

The **Green** and the **Gray** Area - Medical Marijuana in Nebraska

Scott S. Moore

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October 22, 2025

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Agenda

- Overview of recent ballot initiatives and Nebraska cannabis laws
- Discuss legislative actions
- Learn about employment policies, procedures, and processes to be adopted in response to recent legislation

Federal/DEA Status



DEA

United States Drug Enforcement
Administration

Schedule I

Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse. Some examples of Schedule I drugs are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), 3,4-methylenedioxymethamphetamine (ecstasy), methaqualone, and peyote.

Federal / DEA Status

January 17, 2024

US DHHS Publishes Full Report Detailing Recommendation to Move Cannabis from Schedule I to III

POLITICS

Former DEA And HHS Officials Suggest Marijuana Rescheduling Could Be Delayed Indefinitely If Trump Doesn't Proactively Support It



Published on April 8, 2025
By **Kyle Jaeger** X

ScienceDaily®

Your source for the latest research news

Stronger Weed, Higher Risk? Potent THC Linked to Psychosis and Addiction

Sep. 2, 2025 — A sweeping review of nearly 100 studies has raised concerns about the mental health impacts of high-potency cannabis products. Researchers found strong links to psychosis, schizophrenia, and cannabis use disorder, while results for anxiety and ...

The Hidden Mental Health Danger in Today's High-THC Cannabis

Aug. 12, 2025 — THC levels in cannabis have soared in recent years, raising the risk of psychosis—especially in young, frequent users. Studies reveal a strong connection between cannabis-induced psychosis and schizophrenia, making early cessation and treatment ...

Cannabis Use Among Seniors Surges 46% in Two Years—Study Reveals

June 7, 2025 — Cannabis use among older Americans has climbed dramatically, with 7% of adults 65 and older now reporting recent use. This rise isn't just in numbers but also in diversity: older users today are more likely to be women, college-educated, and ...

Cannabis for Coping? Why It May Trigger Paranoia

Aug. 28, 2025 — Using cannabis to self-medicate comes with hidden dangers—new research shows these users face higher paranoia and consume more THC. Childhood trauma further amplifies the risks, especially emotional abuse, which strongly predicts ...

People with Eating Disorders Say Cannabis and Psychedelics Help More Than Antidepressants

July 24, 2025 — A massive global survey has revealed that people with eating disorders often turn to cannabis and psychedelics like magic mushrooms and LSD to ease their symptoms, rating them more effective than ...

Record High: Study Finds Growing Cannabis Use Among Older Adults

June 3, 2025 — Marijuana use among older adults in the US has reached a new high, with 7 percent of adults aged 65 and over who report using it in the past month, according to a recent ...

Whether It's Smoking or Edibles, Marijuana Can Be Bad for Your Heart, Study Suggests

May 28, 2025 — A new study finds that chronic cannabis use -- whether it's smoked or consumed in edible form -- is associated with significant cardiovascular ...

Cannabis Study: Legalization Reduces Problematic Consumption, Particularly Among Certain Individuals

May 9, 2025 — Researchers are investigating how the legal supply of cannabis affects consumption and mental health among participants. In a first academic publication, the study team has now reported on the direct ...

Potential Risk Biomarkers Found for Schizophrenia Resulting from Cannabis Use

Mar. 21, 2025 — A new study has analyzed and compared the fatty acids in the blood of individuals with schizophrenia, of those with cannabis use disorder and of those with both diagnoses, with the aim of shedding ...

Tiny Genetic Switch Found to Control Brain Balance and Behavior

May 26, 2025 — Researchers have identified a remarkably small but critical piece of genetic code that helps determine how brain cells connect, communicate, and function. The discovery not only deepens our understanding of how the brain's wiring is built but may ...

What Links Cannabis Use and Psychosis? Researchers Point to Brain's Dopamine System

Apr. 11, 2025 — A new study found that people with cannabis use disorder (CUD) had elevated dopamine levels in a brain region associated with ...

