

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 19

Introduced by McCoy, 39.

Read first time January 06, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend sections 28-405
2 and 28-416, Revised Statutes Cumulative Supplement, 2010;
3 to change provisions relating to the Uniform Controlled
4 Substances Act; to repeal the original sections; and to
5 declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-405, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 28-405 The following are the schedules of controlled
4 substances referred to in the Uniform Controlled Substances Act:

5 Schedule I

6 (a) Any of the following opiates, including their
7 isomers, esters, ethers, salts, and salts of isomers, esters, and
8 ethers, unless specifically excepted, whenever the existence of such
9 isomers, esters, ethers, and salts is possible within the specific
10 chemical designation:

11 (1) Acetylmethadol;

12 (2) Allylprodine;

13 (3) Alphacetylmethadol, except levo-alphacetylmethadol
14 which is also known as levo-alpha-acetylmethadol, levomethadyl
15 acetate, and LAAM;

16 (4) Alphameprodine;

17 (5) Alphamethadol;

18 (6) Benzethidine;

19 (7) Betacetylmethadol;

20 (8) Betameprodine;

21 (9) Betamethadol;

22 (10) Betaprodine;

23 (11) Clonitazene;

24 (12) Dextromoramide;

25 (13) Difenoxin;

- 1 (14) Diampromide;
- 2 (15) Diethylthiambutene;
- 3 (16) Dimenoxadol;
- 4 (17) Dimepheptanol;
- 5 (18) Dimethylthiambutene;
- 6 (19) Dioxaphetyl butyrate;
- 7 (20) Dipipanone;
- 8 (21) Ethylmethylthiambutene;
- 9 (22) Etonitazene;
- 10 (23) Etoxeridine;
- 11 (24) Furethidine;
- 12 (25) Hydroxypethidine;
- 13 (26) Ketobemidone;
- 14 (27) Levomoramide;
- 15 (28) Levophenacylmorphane;
- 16 (29) Morpheridine;
- 17 (30) Noracymethadol;
- 18 (31) Norlevorphanol;
- 19 (32) Normethadone;
- 20 (33) Norpipanone;
- 21 (34) Phenadoxone;
- 22 (35) Phenampromide;
- 23 (36) Phenomorphan;
- 24 (37) Phenoperidine;
- 25 (38) Piritramide;

- 1 (39) Proheptazine;
- 2 (40) Properidine;
- 3 (41) Propiram;
- 4 (42) Racemoramide;
- 5 (43) Trimeperidine;
- 6 (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-
- 7 phenylethyl)-4-piperidyl) propionanilide, 1-(1-methyl-2-
- 8 phenylethyl)-4-(N-propanilido) piperidine;
- 9 (45) Tilidine;
- 10 (46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-
- 11 piperidyl)-N-phenylpropanamide, its optical and geometric isomers,
- 12 salts, and salts of isomers;
- 13 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its
- 14 optical isomers, salts, and salts of isomers;
- 15 (48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine,
- 16 its optical isomers, salts, and salts of isomers;
- 17 (49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-
- 18 phenethyl)-4-piperidinyl)-N-phenylacetamide, its optical isomers,
- 19 salts, and salts of isomers;
- 20 (50) Alpha-methylthiofentanyl, N-(1-methyl-2-(2-
- 21 thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide, its optical
- 22 isomers, salts, and salts of isomers;
- 23 (51) Benzylfentanyl, N-(1-benzyl-4-piperidyl)-N-
- 24 phenylpropanamide, its optical isomers, salts, and salts of isomers;
- 25 (52) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-

1 phenethyl)-4-piperidinyl)-N-phenylpropanamide, its optical isomers,
2 salts, and salts of isomers;

3 (53) Beta-hydroxy-3-methylfentanyl, (other name: N-(1-(2-
4 hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide),
5 its optical and geometric isomers, salts, and salts of isomers;

6 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-
7 thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide, its optical and
8 geometric isomers, salts, and salts of isomers;

9 (55) N-(1-(2-thienyl)methyl-4-piperidyl)-N-
10 phenylpropanamide (thenylfentanyl), its optical isomers, salts, and
11 salts of isomers;

12 (56) Thiofentanyl, N-phenyl-N-(1-(2-thienyl)ethyl-4-
13 piperidinyl)-propanamide, its optical isomers, salts, and salts of
14 isomers; and

15 (57) Para-fluorofentanyl, N-(4-fluorophenyl)-N-(1-(2-
16 phenethyl)-4-piperidinyl)propanamide, its optical isomers, salts, and
17 salts of isomers.

18 (b) Any of the following opium derivatives, their salts,
19 isomers, and salts of isomers, unless specifically excepted, whenever
20 the existence of such salts, isomers, and salts of isomers is
21 possible within the specific chemical designation:

22 (1) Acetorphine;

23 (2) Acetyldihydrocodeine;

24 (3) Benzylmorphine;

25 (4) Codeine methylbromide;

- 1 (5) Codeine-N-Oxide;
 - 2 (6) Cyprenorphine;
 - 3 (7) Desomorphine;
 - 4 (8) Dihydromorphine;
 - 5 (9) Drotebanol;
 - 6 (10) Etorphine, except hydrochloride salt;
 - 7 (11) Heroin;
 - 8 (12) Hydromorphanol;
 - 9 (13) Methyldesorphine;
 - 10 (14) Methyldihydromorphine;
 - 11 (15) Morphine methylbromide;
 - 12 (16) Morphine methylsulfonate;
 - 13 (17) Morphine-N-Oxide;
 - 14 (18) Myrophine;
 - 15 (19) Nicocodeine;
 - 16 (20) Nicomorphine;
 - 17 (21) Normorphine;
 - 18 (22) Pholcodine; and
 - 19 (23) Thebacon.
- 20 (c) Any material, compound, mixture, or preparation which
21 contains any quantity of the following hallucinogenic substances,
22 their salts, isomers, and salts of isomers, unless specifically
23 excepted, whenever the existence of such salts, isomers, and salts of
24 isomers is possible within the specific chemical designation, and,
25 for purposes of this subdivision only, isomer shall include the

