

## GUIDANCE DOCUMENT

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**NEBRASKA DEPARTMENT OF BANKING AND FINANCE  
BUREAU OF SECURITIES**

**SELLERS ASSISTED MARKETING ACT INTERPRETATIVE OPINION NO. 1: – OFFERS OF  
SELLER-ASSISTED MARKETING PLANS ON THE INTERNET**

This Interpretative Opinion discusses the applicability of the Seller Assisted Marketing Plan Act (“Act”) to the advertisement of seller-assisted marketing plans (“SAMPS”), as defined in Section § 59-1703 through the Internet.

For the purpose of this Interpretative Opinion, the “Internet” refers to a network of interconnected, individually-controlled computers which allow users to share data and exchange information. The Internet includes the World Wide Web, proprietary or “common carrier” electronic delivery systems, and similar media.

Any communication made through the Internet that offers to sell a SAMP (“Internet Offer”) is exempt from the provisions of the Act where:

1. The Internet Offer indicates, directly or indirectly, that the SAMP is not being offered to residents of Nebraska;
2. The Internet Offer is not otherwise directed to any person in Nebraska by or on behalf of the seller or anyone acting with the seller’s knowledge; and
3. No SAMPS are sold in Nebraska by or on behalf of the seller until the seller has complied with the filing requirements of the Act and a disclosure document required by the Act has been delivered to the offeree before the sale.

Reliance on an exemption from registration under this regulation does not preclude a seller from relying on any other exemption provided under the Act or any rule or regulation promulgated thereunder.

Questions regarding this opinion should be addressed to:

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Originally issued: September 15, 2017