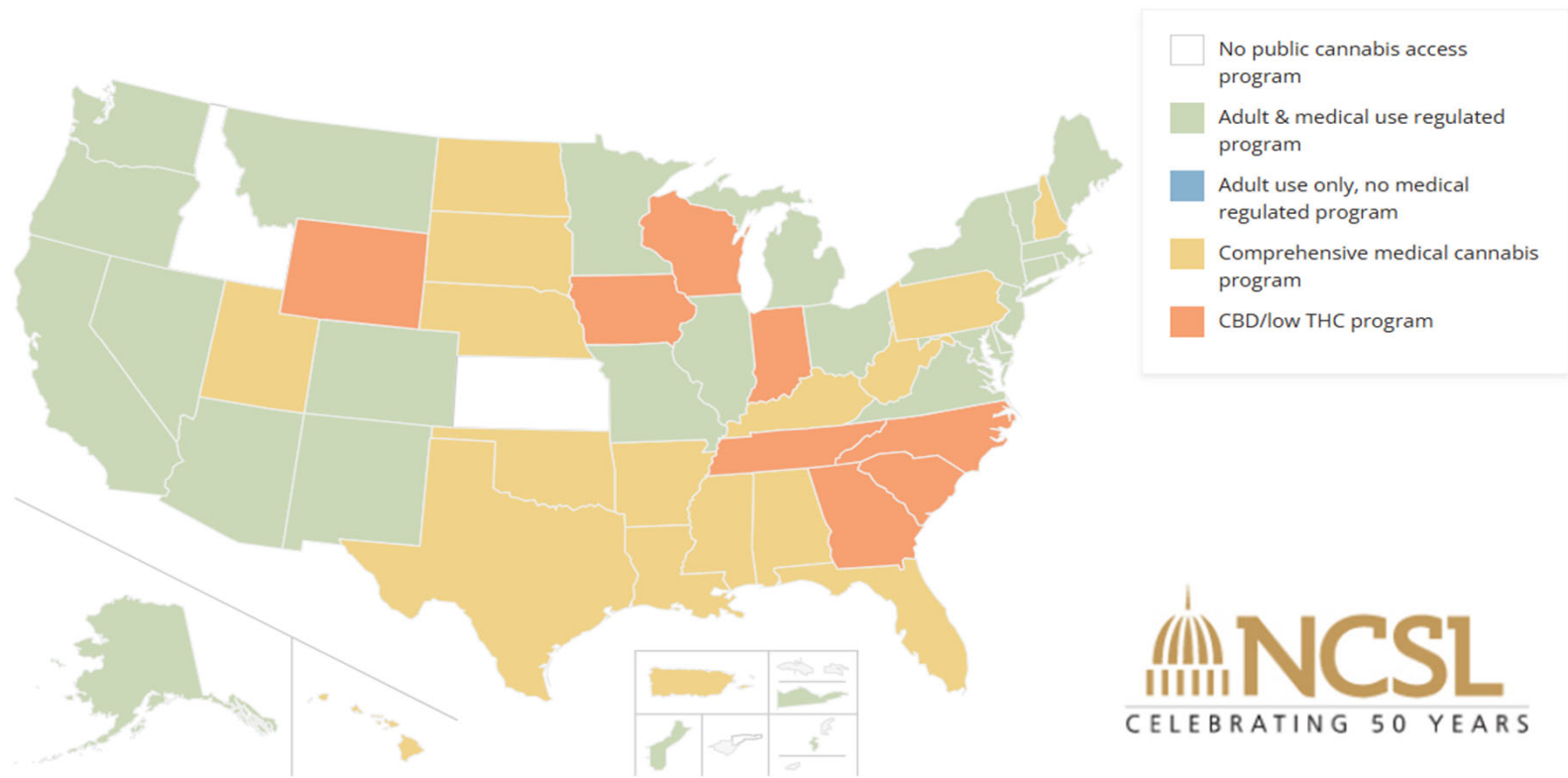
Cannabis Users Face Substantially Higher Risk of Heart Attack

Mar. 19, 2025 — Marijuana is now legal in many places, but is it safe? Two new studies add to mounting evidence that people who use cannabis are more likely to suffer a heart attack than people who do not use the drug, even among younger and otherwise healthy ...

