

Nebraska Bill Could Weaken Medical Cannabis Patient Protections

Nebraska Lawmakers Consider Bill That Could Expand Regulators' Authority Beyond What Voters Approved

The Nebraska Medical Cannabis Commission could be granted sweeping new authority over patients, caregivers and healthcare practitioners under a legislative proposal that advocates say goes far beyond what voters endorsed at the ballot box in 2024.

Legislative Bill 1235, introduced by the Legislature's General Affairs Committee, would allow the commission to write regulations governing the Nebraska Medical Cannabis Patient Protection Act—one of two voter-approved measures that legalized medical marijuana in the state last year. Patient advocates warn the bill risks undoing key protections voters overwhelmingly supported and consolidating power in a governor-appointed commission that has already drawn criticism for restrictive rulemaking.

Voters Approved Medical Cannabis Protections Now Lawmakers Are Reopening Them

In 2024, Nebraska voters approved the Patient Protection Act with 71% support, granting patients the right to possess up to five ounces of medical cannabis with a doctor's recommendation, whether issued in-state or out-of-state.

That same year, 67% of voters passed a second ballot initiative creating the Nebraska Medical Cannabis Commission through the Nebraska Medical Cannabis Regulation Act. That law gave the commission "exclusive" authority to regulate licensed cannabis businesses—but notably did not grant it broad authority over patients, caregivers, or physicians.

LB 1235 would change that balance by allowing the commission to write rules governing the patient protection law itself, effectively expanding its reach beyond what advocates say voters intended.

Committee Chair Says Bill Adds 'Structure,' Acknowledges Limited Familiarity With Added Powers

State Sen. Rick Holdcroft (R-Bellevue), chair of the General Affairs Committee and the bill's lead sponsor, described LB 1235 as a way to provide additional regulatory "structure" to the commission. However, he acknowledged he is "not real familiar" with some of the expanded authorities proposed in the bill.

"But, apparently, that's a good thing to have, I mean, as a commission," Holdcroft said. "I'm not sure why that was left out of the referendum, but that's about really all I know about that part of it."

The bill is backed by Holdcroft and four fellow Republican committee members, allowing it to advance as a committee bill. The committee's three Democratic members did not sign on, meaning the proposal will need bipartisan support to move forward.

Advocates Say Bill Strips Patient Protections and Centralizes Power

Crista Eggers, executive director of Nebraskans for Medical Marijuana—the organization that led the 2024 ballot campaigns called the bill “extremely concerning.”

Eggers said LB 1235 could strip protections from patients who legally possess medical cannabis and concentrate authority in a commission that advocates have pushed back against for months.

“This bill forces us to face reality that our own children and most others will have protections ripped away from them,” Eggers said. Her 11-year-old son, Colton, has epilepsy and severe seizures, and she has sought medical cannabis access for him.

“Although there are some provisions of this bill that we would support, we do not believe this is a good-faith effort,” she added. “Currently, as written, we will seek to see it fail.”

Regulators' Tight Controls Fuel Fears of a Restricted Program

The Medical Cannabis Commission has so far leaned toward a narrowly defined, highly regulated program. Temporary regulations adopted to date would prohibit the sale of smokable flower, vapes, most edibles and high-THC products. Cultivators would be limited in the number of flowering plants they can grow.

Under current draft rules, physicians would need to enroll in a commission-run program and complete additional education. Patients could only access cannabis through commission-licensed dispensaries and in-state physicians participating in the program.

Advocates say those restrictions already exceed voter intent—and LB 1235 could go further.

Fees, Conditions, and Access Could All Change Under LB 1235

If enacted, LB 1235 would require patients, caregivers and physicians to apply and pay fees to legally possess or recommend medical cannabis in Nebraska. Patients who have relied on out-of-state access while Nebraska's licensing system is still being built could be left without legal protection.

The bill could also open the door to limiting eligibility based on qualifying conditions, even though such conditions were not listed in the original patient protection law.

Eggers said advocates fought hard to secure protections for patients, caregivers and physicians, particularly as many patients report difficulty finding doctors willing to recommend cannabis since the law took effect in December 2024.

She accused the commission of “failing patients and bowing to the political pressures from our governor and attorney general.”

Funding, Taxes and Expanded Authority Over Testing Facilities

Supporters of LB 1235 argue the bill would help stabilize the program by creating funding mechanisms. The commission would gain authority to collect fees and fines, regulate testing facilities and hire a full-time executive director.

Commissioners would be paid \$12,500 annually, plus expense reimbursements. Medical cannabis sales would also be subject to a 5.5% statewide sales tax, with proceeds directed toward property tax relief.

Three cultivator licenses have already been issued, though planting has not yet begun due to delays in implementing a seed-to-sale tracking system, a cost that could be covered under the proposed legislation.

Medicinal Versus Recreational: A Core Disagreement

Holdcroft framed the debate as one about preserving a strictly “medicinal” program, arguing that raw cannabis flower capable of producing hundreds of joints does not align with traditional notions of medicine.

“I don’t think that we ever envisioned smoking medicine,” he said.

However, he also said he plans to introduce amendments after acknowledging that some restrictive language around smoking, vaping and ingestion may have been unintentionally included.

Advocates counter that patients not politicians should determine the most effective form of treatment in consultation with their doctors.

Democratic Lawmakers Say Commission Is ‘Hostile to Voter Will’

State Sen. John Cavanaugh (D-Omaha), vice chair of the General Affairs Committee, said LB 1235 would grant broad discretion to a commission that “has already demonstrated that it is openly hostile to the will of the voters.”

“A successful program is respectful of the voters but, more importantly, respectful of the patients and the families of those patients who just want help,” Cavanaugh said.

His concerns prompted him to introduce separate legislation to protect physicians from prosecution and to make seats on the cannabis commission elected rather than appointed.

Supreme Court Ruling Looms Over Legislative Debate

The legislative debate is unfolding as the Nebraska Supreme Court considers a challenge to the 2024 ballot measures. While a district court upheld the initiatives, state officials appealed, and a ruling could come at any time.

“If the Supreme Court rules it’s all valid, and we have medical cannabis in Nebraska, then that’s the law of the land,” said State Sen. Jared Storm (R-David City). “But I want to see it stay medicine.”

As lawmakers weigh regulatory authority, funding and patient access, advocates warn that altering voter-approved protections risks deepening mistrust—and accelerating broader legalization efforts.

For now, LB 1235 stands as a flashpoint in Nebraska’s still-unfolding medical cannabis experiment, highlighting the tension between voter intent, regulatory control and patient needs.