1 optical, position, and geometric isomers:

2 (1) Bufotenine. Trade and other names shall include, but
3 are not limited to: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-
4 (2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-
5 N,N-dimethyltryptamine; and mappine;

6 (2) Diethyltryptamine. Trade and other names shall
7 include, but are not limited to: N,N-Diethyltryptamine; and DET;

8 (3) Dimethyltryptamine. Trade and other names shall
9 include, but are not limited to: DMT;

10 (4) 4-bromo-2,5-dimethoxyamphetamine. Trade and other
11 names shall include, but are not limited to: 4-bromo-2,5-dimethoxy-
12 alpha-methylphenethylamine; and 4-bromo-2,5-DMA;

13 (5) 4-methoxyamphetamine. Trade and other names shall
14 include, but are not limited to: 4-methoxy-alpha-
15 methylphenethylamine; and paramethoxyamphetamine, PMA;

16 (6) 4-methyl-2,5-dimethoxyamphetamine. Trade and other
17 names shall include, but are not limited to: 4-methyl-2,5-dimethoxy-
18 alpha-methylphenethylamine; DOM; and STP;

19 (7) 5-methoxy-N,N-dimethyltryptamine;

20 (8) Ibogaine. Trade and other names shall include, but
21 are not limited to: 7-Ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-
22 methoxy-6,9-methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole; and
23 Tabernanthe iboga;

24 (9) Lysergic acid diethylamide;

25 (10) Marijuana;

1 (11) Mescaline;

2 (12) Peyote. Peyote shall mean all parts of the plant
3 presently classified botanically as *Lophophora williamsii* Lemaire,
4 whether growing or not, the seeds thereof, any extract from any part
5 of such plant, and every compound, manufacture, salts, derivative,
6 mixture, or preparation of such plant or its seeds or extracts;

7 (13) Psilocybin;

8 (14) Psilocyn;

9 (15) Tetrahydrocannabinols, including, but not limited
10 to, synthetic equivalents of the substances contained in the plant or
11 in the resinous extractives of cannabis, sp. or synthetic substances,
12 derivatives, and their isomers with similar chemical structure and
13 pharmacological activity such as the following: Delta 1 cis or trans
14 tetrahydrocannabinol and their optical isomers, excluding dronabinol
15 in sesame oil and encapsulated in a soft gelatin capsule in a drug
16 product approved by the federal Food and Drug Administration; Delta 6
17 cis or trans tetrahydrocannabinol and their optical isomers; and
18 Delta 3,4 cis or trans tetrahydrocannabinol and its optical isomers.
19 Since nomenclature of these substances is not internationally
20 standardized, compounds of these structures shall be included
21 regardless of the numerical designation of atomic positions covered;

22 (16) 3,4-methylenedioxy amphetamine;

23 (17) 5-methoxy-3,4-methylenedioxy-amphetamine;

24 (18) 3,4,5-trimethoxy amphetamine;

25 (19) N-ethyl-3-piperidyl benzilate;

- 1 (20) N-methyl-3-piperidyl benzilate;
- 2 (21) Thiophene analog of phencyclidine. Trade and other
3 names shall include, but are not limited to: 1-(1-(2-thienyl)-
4 cyclohexyl)-piperidine; 2-thienyl analog of phencyclidine; TCP; and
5 TCP;
- 6 (22) 2,5-dimethoxyamphetamine. Trade and other names
7 shall include, but are not limited to: 2,5-dimethoxy-alpha-
8 methylphenethylamine; and 2,5-DMA;
- 9 (23) Hashish or concentrated cannabis;
- 10 (24) Parahexyl. Trade and other names shall include, but
11 are not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-
12 trimethyl-6H-dibenzo(b,d)pyran; and Synhexyl;
- 13 (25) Ethylamine analog of phencyclidine. Trade and other
14 names shall include, but are not limited to: N-ethyl-1-
15 phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-
16 phenylcyclohexyl)ethylamine; cyclohexamine; and PCE;
- 17 (26) Pyrrolidine analog of phencyclidine. Trade and other
18 names shall include, but are not limited to: 1-(1-phenylcyclohexyl)-
19 pyrrolidine; PCPy; and PHP;
- 20 (27) 3,4-methylenedioxymethamphetamine (MDMA), its
21 optical, positional, and geometric isomers, salts, and salts of
22 isomers;
- 23 (28) 4-Bromo-2,5-dimethoxyphenethylamine. Some trade or
24 other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-
25 desmethyl DOB; 2C-B; and Nexus;

1 (29) Alpha-ethyltryptamine. Some trade or other names:
2 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-
3 aminobutyl) indole; alpha-ET; and AET;

4 (30) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

5 (31) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

6 (32) Alpha-methyltryptamine, which is also known as AMT;

7 (33) 5-Methoxy-N,N-diisopropyltryptamine, which is also
8 known as 5-MeO-DIPT; and

9 (34) Salvia divinorum or Salvinorin A. Salvia divinorum
10 or Salvinorin A includes all parts of the plant presently classified
11 botanically as Salvia divinorum, whether growing or not, the seeds
12 thereof, any extract from any part of such plant, and every compound,
13 manufacture, derivative, mixture, or preparation of such plant, its
14 seeds, or its extracts, including salts, isomers, and salts of
15 isomers whenever the existence of such salts, isomers, and salts of
16 isomers is possible within the specific chemical designation; and -

17 (35) Any material, compound, mixture, or preparation
18 containing any detectable quantity of synthetically produced
19 cannabinoids, their salts, isomers and salts of isomers, unless
20 specifically excepted elsewhere in this section. Since nomenclature
21 of these synthetically produced cannabinoids are not internationally
22 standardized and may continually evolve, these structures or
23 compounds of these structures shall be included under this
24 subsection, regardless of their specific numerical designation of
25 atomic positions covered, so long as it can be determined through

1 some form of scientific testing or analysis that the substance
2 contains properties that fit within one or more of the following
3 categories:

4 (a) Tetrahydrocannabinols: Meaning tetrahydrocannabinols
5 naturally contained in a plant of the genus Cannabis (cannabis
6 plant), as well as synthetic equivalents of the substances contained
7 in the plant, or in the resinous extractives of Cannabis, sp. and/or
8 synthetic substances, derivatives, and their isomers with similar
9 chemical structure and pharmacological activity such as the
10 following: Delta 1 cis or trans tetrahydrocannabinol, and their
11 optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their
12 optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its
13 optical isomers;

14 (b) Naphthoylindoles: Any compound containing a 3-(1-
15 naphthoyl)indole structure with substitution at the nitrogen atom of
16 the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
17 cycloalkylethyl or 2-(4-morpholinyl)ethyl group, whether or not
18 further substituted in the indole ring to any extent and whether or
19 not substituted in the naphthyl ring to any extent;

20 (c) Naphthylmethylindoles: Any compound containing a 1 H-
21 indol-3-yl-(1-naphthyl)methane structure with substitution at the
22 nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl,
23 cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl group
24 whether or not further substituted in the indole ring to any extent
25 and whether or not substituted in the naphthyl ring to any extent;

1 (d) Naphthoylpyrroles: Any compound containing a 3-(1-
2 naphthoyl)pyrrole structure with substitution at the nitrogen atom of
3 the pyrrole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
4 cycloalkylethyl or 2-(4-morpholinyl)ethyl group whether or not
5 further substituted in the pyrrole ring to any extent, whether or not
6 substituted in the naphthyl ring to any extent;

7 (e) Naphthylideneindenes: Any compound containing a
8 naphthylideneindene structure with substitution at the 3-position of
9 the indene ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
10 cycloalkylethyl or 2-(4-morpholinyl)ethyl group whether or not
11 further substituted in the indene ring to any extent, whether or not
12 substituted in the naphthyl ring to any extent;

13 (f) Phenylacetylindoles: Any compound containing a 3-
14 phenylacetylindole structure with substitution at the nitrogen atom
15 of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
16 cycloalkylethyl or 2-(4-morpholinyl)ethyl group whether or not
17 further substituted in the indole ring to any extent, whether or not
18 substituted in the phenyl ring to any extent;

19 (g) Cyclohexylphenols: Any compound containing a 2-(3-
20 hydroxycyclohexyl)phenol structure with substitution at the 5-
21 position of the phenolic ring by a alkyl, haloalkyl, alkenyl,
22 cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl group
23 whether or not substituted in the cyclohexyl ring to any extent; and

24 (h) Benzoylindoles: Any compound containing a 3-
25 (benzoyl)indole structure with substitution at the nitrogen atom of

1 the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
2 cycloalkylethyl or 2-(4-morpholinyl)ethyl group whether or not
3 further substituted in the indole ring to any extent and whether or
4 not substituted in the phenyl ring to any extent.

5 (d) Unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or preparation
7 which contains any quantity of the following substances having a
8 depressant effect on the central nervous system, including its salts,
9 isomers, and salts of isomers whenever the existence of such salts,
10 isomers, and salts of isomers is possible within the specific
11 chemical designation:

12 (1) Mecloqualone;

13 (2) Methaqualone; and

14 (3) Gamma-Hydroxybutyric Acid. Some other names include:
15 GHB; Gamma-hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic
16 Acid; Sodium Oxybate; and Sodium Oxybutyrate.

17 (e) Unless specifically excepted or unless listed in
18 another schedule, any material, compound, mixture, or preparation
19 which contains any quantity of the following substances having a
20 stimulant effect on the central nervous system, including its salts,
21 isomers, and salts of isomers:

22 (1) Fenethylamine;

23 (2) N-ethylamphetamine;

24 (3) Amphetamine; amphetamine; 2-amino-5-phenyl-2-oxazoline;
25 or 4,5-dihydro-5-phenyl-2-oxazolamine;

1 (4) Cathinone; 2-amino-1-phenyl-1-propanone; alpha-
2 aminopropiophenone; 2-aminopropiophenone; and norephedrone;

3 (5) Methcathinone, its salts, optical isomers, and salts
4 of optical isomers. Some other names: 2-(methylamino)-propiofenone;
5 alpha-(methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-
6 one; alpha-N-methylaminopropiofenone; methylcathinone;
7 monomethylpropion; ephedrone; N-methylcathinone; AL-464; AL-422;
8 AL-463; and UR1432;

9 (6) (+/-)cis-4-methylaminorex; and (+/-)cis-4,5-
10 dihydro-4-methyl-5-phenyl-2-oxazolamine;

11 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-
12 benzeneethanamine; and N,N-alpha-trimethylphenethylamine; and

13 (8) Benzylpiperazine, 1-benzylpiperazine.

14 (f) Any controlled substance analogue to the extent
15 intended for human consumption.

16 Schedule II

17 (a) Any of the following substances except those narcotic
18 drugs listed in other schedules whether produced directly or
19 indirectly by extraction from substances of vegetable origin,
20 independently by means of chemical synthesis, or by combination of
21 extraction and chemical synthesis:

22 (1) Opium and opiate, and any salt, compound, derivative,
23 or preparation of opium or opiate, excluding apomorphine,
24 buprenorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine,
25 nalmefene, naloxone, and naltrexone and their salts, but including

1 the following:

- 2 (i) Raw opium;
- 3 (ii) Opium extracts;
- 4 (iii) Opium fluid;
- 5 (iv) Powdered opium;
- 6 (v) Granulated opium;
- 7 (vi) Tincture of opium;
- 8 (vii) Codeine;
- 9 (viii) Ethylmorphine;
- 10 (ix) Etorphine hydrochloride;
- 11 (x) Hydrocodone;
- 12 (xi) Hydromorphone;
- 13 (xii) Metopon;
- 14 (xiii) Morphine;
- 15 (xiv) Oxycodone;
- 16 (xv) Oxymorphone;
- 17 (xvi) Oripavine;
- 18 (xvii) Thebaine; and
- 19 (xviii) Dihydroetorphine;
- 20 (2) Any salt, compound, derivative, or preparation
- 21 thereof which is chemically equivalent to or identical with any of
- 22 the substances referred to in subdivision (1) of this subdivision,
- 23 except that these substances shall not include the isoquinoline
- 24 alkaloids of opium;
- 25 (3) Opium poppy and poppy straw;

1 (4) Coca leaves and any salt, compound, derivative, or
2 preparation of coca leaves, and any salt, compound, derivative, or
3 preparation thereof which is chemically equivalent to or identical
4 with any of these substances, including cocaine and its salts,
5 optical isomers, and salts of optical isomers, except that the
6 substances shall not include decocainized coca leaves or extractions
7 which do not contain cocaine or ecgonine; and

8 (5) Concentrate of poppy straw, the crude extract of
9 poppy straw in either liquid, solid, or powder form which contains
10 the phenanthrene alkaloids of the opium poppy.

