

AMENDMENTS TO LB643

Introduced by Garrett, 3.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 11 of this act shall be known and may be
4 cited as the Cannabis Compassion and Care Act.

5 Sec. 2. (1) The Legislature finds that:

6 (a) Modern medical research has discovered beneficial uses for
7 cannabis in treating or alleviating the pain, nausea, and other symptoms
8 associated with a variety of debilitating medical conditions, as found by
9 the National Academy of Sciences' Institute of Medicine in March 1999;

10 (b) Subsequent studies since the 1999 National Academy of Sciences'
11 Institute of Medicine report continue to show the therapeutic value of
12 cannabis in treating a wide array of debilitating medical conditions,
13 including increasing the chances of patients finishing their treatments
14 for human immunodeficiency virus, acquired immunodeficiency syndrome, and
15 hepatitis C;

16 (c) Data from the Federal Bureau of Investigation's uniform crime
17 reports and the Compendium of Federal Justice Statistics show that
18 approximately ninety-nine out of every one hundred cannabis arrests in
19 the United States are made under state law, rather than under federal
20 law. Consequently, changing state law will have the practical effect of
21 protecting from arrest the vast majority of seriously ill patients who
22 have a medical need to use cannabis;

23 (d) Although federal law currently prohibits any use of cannabis
24 except under very limited circumstances, Alaska, Arizona, California,
25 Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois,
26 Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New
27 Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island,

1 Vermont, and Washington have removed state-level criminal penalties from
2 the medical use of cannabis. Under the Cannabis Compassion and Care Act,
3 Nebraska joins in this effort for the health and welfare of its
4 residents;

5 (e) States are not required to enforce federal law or prosecute
6 people for engaging in activities prohibited by federal law. Compliance
7 with the Cannabis Compassion and Care Act does not put the State of
8 Nebraska in violation of federal law; and

9 (f) State law should make a distinction between the medical and
10 nonmedical uses of cannabis. The purpose of the Cannabis Compassion and
11 Care Act is to protect patients with debilitating medical conditions, as
12 well as their practitioners and providers, from arrest and prosecution,
13 criminal and other penalties, and property forfeiture if such patients
14 engage in the medical use of cannabis.

15 (2) The Legislature declares that the Cannabis Compassion and Care
16 Act is enacted pursuant to the police power of the state to protect the
17 health of its residents that is reserved to the State of Nebraska and its
18 people under the Tenth amendment to the Constitution of the United
19 States.

20 Sec. 3. For purposes of the Cannabis Compassion and Care Act:

21 (1) Bona fide practitioner-patient relationship means that a patient
22 has visited or consulted with the same practitioner at least three times;

23 (2) Cardholder means a qualifying patient, a designated caregiver,
24 or a principal officer, board member, employee, volunteer, or agent of a
25 compassion center who has been issued and possesses a valid registry
26 identification card;

27 (3) Compassion board means the board created under section 11 of
28 this act;

29 (4) Cannabis means all parts of all varieties of the plant cannabis
30 whether growing or not, the seeds thereof, the resin extracted from any
31 part of the plant, and every compound, manufacture, salt, derivative,

1 mixture, or preparation of the plant, its seeds, or its resin. Cannabis
2 does not include the mature stalks of the plant, fiber produced from the
3 stalks, oil or cake made from the seeds of the plant, any other compound,
4 manufacture, salt, derivative, mixture, or preparation of the mature
5 stalks, except the resin extracted therefrom, fiber, oil, cake, or the
6 sterilized seed of the plant which is incapable of germination;

7 (5) Compassion center staffer means a principal officer, board
8 member, employee, volunteer, or agent of a compassion center who has been
9 issued and possesses a valid registry identification card;

10 (6) Debilitating medical condition means one or more of the
11 following:

12 (a) Cancer, glaucoma, positive status for human immunodeficiency
13 virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic
14 lateral sclerosis, Crohn's disease, Huntington's disease, agitation of
15 Alzheimer's disease, post-traumatic stress disorder, schizophrenia, nail
16 patella syndrome, or the treatment of these conditions;

17 (b) A chronic or debilitating disease or medical condition or its
18 treatment that produces one or more of the following: Cachexia or wasting
19 syndrome; severe pain; severe nausea; or seizures, including, but not
20 limited to, those characteristic of epilepsy or severe and persistent
21 muscle spasms, including, but not limited to, those characteristic of
22 multiple sclerosis; or

23 (c) Any other medical condition or its treatment approved by the
24 department as provided for in subsection (1) of section 6 of this act;

25 (7) Department means the Department of Health and Human Services;

26 (8) Designated caregiver means a person who is at least twenty-one
27 years of age, who has agreed to assist with a patient's medical use of
28 cannabis, and who has never been convicted of an excluded felony offense.
29 A designated caregiver may assist no more than five qualifying patients
30 with their medical use of cannabis;

31 (9) Enclosed, locked facility means a closet, room, greenhouse, or

1 other enclosed area equipped with locks or other security devices that
2 permit access only by a cardholder;

3 (10)(a) Except as provided in subdivision (b) of this subdivision,
4 excluded felony offense means:

5 (i) A crime involving violence against another person that was
6 classified as a felony in the jurisdiction where the conviction occurred;
7 or

8 (ii) A violation of a state or federal controlled substance law that
9 was classified as a felony in the jurisdiction where the conviction
10 occurred; and

11 (b) Excluded felony offense does not include:

12 (i) An offense for which the sentence, including any term of
13 probation, incarceration, or supervised release, was completed ten or
14 more years earlier; or

15 (ii) An offense that consisted of conduct for which the Cannabis
16 Compassion and Care Act would likely have prevented a conviction, but the
17 conduct either occurred prior to the enactment of the act or was
18 prosecuted by an authority other than the State of Nebraska;

19 (11) Medical use means the acquisition, possession, cultivation,
20 manufacture, use, delivery, sale, transfer, or transportation of cannabis
21 or cannabis-related materials relating to the administration of cannabis
22 to treat or alleviate a registered qualifying patient's debilitating
23 medical condition or symptoms associated with the patient's debilitating
24 medical condition;

25 (12) Practitioner means a person who is licensed to practice
26 medicine and surgery under the Medicine and Surgery Practice Act;

27 (13) Qualifying patient means a person who has been diagnosed by a
28 practitioner as having a debilitating medical condition;

29 (14) Registered compassion center means a not-for-profit entity
30 registered pursuant to section 5 of this act that acquires, possesses,
31 cultivates, manufactures, delivers, transfers, transports, supplies, or

1 dispenses cannabis or related supplies and educational materials to
2 cardholders. A registered compassion center may receive compensation for
3 all expenses incurred in its operation;

4 (15) Registry identification card means a document issued by the
5 department that identifies a person as a registered qualifying patient, a
6 registered designated caregiver, or a registered principal officer, board
7 member, employee, volunteer, or agent of a registered compassion center;

8 (16) Unusable cannabis means cannabis seeds, stalks, seedlings, and
9 unusable roots, and seedling means a cannabis plant that has no flowers
10 and is less than twelve inches in height and less than twelve inches in
11 diameter. A seedling must meet all three criteria set forth in this
12 subdivision;

13 (17) Usable cannabis means the dried leaves and flowers of the
14 cannabis plant and any mixture or preparation thereof. Usable cannabis
15 does not include the seeds, stalks, and roots of the plant and does not
16 include the weight of any noncannabis ingredients combined with cannabis
17 and prepared for consumption as food or drink;

18 (18) Verification system means a secure, password-protected, web-
19 based system that is operational twenty-four hours each day, that law
20 enforcement personnel and compassion center staffers use to verify
21 registry identification cards, and that is established and maintained by
22 the department pursuant to section 7 of this act;

23 (19) Visiting qualifying patient means a patient with a debilitating
24 medical condition who is not a resident of Nebraska or who has been a
25 resident of Nebraska less than thirty days; and

26 (20) Written certification means a document signed by a
27 practitioner, stating that in the practitioner's professional opinion the
28 patient is likely to receive therapeutic or palliative benefit from the
29 medical use of cannabis to treat or alleviate the patient's debilitating
30 medical condition or symptoms associated with the debilitating medical
31 condition. A written certification shall be made only in the course of a

1 bona fide practitioner-patient relationship after the practitioner has
2 completed a full assessment of the qualifying patient's medical history.
3 The written certification shall specify the qualifying patient's
4 debilitating medical condition.

5 Sec. 4. (1) A qualifying patient who has been issued and possesses
6 a registry identification card shall not be subject to arrest,
7 prosecution, or penalty in any manner, or denied any right or privilege,
8 including, but not limited to, civil penalty or disciplinary action by a
9 court or occupational or professional licensing board or bureau, for the
10 medical use of cannabis in accordance with the Cannabis Compassion and
11 Care Act, if the qualifying patient possesses an amount of cannabis that
12 does not exceed six ounces of usable cannabis. This subsection shall not
13 apply to matters and entities that are covered by subsection (5) or (6)
14 of this section.

15 (2) A designated caregiver who has been issued and possesses a
16 registry identification card shall not be subject to arrest, prosecution,
17 or penalty in any manner, or denied any right or privilege, including,
18 but not limited to, civil penalty or disciplinary action by a court or
19 occupational or professional licensing board or bureau, for assisting a
20 qualifying patient to whom such designated caregiver is connected through
21 the department's registration process with the medical use of cannabis in
22 accordance with the Cannabis Compassion and Care Act, if the designated
23 caregiver possesses an amount of cannabis that does not exceed six ounces
24 of usable cannabis for each qualifying patient to whom such designated
25 caregiver is connected through the department's registration process.
26 This subsection shall not apply to matters and entities that are covered
27 by subsection (5) or (6) of this section.

28 (3)(a) There shall be a presumption that a qualifying patient or
29 designated caregiver is engaged in the medical use of cannabis in
30 accordance with the Cannabis Compassion and Care Act if the qualifying
31 patient or designated caregiver:

1 (i) Is in possession of a registry identification card; and
2 (ii) Is in possession of an amount of cannabis that does not exceed
3 the amount allowed under the act.

4 (b) The presumption may be rebutted by evidence that conduct related
5 to cannabis was not for the purpose of treating or alleviating the
6 qualifying patient's debilitating medical condition or symptoms
7 associated with the debilitating medical condition, in accordance with
8 the act.

9 (4) A registered qualifying patient or designated primary caregiver
10 shall not be subject to arrest, prosecution, or penalty in any manner, or
11 denied any right or privilege, including, but not limited to, civil
12 penalty or disciplinary action by a court or occupational or professional
13 licensing board or bureau, for giving cannabis to a registered qualifying
14 patient or a registered designated caregiver for the registered
15 qualifying patient's medical use if nothing of value is transferred in
16 return, or for offering to do the same, if the person giving the cannabis
17 does not knowingly cause the recipient to possess more cannabis than is
18 permitted by this section.

19 (5)(a) No school or landlord may refuse to enroll or lease to, or
20 otherwise penalize, a person solely for such person's status as a
21 registered qualifying patient or a registered designated caregiver unless
22 failing to do so would put the school or landlord in violation of federal
23 law or regulations.

24 (b) For purposes of medical care, including organ transplants, a
25 registered qualifying patient's authorized use of cannabis in accordance
26 with the Cannabis Compassion and Care Act shall be considered the
27 equivalent of the authorized use of any other medication used at the
28 direction of a physician and shall not constitute the use of an illicit
29 substance.

30 (c) Unless a failure to do so would put an employer in violation of
31 federal law or federal regulations, an employer may not discriminate

1 against a person in hiring, termination, or any other term or condition
2 of employment or otherwise penalize a person, if the discrimination is
3 based upon either of the following:

4 (i) The person's status as a registered qualifying patient or
5 registered designated caregiver; or

6 (ii) A registered qualifying patient's positive drug test for
7 cannabis components or metabolites unless the patient used, possessed, or
8 was impaired by cannabis on the premises of the place of employment or
9 during the hours of employment.

10 (6) A person shall not be denied custody of, visitation, or
11 parenting time with a minor and there shall be no presumption of neglect
12 or child endangerment for conduct allowed under the Cannabis Compassion
13 and Care Act unless the person's behavior is such that it creates an
14 unreasonable danger to the safety of the minor as established by clear
15 and convincing evidence.