Medical Cannabis in NE



State Regulated Cannabis Programs



Nebraska Voter Initiative 437

- Nebraska Medical Cannabis Patient Protection Act - Statutes 71-24,103 to 71-24,105

RECEIVED JUN 09 2023 SECRETARY OF STATE	Object Statement: The object of this petition is to enact a statute that makes penalties inapplicable under state and local law for the use, possession, and acquisition of limited quantities of cannabis for medical purposes by a qualified patient with a written recommendation from a health care practitioner, and for a caregiver to assist a qualified patient in these activities.
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Nebraska Voter Initiative 438

- Nebraska Medical Cannabis Regulation Act - Statutes 71-24,106 to 71-24,111

RECEIVED JUN 09 2023 SECRETARY OF STATE	Object Statement: The object of this petition is to enact a statute that makes penalties inapplicable under state law for the possession, manufacture, distribution, delivery, and dispensing of cannabis for medical purposes by registered private entities, and establishing a Nebraska Medical Cannabis Commission to regulate such entities.
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Emergency Regulations

Emergency Regulations for the

September 9, 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 fully implement the Nebraska Medical Cannabis Regulation Act as required by Nebraska Revised Statute § 71-24,110 and § 71-24,111 and replace the previously issued emergency regulations. 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, and for the Commission to begin granting licenses by October 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.

Pursuant to your letter, the Commission revised the emergency regulation to place a limit on the number of flowering plants for each cultivator type. Our research suggests one plant is necessary per two medical cannabis patients. It is estimated approximately 20,000 Nebraskans could be medical cannabis patients. To ensure enough product for this number of potential patients, 10,000 flowering plants would be necessary. The regulations authorize each cultivator to possess no more than one thousand two hundred fifty (1,250) flowering plants. Four cultivators with two harvests a year should result in a sufficient number of plants.

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

In The News



2 members resign from liquor board

The departures, sought by the governor, are the latest turmoil for the agency

ANDREW WEGLEY AND CHRIS DUNKER
Lincoln Journal Star
Sep 30, 2025

Omaha World-Herald

Nebraska Medical Cannabis Commission will miss deadline for licensing marijuana growers

Josh Reyes Omaha World-Herald
Sep 30, 2025



Cultivation License Status

Nebraska's first medical cannabis cultivators offered licenses as legal threats loom

Nebraska Attorney General's Office had pledged to sue state Medical Cannabis Commission if it issued licenses

BY: **ZACH WENDLING** - OCTOBER 7, 2025 8:53 PM

Nebraska Examiner

 KOLN | Nebraska Local News, Weather, Sports | Lincoln, NE

Two applicants approved, two denied for Nebraska cannabis cultivation licenses

Nebraska Supreme Court

ENVIRONMENT & AGRICULTURE

GOVERNMENT & POLITICS

HEALTH

Lawsuit against Nebraska medical cannabis extended to regulatory board, state agencies

Alleges state treasurer and Revenue Department would violate federal money laundering laws, DHHS would need to investigate practitioners

BY: **ZACH WENDLING** - JANUARY 13, 2025 3:13 PM



Appeal filed in Nebraska medical cannabis preemption case

BY: **ZACH WENDLING** - JULY 7, 2025 5:10 PM



Employment Considerations

- Drug testing programs and policies
- State law accommodation obligations
- ADA- Reasonable accommodations

Employment Considerations

SUPREME COURT OF THE UNITED STATES

Syllabus

MEDICAL MARIJUANA, INC., ET AL. *v.* HORN

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT

No. 23–365. Argued October 15, 2024—Decided April 2, 2025

Seeking relief from his accident-related chronic pain, Douglas Horn purchased and began taking “Dixie X,” a purportedly THC-free, non-psychoactive CBD tincture produced by Medical Marijuana, Inc. A few weeks later, however, Horn’s employer selected him for random drug screening, and Horn tested positive for THC. After he refused to participate in a substance abuse program, his employer fired him. Horn

Patient Considerations

- Documentation/records
- Patients crossing state lines
- Staff education
- Public awareness

Questions?

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