11 (b) Unless specifically excepted or unless in another
12 schedule any of the following opiates, including their isomers,
13 esters, ethers, salts, and salts of their isomers, esters, and ethers
14 whenever the existence of such isomers, esters, ethers, and salts is
15 possible within the specific chemical designation, dextrorphan
16 excepted:

- 17 (1) Alphaprodine;
18 (2) Anileridine;
19 (3) Bezitramide;
20 (4) Diphenoxylate;
21 (5) Fentanyl;
22 (6) Isomethadone;
23 (7) Levomethorphan;
24 (8) Levorphanol;
25 (9) Metazocine;

- 1 (10) Methadone;
- 2 (11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-
- 3 diphenyl butane;
- 4 (12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-
- 5 diphenylpropane-carboxylic acid;
- 6 (13) Pethidine or meperidine;
- 7 (14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 8 phenylpiperidine;
- 9 (15) Pethidine-Intermediate-B, ethyl-4-
- 10 phenylpiperidine-4-carboxylate;
- 11 (16) Pethidine-Intermediate-C, 1-methyl-4-
- 12 phenylpiperidine-4-carboxylic acid;
- 13 (17) Phenazocine;
- 14 (18) Piminodine;
- 15 (19) Racemethorphan;
- 16 (20) Racemorphan;
- 17 (21) Dihydrocodeine;
- 18 (22) Bulk Propoxyphene in nondosage forms;
- 19 (23) Sufentanil;
- 20 (24) Alfentanil;
- 21 (25) Levo-alpha-acetylmethadol which is also known as levo-
- 22 alpha-acetylmethadol, levomethadyl acetate, and LAAM;
- 23 (26) Carfentanil;
- 24 (27) Remifentanil; and
- 25 (28) Tapentadol.

1 (c) Any material, compound, mixture, or preparation which
2 contains any quantity of the following substances having a potential
3 for abuse associated with a stimulant effect on the central nervous
4 system:

5 (1) Amphetamine, its salts, optical isomers, and salts of
6 its optical isomers;

7 (2) Phenmetrazine and its salts;

8 (3) Methamphetamine, its salts, isomers, and salts of its
9 isomers; and

10 (4) Methylphenidate.

11 (d) Any material, compound, mixture, or preparation which
12 contains any quantity of the following substances having a potential
13 for abuse associated with a depressant effect on the central nervous
14 system, including their salts, isomers, and salts of isomers whenever
15 the existence of such salts, isomers, and salts of isomers is
16 possible within the specific chemical designations:

17 (1) Amobarbital;

18 (2) Secobarbital;

19 (3) Pentobarbital;

20 (4) Phencyclidine; and

21 (5) Glutethimide.

22 (e) Hallucinogenic substances known as:

23 (1) Nabilone. Another name for nabilone: (+/-)-trans-3-
24 (1,1-dimethylheptyl)- 6,6a,7,8,10,10a-Hexahydro-1-hydroxy-6,6-
25 dimethyl-9H-dibenzo(b,d)pyran-9-one.

1 (f) Unless specifically excepted or unless listed in
2 another schedule, any material, compound, mixture, or preparation
3 which contains any quantity of the following substances:

4 (1) Immediate precursor to amphetamine and
5 methamphetamine: Phenylacetone. Trade and other names shall include,
6 but are not limited to: Phenyl-2-propanone; P2P; benzyl methyl
7 ketone; and methyl benzyl ketone; or

8 (2) Immediate precursors to phencyclidine, PCP:

9 (i) 1-phenylcyclohexylamine; or

10 (ii) 1-piperidinocyclohexanecarbonitrile, PCC.

11 Schedule III

12 (a) Any material, compound, mixture, or preparation which
13 contains any quantity of the following substances having a potential
14 for abuse associated with a stimulant effect on the central nervous
15 system, including their salts, isomers, whether optical, position, or
16 geometric, and salts of such isomers whenever the existence of such
17 salts, isomers, and salts of isomers is possible within the specific
18 chemical designation:

19 (1) Benzphetamine;

20 (2) Chlorphentermine;

21 (3) Clortermine; and

22 (4) Phendimetrazine.

23 (b) Any material, compound, mixture, or preparation which
24 contains any quantity of the following substances having a potential
25 for abuse associated with a depressant effect on the central nervous

1 system:

- 2 (1) Any substance which contains any quantity of a
3 derivative of barbituric acid or any salt of a derivative of
4 barbituric acid, except those substances which are specifically
5 listed in other schedules of this section;
- 6 (2) Chlorhexadol;
- 7 (3) Lysergic acid;
- 8 (4) Lysergic acid amide;
- 9 (5) Methyprylon;
- 10 (6) Sulfondiethylmethane;
- 11 (7) Sulfonethylmethane;
- 12 (8) Sulfonmethane;
- 13 (9) Nalorphine;
- 14 (10) Any compound, mixture, or preparation containing
15 amobarbital, secobarbital, pentobarbital, or any salt thereof and one
16 or more other active medicinal ingredients which are not listed in
17 any schedule;
- 18 (11) Any suppository dosage form containing amobarbital,
19 secobarbital, pentobarbital, or any salt of any of these drugs and
20 approved by the Food and Drug Administration for marketing only as a
21 suppository;
- 22 (12) Any drug product containing gamma-hydroxybutyric
23 acid, including its salts, isomers, and salts of isomers, for which
24 an application is approved under section 505 of the Federal Food,
25 Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on

1 July 20, 2002;

2 (13) Ketamine, its salts, isomers, and salts of isomers.
3 Some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-
4 (methylamino)-cyclohexanone; and

5 (14) Tiletamine and zolazepam or any salt thereof. Trade
6 or other names for a tiletamine-zolazepam combination product shall
7 include, but are not limited to: telazol. Trade or other names for
8 tiletamine shall include, but are not limited to: 2-(ethylamino)-2-
9 (2-thienyl)-cyclohexanone. Trade or other names for zolazepam shall
10 include, but are not limited to: 4-(2-fluorophenyl)-6,8-
11 dihydro-1,3,8-trimethylpyrazolo-(3,4-e) (1,4)-diazepin-7(1H)-one, and
12 flupyrzapon.

13 (c) Unless specifically excepted or unless listed in
14 another schedule:

15 (1) Any material, compound, mixture, or preparation
16 containing limited quantities of any of the following narcotic drugs,
17 or any salts calculated as the free anhydrous base or alkaloid, in
18 limited quantities as set forth below:

19 (i) Not more than one and eight-tenths grams of codeine
20 per one hundred milliliters or not more than ninety milligrams per
21 dosage unit, with an equal or greater quantity of an isoquinoline
22 alkaloid of opium;

23 (ii) Not more than one and eight-tenths grams of codeine
24 per one hundred milliliters or not more than ninety milligrams per
25 dosage unit, with one or more active, nonnarcotic ingredients in

1 recognized therapeutic amounts;

2 (iii) Not more than three hundred milligrams of
3 dihydrocodeinone which is also known as hydrocodone per one hundred
4 milliliters or not more than fifteen milligrams per dosage unit, with
5 a fourfold or greater quantity of an isoquinoline alkaloid of opium;

6 (iv) Not more than three hundred milligrams of
7 dihydrocodeinone which is also known as hydrocodone per one hundred
8 milliliters or not more than fifteen milligrams per dosage unit, with
9 one or more active, nonnarcotic ingredients in recognized therapeutic
10 amounts;

11 (v) Not more than one and eight-tenths grams of
12 dihydrocodeine per one hundred milliliters or not more than ninety
13 milligrams per dosage unit, with one or more active, nonnarcotic
14 ingredients in recognized therapeutic amounts;

15 (vi) Not more than three hundred milligrams of
16 ethylmorphine per one hundred milliliters or not more than fifteen
17 milligrams per dosage unit, with one or more active, nonnarcotic
18 ingredients in recognized therapeutic amounts;

19 (vii) Not more than five hundred milligrams of opium per
20 one hundred milliliters or per one hundred grams, or not more than
21 twenty-five milligrams per dosage unit, with one or more active,
22 nonnarcotic ingredients in recognized therapeutic amounts; and

23 (viii) Not more than fifty milligrams of morphine per one
24 hundred milliliters or per one hundred grams with one or more active,
25 nonnarcotic ingredients in recognized therapeutic amounts; and

1 (2) Any material, compound, mixture, or preparation
2 containing any of the following narcotic drug or its salts, as set
3 forth below:

4 (i) Buprenorphine.

5 (d) Unless contained on the administration's list of
6 exempt anabolic steroids as the list existed on June 1, 2007, any
7 anabolic steroid, which shall include any material, compound,
8 mixture, or preparation containing any quantity of the following
9 substances, including its salts, isomers, and salts of isomers
10 whenever the existence of such salts of isomers is possible within
11 the specific chemical designation:

12 (1) Boldenone;

13 (2) Boldione;

14 (3) Chlorotestosterone (4-chlortestosterone);

15 (4) Clostebol;

16 (5) Dehydrochloromethyltestosterone;

17 (6) Desoxymethyltestosterone;

18 (7) Dihydrotestosterone (4-dihydrotestosterone);

19 (8) Drostanolone;

20 (9) Ethylestrenol;

21 (10) Fluoxymesterone;

22 (11) Formebolone (formebolone);

23 (12) Mesterolone;

24 (13) Methandienone;

25 (14) Methandranone;

- 1 (15) Methandriol;
- 2 (16) Methandrostenolone;
- 3 (17) Methenolone;
- 4 (18) Methyltestosterone;
- 5 (19) Mibolerone;
- 6 (20) Nandrolone;
- 7 (21) Norethandrolone;
- 8 (22) Oxandrolone;
- 9 (23) Oxymesterone;
- 10 (24) Oxymetholone;
- 11 (25) Stanolone;
- 12 (26) Stanozolol;
- 13 (27) Testolactone;
- 14 (28) Testosterone;
- 15 (29) Trenbolone;
- 16 (30) 19-nor-4,9(10)-androstadienedione; and
- 17 (31) Any salt, ester, or ether of a drug or substance
- 18 described or listed in this subdivision if the salt, ester, or ether
- 19 promotes muscle growth.

20 (e) Hallucinogenic substances known as:

- 21 (1) Dronabinol, synthetic, in sesame oil and encapsulated
- 22 in a soft gelatin capsule in a Food and Drug Administration approved
- 23 drug product. Some other names for dronabinol are (6aR-trans)-6a,
- 24 7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d)pyran-1-
- 25 ol or (-)-delta-9-(trans)-tetrahydrocannabinol.

1 Schedule IV

2 (a) Any material, compound, mixture, or preparation which
3 contains any quantity of the following substances, including their
4 salts, isomers, and salts of isomers whenever the existence of such
5 salts, isomers, and salts of isomers is possible within the specific
6 chemical designation:

- 7 (1) Barbital;
- 8 (2) Chloral betaine;
- 9 (3) Chloral hydrate;
- 10 (4) Chlordiazepoxide, but not including librax
11 (chlordiazepoxide hydrochloride and clindinium bromide) or menrium
12 (chlordiazepoxide and water soluble esterified estrogens);
- 13 (5) Clonazepam;
- 14 (6) Clorazepate;
- 15 (7) Diazepam;
- 16 (8) Ethchlorvynol;
- 17 (9) Ethinamate;
- 18 (10) Flurazepam;
- 19 (11) Mebutamate;
- 20 (12) Meprobamate;
- 21 (13) Methohexital;
- 22 (14) Methylphenobarbital;
- 23 (15) Oxazepam;
- 24 (16) Paraldehyde;
- 25 (17) Petrichloral;

- 1 (18) Phenobarbital;
- 2 (19) Prazepam;
- 3 (20) Alprazolam;
- 4 (21) Bromazepam;
- 5 (22) Camazepam;
- 6 (23) Clobazam;
- 7 (24) Clotiazepam;
- 8 (25) Cloxazolam;
- 9 (26) Delorazepam;
- 10 (27) Estazolam;
- 11 (28) Ethyl loflazepate;
- 12 (29) Fludiazepam;
- 13 (30) Flunitrazepam;
- 14 (31) Halazepam;
- 15 (32) Haloxazolam;
- 16 (33) Ketazolam;
- 17 (34) Loprazolam;
- 18 (35) Lorazepam;
- 19 (36) Lormetazepam;
- 20 (37) Medazepam;
- 21 (38) Nimetazepam;
- 22 (39) Nitrazepam;
- 23 (40) Nordiazepam;
- 24 (41) Oxazolam;
- 25 (42) Pinazepam;

- 1 (43) Temazepam;
2 (44) Tetrazepam;
3 (45) Triazolam;
4 (46) Midazolam;
5 (47) Quazepam;
6 (48) Zolpidem;
7 (49) Dichloralphenazone; and
8 (50) Zaleplon.

9 (b) Any material, compound, mixture, or preparation which
10 contains any quantity of the following substance, including its
11 salts, isomers, whether optical, position, or geometric, and salts of
12 such isomers, whenever the existence of such salts, isomers, and
13 salts of isomers is possible: Fenfluramine.

14 (c) Unless specifically excepted or unless listed in
15 another schedule, any material, compound, mixture, or preparation
16 which contains any quantity of the following substances having a
17 stimulant effect on the central nervous system, including their
18 salts, isomers, whether optical, position, or geometric, and salts of
19 such isomers whenever the existence of such salts, isomers, and salts
20 of isomers is possible within the specific chemical designation:

- 21 (1) Diethylpropion;
22 (2) Phentermine;
23 (3) Pemoline, including organometallic complexes and
24 chelates thereof;
25 (4) Mazindol;

1 (5) Pipradrol;

2 (6) SPA, ((-)-1-dimethylamino- 1,2-diphenylethane);

3 (7) Cathine. Another name for cathine is ((+)-
4 norpseudoephedrine);

5 (8) Fencamfamin;

6 (9) Fenproporex;

7 (10) Mefenorex;

8 (11) Modafinil; and

9 (12) Sibutramine.

10 (d) Unless specifically excepted or unless listed in
11 another schedule, any material, compound, mixture, or preparation
12 which contains any quantity of the following narcotic drugs, or their
13 salts or isomers calculated as the free anhydrous base or alkaloid,
14 in limited quantities as set forth below:

15 (1) Propoxyphene in manufactured dosage forms; and

16 (2) Not more than one milligram of difenoxin and not less
17 than twenty-five micrograms of atropine sulfate per dosage unit.

18 (e) Unless specifically excepted or unless listed in
19 another schedule, any material, compound, mixture, or preparation
20 which contains any quantity of the following substance, including its
21 salts: Pentazocine.

22 (f) Unless specifically excepted or unless listed in
23 another schedule, any material, compound, mixture, or preparation
24 which contains any quantity of the following substance, including its
25 salts, isomers, and salts of such isomers: Butorphanol.

1 (g)(1) Unless specifically excepted or unless listed in
2 another schedule, any material, compound, mixture, or preparation
3 which contains any quantity of the following substance, including its
4 salts, optical isomers, and salts of such optical isomers: Ephedrine.

5 (2) The following drug products containing ephedrine, its
6 salts, optical isomers, and salts of such optical isomers, are
7 excepted from subdivision (g)(1) of Schedule IV if they (A) are
8 stored behind a counter, in an area not accessible to customers, or
9 in a locked case so that a customer needs assistance from an employee
10 to access the drug product; (B) are sold by a person, eighteen years
11 of age or older, in the course of his or her employment to a customer
12 eighteen years of age or older with the following restrictions: No
13 customer shall be allowed to purchase, receive, or otherwise acquire
14 more than three and six-tenths grams of ephedrine base during a
15 twenty-four-hour period; no customer shall purchase, receive, or
16 otherwise acquire more than nine grams of ephedrine base during a
17 thirty-day period; and the customer shall display a valid driver's or
18 operator's license, a Nebraska state identification card, a military
19 identification card, an alien registration card, or a passport as
20 proof of identification; (C) are labeled and marketed in a manner
21 consistent with the pertinent OTC Tentative Final or Final Monograph;
22 (D) are manufactured and distributed for legitimate medicinal use in
23 a manner that reduces or eliminates the likelihood of abuse; and (E)
24 are not marketed, advertised, or represented in any manner for the
25 indication of stimulation, mental alertness, euphoria, ecstasy, a

1 buzz or high, heightened sexual performance, or increased muscle
2 mass:

3 (i) Primatene Tablets;

4 (ii) Bronkaid Dual Action Caplets; and

5 (iii) Pazo Hemorrhoidal Ointment.

6 Schedule V

7 (a) Any compound, mixture, or preparation containing any
8 of the following limited quantities of narcotic drugs or salts
9 calculated as the free anhydrous base or alkaloid, which shall
10 include one or more nonnarcotic active medicinal ingredients in
11 sufficient proportion to confer upon the compound, mixture, or
12 preparation valuable medicinal qualities other than those possessed
13 by the narcotic drug alone:

14 (1) Not more than two hundred milligrams of codeine per
15 one hundred milliliters or per one hundred grams;

16 (2) Not more than one hundred milligrams of
17 dihydrocodeine per one hundred milliliters or per one hundred grams;

18 (3) Not more than one hundred milligrams of ethylmorphine
19 per one hundred milliliters or per one hundred grams;

20 (4) Not more than two and five-tenths milligrams of
21 diphenoxylate and not less than twenty-five micrograms of atropine
22 sulfate per dosage unit;

23 (5) Not more than one hundred milligrams of opium per one
24 hundred milliliters or per one hundred grams; and

25 (6) Not more than five-tenths milligram of difenoxin and

1 not less than twenty-five micrograms of atropine sulfate per dosage
2 unit.

3 (b) Unless specifically exempted or excluded or unless
4 listed in another schedule, any material, compound, mixture, or
5 preparation which contains any quantity of the following substances
6 having a stimulant effect on the central nervous system, including
7 its salts, isomers, and salts of isomers: Pyrovalerone.

8 Sec. 2. Section 28-416, Revised Statutes Cumulative
9 Supplement, 2010, is amended to read:

10 28-416 (1) Except as authorized by the Uniform Controlled
11 Substances Act, it shall be unlawful for any person knowingly or
12 intentionally: (a) To manufacture, distribute, deliver, dispense, or
13 possess with intent to manufacture, distribute, deliver, or dispense
14 a controlled substance; or (b) to create, distribute, or possess with
15 intent to distribute a counterfeit controlled substance.

16 (2) Except as provided in subsections (4), (5), (7), (8),
17 (9), and (10) of this section, any person who violates subsection (1)
18 of this section with respect to: (a) A controlled substance
19 classified in Schedule I, II, or III of section 28-405 which is an
20 exceptionally hazardous drug shall be guilty of a Class II felony;
21 (b) any other controlled substance classified in Schedule I, II, or
22 III of section 28-405 shall be guilty of a Class III felony; or (c) a
23 controlled substance classified in Schedule IV or V of section 28-405
24 shall be guilty of a Class IIIA felony.

25 (3) A person knowingly or intentionally possessing a

1 controlled substance, except marijuana or any substance containing a
2 quantifiable amount of the substances, chemicals, or compounds
3 described, defined, or delineated in subdivision (c)(35) of Schedule
4 I of section 28-405, unless such substance was obtained directly or
5 pursuant to a medical order issued by a practitioner authorized to
6 prescribe while acting in the course of his or her professional
7 practice, or except as otherwise authorized by the act, shall be
8 guilty of a Class IV felony.

9 (4)(a) Except as authorized by the Uniform Controlled
10 Substances Act, any person eighteen years of age or older who
11 knowingly or intentionally manufactures, distributes, delivers,
12 dispenses, or possesses with intent to manufacture, distribute,
13 deliver, or dispense a controlled substance or a counterfeit
14 controlled substance (i) to a person under the age of eighteen years,
15 (ii) in, on, or within one thousand feet of the real property
16 comprising a public or private elementary, vocational, or secondary
17 school, a community college, a public or private college, junior
18 college, or university, or a playground, or (iii) within one hundred
19 feet of a public or private youth center, public swimming pool, or
20 video arcade facility shall be punished by the next higher penalty
21 classification than the penalty prescribed in subsection (2), (7),
22 (8), (9), or (10) of this section, depending upon the controlled
23 substance involved, for the first violation and for a second or
24 subsequent violation shall be punished by the next higher penalty
25 classification than that prescribed for a first violation of this

1 subsection, but in no event shall such person be punished by a
2 penalty greater than a Class IB felony.

3 (b) For purposes of this subsection:

4 (i) Playground shall mean any outdoor facility, including
5 any parking lot appurtenant to the facility, intended for recreation,
6 open to the public, and with any portion containing three or more
7 apparatus intended for the recreation of children, including sliding
8 boards, swingsets, and teeterboards;

9 (ii) Video arcade facility shall mean any facility
10 legally accessible to persons under eighteen years of age, intended
11 primarily for the use of pinball and video machines for amusement,
12 and containing a minimum of ten pinball or video machines; and

13 (iii) Youth center shall mean any recreational facility
14 or gymnasium, including any parking lot appurtenant to the facility
15 or gymnasium, intended primarily for use by persons under eighteen
16 years of age which regularly provides athletic, civic, or cultural
17 activities.

18 (5)(a) Except as authorized by the Uniform Controlled
19 Substances Act, it shall be unlawful for any person eighteen years of
20 age or older to knowingly and intentionally employ, hire, use, cause,
21 persuade, coax, induce, entice, seduce, or coerce any person under
22 the age of eighteen years to manufacture, transport, distribute,
23 carry, deliver, dispense, prepare for delivery, offer for delivery,
24 or possess with intent to do the same a controlled substance or a
25 counterfeit controlled substance.

1 (b) Except as authorized by the Uniform Controlled
2 Substances Act, it shall be unlawful for any person eighteen years of
3 age or older to knowingly and intentionally employ, hire, use, cause,
4 persuade, coax, induce, entice, seduce, or coerce any person under
5 the age of eighteen years to aid and abet any person in the
6 manufacture, transportation, distribution, carrying, delivery,
7 dispensing, preparation for delivery, offering for delivery, or
8 possession with intent to do the same of a controlled substance or a
9 counterfeit controlled substance.

10 (c) Any person who violates subdivision (a) or (b) of
11 this subsection shall be punished by the next higher penalty
12 classification than the penalty prescribed in subsection (2), (7),
13 (8), (9), or (10) of this section, depending upon the controlled
14 substance involved, for the first violation and for a second or
15 subsequent violation shall be punished by the next higher penalty
16 classification than that prescribed for a first violation of this
17 subsection, but in no event shall such person be punished by a
18 penalty greater than a Class IB felony.

19 (6) It shall not be a defense to prosecution for
20 violation of subsection (4) or (5) of this section that the defendant
21 did not know the age of the person through whom the defendant
22 violated such subsection.

23 (7) Any person who violates subsection (1) of this
24 section with respect to cocaine or any mixture or substance
25 containing a detectable amount of cocaine in a quantity of:

1 (a) One hundred forty grams or more shall be guilty of a
2 Class IB felony;

3 (b) At least twenty-eight grams but less than one hundred
4 forty grams shall be guilty of a Class IC felony; or

5 (c) At least ten grams but less than twenty-eight grams
6 shall be guilty of a Class ID felony.

7 (8) Any person who violates subsection (1) of this
8 section with respect to base cocaine (crack) or any mixture or
9 substance containing a detectable amount of base cocaine in a
10 quantity of:

11 (a) One hundred forty grams or more shall be guilty of a
12 Class IB felony;

13 (b) At least twenty-eight grams but less than one hundred
14 forty grams shall be guilty of a Class IC felony; or

15 (c) At least ten grams but less than twenty-eight grams
16 shall be guilty of a Class ID felony.

17 (9) Any person who violates subsection (1) of this
18 section with respect to heroin or any mixture or substance containing
19 a detectable amount of heroin in a quantity of:

20 (a) One hundred forty grams or more shall be guilty of a
21 Class IB felony;

22 (b) At least twenty-eight grams but less than one hundred
23 forty grams shall be guilty of a Class IC felony; or

24 (c) At least ten grams but less than twenty-eight grams
25 shall be guilty of a Class ID felony.

1 (10) Any person who violates subsection (1) of this
2 section with respect to amphetamine, its salts, optical isomers, and
3 salts of its isomers, or with respect to methamphetamine, its salts,
4 optical isomers, and salts of its isomers, in a quantity of:

5 (a) One hundred forty grams or more shall be guilty of a
6 Class IB felony;

7 (b) At least twenty-eight grams but less than one hundred
8 forty grams shall be guilty of a Class IC felony; or

9 (c) At least ten grams but less than twenty-eight grams
10 shall be guilty of a Class ID felony.

11 (11) Any person knowingly or intentionally possessing
12 marijuana weighing more than one ounce but not more than one pound
13 shall be guilty of a Class III misdemeanor.

14 (12) Any person knowingly or intentionally possessing
15 marijuana weighing more than one pound shall be guilty of a Class IV
16 felony.

17 (13) Any person knowingly or intentionally possessing
18 marijuana weighing one ounce or less or any substance containing a
19 quantifiable amount of the substances, chemicals, or compounds
20 described, defined, or delineated in subdivision (c)(35) of Schedule
21 I of section 28-405 shall:

22 (a) For the first offense, be guilty of an infraction,
23 receive a citation, be fined three hundred dollars, and be assigned
24 to attend a course as prescribed in section 29-433 if the judge
25 determines that attending such course is in the best interest of the

1 individual defendant;

2 (b) For the second offense, be guilty of a Class IV
3 misdemeanor, receive a citation, and be fined four hundred dollars
4 and may be imprisoned not to exceed five days; and

5 (c) For the third and all subsequent offenses, be guilty
6 of a Class IIIA misdemeanor, receive a citation, be fined five
7 hundred dollars, and be imprisoned not to exceed seven days.

8 (14) Any person convicted of violating this section, if
9 placed on probation, shall, as a condition of probation,
10 satisfactorily attend and complete appropriate treatment and
11 counseling on drug abuse provided by a program authorized under the
12 Nebraska Behavioral Health Services Act or other licensed drug
13 treatment facility.

14 (15) Any person convicted of violating this section, if
15 sentenced to the Department of Correctional Services, shall attend
16 appropriate treatment and counseling on drug abuse.

17 (16) Any person knowingly or intentionally possessing a
18 firearm while in violation of subsection (1) of this section shall be
19 punished by the next higher penalty classification than the penalty
20 prescribed in subsection (2), (7), (8), (9), or (10) of this section,
21 but in no event shall such person be punished by a penalty greater
22 than a Class IB felony.

23 (17) A person knowingly or intentionally in possession of
24 money used or intended to be used to facilitate a violation of
25 subsection (1) of this section shall be guilty of a Class IV felony.

1 (18) In addition to the penalties provided in this
2 section:

3 (a) If the person convicted or adjudicated of violating
4 this section is eighteen years of age or younger and has one or more
5 licenses or permits issued under the Motor Vehicle Operator's License
6 Act:

7 (i) For the first offense, the court may, as a part of
8 the judgment of conviction or adjudication, (A) impound any such
9 licenses or permits for thirty days and (B) require such person to
10 attend a drug education class;

11 (ii) For a second offense, the court may, as a part of
12 the judgment of conviction or adjudication, (A) impound any such
13 licenses or permits for ninety days and (B) require such person to
14 complete no fewer than twenty and no more than forty hours of
15 community service and to attend a drug education class; and

16 (iii) For a third or subsequent offense, the court may,
17 as a part of the judgment of conviction or adjudication, (A) impound
18 any such licenses or permits for twelve months and (B) require such
19 person to complete no fewer than sixty hours of community service, to
20 attend a drug education class, and to submit to a drug assessment by
21 a licensed alcohol and drug counselor; and

22 (b) If the person convicted or adjudicated of violating
23 this section is eighteen years of age or younger and does not have a
24 permit or license issued under the Motor Vehicle Operator's License
25 Act:

1 (i) For the first offense, the court may, as part of the
2 judgment of conviction or adjudication, (A) prohibit such person from
3 obtaining any permit or any license pursuant to the act for which
4 such person would otherwise be eligible until thirty days after the
5 date of such order and (B) require such person to attend a drug
6 education class;

7 (ii) For a second offense, the court may, as part of the
8 judgment of conviction or adjudication, (A) prohibit such person from
9 obtaining any permit or any license pursuant to the act for which
10 such person would otherwise be eligible until ninety days after the
11 date of such order and (B) require such person to complete no fewer
12 than twenty hours and no more than forty hours of community service
13 and to attend a drug education class; and

14 (iii) For a third or subsequent offense, the court may,
15 as part of the judgment of conviction or adjudication, (A) prohibit
16 such person from obtaining any permit or any license pursuant to the
17 act for which such person would otherwise be eligible until twelve
18 months after the date of such order and (B) require such person to
19 complete no fewer than sixty hours of community service, to attend a
20 drug education class, and to submit to a drug assessment by a
21 licensed alcohol and drug counselor.

22 A copy of an abstract of the court's conviction or
23 adjudication shall be transmitted to the Director of Motor Vehicles
24 pursuant to sections 60-497.01 to 60-497.04.

25 Sec. 3. Original sections 28-405 and 28-416, Revised

1 Statutes Cumulative Supplement, 2010, are repealed.

2 Sec. 4. Since an emergency exists, this act takes effect

3 when passed and approved according to law.