16 (7) A registered designated caregiver may receive compensation for
17 costs associated with assisting a registered qualifying patient's medical
18 use of cannabis, if the registered designated caregiver is connected to
19 the registered qualifying patient through the department's registration
20 process. Any such compensation shall not constitute the sale of
21 controlled substances.

22 (8) A practitioner shall not be subject to arrest, prosecution, or
23 penalty in any manner, or denied any right or privilege, including, but
24 not limited to, civil penalty or disciplinary action by the State Board
25 of Health or by any other occupational or professional licensing board,
26 solely for providing written certifications or for otherwise stating
27 that, in the practitioner's professional opinion, a patient is likely to
28 receive therapeutic benefit from the medical use of cannabis to treat or
29 alleviate the patient's serious or debilitating medical condition or
30 symptoms associated with the serious or debilitating medical condition.
31 Nothing in the Cannabis Compassion and Care Act shall prevent a

1 professional licensing board from sanctioning a practitioner for failing
2 to properly evaluate a patient's medical condition or otherwise violating
3 the standard of care for evaluating medical conditions.

4 (9) A person shall not be subject to arrest, prosecution, or penalty
5 in any manner, or denied any right or privilege, including, but not
6 limited to, civil penalty or disciplinary action by a court or
7 occupational or professional licensing board, for providing a registered
8 qualifying patient or a registered designated caregiver with cannabis-
9 related materials for purposes of a qualifying patient's medical use of
10 cannabis.

11 (10) Any cannabis, cannabis-related materials, licit property, or
12 interest in licit property that is possessed, owned, or used in
13 connection with the medical use of cannabis as allowed under the Cannabis
14 Compassion and Care Act, or activity incidental to such use, shall not be
15 seized or forfeited. The Cannabis Compassion and Care Act shall not
16 prevent the seizure or forfeiture of cannabis exceeding the amounts
17 allowed under the act.

18 (11) A person shall not be subject to arrest, prosecution, or
19 penalty in any manner, or denied any right or privilege, including, but
20 not limited to, civil penalty or disciplinary action by a court or
21 occupational or professional licensing board, simply for being in the
22 presence or vicinity of the medical use of cannabis as allowed under the
23 Cannabis Compassion and Care Act, or for assisting a registered
24 qualifying patient with using or administering cannabis.

25 (12) A registry identification card, or its equivalent, that is
26 issued under the laws of another state, district, territory,
27 commonwealth, or insular possession of the United States that allows, in
28 the jurisdiction of issuance, a visiting qualifying patient to possess
29 cannabis for medical purposes, shall have the same force and effect as a
30 registry identification card issued by the department.

31 Sec. 5. (1) The following provisions govern the registration of

1 compassion centers:

2 (a) The department shall register a compassion center and issue a
3 registration certificate, with a random twenty-digit alphanumeric
4 identification number, within ninety days of receiving an application for
5 a compassion center, if the following conditions are met:

6 (i) The prospective compassion center provided the following, in
7 accordance with the department's rules and regulations:

8 (A) An application or renewal fee;

9 (B) The legal name of the compassion center;

10 (C) The physical address of the compassion center and the physical
11 address of one additional location, if any, where cannabis will be
12 cultivated, neither of which may be within five hundred feet of a
13 preexisting public or private school;

14 (D) The name, address, date of birth, and social security number of
15 each principal officer and board member of the compassion center;

16 (E) The name, address, date of birth, and social security number of
17 any person who is an agent of, employed by, or volunteers for the
18 compassion center;

19 (F) Operating regulations that include procedures for the oversight
20 of the compassion center and procedures to ensure accurate record-keeping
21 and security measures, that are in accordance with the rules and
22 regulations adopted and promulgated by the department under section 6 of
23 this act; and

24 (G) If the city, village, or county in which the compassion center
25 would be located has enacted reasonable zoning restrictions, a sworn and
26 truthful statement that the registered compassion center would be in
27 compliance with those restrictions;

28 (ii) Issuing the compassion center a registration would not be in
29 violation of a reasonable limitation on the number of registered
30 compassion centers that can operate in the jurisdiction in which it would
31 operate;

1 (iii) None of the principal officers or board members have been
2 convicted of an offense that was classified as a felony in the
3 jurisdiction where the person was convicted unless the offense consisted
4 of conduct for which the Cannabis Compassion and Care Act would likely
5 have prevented a conviction, but the conduct either occurred prior to the
6 enactment of the Cannabis Compassion and Care Act or was prosecuted by an
7 authority other than the State of Nebraska;

8 (iv) None of the prospective principal officers or board members
9 have served as a principal officer or board member for a registered
10 compassion center that has had its registration certificate revoked;

11 (v) None of the principal officers or board members are younger than
12 twenty-one years of age; and

13 (vi) The compassion center has been approved for registration by the
14 compassion board.

15 (b) Except as provided in subdivision (1)(c) of this section, the
16 department shall issue each compassion center staffer a registry
17 identification card and log-in information for the verification system
18 within ten days of receipt of the person's name, address, date of birth,
19 and social security number and a fee in an amount established by the
20 department. Each card shall specify that the cardholder is a principal
21 officer, board member, agent, volunteer, or employee of a registered
22 compassion center and shall contain the following:

23 (i) The name, address, and date of birth of the compassion center
24 staffer;

25 (ii) The legal name of the registered compassion center with which
26 the compassion center staffer is affiliated;

27 (iii) A random twenty-digit alphanumeric identification number that
28 is unique to the cardholder;

29 (iv) The date of issuance and expiration date of the registry
30 identification card;

31 (v) A photograph if the department decides to require one; and

1 (vi) A statement signed by the prospective principal officer, board
2 member, agent, volunteer, or employee pledging not to divert cannabis to
3 any person who is not allowed to possess cannabis pursuant to the
4 Cannabis Compassion and Care Act.

5 (c)(i) The department shall not issue a registry identification card
6 to any compassion center staffer who has been convicted of an offense
7 that was classified as a felony in the jurisdiction where the person was
8 convicted unless the offense consisted of conduct for which the Cannabis
9 Compassion and Care Act would likely have prevented a conviction, but the
10 conduct either occurred prior to the enactment of the Cannabis Compassion
11 and Care Act or was prosecuted by an authority other than the State of
12 Nebraska. The department may conduct a criminal background check of each
13 compassion center staffer in order to carry out this subdivision. The
14 department shall notify the registered compassion center in writing of
15 the reason for denying the registry identification card.

16 (ii) The department shall not issue a registry identification card
17 to any principal officer, board member, agent, volunteer, or employee of
18 a registered compassion center who is younger than twenty-one years of
19 age.

20 (iii) The department may refuse to issue a registry identification
21 card to a compassion center staffer who has had a card revoked for
22 violating the Cannabis Compassion and Care Act.

23 (2)(a) A registered compassion center's registration certificate and
24 the registry identification card for each compassion center staffer shall
25 expire one year after the date of issuance. The department shall issue a
26 renewal compassion center registration certificate within ten days to any
27 registered compassion center that submits a renewal fee if its
28 registration is not suspended and has not been revoked. The department
29 shall issue a renewal registry identification card within ten days to any
30 compassion center staffer who submits a renewal fee except as provided by
31 subdivision (1)(c) of this section.

1 (b) A registry identification card of a compassion center staffer
2 shall expire and the person's login information to the verification
3 system shall be deactivated upon notification by a registered compassion
4 center that such person ceased to work at the registered compassion
5 center.

6 (3) Registered compassion centers are subject to reasonable
7 inspection by the department.

8 (4)(a) A registered compassion center may not be located within five
9 hundred feet of the property line of a preexisting public or private
10 school.

11 (b) A registered compassion center shall be operated on a not-for-
12 profit basis for the mutual benefit of its members and patrons. The
13 bylaws of a registered compassion center or its contracts with patrons
14 shall contain such provisions relative to the disposition of revenue and
15 receipts as may be necessary and appropriate to establish and maintain
16 its nonprofit character. A registered compassion center need not be
17 recognized as tax exempt by the Internal Revenue Service and is not
18 required to be incorporated.

19 (c) A registered compassion center shall notify the department
20 within ten days of when a compassion center staffer ceases to work at the
21 registered compassion center.

22 (d) A registered compassion center shall notify the department in
23 writing of the name, address, date of birth, and social security number
24 of any new compassion center staffer and shall submit a fee in an amount
25 established by the department for a new registry identification card
26 before a new compassion center staffer begins working at the registered
27 compassion center.

28 (e) A registered compassion center shall implement appropriate
29 security measures to deter and prevent unauthorized entrance into areas
30 containing cannabis and prevent the theft of cannabis.

31 (f) The operating documents of a registered compassion center shall

1 include procedures for the oversight of the registered compassion center
2 and procedures to ensure accurate record keeping.

3 (g) A registered compassion center is prohibited from acquiring,
4 possessing, cultivating, manufacturing, delivering, transferring,
5 transporting, supplying, or dispensing cannabis for any purpose except to
6 assist registered qualifying patients with the medical use of cannabis
7 directly or through the qualifying patients' designated caregivers.

8 (h) All principal officers and board members of a registered
9 compassion center must be residents of the State of Nebraska.

10 (i) All cultivation of cannabis must take place in an enclosed,
11 locked facility which can only be accessed by principal officers, board
12 members, agents, or employees of the registered compassion center who are
13 cardholders.

14 (j) County, city, and village governing bodies may enact reasonable
15 limits on the number of registered compassion centers that can operate in
16 their jurisdictions and may enact zoning regulations that reasonably
17 limit registered compassion centers to certain areas of their
18 jurisdictions.

19 (5)(a) Before cannabis may be dispensed to a designated caregiver or
20 a registered qualifying patient, a compassion center shall employ a
21 pharmacist licensed under the Uniform Credentialing Act. The pharmacist
22 shall dispense the cannabis. A compassion center staffer must look up the
23 registered qualifying patient for whom the cannabis is intended, and the
24 designated caregiver transporting the cannabis to the patient, if any, in
25 the verification system and must verify each of the following:

26 (i) That the registry identification card presented to the
27 registered compassion center is valid;

28 (ii) That the person presenting the card is the person identified on
29 the registry identification card presented to the compassion center
30 staffer; and

31 (iii) That the amount to be dispensed would not cause the registered

1 qualifying patient to exceed such person's limit of obtaining six ounces
2 of cannabis during any thirty-day period.

3 (b) After verifying the information in subdivision (a) of this
4 subsection, but before dispensing cannabis to a registered qualifying
5 patient or a registered designated caregiver on a registered qualifying
6 patient's behalf, a compassion center staffer must make an entry in the
7 verification system, specifying how much cannabis is being dispensed to
8 the registered qualifying patient and whether it was dispensed directly
9 to the registered qualifying patient or to the registered qualifying
10 patient's registered designated caregiver. The entry must include the
11 date and time the cannabis was dispensed.

12 (6)(a) A registered compassion center shall not be subject to
13 prosecution; search except by the department pursuant to subsection (3)
14 of this section; seizure; or penalty in any manner or be denied any right
15 or privilege, including, but not limited to, civil penalty or
16 disciplinary action by a court or business licensing board or entity,
17 solely for acting in accordance with the Cannabis Compassion and Care Act
18 and rules and regulations adopted and promulgated by the department to
19 acquire, possess, cultivate, manufacture, deliver, transfer, transport,
20 supply, or dispense cannabis or related supplies and educational
21 materials to registered qualifying patients, to registered designated
22 caregivers on behalf of registered qualifying patients, or to other
23 registered compassion centers.

24 (b) No compassion center staffers shall be subject to arrest,
25 prosecution, search, seizure, or penalty in any manner or denied any
26 right or privilege, including, but not limited to, civil penalty or
27 disciplinary action by a court or occupational or professional licensing
28 board or entity, solely for working for a registered compassion center in
29 accordance with the Cannabis Compassion and Care Act and rules and
30 regulations adopted and promulgated by the department to acquire,
31 possess, cultivate, manufacture, deliver, transfer, transport, supply, or

1 dispense cannabis or related supplies and educational materials to
2 registered qualifying patients, to registered designated caregivers on
3 behalf of registered qualifying patients, or to other registered
4 compassion centers.

5 (7)(a) A registered qualifying patient shall not directly, or
6 through a designated caregiver, obtain more than six ounces of cannabis
7 from registered compassion centers in any thirty-day period.

8 (b) A registered compassion center may not dispense, deliver, or
9 otherwise transfer cannabis to a person other than another registered
10 compassion center, a registered qualifying patient, or a registered
11 qualifying patient's registered designated caregiver.

12 (c) A registered compassion center may obtain cannabis from outside
13 the State of Nebraska from an authorized medical cannabis supplier in a
14 state which permits use of medical cannabis.

15 (d) Except as provided in subdivision (1)(c) of this section, no
16 person who has been convicted of an offense that was classified as a
17 felony in the jurisdiction where the person was convicted may be a
18 compassion center staffer. A person who works as an agent, volunteer,
19 employee, principal officer, or board member of a registered compassion
20 center in violation of this section is subject to a civil violation
21 punishable by a penalty of not to exceed one thousand dollars levied by
22 the department. A subsequent violation of this section is a Class III
23 misdemeanor.

24 (e) A registered compassion center may not acquire usable cannabis
25 or mature cannabis plants from any person other than another registered
26 compassion center or an authorized medical cannabis supplier in a state
27 which permits use of medical cannabis.

28 (f) A person who violates subdivision (b) or (e) of this subsection
29 may not be a compassion center staffer, and such person's registry
30 identification card shall be immediately revoked. The department may
31 suspend or revoke a compassion center staffer's registry identification

1 card for violating the Cannabis Compassion and Care Act.

2 (g) A registered compassion center that violates subdivision (b) or
3 (e) of this subsection shall immediately have its registration revoked,
4 and its board members and principal officers may not serve as the board
5 members or principal officers for any other registered compassion center.

6 Sec. 6. (1) Not later than one hundred twenty days after the
7 effective date of this act, the department, in consultation with the
8 compassion board, shall adopt and promulgate rules and regulations
9 governing the manner in which the department considers petitions from the
10 public to add debilitating medical conditions or treatments to the list
11 of debilitating medical conditions set forth in section 3 of this act. In
12 considering such petitions, the department shall include public notice
13 of, and an opportunity to comment in a public hearing upon, the
14 petitions. The department, after hearing, shall approve or deny a
15 petition within ninety days of its submission. The approval or denial of
16 a petition is a final department action, subject to judicial review.
17 Jurisdiction and venue for judicial review are vested in the district
18 court.

19 (2) Not later than one hundred twenty days after the effective date
20 of this act, the department, in consultation with the compassion board,
21 shall adopt and promulgate rules and regulations governing the manner in
22 which the department considers applications for and renewals of registry
23 identification cards.

24 (3)(a) Not later than one hundred twenty days after the effective
25 date of this act, the department, in consultation with the compassion
26 board, shall adopt and promulgate rules and regulations governing the
27 manner in which the department considers applications for and renewals of
28 registration certificates for registered compassion centers, including
29 reasonable rules and regulations governing:

30 (i) The form and content of registration and renewal applications;

31 (ii) Minimum oversight requirements for registered compassion

1 centers;

2 (iii) Minimum record-keeping requirements for registered compassion
3 centers;

4 (iv) Minimum security requirements for registered compassion
5 centers, which shall include that each registered compassion center
6 location must be protected by a fully operational security alarm system;
7 and

8 (v) Procedures for suspending or terminating the registration of
9 registered compassion centers that violate the Cannabis Compassion and
10 Care Act or the rules and regulations adopted and promulgated pursuant to
11 the act.

12 (b) The department, in consultation with the compassion board, shall
13 adopt and promulgate rules and regulations with the goal of protecting
14 against diversion and theft without imposing an undue burden on the
15 registered compassion centers or compromising the confidentiality of
16 registered qualifying patients and their registered designated
17 caregivers. Any dispensing records that a registered compassion center is
18 required to keep shall track transactions according to registered
19 qualifying patients', registered designated caregivers', and registered
20 compassion centers' registry identification numbers, rather than their
21 names, to protect their confidentiality.

22 (4) Not later than one hundred twenty days after the effective date
23 of this act, the department, in consultation with the compassion board,
24 shall adopt and promulgate rules and regulations establishing application
25 and renewal fees for registry identification cards and registered
26 compassion center registration certificates. The fees shall be in
27 accordance with the following parameters:

28 (a) The fees shall be used for the expenses of implementing and
29 administering the Cannabis Compassion and Care Act;

30 (b) Compassion center application fees may not exceed five thousand
31 dollars;

1 (c) Compassion center renewal fees may not exceed one thousand
2 dollars;

3 (d) The total revenue from compassion center application and renewal
4 fees and registry identification card fees for compassion center staffers
5 must be allocated to offset the expenses of implementing and
6 administering the compassion center aspects of the Cannabis Compassion
7 and Care Act, including the verification system; and

8 (e) The department may accept donations from private sources in
9 order to reduce the application and renewal fees.

10 Sec. 7. (1) The department shall issue registry identification
11 cards to qualifying patients who submit the following, in accordance with
12 the rules and regulations adopted and promulgated by the department:

13 (a) Written certification;

14 (b) Application or renewal fee;

15 (c) Name, address, date of birth, and social security number of the
16 qualifying patient;

17 (d) Name, address, and telephone number of the qualifying patient's
18 practitioner;

19 (e) Name, address, date of birth, and social security number of the
20 designated caregiver designated, if any, by the qualifying patient;

21 (f) A statement signed by the qualifying patient pledging not to
22 divert cannabis to anyone who is not allowed to possess cannabis pursuant
23 to the Cannabis Compassion and Care Act; and

24 (g) A signed statement from the designated caregiver, if any,
25 agreeing to be designated as the patient's designated caregiver and
26 pledging not to divert cannabis to anyone who is not allowed to possess
27 cannabis pursuant to the Cannabis Compassion and Care Act.

28 (2) The department shall not issue a registry identification card to
29 a qualifying patient who is younger than eighteen years of age unless:

30 (a) The qualifying patient's practitioner has explained the
31 potential risks and benefits of the medical use of cannabis to the

1 custodial parent or legal guardian with responsibility for health care
2 decisions for the qualifying patient; and

3 (b) The custodial parent or legal guardian with responsibility for
4 health care decisions for the qualifying patient consents in writing to:

5 (i) Allow the qualifying patient's medical use of cannabis;

6 (ii) Serve as the qualifying patient's designated caregiver; and

7 (iii) Control the acquisition of the cannabis and the dosage and the
8 frequency of the medical use of cannabis by the qualifying patient.

9 (3) The department shall verify the information contained in an
10 application or renewal submitted pursuant to this section and shall
11 approve or deny an application or renewal within fifteen days of
12 receiving it. The department may deny an application or renewal only if
13 the applicant did not provide the information required pursuant to this
14 section, the applicant previously had a registry identification card
15 revoked for violating the Cannabis Compassion and Care Act, or the
16 department determines that the information provided was falsified.
17 Rejection of an application or renewal is considered a final department
18 action subject to judicial review. Jurisdiction and venue for judicial
19 review are vested in the district court.

20 (4) The department shall issue a registry identification card to the
21 designated caregiver, if any, who is named in a qualifying patient's
22 approved application, up to a maximum of one designated caregiver per
23 qualifying patient, if the designated caregiver meets the requirements of
24 subdivision (8) of section 3 of this act. The department shall notify the
25 qualifying patient who has designated a person to serve as the patient's
26 designated caregiver if a registry identification card will not be issued
27 to the designated person. A designated caregiver shall be issued a
28 registry identification card each time the designated caregiver is
29 designated by a qualifying patient.

30 (5) The department shall issue registry identification cards to
31 qualifying patients and to designated caregivers within five business

1 days after approving an application or renewal. Each registry
2 identification card shall expire one year after the date of issuance,
3 unless the practitioner states in the written certification that the
4 practitioner believes the qualifying patient would benefit from medical
5 cannabis only until a specified earlier date, then the registry
6 identification card shall expire on that date. Registry identification
7 cards shall contain all of the following:

8 (a) Name, address, and date of birth of the qualifying patient;

9 (b) Name, address, and date of birth of the designated caregiver, if
10 any, of the qualifying patient;

11 (c) The date of issuance and expiration date of the registry
12 identification card;

13 (d) A random twenty-digit alphanumeric identification number,
14 containing at least four numbers and at least four letters, that is
15 unique to the cardholder;

16 (e) If the cardholder is a designated caregiver, the random
17 identification number of the registered qualifying patient that the
18 designated caregiver is assisting; and

19 (f) A photograph if the department decides to require one.

20 (6) The following notifications and department responses are
21 required:

22 (a) A registered qualifying patient shall notify the department of
23 any change of name, address, or designated caregiver or if the registered
24 qualifying patient ceases to have a debilitating medical condition,
25 within ten days of such change;

26 (b) A registered qualifying patient who fails to notify the
27 department of any of these changes is subject to a civil penalty of no
28 more than one hundred fifty dollars levied by the department. If the
29 registered qualifying patient's certifying practitioner notifies the
30 department in writing that either the registered qualifying patient has
31 ceased to suffer from a debilitating medical condition or that the

1 practitioner no longer believes the patient would receive therapeutic or
2 palliative benefit from the medical use of cannabis, the card is null and
3 void upon notification by the department to the qualifying patient;

4 (c) Any registered designated caregiver or compassion center staffer
5 must notify the department of any change in name or address within ten
6 days of such change. A registered designated caregiver or compassion
7 center staffer who fails to notify the department of any of these changes
8 is subject to a civil penalty of no more than one hundred fifty dollars
9 levied by the department;

10 (d) When a cardholder notifies the department of any changes listed
11 in this subsection, the department shall issue the cardholder a new
12 registry identification card with new random twenty-digit alphanumeric
13 identification numbers within ten days of receiving the updated
14 information and a ten-dollar fee. If the person notifying the department
15 is a registered qualifying patient, the department shall also issue the
16 patient's registered designated caregiver, if any, a new registry
17 identification card within ten days of receiving the updated information;

18 (e) When a registered qualifying patient ceases to be a registered
19 qualifying patient or changes the registered designated caregiver, the
20 department shall notify the designated caregiver within ten days. The
21 registered designated caregiver's protections under the Cannabis
22 Compassion and Care Act as to that qualifying patient shall expire ten
23 days after notification by the department; and

24 (f) If a cardholder loses the registry identification card, the
25 cardholder shall notify the department and submit a ten-dollar fee within
26 ten days of losing the card. Within five business days after such
27 notification, the department shall issue a new registry identification
28 card with a new random identification number to the cardholder and, if
29 the cardholder is a registered qualifying patient, to the registered
30 qualifying patient's registered designated caregiver, if any.

31 (7) Mere possession of, or application for, a registry

1 identification card shall not constitute probable cause or reasonable
2 suspicion, nor shall it be used to support the search of the person or
3 property of the person possessing or applying for the registry
4 identification card. The possession of or application for a registry
5 identification card shall not preclude the existence of probable cause if
6 probable cause exists on other grounds.

7 (8) The following confidentiality rules shall apply:

8 (a) Applications and supporting information submitted by qualifying
9 patients and designated caregivers, including information regarding their
10 designated caregivers and practitioners, are confidential;

11 (b) Applications and supporting information submitted by compassion
12 centers and compassion center personnel operating in compliance with the
13 Cannabis Compassion and Care Act, including the physical addresses of
14 compassion centers, are confidential;

15 (c) The department shall maintain a confidential list of the persons
16 to whom the department has issued registry identification cards.
17 Individual names and other identifying information on the list shall be
18 confidential and exempt from disclosure under section 84-712.01 except to
19 authorized employees of the department as necessary to perform official
20 duties of the department and as provided in this subsection.

