosstalk]. That's all I have, thank you."

6. Updates On Emergency Regulations and Formal Regulation Hearing Review Process

Chair Oldenburg stated that the emergency regulations approved at the September 8 meeting of the Commission have been approved and signed by the Governor and are in effect until 11:59 p.m. on December 7th, 2025, at which time they will expire unless extended. The public hearing for the formal regulations has been set for October 15th at 1:00 p.m. in the Meadowlark Room, Lower Level, Nebraska State Office Building. She stated that all public comments will be captured in a record and will need to be reviewed and responded to by the Commission. She said that if the Commission decides to make substantive changes to the regulations, a subsequent public hearing on the changes will be required. Responses to the public hearing comments and any potential changes to the regulations will need to be brought back before the Commission for a vote. She asked if the Commission wanted to designate individuals to review the comments, draft responses and bring recommendations to the Commission. Commissioner Coffey suggested that all three remaining commissioners review the comments and then form responses. Chief Legal Officer Botelho explained that the public comments will be consolidated into groups so that the Commission could respond to similar comments as a group rather than individually. Commissioner Mueting asked how the responses are provided to the public. Botelho said that he would find out and get back to them. If there are changes to the regulations after the first public hearing, another public hearing date would have to be set and the same process would be repeated in terms of responses to public comments and so on. Chair Oldenburg asked for a motion and a second to divide the public comments from the hearing for all three members to review. Commissioner Coffey made a motion to divide the public comments and Commissioner Mueting seconded the motion. All three voted in favor and the motion was adopted.

7. Cultivator Application Review Updates

Chair Oldenburg stated the Commission had received thirty-nine applications for cultivator licenses. The applications were each issued an identifier. The identifiers were sent to the Office of the Chief Information Officer, which ran the identifiers through a randomization lottery process. The lottery for the cultivator licenses was held on September 25, 2025, and the randomized identifiers were returned to the Commission in the order drawn by the lottery process. Oldenburg said that since former Commissioners Bailey and Lowe were on the application review team, the remaining members needed to decide how to proceed with the application review process. Coffey suggested that all three remaining commissioners should evaluate and score the applications independently and send their evaluations to DHHS Legal. Chief Legal Officer Botelho explained that once the scores are completed and submitted, they will be reviewed at the next meeting of the Commission, at which time the Commission will have to vote whether to approve or deny licenses based on the scores. If the

first four applications pulled from the lottery are not approved, then another evaluation process would have to begin. Commissioner Mueting addressed the earlier public comments on the length of the growing process once licenses are issued, and asked the public to understand that the Commission was working through the situation as best as they could to make sure they issue licenses in a timely manner. Botelho stated that a motion was needed for the Commissioners to make themselves the evaluators of the applications; Commissioner Coffey made the motion, seconded by Commissioner Mueting. A voice vote was taken and all voted in favor.

8. Agreement With Liquor Control Commission and Approval, If Applicable

Chair Oldenberg stated that the revisions to the Interlocal Operation Agreement with the Liquor Control Commission at the September 2nd meeting were made and provided to the Liquor Control Commission. The Liquor Control Commission requested that the name of the new Executive Director, Micah Chaffee, be added to the agreement as signatory on behalf of the Liquor Control Commission. Commissioner Mueting made a motion to approve the Interlocal Operation Agreement with that revision and Commissioner Coffey seconded the motion. A voice vote was taken and all voted in favor.

9. State Inventory Tracking System RFI/Procurement Process Update

Chair Oldenburg asked Commissioner Mueting for an update on the seed to sale state inventory tracking system RFI and procurement process. Commissioner Mueting stated that former Commissioner Bailey had offered to assist with this process. She said that she had gathered some information on RFI's from other states including California. She said that once the Commission decides what they want to include in their RFI, it can be sent to Michelle Potts with Procurement. She said that since the Commission does not have any funding, their RFI will have to be different than those from other states. She asked the other two commissioners to let her know if they wished to assist her with the RFI process.

10. Research Update from Commissioners

There were no updates on individual research from the commissioners. Commissioner Mueting said that since there are members of the public with knowledge of seed to sale tracking systems from other states, she would like them to reach out with any input they may have.

11. Reminder of Next Regularly Scheduled Commission Meeting Date and Time

Chair Oldenburg proposed that the next meeting be set for early October to avoid delaying the application review process any further, and proposed a meeting date of October 7th, 2025, at 2 p.m. Chief Legal Officer Botelho explained that they would be reviewing the scores for each application at that meeting as long as the evaluations have been completed by that time, and the Commission will be able to award the first four licenses based on those scores.

12. Closed Executive Session to Discuss Immanent Litigation Regarding Regulations or Licensing, If Necessary

No closed executive session was necessary.

13. Adjournment

The meeting was adjourned at 2:25 p.m