

Nebraska Marijuana and Controlled Substances Tax

Overview

The purpose of this information guide is to answer questions concerning Nebraska Marijuana and Controlled Substances Tax (drug tax), and to enable law enforcement agencies to become more familiar with the law and its effect on persons illegally in possession of drugs.

This guidance document is advisory in nature but is binding on the Nebraska Department of Revenue (Department) until amended. A guidance document does not include internal procedural documents that only affect the internal operations of the Department and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.



This guidance document may change with updated information or added examples. The Department recommends you do not print this document. Instead, sign up for the [subscription service](http://revenue.nebraska.gov) at revenue.nebraska.gov to get updates on your topics of interest.

Who owes the drug tax?

A dealer, who is any person that illegally acquires or possesses:

- ❖ Six or more ounces of marijuana;
- ❖ Seven or more grams of any controlled substance which is sold by weight; or
- ❖ Ten or more dosage units of any controlled substance which is not sold by weight.

When is the drug tax due?

A dealer is required to pay the drug tax to the Department **immediately upon acquisition** or possession of marijuana or controlled substances in Nebraska.

How much is the drug tax?

Dealers must purchase a Drug Tax Stamp from the Department which is evidence that the drug tax has been properly paid. The dealer must permanently place sufficient stamps on each container. The stamps are not transferable, can only be used once, and expire six months from the date of purchase.

- ❖ Marijuana — the drug tax is \$100 per ounce or portion of an ounce.
- ❖ Controlled substances — the drug tax is \$150 per gram or portion of a gram.
- ❖ Controlled substances not customarily sold by weight — the drug tax is \$500 for each 50-dosage unit or portion of a unit.

Does purchase of drug tax stamps provide immunity?

No. Purchase of the stamps **does not provide immunity for a dealer from criminal prosecution** under state or federal law.

Purchasers are not required to provide their name and address, or other identifying information. When information is provided, it is confidential.

What happens if a dealer does not have sufficient drug tax stamps?

The Department may take the following actions:

- ❖ Issue a Drug Tax Notice of Deficiency Determination for the applicable tax, penalty, and interest;
- ❖ Impose a penalty equal to 100% of the drug tax; and
- ❖ Place a lien on the dealer's property.

Failure to affix the proper drug tax stamp to marijuana and or a controlled substance is a Class IV felony punishable by up to 5 years in prison and/or a \$10,000 fine.

What should law enforcement do when a dealer has not purchased sufficient drug tax stamps?

When a dealer has not purchased sufficient drug tax stamps, law enforcement may complete a Nebraska Drug Tax Assessment Information form (Assessment form) and submit it, along with a copy of the state lab report, to the Department.

The Assessment form and copies of the lab and police reports may be mailed to the Nebraska Department of Revenue at the address listed below; faxed to 402-471-5929; or emailed to peggy.neemann@nebraska.gov.

Resource List

Regulations

- ❖ [Nebraska Practice and Procedure Regulations, Title 316, Chapter 94 - Marijuana and Controlled Substances Tax](#)

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800-742-7474 (NE and IA), or 402-471-5729

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