21 (d) Within one hundred twenty days after the effective date of this
22 act, the department shall establish a secure, password-protected, web-
23 based verification system that is operational twenty-four hours each day,
24 which law enforcement personnel and compassion center staffers can use to
25 verify registry identification cards. The verification system shall allow
26 law enforcement personnel and compassion center staffers to enter in a
27 registry identification number to determine whether or not the number
28 corresponds with a current, valid identification card. The system shall
29 disclose the name and photograph of the cardholder but shall not disclose
30 the cardholder's address. The system shall also display the amount and
31 quantity of cannabis that each registered qualifying patient received

1 from compassion centers during the past sixty days. The system shall
2 allow compassion center staffers to add the amount of cannabis dispensed
3 to registered qualifying patients, directly or through their designated
4 caregivers, and the date and time the cannabis was dispensed. The
5 verification system shall include the following data security features:

6 (i) Any time an authorized user enters five invalid registry
7 identification numbers within five minutes, that user cannot log in to
8 the system again for ten minutes; and

9 (ii) The server must reject any log-in request that is not over an
10 encrypted connection;

11 (e) Any hard drives containing cardholder information must be
12 destroyed once they are no longer in use, and the department shall retain
13 a signed statement from a department employee confirming the destruction;
14 and

15 (f)(i) It shall be a Class II misdemeanor for any person, including
16 an employee or official of the department or another state agency or
17 local government, to breach the confidentiality of information obtained
18 pursuant to the Cannabis Compassion and Care Act; and

19 (ii) This section shall not prevent the following notifications:

20 (A) Department employees may notify law enforcement about falsified
21 or fraudulent information submitted to the department, so long as the
22 employee who suspects that falsified or fraudulent information has been
23 submitted confers with such employee's supervisor and both agree that
24 circumstances exist that warrant reporting;

25 (B) The department may notify state or local law enforcement about
26 apparent criminal violations of the Cannabis Compassion and Care Act if
27 the employee who suspects the offense confers with such employee's
28 supervisor and both agree that circumstances exist that warrant
29 reporting; and

30 (C) Compassion center staffers may notify the department of a
31 suspected violation or attempted violation of the Cannabis Compassion and

1 Care Act or the rules and regulations adopted and promulgated pursuant to
2 the act.

3 (9) Any cardholder who sells cannabis to a person who is not allowed
4 to possess cannabis for medical purposes under the Cannabis Compassion
5 and Care Act shall have the cardholder's identification card revoked and
6 shall be subject to other penalties for the unauthorized sale of
7 cannabis. The department may revoke the registry identification card of
8 any cardholder who violates the Cannabis Compassion and Care Act, and the
9 cardholder shall be subject to any other penalties for the violation.

10 (10) The department shall submit electronically to the Legislature
11 an annual report that does not disclose any identifying information about
12 cardholders, compassion centers, or practitioners but does contain, at a
13 minimum, all of the following information:

14 (a) The number of applications and renewals filed for registry
15 identification cards;

16 (b) The number of qualifying patients and designated caregivers
17 approved in each county;

18 (c) The nature of the debilitating medical conditions of the
19 qualifying patients;

20 (d) The number of registry identification cards revoked;

21 (e) The number of practitioners providing written certifications for
22 qualifying patients;

23 (f) The number of registered compassion centers; and

24 (g) The number of compassion center staffers.

25 (11) Where a state-funded or locally funded law enforcement agency
26 encounters an individual who, during the course of the investigation,
27 credibly asserts that such individual is a registered cardholder or an
28 entity whose personnel credibly assert that it is a compassion center,
29 the law enforcement agency shall not provide any information from any
30 cannabis-related investigation of the person to any law enforcement
31 authority that does not recognize the protection of the Cannabis

1 Compassion and Care Act, and any prosecution of the individual,
2 individuals, or entity for a violation of the Cannabis Compassion and
3 Care Act shall be conducted pursuant to the laws of this state. The
4 application for qualifying patients' registry identification cards shall
5 include a question asking whether the patient would like the department
6 to notify the patient of any clinical studies regarding cannabis' risk or
7 efficacy that seek human subjects. The department shall inform those
8 patients who answer in the affirmative of any such studies it is notified
9 of that will be conducted in the United States.

10 Sec. 8. (1) Except as provided in section 9 of this act, a patient
11 may assert the medical purpose for using cannabis as a defense to any
12 prosecution of an offense involving cannabis intended for the patient's
13 medical use, and this defense shall be presumed valid where the evidence
14 shows that:

15 (a) A practitioner has stated that, in the practitioner's
16 professional opinion, after having completed a full assessment of the
17 patient's medical history and current medical condition made in the
18 course of a bona fide practitioner-patient relationship, the patient is
19 likely to receive therapeutic or palliative benefit from the medical use
20 of cannabis to treat or alleviate the patient's serious or debilitating
21 medical condition or symptoms associated with the patient's serious or
22 debilitating medical condition;

23 (b) The patient and the patient's designated caregiver, if any, were
24 collectively in possession of a quantity of cannabis that was not more
25 than was reasonably necessary to ensure the uninterrupted availability of
26 cannabis for the purpose of treating or alleviating the patient's serious
27 or debilitating medical condition or symptoms associated with the
28 patient's serious or debilitating medical condition; and

29 (c) The patient was engaged in the acquisition, possession,
30 cultivation, manufacture, use, or transportation of cannabis, cannabis-
31 related materials, or both, relating to the administration of cannabis

1 solely to treat or alleviate the patient's serious or debilitating
2 medical condition or symptoms associated with the patient's serious or
3 debilitating medical condition.

4 (2) A person may assert the medical purpose for using cannabis in a
5 motion to dismiss, and the charges shall be dismissed following an
6 evidentiary hearing where the person shows the elements listed in
7 subsection (1) of this section.

8 (3) If a patient demonstrates the patient's medical purpose for
9 using cannabis pursuant to this section, except as provided in section 9
10 of this act, the patient and the patient's designated caregiver shall not
11 be subject to the following for the patient's use of cannabis for medical
12 purposes: (a) Disciplinary action by an occupational or professional
13 licensing board; or (b) forfeiture of any interest in or right to
14 noncannabis, licit property.

15 Sec. 9. (1) The Cannabis Compassion and Care Act shall not permit
16 any person to do any of the following, nor shall it prevent the
17 imposition of any civil, criminal, or other penalties for any such
18 actions:

19 (a) Undertake any task under the influence of cannabis when doing so
20 would constitute negligence or professional malpractice;

21 (b) Possess cannabis or otherwise engage in the medical use of
22 cannabis (i) in a school bus, (ii) on the grounds of any preschool or
23 primary or secondary school, or (iii) in any correctional facility;

24 (c) Smoke cannabis on any form of public transportation or in any
25 public place; or

26 (d) Operate, navigate, or be in actual physical control of any motor
27 vehicle, aircraft, or motorboat while under the influence of cannabis. A
28 registered qualifying patient shall not be considered to be under the
29 influence of cannabis solely because of the presence of metabolites or
30 components of cannabis that appear in insufficient concentration to cause
31 impairment.

1 (2) Nothing in the Cannabis Compassion and Care Act shall be
2 construed to require:

3 (a) The medical assistance program or a private health insurer to
4 reimburse a person for costs associated with the medical use of cannabis;

5 (b) Any person or establishment in lawful possession of property to
6 allow a guest, client, customer, or other visitor to use cannabis on or
7 in that property. The Cannabis Compassion and Care Act shall not limit a
8 person or entity in lawful possession of property, or an agent of such
9 person or entity, from expelling a person who uses cannabis without
10 permission from the property and from seeking civil and criminal
11 penalties for the unauthorized use of cannabis on the property; or

12 (c) An employer to accommodate the ingestion of cannabis in any
13 workplace or any employee working while under the influence of cannabis.
14 A qualifying patient shall not be considered to be under the influence of
15 cannabis solely because of the presence of metabolites or components of
16 cannabis that appear in insufficient concentration to cause impairment.
17 The Cannabis Compassion and Care Act shall in no way limit an employer's
18 ability to discipline an employee for ingesting cannabis in the workplace
19 or working while under the influence of cannabis.

20 (3) Fraudulent representation to a law enforcement official of any
21 fact or circumstance relating to the medical use of cannabis to avoid
22 arrest or prosecution shall be punishable by a Class V misdemeanor, which
23 shall be in addition to any other penalties that may apply for making a
24 false statement or for the use of cannabis other than use undertaken
25 pursuant to the Cannabis Compassion and Care Act.

26 Sec. 10. (1) If the department fails to adopt and promulgate rules
27 and regulations to implement the Cannabis Compassion and Care Act within
28 one hundred twenty days after the effective date of this act, a
29 qualifying patient or a prospective board member or prospective principal
30 officer of a compassion center may commence an action in district court
31 to compel the department to perform the actions mandated pursuant to the

1 Cannabis Compassion and Care Act.

2 (2) If the department fails to issue a valid registry identification
3 card in response to a valid application or renewal submitted pursuant to
4 the Cannabis Compassion and Care Act within twenty days after its
5 submission, the registry identification card shall be deemed granted, and
6 a copy of the registry identification application or renewal shall be
7 deemed a valid registry identification card.

8 (3) If at any time after one hundred forty days following the
9 effective date of this act, the department is not accepting applications,
10 including if it has not adopted and promulgated rules and regulations
11 allowing qualifying patients to submit applications, a notarized
12 statement by a qualifying patient containing the information required in
13 an application pursuant to subsection (1) of section 7 of this act
14 together with a written certification shall be deemed a valid registry
15 identification card.

16 Sec. 11. (1) There is established within the department a
17 compassion board which shall consist of thirteen members. The Governor
18 shall appoint one member from each congressional district. The chief
19 executive officer of the department shall appoint two at-large members.
20 The Director of Veterans' Affairs shall appoint two at-large members. The
21 Lieutenant Governor shall appoint one member from each area agency on
22 aging as defined in section 81-2208 who is a member of the area advisory
23 council for the area agency on aging. All appointments shall be subject
24 to the approval of a majority of the members of the Legislature. If a
25 vacancy occurs on the board, the vacancy shall be filled in the same
26 manner as the original appointment for the unexpired term, if any.
27 Members of the board shall be appointed for terms of three years and
28 until their successors are appointed and qualified, except that of the
29 members first appointed on or after the effective date of this act, four
30 shall be appointed for a term of one year, four shall be appointed for a
31 term of two years, and five shall be appointed for a term of three years,

1 as designated by the chief executive officer.

2 (3) The board shall advise the chief executive officer about the
3 administration of the Cannabis Compassion and Care Act and shall perform
4 such duties as are required by the act.

5 (4) Members of the board shall be reimbursed for actual and
6 necessary expenses as provided in sections 81-1174 to 81-1177.

7 Sec. 12. Section 28-405, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 28-405 The following are the schedules of controlled substances
10 referred to in the Uniform Controlled Substances Act:

11 Schedule I

12 (a) Any of the following opiates, including their isomers, esters,
13 ethers, salts, and salts of isomers, esters, and ethers, unless
14 specifically excepted, whenever the existence of such isomers, esters,
15 ethers, and salts is possible within the specific chemical designation:

- 16 (1) Acetylmethadol;
17 (2) Allylprodine;
18 (3) Alphacetylmethadol, except levo-alphacetylmethadol which is also
19 known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
20 (4) Alphameprodine;
21 (5) Alphamethadol;
22 (6) Benzethidine;
23 (7) Betacetylmethadol;
24 (8) Betameprodine;
25 (9) Betamethadol;
26 (10) Betaprodine;
27 (11) Clonitazene;
28 (12) Dextromoramide;
29 (13) Difenoxin;
30 (14) Diampromide;
31 (15) Diethylthiambutene;

- 1 (16) Dimenoxadol;
- 2 (17) Dimepheptanol;
- 3 (18) Dimethylthiambutene;
- 4 (19) Dioxaphetyl butyrate;
- 5 (20) Dipipanone;
- 6 (21) Ethylmethylthiambutene;
- 7 (22) Etonitazene;
- 8 (23) Etoxidine;
- 9 (24) Furethidine;
- 10 (25) Hydroxypethidine;
- 11 (26) Ketobemidone;
- 12 (27) Levomoramide;
- 13 (28) Levophenacymorphan;
- 14 (29) Morpheridine;
- 15 (30) Noracymethadol;
- 16 (31) Norlevorphanol;
- 17 (32) Normethadone;
- 18 (33) Norpipanone;
- 19 (34) Phenadoxone;
- 20 (35) Phenampromide;
- 21 (36) Phenomorphan;
- 22 (37) Phenoperidine;
- 23 (38) Piritramide;
- 24 (39) Proheptazine;
- 25 (40) Properidine;
- 26 (41) Propiram;
- 27 (42) Racemoramide;
- 28 (43) Trimeperidine;
- 29 (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl-4-
- 30 piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)
- 31 piperidine;

1 (45) Tilidine;

2 (46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
3 phenylpropanamide, its optical and geometric isomers, salts, and salts of
4 isomers;

5 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical
6 isomers, salts, and salts of isomers;

7 (48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine, its
8 optical isomers, salts, and salts of isomers;

9 (49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-phenethyl)-4-
10 piperidinyl)-N-phenylacetamide, its optical isomers, salts, and salts of
11 isomers;

12 (50) Alpha-methylthiofentanyl, N-(1-methyl-2-(2-thienyl)ethyl-4-
13 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
14 of isomers;

15 (51) Benzylfentanyl, N-(1-benzyl-4-piperidyl)-N-phenylpropanamide,
16 its optical isomers, salts, and salts of isomers;

17 (52) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-phenethyl)-4-
18 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
19 of isomers;

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

23 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-thienyl)ethyl-4-
24 piperidinyl)-N-phenylpropanamide, its optical and geometric isomers,
25 salts, and salts of isomers;

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

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

30 (57) Para-fluorofentanyl, N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-
31 piperidinyl)propanamide, its optical isomers, salts, and salts of

1 isomers.

