



STATE of NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

EXECUTIVE ORDER NO. 26-02

Protecting Nebraskans from Intoxicating Synthetic THC Products

WHEREAS, in 2018 the federal government passed the Agriculture Improvement Act, which legalized hemp as an agricultural commodity, 7 U.S.C. §§ 1639o *et seq.*; and

WHEREAS, in 2019 the Nebraska Legislature passed the Nebraska Hemp Farming Act, Neb. Rev. Stat. §§ 2-501 *et seq.*, to allow for hemp farming in Nebraska; and

WHEREAS, hemp is a legal, non-intoxicating agricultural commodity; and

WHEREAS, hemp contains a very low concentration of tetrahydrocannabinol (“THC”), which is a chemical known to cause intoxication; and

WHEREAS, a market of unlawful intoxicating synthetic THC products has proliferated in Nebraska under the label of hemp; and

WHEREAS, synthetic THC is created through chemistry rather than agricultural production; and

WHEREAS, these intoxicating synthetic THC products often exceed the level of delta-9 THC allowed by law, as well as often contain additional lab-created chemicals not naturally occurring in the hemp plant or naturally occurring only in trace amounts, including but not limited to delta-8 THC, delta-10 THC, hexahydrocannabinol (HHC); THC acetate (THC-O); hexahydrocannabinol acetate (HHC-O); hexahydrocannabiphorol (HHC-P); tetrahydrocannabiphorol (THC-P); tetrahydrocannabiocetyl (THC-JD); tetrahydrocannabutol (THC-B); and exo-THC. Many of these synthetic chemicals are significantly more potent than delta-9 THC; and

WHEREAS, when synthetic THC is manufactured, it also produces unknown, novel chemical byproducts that are difficult to identify in laboratory testing and have never been tested for effects on the human body; and

WHEREAS, the known short-term health effects of consuming intoxicating synthetic THC products can include depressed consciousness, lethargy, confusion, anxiety, agitation, acute psychosis, palpitations, chest pain, increased heart rate, low blood pressure, and coma, along with other potential health effects; and

WHEREAS, the long-term health effects of consuming intoxicating synthetic THC products are unknown because they have never been tested for safety in humans; and

WHEREAS, when tested, these intoxicating synthetic THC products have been sold with labels that did not accurately disclose the ingredients in the product, including what types of synthetic THC the product contains or in what amounts; and

WHEREAS, these intoxicating synthetic THC products have been marketed in Nebraska as products intended for human consumption; and

WHEREAS, these intoxicating synthetic THC products have been sold in packaging that is attractive to children and is not child-resistant; and

WHEREAS, these intoxicating synthetic THC products are now being marketed and sold as beverages in commercial establishments, including bars, grocery stores, restaurants, liquor stores, and gas stations; and

WHEREAS, THC has not been approved by the FDA for any use in food as a food additive, and is being marketed in ways that put public health at risk; and

WHEREAS, the Department of Agriculture is vested with the regulatory and enforcement authority over the Nebraska Pure Food Act, Neb. Rev. Stat. §§ 81-2,281(1) and 81-2,282; and

WHEREAS, the Department of Agriculture is vested with the power to promulgate rules and regulations to aid in the administration of the Nebraska Pure Food Act, Neb. Rev. Stat. § 81-2,288(1); and

WHEREAS, the Department of Banking and Finance is vested with the general supervision and control over banks, trust companies, credit unions, building and loan associations, savings and loan associations, and digital asset depositories under Neb. Rev. Stat. § 8-102(1); and

WHEREAS, banks, trust companies, credit unions, building and loan associations, savings and loan associations, and digital asset depositories are “quasi-public in nature and subject to regulation and control by the state” under Neb. Rev. Stat. § 8-102(1); and

WHEREAS, Nebraska state law requires licensees and authorized delegates under the Nebraska Money Transmitters Act to comply with federal anti-money laundering statutes and to report and keep records regarding suspicious activities as required by the Bank Secrecy Act and other federal and state laws pertaining to money laundering under Neb. Rev. Stat. §§ 8-2722, 8-2734, and 8-2735; and

WHEREAS, the Department of Revenue, through its Tax Commissioner, is vested with authority over Nebraska tobacco product licensees, Neb. Rev. Stat. §§ 77-4009 and 77-4011; and

WHEREAS, the Department of Revenue, through its Tax Commissioner, is vested with the authority to adopt and promulgate rules and regulations as may be necessary to administer and enforce the Tobacco Products Tax Act, Neb. Rev. Stat. § 77-4023; and

WHEREAS, THC is not a substance authorized as a tobacco product or a product to be listed on the Department of Revenue’s Nebraska Directory of Certified Electronic Nicotine Delivery Systems Manufacturers; and

WHEREAS, the Tax Commissioner is vested with the authority to revoke, cancel, or suspend any license or certification for a violation of the Tobacco Products Tax Act or any rule or regulation adopted and promulgated by the Tax Commissioner in administration of the Act, Neb. Rev. Stat. § 77-4012; and

WHEREAS, President Trump recently signed a continuing resolution that will ban intoxicating synthetic THC products under federal law, effective November of 2026. *See* Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026, Pub. L. No. 119-37, § 781, 139 Stat. 495, 558-61.

NOW THEREFORE, I, Jim Pillen, Governor of the State of Nebraska, under and pursuant to the authority vested in the Governor by the Constitution and the laws of the State of Nebraska do hereby order and direct that, to the fullest extent permitted by law:

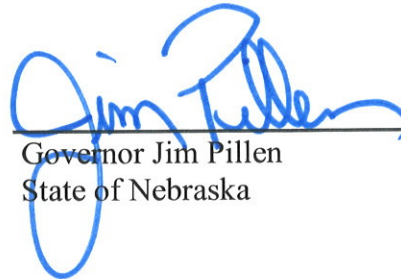
1. The Nebraska Department of Agriculture shall initiate the rulemaking process to protect the public health, safety, and welfare of Nebraskans by prohibiting the use of THC in products intended for human consumption under the Nebraska Pure Food Act, Neb. Rev. Stat. §§ 81-2,239 *et seq.*

2. The Nebraska Department of Banking and Finance shall review and update, if necessary, Department guidance to its regulated entities to ensure compliance with all applicable reporting requirements under federal anti-money laundering statutes and the Bank Secrecy Act in response to the federal ban on intoxicating synthetic THC products.
3. The Nebraska Department of Revenue shall review all statutory and regulatory authority to determine whether the marketing and sale of intoxicating synthetic THC products by a Nebraska tobacco products licensee is violative of any provision of the Tobacco Products Tax Act, or any rule or regulation adopted by the Tax Commissioner.
4. If any provision of this Order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this Order and the application of its other provisions to any other persons or circumstances shall not be affected thereby.

Executive state agencies shall cooperate in the implementation of this Order to the fullest extent possible under Nebraska law.

Agencies will be fully compliant with this Executive Order as soon as practicable.

IN WITNESS THEREOF, I hereunto set my hand and cause the Seal of the State of Nebraska to be affixed this 26th day of January 2026.



Governor Jim Pillen
State of Nebraska



Colleen Byelick, Acting Secretary of State
State of Nebraska

Attest:

