

Medical Cannabis Program in Nebraska Faces Supply Concerns

Nebraska Governor Pushes Officials to Enact Medical Marijuana Cultivation Cap

Nebraska's new medical marijuana program is facing controversy even before it begins. Governor Jim Pillen (R) has pressed the Nebraska Medical Cannabis Commission to adopt a strict cultivation cap, arguing that leaving plant numbers unchecked could fuel a black market. The commission responded by imposing a limit of 1,250 flowering plants per cultivator—sparking pushback from patient advocates who fear the restriction will choke supply.

Governor's Demand for a Cultivation Cap

In a letter to the five-member Medical Cannabis Commission last Thursday, Pillen made it clear that he would not support the commission's emergency regulations unless they included plant population limits. "Leaving the cultivators without a limit would increase [the] likelihood of an overabundance of cannabis product that creates an unregulated, unintended black-market supply," Pillen wrote.

The governor's intervention forced the commission to reconvene on Monday in an emergency session, where members agreed to adopt a 1,250-plant cap per cultivator. With four licensed growers, Nebraska's program will allow 5,000 plants in production at any one time, with two harvest cycles expected annually.

How Officials Landed on 1,250 Plants

The cap was not part of the commission's original plan. Bo Botelho, general counsel for the Department of Health and Human Services (DHHS), had suggested much smaller placeholder limits—200 plants for indoor facilities, 300 for greenhouses, and 500 for outdoor grows. Botelho admitted the numbers were not based on firm data but were designed as starting points.

Commissioner Bruce Bailey of Lincoln argued for raising the threshold, noting that crop failures and testing requirements could reduce the usable supply. Using estimates from neighboring states with medical programs, Bailey suggested that one plant could serve roughly two patients. With an anticipated 20,000 Nebraskans potentially enrolling, he proposed the 1,250 limit as a more realistic figure.

Balancing Patient Demand and Political Pressure

Some commissioners emphasized that Nebraska might not immediately see 20,000 patients. Commissioner Lorelle Muetting noted that projections could change and called for future reviews of the plant cap. Still,

critics warned that the restriction risks leaving patients without adequate access.

Crista Eggers, executive director of Nebraskans for Medical Marijuana—the group that led the 2024 ballot campaign creating the program—condemned the decision. “The commission is going to starve a program before it could start,” she said, accusing officials of putting political concerns ahead of patient needs.

Patients themselves echoed that sentiment. Lia Post of Springfield, who suffers from complex regional pain syndrome, told commissioners that she and others need reliable access to cannabis as an alternative to opioids. “My illness doesn’t change at state lines,” Post said, urging the commission not to undercut the new system.

How Nebraska’s Rules Compare to Neighboring States

Nebraska is one of the last Midwestern states to adopt a medical marijuana program. Four of its six neighbors already allow cannabis for medical use: Iowa, Colorado, South Dakota, and Missouri. Participation rates range from 0.55 percent of residents in Iowa to nearly 2 percent in Missouri.

By contrast, Nebraska’s program is shaping up to be one of the most restrictive in the region. Unlike in other states, dispensaries will be prohibited from selling flower, vapes, or edibles. Patients will instead be limited to tinctures, tablets, and oils with very low THC levels. Each patient may purchase up to 5 ounces of cannabis every 30 days, but no more than 5 grams of THC from a single dispensary in 90 days.

Details of the Emergency Regulations

The commission’s new emergency regulations replace an earlier set that will expire on September 28. If approved, the new rules will remain in place for 90 days while permanent regulations are developed. Key provisions include:

- **Cultivation Limits:** Four cultivators capped at 1,250 plants each, totaling 5,000 plants statewide.
- **Dispensaries:** A maximum of 12 dispensaries, distributed by judicial district.
- **Products Allowed:** No smoking, vaping, or traditional edibles. Limited oral tablets and tinctures permitted.
- **Patient Purchases:** Up to 5 ounces of cannabis every 30 days, with strict THC limits.
- **Healthcare Directory:** A new system for tracking recommending practitioners.

Applications for cultivators are due September 23, with licenses set to be issued by October 1.

Growing Concerns About Patient Access

Advocates argue that the combination of low plant caps, restrictive product rules, and limited dispensary access will make Nebraska’s medical marijuana program one of the least patient-friendly in the nation.

Critics warn that many Nebraskans may continue to cross state lines for cannabis, undermining the state's ability to regulate and tax the system.

The commission is scheduled to meet again on September 30, where further adjustments could be considered. For now, however, Nebraska patients and advocates are left questioning whether the state's tightly controlled approach will provide meaningful relief or simply maintain barriers to access.

The coming months will reveal whether Nebraska's new program can strike a balance between Governor Pillen's push for strict regulation and the needs of patients seeking medical cannabis as an alternative to more dangerous or addictive treatments.

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