2 (b) Any of the following opium derivatives, their salts, isomers,
3 and salts of isomers, unless specifically excepted, whenever the
4 existence of such salts, isomers, and salts of isomers is possible within
5 the specific chemical designation:

- 6 (1) Acetorphine;
- 7 (2) Acetyldihydrocodeine;
- 8 (3) Benzylmorphine;
- 9 (4) Codeine methylbromide;
- 10 (5) Codeine-N-Oxide;
- 11 (6) Cyprenorphine;
- 12 (7) Desomorphine;
- 13 (8) Dihydromorphine;
- 14 (9) Drotebanol;
- 15 (10) Etorphine, except hydrochloride salt;
- 16 (11) Heroin;
- 17 (12) Hydromorphanol;
- 18 (13) Methyldesorphine;
- 19 (14) Methyldihydromorphine;
- 20 (15) Morphine methylbromide;
- 21 (16) Morphine methylsulfonate;
- 22 (17) Morphine-N-Oxide;
- 23 (18) Myrophine;
- 24 (19) Nicocodeine;
- 25 (20) Nicomorphine;
- 26 (21) Normorphine;
- 27 (22) Pholcodine; and
- 28 (23) Thebacon.

29 (c) Any material, compound, mixture, or preparation which contains
30 any quantity of the following hallucinogenic substances, their salts,
31 isomers, and salts of isomers, unless specifically excepted, whenever the

1 existence of such salts, isomers, and salts of isomers is possible within
2 the specific chemical designation, and, for purposes of this subdivision
3 only, isomer shall include the optical, position, and geometric isomers:

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

8 (2) 4-bromo-2,5-dimethoxyamphetamine. Trade and other names shall
9 include, but are not limited to: 4-bromo-2,5-dimethoxy-alpha-
10 methylphenethylamine; and 4-bromo-2,5-DMA;

11 (3) 4-methoxyamphetamine. Trade and other names shall include, but
12 are not limited to: 4-methoxy-alpha-methylphenethylamine; and
13 paramethoxyamphetamine, PMA;

14 (4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other names shall
15 include, but are not limited to: 4-methyl-2,5-dimethoxy-alpha-
16 methylphenethylamine; DOM; and STP;

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

21 (6) Lysergic acid diethylamide;

22 ~~(7) Marijuana;~~

23 ~~(7 8) Mescaline;~~

24 ~~(8 9) Peyote.~~ Peyote shall mean all parts of the plant presently
25 classified botanically as *Lophophora williamsii* Lemaire, whether growing
26 or not, the seeds thereof, any extract from any part of such plant, and
27 every compound, manufacture, salts, derivative, mixture, or preparation
28 of such plant or its seeds or extracts;

29 ~~(9 10) Psilocybin;~~

30 ~~(10 11) Psilocyn;~~

31 ~~(11 12) Tetrahydrocannabinols,~~ including, but not limited to,

1 synthetic equivalents of the substances contained in the plant or in the
2 resinous extractives of cannabis, sp. or synthetic substances,
3 derivatives, and their isomers with similar chemical structure and
4 pharmacological activity such as the following: Delta 1 cis or trans
5 tetrahydrocannabinol and their optical isomers, excluding dronabinol in
6 sesame oil and encapsulated in a soft gelatin capsule in a drug product
7 approved by the federal Food and Drug Administration; Delta 6 cis or
8 trans tetrahydrocannabinol and their optical isomers; and Delta 3,4 cis
9 or trans tetrahydrocannabinol and its optical isomers. Since nomenclature
10 of these substances is not internationally standardized, compounds of
11 these structures shall be included regardless of the numerical
12 designation of atomic positions covered;

13 (12 13) N-ethyl-3-piperidyl benzilate;

14 (13 14) N-methyl-3-piperidyl benzilate;

15 (14 15) Thiophene analog of phencyclidine. Trade and other names
16 shall include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-
17 piperidine; 2-thienyl analog of phencyclidine; TCP; and TCP;

18 ~~(16) Hashish or concentrated cannabis;~~

19 (15 17) Parahexyl. Trade and other names shall include, but are not
20 limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
21 dibenzo(b,d)pyran; and Synhexyl;

22 (16 18) Ethylamine analog of phencyclidine. Trade and other names
23 shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine;
24 (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
25 cyclohexamine; and PCE;

26 (17 19) Pyrrolidine analog of phencyclidine. Trade and other names
27 shall include, but are not limited to: 1-(1-phenylcyclohexyl)-
28 pyrrolidine; PCPy; and PHP;

29 (18 20) Alpha-ethyltryptamine. Some trade or other names:
30 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
31 indole; alpha-ET; and AET;

1 (~~19~~ 21) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

2 (~~20~~ 22) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

3 (~~21~~ 23) Alpha-methyltryptamine, which is also known as AMT;

4 (~~22~~ 24) Salvia divinorum or Salvinorin A. Salvia divinorum or
5 Salvinorin A includes all parts of the plant presently classified
6 botanically as Salvia divinorum, whether growing or not, the seeds
7 thereof, any extract from any part of such plant, and every compound,
8 manufacture, derivative, mixture, or preparation of such plant, its
9 seeds, or its extracts, including salts, isomers, and salts of isomers
10 whenever the existence of such salts, isomers, and salts of isomers is
11 possible within the specific chemical designation;

12 (~~23~~ 25) Any material, compound, mixture, or preparation containing
13 any quantity of synthetically produced cannabinoids as listed in
14 subdivisions (A) through (M) of this subdivision, including their salts,
15 isomers, salts of isomers, and nitrogen-heterocyclic analogs, unless
16 specifically excepted elsewhere in this section. Since nomenclature of
17 these synthetically produced cannabinoids is not internationally
18 standardized and may continually evolve, these structures or compounds of
19 these structures shall be included under this subdivision, regardless of
20 their specific numerical designation of atomic positions covered, so long
21 as it can be determined through a recognized method of scientific testing
22 or analysis that the substance contains properties that fit within one or
23 more of the following categories:

24 (A) Tetrahydrocannabinols: Meaning tetrahydrocannabinols naturally
25 contained in a plant of the genus cannabis (cannabis plant), as well as
26 synthetic equivalents of the substances contained in the plant, or in the
27 resinous extractives of cannabis, sp. and/or synthetic substances,
28 derivatives, and their isomers with similar chemical structure and
29 pharmacological activity such as the following: Delta 1 cis or trans
30 tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans
31 tetrahydrocannabinol, and their optical isomers; Delta 3,4 cis or trans

1 tetrahydrocannabinol, and its optical isomers;

2 (B) Naphthoylindoles: Any compound containing a 3-(1-
3 naphthoyl)indole structure with substitution at the nitrogen atom of the
4 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
5 cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-
6 piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
7 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
8 further substituted in the indole ring to any extent and whether or not
9 substituted in the naphthyl ring to any extent;

10 (C) Naphthylmethylindoles: Any compound containing a 1 H-indol-3-yl-
11 (1-naphthyl)methane structure with substitution at the nitrogen atom of
12 the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
13 cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-
14 piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
15 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
16 further substituted in the indole ring to any extent and whether or not
17 substituted in the naphthyl ring to any extent;

18 (D) Naphthoylpyrroles: Any compound containing a 3-(1-
19 naphthoyl)pyrrole structure with substitution at the nitrogen atom of the
20 pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
21 cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-
22 piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
23 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
24 further substituted in the pyrrole ring to any extent and whether or not
25 substituted in the naphthyl ring to any extent;

26 (E) Naphthylideneindenes: Any compound containing a
27 naphthylideneindene structure with substitution at the 3-position of the
28 indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
29 cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-
30 piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
31 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not

1 further substituted in the indene ring to any extent and whether or not
2 substituted in the naphthyl ring to any extent;

3 (F) Phenylacetylindoles: Any compound containing a 3-
4 phenylacetylindole structure with substitution at the nitrogen atom of
5 the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
6 cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-
7 piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
8 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
9 further substituted in the indole ring to any extent and whether or not
10 substituted in the phenyl ring to any extent;

11 (G) Cyclohexylphenols: Any compound containing a 2-(3-
12 hydroxycyclohexyl)phenol structure with substitution at the 5-position of
13 the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
14 cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-
15 piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
16 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
17 substituted in the cyclohexyl ring to any extent;

18 (H) Benzoylindoles: Any compound containing a 3-(benzoyl)indole
19 structure with substitution at the nitrogen atom of the indole ring by an
20 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-
21 morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-
22 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
23 tetrahydropyranylmethyl group, whether or not further substituted in the
24 indole ring to any extent and whether or not substituted in the phenyl
25 ring to any extent;

26 (I) Adamantoylindoles: Any compound containing a 3-adamantoylindole
27 structure with substitution at the nitrogen atom of the indole ring by an
28 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
29 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
30 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
31 tetrahydropyranylmethyl group, whether or not further substituted in the

1 indole ring to any extent and whether or not substituted in the adamantyl
2 ring to any extent;

3 (J) Tetramethylcyclopropanoylindoles: Any compound containing a 3-
4 tetramethylcyclopropanoylindole structure with substitution at the
5 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
6 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
7 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
8 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
9 tetrahydropyranylmethyl group, whether or not further substituted in the
10 indole ring to any extent and whether or not substituted in the
11 tetramethylcyclopropyl ring to any extent;

12 (K) Indole carboxamides: Any compound containing a 1-indole-3-
13 carboxamide structure with substitution at the nitrogen atom of the
14 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
15 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-
16 (4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
17 morpholinyl)methyl, or tetrahydropyranylmethyl group, substitution at the
18 carboxamide group by an adamantyl, 1-naphthyl, phenyl, or aminoalkyl
19 group, whether or not further substituted in any of the ring systems to
20 any extent;

21 (L) Indole carboxylates: Any compound containing a 1-indole-3-
22 carboxylate structure with substitution at the nitrogen atom of the
23 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
24 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-
25 (4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
26 morpholinyl)methyl, or tetrahydropyranylmethyl group, substitution at the
27 carboxylate group by an adamantyl, 1-naphthyl, phenyl or quinolinyl
28 group, whether or not further substituted in any of the ring systems to
29 any extent; and

30 (M) Any nonnaturally occurring substance, chemical compound,
31 mixture, or preparation, not specifically listed elsewhere in these

1 schedules and which is not approved for human consumption by the federal
2 Food and Drug Administration, containing or constituting a cannabinoid
3 receptor agonist as defined in section 28-401;

