

Nebraska Marijuana and Controlled Substances Tax

Overview

The purpose of this information guide is to answer questions concerning the Nebraska Marijuana and Controlled Substances Tax Act ([Neb. Rev. Stat. § 77-4301](#) et seq.) (Drug Tax Act), 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 (DOR) until amended. A guidance document does not include internal procedural documents that only affect the internal operations of DOR 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. DOR recommends you do not print this document. Instead, sign up for the [subscription service](#) 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 DOR **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 DOR 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, may not be altered, and expire at midnight 180 days from the date of purchase.

- ❖ Marijuana – the drug tax is \$100 per ounce or portion of an ounce.
- ❖ Controlled substances customarily sold by weight– 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?

DOR 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 five years in prison and/or a \$10,000 fine.

How can law enforcement report a dealer who has not purchased sufficient drug tax stamps to DOR?

When a dealer has not purchased sufficient drug tax stamps, law enforcement may complete a Nebraska Drug Tax Assessment Information form and submit it to DOR along with copies of the relevant arrest report and any associated crime lab drug analysis reports.

Resource List

Statutes and Regulations

- ❖ Marijuana and Controlled Substances Tax Act [Neb. Rev. Stat. § 77-4301](#) et seq.
- ❖ [Nebraska Practice and Procedure Regulations, Title 316, Chapter 94 - Marijuana and Controlled Substances Tax](#)

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