4 (24 26) Any material, compound, mixture, or preparation containing
5 any quantity of a substituted phenethylamine as listed in subdivisions
6 (A) through (C) of this subdivision, unless specifically excepted, listed
7 in another schedule, or specifically named in this schedule, that is
8 structurally derived from phenylethan-2-amine by substitution on the
9 phenyl ring with a fused methylenedioxy ring, fused furan ring, or a
10 fused tetrahydrofuran ring; by substitution with two alkoxy groups; by
11 substitution with one alkoxy and either one fused furan, tetrahydrofuran,
12 or tetrahydropyran ring system; or by substitution with two fused ring
13 systems from any combination of the furan, tetrahydrofuran, or
14 tetrahydropyran ring systems, whether or not the compound is further
15 modified in any of the following ways:

16 (A) Substitution of the phenyl ring by any halo, hydroxyl, alkyl,
17 trifluoromethyl, alkoxy, or alkylthio groups; (B) substitution at the 2-
18 position by any alkyl groups; or (C) substitution at the 2-amino nitrogen
19 atom with alkyl, dialkyl, benzyl, hydroxybenzyl or methoxybenzyl groups,
20 and including, but not limited to:

21 (i) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine, which is also known
22 as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine;

23 (ii) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine, which is also known
24 as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine;

25 (iii) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine, which is also known
26 as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine;

27 (iv) 2-(2,5-Dimethoxyphenyl)ethanamine, which is also known as 2C-H
28 or 2,5-Dimethoxyphenethylamine;

29 (v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is also known as
30 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;

31 (vi) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine, which is also known

- 1 as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine;
- 2 (vii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine, which is also
3 known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine;
- 4 (viii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine, which is
5 also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine;
- 6 (ix) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine, which is
7 also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine;
- 8 (x) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine, which is also known
9 as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine;
- 10 (xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine, which is also
11 known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine;
- 12 (xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine, which is also
13 known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;
- 14 (xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane, which is also
15 known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;
- 16 (xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine, which is also
17 known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;
- 18 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
19 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe; 25B-
20 NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;
- 21 (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
22 methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe; 25I-
23 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;
- 24 (xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine,
25 which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-
26 methoxybenzyl)phenethylamine;
- 27 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
28 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or
29 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;
- 30 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine,
31 which is also known as 2CB-5-hemiFLY;

- 1 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-
2 yl)ethanamine, which is also known as 2C-B-FLY;
- 3 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
4 yl)ethanamine, which is also known as 2C-B-butterFLY;
- 5 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-
6 b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-
7 NBOMe;
- 8 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine,
9 which is also known as bromo-benzodifuranylisopropylamine or bromo-
10 dragonFLY;
- 11 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which
12 is also known as 2C-INBOH or 25I-NBOH;
- 13 (xxv) 5-(2-Aminoprpyl)benzofuran, which is also known as 5-APB;
- 14 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;
- 15 (xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known
16 as 5-APDB;
- 17 (xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also
18 known as 6-APDB;
- 19 (xxix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-
20 dimethoxy-a-methylphenethylamine; 2, 5-DMA;
- 21 (xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;
- 22 (xxxii) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also
23 known as 2C-T-7;
- 24 (xxxiii) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 25 (xxxiiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as
26 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and STP;
- 27 (xxxv) 3,4-methylenedioxy amphetamine, which is also known as MDA;
- 28 (xxxvi) 3,4-methylenedioxymethamphetamine, which is also known as
29 MDMA;
- 30 (xxxvii) 3,4-methylenedioxy-N-ethylamphetamine, which is also known
31 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA; and

1 (xxxvii) 3,4,5-trimethoxy amphetamine;

2 (25 27) Any material, compound, mixture, or preparation containing
3 any quantity of a substituted tryptamine unless specifically excepted,
4 listed in another schedule, or specifically named in this schedule, that
5 is structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also
6 known as tryptamine, by mono- or di-substitution of the amine nitrogen
7 with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom
8 in a cyclic structure whether or not the compound is further substituted
9 at the alpha position with an alkyl group or whether or not further
10 substituted on the indole ring to any extent with any alkyl, alkoxy,
11 halo, hydroxyl, or acetoxy groups, and including, but not limited to:

12 (A) 5-methoxy-N,N-diallyltryptamine, which is also known as 5-MeO-
13 DALT;

14 (B) 4-acetoxy-N,N-dimethyltryptamine, which is also known as 4-AcO-
15 DMT or OAcetylpsilocin;

16 (C) 4-hydroxy-N-methyl-N-ethyltryptamine, which is also known as 4-
17 HO-MET;

18 (D) 4-hydroxy-N,N-diisopropyltryptamine, which is also known as 4-
19 HO-DIPT;

20 (E) 5-methoxy-N-methyl-N-isopropyltryptamine, which is also known as
21 5-MeOMiPT;

22 (F) 5-Methoxy-N,N-Dimethyltryptamine, which is also known as 5-MeO-
23 DMT;

24 (G) 5-methoxy-N,N-diisopropyltryptamine, which is also known as 5-
25 MeO-DiPT;

26 (H) Diethyltryptamine, which is also known as N,N-Diethyltryptamine,
27 DET; and

28 (I) Dimethyltryptamine, which is also known as DMT; and

29 (26 28)(A) Any substance containing any quantity of the following
30 materials, compounds, mixtures, or structures:

31 (i) 3,4-methylenedioxymethcathinone, or bk-MDMA, or methydone;

- 1 (ii) 3,4-methylenedioxypropylvalerone, or MDPV;
- 2 (iii) 4-methylmethcathinone, or 4-MMC, or mephedrone;
- 3 (iv) 4-methoxymethcathinone, or bk-PMMA, or PMMC, or methedrone;
- 4 (v) Fluoromethcathinone, or FMC;
- 5 (vi) Naphthylpropylvalerone, or naphyrone; or
- 6 (vii) Beta-keto-N-methylbenzodioxolylpropylamine; or

7 (B) Unless listed in another schedule, any substance which contains
8 any quantity of any material, compound, mixture, or structure, other than
9 bupropion, that is structurally derived by any means from 2-
10 aminopropan-1-one by substitution at the 1-position with either phenyl,
11 naphthyl, or thiophene ring systems, whether or not the compound is
12 further modified in any of the following ways:

13 (i) Substitution in the ring system to any extent with alkyl,
14 alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents,
15 whether or not further substituted in the ring system by one or more
16 other univalent substituents;

17 (ii) Substitution at the 3-position with an acyclic alkyl
18 substituent; or

19 (iii) Substitution at the 2-amino nitrogen atom with alkyl or
20 dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic
21 structure.

22 (d) Unless specifically excepted or unless listed in another
23 schedule, any material, compound, mixture, or preparation which contains
24 any quantity of the following substances having a depressant effect on
25 the central nervous system, including its salts, isomers, and salts of
26 isomers whenever the existence of such salts, isomers, and salts of
27 isomers is possible within the specific chemical designation:

- 28 (1) Mecloqualone;
- 29 (2) Methaqualone; and
- 30 (3) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-
31 hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium

1 Oxybate; and Sodium Oxybutyrate.

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

7 (1) Fenethylline;

8 (2) N-ethylamphetamine;

9 (3) Aminorex; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-
10 dihydro-5-phenyl-2-oxazolamine;

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

13 (5) Methcathinone, its salts, optical isomers, and salts of optical
14 isomers. Some other names: 2-(methylamino)-propiophenone; alpha-
15 (methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-
16 N-methylaminopropiophenone; methylcathinone; monomethylpropion;
17 ephedrone; N-methylcathinone; AL-464; AL-422; AL-463; and UR1432;

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

20 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine;
21 and N,N-alpha-trimethylphenethylamine; and

22 (8) Benzylpiperazine, 1-benzylpiperazine.

23 (f) Any controlled substance analogue to the extent intended for
24 human consumption.

25 Schedule II

26 (a) Any of the following substances except those narcotic drugs
27 listed in other schedules whether produced directly or indirectly by
28 extraction from substances of vegetable origin, independently by means of
29 chemical synthesis, or by combination of extraction and chemical
30 synthesis:

31 (1) Opium and opiate, and any salt, compound, derivative, or

1 preparation of opium or opiate, excluding apomorphine, buprenorphine,
2 thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmeferene,
3 naloxone, and naltrexone and their salts, but including the following:

- 4 (A) Raw opium;
- 5 (B) Opium extracts;
- 6 (C) Opium fluid;
- 7 (D) Powdered opium;
- 8 (E) Granulated opium;
- 9 (F) Tincture of opium;
- 10 (G) Codeine;
- 11 (H) Ethylmorphine;
- 12 (I) Etorphine hydrochloride;
- 13 (J) Hydrocodone;
- 14 (K) Hydromorphone;
- 15 (L) Metopon;
- 16 (M) Morphine;
- 17 (N) Oxycodone;
- 18 (O) Oxymorphone;
- 19 (P) Oripavine;
- 20 (Q) Thebaine; and
- 21 (R) Dihydroetorphine;

22 (2) Any salt, compound, derivative, or preparation thereof which is
23 chemically equivalent to or identical with any of the substances referred
24 to in subdivision (1) of this subdivision, except that these substances
25 shall not include the isoquinoline alkaloids of opium;

26 (3) Opium poppy and poppy straw;

27 (4) Coca leaves and any salt, compound, derivative, or preparation
28 of coca leaves, and any salt, compound, derivative, or preparation
29 thereof which is chemically equivalent to or identical with any of these
30 substances, including cocaine and its salts, optical isomers, and salts
31 of optical isomers, except that the substances shall not include

1 decocainized coca leaves or extractions which do not contain cocaine or
2 ecgonine; and

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

6 (b) Unless specifically excepted or unless in another schedule any
7 of the following opiates, including their isomers, esters, ethers, salts,
8 and salts of their isomers, esters, and ethers whenever the existence of
9 such isomers, esters, ethers, and salts is possible within the specific
10 chemical designation, dextrorphan excepted:

11 (1) Alphaprodine;

12 (2) Anileridine;

13 (3) Bezitramide;

14 (4) Diphenoxylate;

15 (5) Fentanyl;

16 (6) Isomethadone;

17 (7) Levomethorphan;

18 (8) Levorphanol;

19 (9) Metazocine;

20 (10) Methadone;

21 (11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl
22 butane;

23 (12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-
24 diphenylpropane-carboxylic acid;

25 (13) Pethidine or meperidine;

26 (14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

27 (15) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
28 carboxylate;

29 (16) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
30 carboxylic acid;

31 (17) Phenazocine;

- 1 (18) Piminodine;
- 2 (19) Racemethorphan;
- 3 (20) Racemorphan;
- 4 (21) Dihydrocodeine;
- 5 (22) Bulk Propoxyphene in nondosage forms;
- 6 (23) Sufentanil;
- 7 (24) Alfentanil;
- 8 (25) Levo-alphaacetylmethadol which is also known as levo-alpha-
- 9 acetylmethadol, levomethadyl acetate, and LAAM;
- 10 (26) Carfentanil;
- 11 (27) Remifentanil; and
- 12 (28) Tapentadol.

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

- 16 (1) Amphetamine, its salts, optical isomers, and salts of its
- 17 optical isomers;
- 18 (2) Phenmetrazine and its salts;
- 19 (3) Methamphetamine, its salts, isomers, and salts of its isomers;
- 20 and
- 21 (4) Methylphenidate.

22 (d) Any material, compound, mixture, or preparation which contains
23 any quantity of the following substances having a potential for abuse
24 associated with a depressant effect on the central nervous system,
25 including their salts, isomers, and salts of isomers whenever the
26 existence of such salts, isomers, and salts of isomers is possible within
27 the specific chemical designations:

- 28 (1) Amobarbital;
- 29 (2) Secobarbital;
- 30 (3) Pentobarbital;
- 31 (4) Phencyclidine; and

1 (5) Glutethimide.

2 (e) Hallucinogenic substances known as:

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

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

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

13 (2) Immediate precursors to phencyclidine, PCP:

14 (A) 1-phenylcyclohexylamine; or

15 (B) 1-piperidinocyclohexanecarbonitrile, PCC.

16 (g) Any material, compound, mixture, or preparation which contains
17 any quantity of the following hallucinogenic substances, their salts,
18 isomers, and salts of isomers, unless specifically excepted, whenever the
19 existence of such salts, isomers, and salts of isomers is possible within
20 the specific chemical designation, and, for purposes of this subdivision
21 only, isomer includes the optical, position, and geometric isomers:

22 (1) Marijuana; and

23 (2) Hashish or concentrated cannabis.

24 Schedule III

25 (a) Any material, compound, mixture, or preparation which contains
26 any quantity of the following substances having a potential for abuse
27 associated with a stimulant effect on the central nervous system,
28 including their salts, isomers, whether optical, position, or geometric,
29 and salts of such isomers whenever the existence of such salts, isomers,
30 and salts of isomers is possible within the specific chemical
31 designation:

- 1 (1) Benzphetamine;
- 2 (2) Chlorphentermine;
- 3 (3) Clortermine; and
- 4 (4) Phendimetrazine.

5 (b) Any material, compound, mixture, or preparation which contains
6 any quantity of the following substances having a potential for abuse
7 associated with a depressant effect on the central nervous system:

8 (1) Any substance which contains any quantity of a derivative of
9 barbituric acid or any salt of a derivative of barbituric acid, except
10 those substances which are specifically listed in other schedules of this
11 section;

- 12 (2) Chlorhexadol;
- 13 (3) Lysergic acid;
- 14 (4) Lysergic acid amide;
- 15 (5) Methyprylon;
- 16 (6) Sulfondiethylmethane;
- 17 (7) Sulfonethylmethane;
- 18 (8) Sulfonmethane;
- 19 (9) Nalorphine;

20 (10) Any compound, mixture, or preparation containing amobarbital,
21 secobarbital, pentobarbital, or any salt thereof and one or more other
22 active medicinal ingredients which are not listed in any schedule;

23 (11) Any suppository dosage form containing amobarbital,
24 secobarbital, pentobarbital, or any salt of any of these drugs and
25 approved by the federal Food and Drug Administration for marketing only
26 as a suppository;

27 (12) Any drug product containing gamma-hydroxybutyric acid,
28 including its salts, isomers, and salts of isomers, for which an
29 application is approved under section 505 of the Federal Food, Drug, and
30 Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2014;

31 (13) Ketamine, its salts, isomers, and salts of isomers. Some other

1 names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-
2 cyclohexanone; and

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

10 (c) Unless specifically excepted or unless listed in another
11 schedule:

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

16 (A) Not more than one and eight-tenths grams of codeine per one
17 hundred milliliters or not more than ninety milligrams per dosage unit,
18 with an equal or greater quantity of an isoquinoline alkaloid of opium;

19 (B) Not more than one and eight-tenths grams of codeine per one
20 hundred milliliters or not more than ninety milligrams per dosage unit,
21 with one or more active, nonnarcotic ingredients in recognized
22 therapeutic amounts;

23 (C) Not more than three hundred milligrams of dihydrocodeinone which
24 is also known as hydrocodone per one hundred milliliters or not more than
25 fifteen milligrams per dosage unit, with a fourfold or greater quantity
26 of an isoquinoline alkaloid of opium;

27 (D) Not more than three hundred milligrams of dihydrocodeinone which
28 is also known as hydrocodone per one hundred milliliters or not more than
29 fifteen milligrams per dosage unit, with one or more active, nonnarcotic
30 ingredients in recognized therapeutic amounts;

31 (E) Not more than one and eight-tenths grams of dihydrocodeine per

1 one hundred milliliters or not more than ninety milligrams per dosage
2 unit, with one or more active, nonnarcotic ingredients in recognized
3 therapeutic amounts;

4 (F) Not more than three hundred milligrams of ethylmorphine per one
5 hundred milliliters or not more than fifteen milligrams per dosage unit,
6 with one or more active, nonnarcotic ingredients in recognized
7 therapeutic amounts;

8 (G) Not more than five hundred milligrams of opium per one hundred
9 milliliters or per one hundred grams, or not more than twenty-five
10 milligrams per dosage unit, with one or more active, nonnarcotic
11 ingredients in recognized therapeutic amounts; and

12 (H) Not more than fifty milligrams of morphine per one hundred
13 milliliters or per one hundred grams with one or more active, nonnarcotic
14 ingredients in recognized therapeutic amounts; and

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

17 (A) Buprenorphine.

18 (d) Unless contained on the administration's list of exempt anabolic
19 steroids as the list existed on January 1, 2014, any anabolic steroid,
20 which shall include any material, compound, mixture, or preparation
21 containing any quantity of the following substances, including its salts,
22 isomers, and salts of isomers whenever the existence of such salts of
23 isomers is possible within the specific chemical designation:

24 (1) Boldenone;

25 (2) Boldione;

26 (3) Chlorotestosterone (4-chlortestosterone);

27 (4) Clostebol;

28 (5) Dehydrochloromethyltestosterone;

29 (6) Desoxymethyltestosterone;

30 (7) Dihydrotestosterone (4-dihydrotestosterone);

31 (8) Drostanolone;

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

26 (e) Hallucinogenic substances known as:

- 27 (1) Dronabinol, synthetic, in sesame oil and encapsulated in a soft
- 28 gelatin capsule in a drug product approved by the federal Food and Drug
- 29 Administration. Some other names for dronabinol are (6aR-trans)-6a,
- 30 7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d)pyran-1-ol or
- 31 (-)-delta-9-(trans)-tetrahydrocannabinol.

1 Schedule IV

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

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

- 1 (25) Cloxazolam;
- 2 (26) Delorazepam;
- 3 (27) Estazolam;
- 4 (28) Ethyl loflazepate;
- 5 (29) Fludiazepam;
- 6 (30) Flunitrazepam;
- 7 (31) Halazepam;
- 8 (32) Haloxazolam;
- 9 (33) Ketazolam;
- 10 (34) Loprazolam;
- 11 (35) Lorazepam;
- 12 (36) Lormetazepam;
- 13 (37) Medazepam;
- 14 (38) Nimetazepam;
- 15 (39) Nitrazepam;
- 16 (40) Nordiazepam;
- 17 (41) Oxazolam;
- 18 (42) Pinazepam;
- 19 (43) Temazepam;
- 20 (44) Tetrazepam;
- 21 (45) Triazolam;
- 22 (46) Midazolam;
- 23 (47) Quazepam;
- 24 (48) Zolpidem;
- 25 (49) Dichloralphenazone; and
- 26 (50) Zaleplon.

27 (b) Any material, compound, mixture, or preparation which contains
28 any quantity of the following substance, including its salts, isomers,
29 whether optical, position, or geometric, and salts of such isomers,
30 whenever the existence of such salts, isomers, and salts of isomers is
31 possible: Fenfluramine.

1 (c) Unless specifically excepted or unless listed in another
2 schedule, any material, compound, mixture, or preparation which contains
3 any quantity of the following substances having a stimulant effect on the
4 central nervous system, including their salts, isomers, whether optical,
5 position, or geometric, and salts of such isomers whenever the existence
6 of such salts, isomers, and salts of isomers is possible within the
7 specific chemical designation:

8 (1) Diethylpropion;

9 (2) Phentermine;

10 (3) Pemoline, including organometallic complexes and chelates
11 thereof;

12 (4) Mazindol;

13 (5) Pipradrol;

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

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

16 (8) Fencamfamin;

17 (9) Fenproporex;

18 (10) Mefenorex;

19 (11) Modafinil; and

20 (12) Sibutramine.

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

26 (1) Propoxyphene in manufactured dosage forms; and

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

29 (e) Unless specifically excepted or unless listed in another
30 schedule, any material, compound, mixture, or preparation which contains
31 any quantity of the following substance, including its salts:

1 Pentazocine.

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

6 (g) Unless specifically excepted or unless listed in another
7 schedule, any material, compound, mixture, or preparation which contains
8 any quantity of the following substance, including its salts, isomers,
9 and salts of such isomers: Carisoprodol.

10 (h)(1) Unless specifically excepted or unless listed in another
11 schedule, any material, compound, mixture, or preparation which contains
12 any quantity of the following substance, including its salts, optical
13 isomers, and salts of such optical isomers: Ephedrine.

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

1 (E) are not marketed, advertised, or represented in any manner for the
2 indication of stimulation, mental alertness, euphoria, ecstasy, a buzz or
3 high, heightened sexual performance, or increased muscle mass:

4 (i) Primatene Tablets; and

5 (ii) Bronkaid Dual Action Caplets.

6 Schedule V

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

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

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

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

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

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

24 (6) Not more than five-tenths milligram of difenoxin and not less
25 than twenty-five micrograms of atropine sulfate per dosage unit.

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

31 (c) Unless specifically exempted or excluded or unless listed in

1 another schedule, any material, compound, mixture, or preparation which
2 contains any quantity of the following substances having a depressant
3 effect on the central nervous system, including its salts, isomers, and
4 salts of isomers:

5 (1) Ezogabine (N-(2-amino-4-(4-fluorobenzylamino)-phenyl)-carbamic
6 acid ethyl ester);

7 (2) Lacosamide ((R)-2-acetoamido-N-benzyl-3-methoxy-propionamide);
8 and

9 (3) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid).

10 Sec. 13. Section 28-416, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

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

19 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
20 (10) of this section, any person who violates subsection (1) of this
21 section with respect to: (a) A controlled substance classified in
22 Schedule I, II, or III of section 28-405 which is an exceptionally
23 hazardous drug shall be guilty of a Class II felony; (b) any other
24 controlled substance classified in Schedule I, II, or III of section
25 28-405 shall be guilty of a Class III felony; or (c) a controlled
26 substance classified in Schedule IV or V of section 28-405 shall be
27 guilty of a Class IIIA felony.

28 (3) A person knowingly or intentionally possessing a controlled
29 substance, except marijuana or any substance containing a quantifiable
30 amount of the substances, chemicals, or compounds described, defined, or
31 delineated in subdivision (c)(~~23~~ 25) of Schedule I of section 28-405,

1 unless such substance was obtained directly or pursuant to a medical
2 order issued by a practitioner authorized to prescribe while acting in
3 the course of his or her professional practice, or except as otherwise
4 authorized by the act, shall be guilty of a Class IV felony.

5 (4)(a) Except as authorized by the Uniform Controlled Substances
6 Act, any person eighteen years of age or older who knowingly or
7 intentionally manufactures, distributes, delivers, dispenses, or
8 possesses with intent to manufacture, distribute, deliver, or dispense a
9 controlled substance or a counterfeit controlled substance (i) to a
10 person under the age of eighteen years, (ii) in, on, or within one
11 thousand feet of the real property comprising a public or private
12 elementary, vocational, or secondary school, a community college, a
13 public or private college, junior college, or university, or a
14 playground, or (iii) within one hundred feet of a public or private youth
15 center, public swimming pool, or video arcade facility shall be punished
16 by the next higher penalty classification than the penalty prescribed in
17 subsection (2), (7), (8), (9), or (10) of this section, depending upon
18 the controlled substance involved, for the first violation and for a
19 second or subsequent violation shall be punished by the next higher
20 penalty classification than that prescribed for a first violation of this
21 subsection, but in no event shall such person be punished by a penalty
22 greater than a Class IB felony.

23 (b) For purposes of this subsection:

24 (i) Playground shall mean any outdoor facility, including any
25 parking lot appurtenant to the facility, intended for recreation, open to
26 the public, and with any portion containing three or more apparatus
27 intended for the recreation of children, including sliding boards,
28 swingsets, and teeterboards;

29 (ii) Video arcade facility shall mean any facility legally
30 accessible to persons under eighteen years of age, intended primarily for
31 the use of pinball and video machines for amusement, and containing a

1 minimum of ten pinball or video machines; and

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

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

13 (b) Except as authorized by the Uniform Controlled Substances Act,
14 it shall be unlawful for any person eighteen years of age or older to
15 knowingly and intentionally employ, hire, use, cause, persuade, coax,
16 induce, entice, seduce, or coerce any person under the age of eighteen
17 years to aid and abet any person in the manufacture, transportation,
18 distribution, carrying, delivery, dispensing, preparation for delivery,
19 offering for delivery, or possession with intent to do the same of a
20 controlled substance or a counterfeit controlled substance.

21 (c) Any person who violates subdivision (a) or (b) of this
22 subsection shall be punished by the next higher penalty classification
23 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of
24 this section, depending upon the controlled substance involved, for the
25 first violation and for a second or subsequent violation shall be
26 punished by the next higher penalty classification than that prescribed
27 for a first violation of this subsection, but in no event shall such
28 person be punished by a penalty greater than a Class IB felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (11) Except as otherwise provided in the Cannabis Compassion and
8 Care Act, any Any person knowingly or intentionally possessing marijuana
9 weighing more than one ounce but not more than one pound shall be guilty
10 of a Class III misdemeanor.

11 (12) Except as otherwise provided in the Cannabis Compassion and
12 Care Act, any Any person knowingly or intentionally possessing marijuana
13 weighing more than one pound shall be guilty of a Class IV felony.

14 (13) Except as otherwise provided in the Cannabis Compassion and
15 Care Act, any Any person knowingly or intentionally possessing marijuana
16 weighing one ounce or less or any substance containing a quantifiable
17 amount of the substances, chemicals, or compounds described, defined, or
18 delineated in subdivision (c)(~~23~~ 25) of Schedule I of section 28-405
19 shall:

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

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

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

31 (14) Any person convicted of violating this section, if placed on

1 probation, shall, as a condition of probation, satisfactorily attend and
2 complete appropriate treatment and counseling on drug abuse provided by a
3 program authorized under the Nebraska Behavioral Health Services Act or
4 other licensed drug treatment facility.

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

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

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

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

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

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

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

30 (iii) For a third or subsequent offense, the court may, as a part of
31 the judgment of conviction or adjudication, (A) impound any such licenses

1 or permits for twelve months and (B) require such person to complete no
2 fewer than sixty hours of community service, to attend a drug education
3 class, and to submit to a drug assessment by a licensed alcohol and drug
4 counselor; and

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

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

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

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

27 A copy of an abstract of the court's conviction or adjudication
28 shall be transmitted to the Director of Motor Vehicles pursuant to
29 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a
30 juvenile is prohibited from obtaining a license or permit under this
31 subsection.

1 Sec. 14. Section 28-439, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-439 As used in sections 28-101, 28-431, and 28-439 to 28-444,
4 unless the context otherwise requires, drug paraphernalia shall mean all
5 equipment, products, and materials of any kind which are used, intended
6 for use, or designed for use, in manufacturing, injecting, ingesting,
7 inhaling, or otherwise introducing into the human body a controlled
8 substance in violation of sections 28-101, 28-431, and 28-439 to 28-444,
9 the Cannabis Compassion and Care Act, or the Uniform Controlled
10 Substances Act. It shall include, but not be limited to, the following:

11 (1) Diluents and adulterants, such as quinine hydrochloride,
12 mannitol, mannite, dextrose, and lactose, used, intended for use, or
13 designed for use in cutting controlled substances;

14 (2) Separation gins and sifters used, intended for use, or designed
15 for use in removing twigs and seeds from, or in otherwise cleaning or
16 refining, marijuana;

17 (3) Hypodermic syringes, needles, and other objects used, intended
18 for use, and designed for use in parenterally injecting controlled
19 substances into the human body; and

20 (4) Objects used, intended for use, or designed for use in
21 ingesting, inhaling, or otherwise introducing marijuana, cocaine,
22 hashish, or hashish oil into the human body, which shall include but not
23 be limited to the following:

24 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
25 with or without screens, permanent screens, hashish heads, or punctured
26 metal bowls;

27 (b) Water pipes;

28 (c) Carburetion tubes and devices;

29 (d) Smoking and carburetion masks;

30 (e) Roach clips, meaning objects used to hold burning material, such
31 as a marijuana cigarette, which has become too small or too short to be

- 1 held in the hand;
- 2 (f) Miniature cocaine spoons, and cocaine vials;
- 3 (g) Chamber pipes;
- 4 (h) Carburetor pipes;
- 5 (i) Electric pipes;
- 6 (j) Air-driven pipes;
- 7 (k) Chillums;
- 8 (l) Bongs; and
- 9 (m) Ice pipes or chillers.

10 Sec. 15. Section 77-2701.48, Reissue Revised Statutes of Nebraska,
11 is amended to read:

12 77-2701.48 (1) Bundled transaction means the retail sale of two or
13 more products, except real property and services to real property, when
14 (a) the products are otherwise distinct and identifiable and (b) the
15 products are sold for one non-itemized price. Bundled transaction does
16 not include the sale of any products in which the sales price varies, or
17 is negotiable, based on the selection by the purchaser of the products
18 included in the transaction.

19 (2) Distinct and identifiable products do not include:

20 (a) Packaging, such as containers, boxes, sacks, bags, and bottles
21 or other materials such as wrapping, labels, tags, and instruction guides
22 that accompany the retail sale of the products and are incidental or
23 immaterial to the retail sale thereof. Examples of packaging that are
24 incidental or immaterial include grocery sacks, shoeboxes, dry cleaning
25 garment bags, and express delivery envelopes and boxes;

26 (b) A product provided free of charge with the required purchase of
27 another product. A product is provided free of charge if the sales price
28 of the product purchased does not vary depending on the inclusion of the
29 product provided free of charge; and

30 (c) Items included in the definition of sales price pursuant to
31 section 77-2701.35.

1 (3) One non-itemized price does not include a price that is
2 separately identified by product on binding sales or other supporting
3 sales-related documentation made available to the customer in paper or
4 electronic form, including, but not limited to, an invoice, bill of sale,
5 receipt, contract, service agreement, lease agreement, periodic notice of
6 rates and services, rate card, or price list.

7 (4) A transaction that otherwise meets the definition of a bundled
8 transaction is not a bundled transaction if it is (a) the retail sale of
9 tangible personal property and a service where the tangible personal
10 property is essential to the use of the service, and is provided
11 exclusively in connection with the service, and the true object of the
12 transaction is the service, (b) the retail sale of services when one
13 service is provided that is essential to the use or receipt of a second
14 service and the first service is provided exclusively in connection with
15 the second service and the true object of the transaction is the second
16 service, or (c) a transaction that includes taxable products and
17 nontaxable products and the purchase price or sales price of the taxable
18 products is de minimus. De minimus means the seller's purchase price or
19 sales price of the taxable products is ten percent or less of the total
20 purchase price or sales price of the bundled products. Sellers shall use
21 either the purchase price or the sales price of the products to determine
22 if the taxable products are de minimus. Sellers may not use a combination
23 of the purchase price and sales price of the products to determine if the
24 taxable products are de minimus. Sellers shall use the full term of a
25 service contract to determine if the taxable products are de minimus.

26 (5) Bundled transaction does not include the retail sale of exempt
27 tangible personal property and taxable tangible personal property if (a)
28 the transaction includes food and food ingredients, drugs, durable
29 medical equipment, mobility enhancing equipment, over-the-counter drugs,
30 prosthetic devices, or medical supplies, as such terms are defined in
31 section 77-2704.09, and (b) the seller's purchase price or sales price of

1 the taxable tangible personal property is fifty percent or less of the
2 total purchase price or sales price of the bundled tangible personal
3 property. Sellers may not use a combination of the purchase price and
4 sales price of the tangible personal property when making the fifty-
5 percent determination for a transaction.

6 Sec. 16. Section 77-2704.09, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 77-2704.09 (1) Sales and use taxes shall not be imposed on the gross
9 receipts from the sale, lease, or rental of and the storage, use, or
10 other consumption in this state of (a) insulin, (b) mobility enhancing
11 equipment and drugs, not including over-the-counter drugs, when sold for
12 a patient's use under a prescription, and (c) the following when sold for
13 a patient's use under a prescription and which are of the type eligible
14 for coverage under the medical assistance program established pursuant to
15 the Medical Assistance Act: Durable medical equipment; home medical
16 supplies; prosthetic devices; oxygen; and oxygen equipment.

17 (2) For purposes of this section:

18 (a)(i) Drug means a compound, substance, preparation, and component
19 of a compound, substance, or preparation, other than food and food
20 ingredients, dietary supplements, or alcoholic beverages:

21 (A i) Recognized in the official United States Pharmacopoeia,
22 official Homeopathic Pharmacopoeia of the United States, or official
23 National Formulary, and any supplement to any of them;

24 (B ii) Intended for use in the diagnosis, cure, mitigation,
25 treatment, or prevention of disease; or

26 (C iii) Intended to affect the structure or any function of the
27 body; and

28 (ii) Drug does not include cannabis obtained pursuant to the
29 Cannabis Compassion and Care Act;

30 (b) Durable medical equipment means equipment which can withstand
31 repeated use, is primarily and customarily used to serve a medical

1 purpose, generally is not useful to a person in the absence of illness or
2 injury, is appropriate for use in the home, and is not worn in or on the
3 body. Durable medical equipment includes repair and replacement parts for
4 such equipment;

5 (c) Home medical supplies means supplies primarily and customarily
6 used to serve a medical purpose which are appropriate for use in the home
7 and are generally not useful to a person in the absence of illness or
8 injury;

9 (d) Mobility enhancing equipment means equipment which is primarily
10 and customarily used to provide or increase the ability to move from one
11 place to another, which is not generally used by persons with normal
12 mobility, and which is appropriate for use either in a home or a motor
13 vehicle. Mobility enhancing equipment includes repair and replacement
14 parts for such equipment. Mobility enhancing equipment does not include
15 any motor vehicle or equipment on a motor vehicle normally provided by a
16 motor vehicle manufacturer;

17 (e) Over-the-counter drug means a drug that contains a label that
18 identifies the product as a drug as required by 21 C.F.R. 201.66, as such
19 regulation existed on January 1, 2003. The over-the-counter drug label
20 includes a drug facts panel or a statement of the active ingredients with
21 a list of those ingredients contained in the compound, substance, or
22 preparation;

23 (f) Oxygen equipment means oxygen cylinders, cylinder transport
24 devices including sheaths and carts, cylinder studs and support devices,
25 regulators, flowmeters, tank wrenches, oxygen concentrators, liquid
26 oxygen base dispensers, liquid oxygen portable dispensers, oxygen tubing,
27 nasal cannulas, face masks, oxygen humidifiers, and oxygen fittings and
28 accessories;

29 (g) Prescription means an order, formula, or recipe issued in any
30 form of oral, written, electronic, or other means of transmission by a
31 duly licensed practitioner authorized under the Uniform Credentialing

1 Act; and

2 (h) Prosthetic devices means a replacement, corrective, or
3 supportive device worn on or in the body to artificially replace a
4 missing portion of the body, prevent or correct physical deformity or
5 malfunction, or support a weak or deformed portion of the body, and
6 includes any supplies used with such device and repair and replacement
7 parts.

8 Sec. 17. Section 77-4303, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 77-4303 (1) A tax is hereby imposed on marijuana and controlled
11 substances at the following rates:

12 (a) On each ounce of marijuana or each portion of an ounce, one
13 hundred dollars;

14 (b) On each gram or portion of a gram of a controlled substance that
15 is customarily sold by weight or volume, one hundred fifty dollars; or

16 (c) On each fifty dosage units or portion thereof of a controlled
17 substance that is not customarily sold by weight, five hundred dollars.

18 (2) For purposes of calculating the tax under this section,
19 marijuana or any controlled substance that is customarily sold by weight
20 or volume shall be measured by the weight of the substance in the
21 dealer's possession. The weight shall be the actual weight, if known, or
22 the estimated weight as determined by the Nebraska State Patrol or other
23 law enforcement agency. Such determination shall be presumed to be the
24 weight of such marijuana or controlled substances for purposes of
25 sections 77-4301 to 77-4316.

26 (3) The tax shall not be imposed upon a person registered or
27 otherwise lawfully in possession of marijuana or a controlled substance
28 pursuant to Chapter 28, article 4, or a person lawfully in possession of
29 cannabis under the Cannabis Compassion and Care Act.

30 Sec. 18. If any section in this act or any part of any section is
31 declared invalid or unconstitutional, the declaration shall not affect

1 the validity or constitutionality of the remaining portions.

2 Sec. 19. Original sections 28-439, 77-2701.48, 77-2704.09, and
3 77-4303, Reissue Revised Statutes of Nebraska, and sections 28-405 and
4 28-416, Revised Statutes Cumulative Supplement, 2014, are repealed.