LEGISLATIVE BILL 811

Introduced by Schilz, 47; Avery, 28; Brasch, 16; Carlson, 38; Coash, 27; Davis, 43; Dubas, 34; Haar, 21; Janssen, 15; Kintner, 2; Kolowski, 31; Watermeier, 1.

Read first time January 10, 2014

Committee: Judiciary

A BILL

FOR AN ACT relating to crimes and offenses; to amend section 28-445, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, and 28-416, Revised Statutes Supplement, 2013; to change provisions and penalties relating to the Uniform Controlled Substances Act; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 28-401, Revised Statutes Supplement, 2013, is amended to read:

28-401 As used in the Uniform Controlled Substances Act, unless the context otherwise requires:

(1) Administer shall mean to directly apply a controlled substance by injection, inhalation, ingestion, or any other means to the body of a patient or research subject;

(2) Agent shall mean an authorized person who acts on behalf of or at the direction of another person but shall not include a common or contract carrier, public warehouse keeper, or employee of a carrier or warehouse keeper;

(3) Administration shall mean the Drug Enforcement Administration, United States Department of Justice;

(4) Controlled substance shall mean a drug, biological, substance, or immediate precursor in Schedules I to V of section 28-405. Controlled substance shall not include distilled spirits, wine, malt beverages, tobacco, or any nonnarcotic substance if such substance may, under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., as such act existed on January 1, 2009, and the law of this state, be lawfully sold over the counter without a prescription;

(5) Counterfeit substance shall mean a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a
manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser;

(6) Department shall mean the Department of Health and Human Services;

(7) Division of Drug Control shall mean the personnel of the Nebraska State Patrol who are assigned to enforce the Uniform Controlled Substances Act;

(8) Dispense shall mean to deliver a controlled substance to an ultimate user or a research subject pursuant to a medical order issued by a practitioner authorized to prescribe, including the packaging, labeling, or compounding necessary to prepare the controlled substance for such delivery;

(9) Distribute shall mean to deliver other than by administering or dispensing a controlled substance;

(10) Prescribe shall mean to issue a medical order;

(11) Drug shall mean (a) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them, (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals, and (c) substances intended for use as a component of any article specified in subdivision (a) or (b) of this
subdivision, but shall not include devices or their components, parts, or accessories;

(12) Deliver or delivery shall mean the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship;

(13) Marijuana shall mean all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds, but shall not include the mature stalks of such plant, hashish, tetrahydrocannabinols extracted or isolated from the plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, or the sterilized seed of such plant which is incapable of germination. When the weight of marijuana is referred to in the Uniform Controlled Substances Act, it shall mean its weight at or about the time it is seized or otherwise comes into the possession of law enforcement authorities, whether cured or uncured at that time;

(14) Manufacture shall mean the production, preparation, propagation, conversion, or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and shall include any packaging or repackaging of the substance or labeling or relabeling of its container. Manufacture shall not include the
preparation or compounding of a controlled substance by an individual for his or her own use, except for the preparation or compounding of components or ingredients used for or intended to be used for the manufacture of methamphetamine, or the preparation, compounding, conversion, packaging, or labeling of a controlled substance: (a) By a practitioner as an incident to his or her prescribing, administering, or dispensing of a controlled substance in the course of his or her professional practice; or (b) by a practitioner, or by his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale;

(15) Narcotic drug shall mean any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (a) Opium, opium poppy and poppy straw, coca leaves, and opiates; (b) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates; or (c) a substance and any compound, manufacture, salt, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to in subdivisions (a) and (b) of this subdivision, except that the words narcotic drug as used in the Uniform Controlled Substances Act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine, or isoquinoline alkaloids of opium;
Opiate shall mean any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. Opiate shall not include the dextrorotatory isomer of 3-methoxy-n methylmorphinan and its salts. Opiate shall include its racemic and levorotatory forms;

Opium poppy shall mean the plant of the species Papaver somniferum L., except the seeds thereof;

Poppy straw shall mean all parts, except the seeds, of the opium poppy after mowing;

Person shall mean any corporation, association, partnership, limited liability company, or one or more individuals;

Practitioner shall mean a physician, a physician assistant, a dentist, a veterinarian, a pharmacist, a podiatrist, an optometrist, a certified nurse midwife, a certified registered nurse anesthetist, a nurse practitioner, a scientific investigator, a pharmacy, a hospital, or any other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe, conduct research with respect to, or administer a controlled substance in the course of practice or research in this state, including an emergency medical service as defined in section 38-1207;

Production shall include the manufacture, planting, cultivation, or harvesting of a controlled substance;

Immediate precursor shall mean a substance which is the principal compound commonly used or produced primarily for use
and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit such manufacture;

(23) State shall mean the State of Nebraska;

(24) Ultimate user shall mean a person who lawfully possesses a controlled substance for his or her own use, for the use of a member of his or her household, or for administration to an animal owned by him or her or by a member of his or her household;

(25) Hospital shall have the same meaning as in section 71-419;

(26) Cooperating individual shall mean any person, other than a commissioned law enforcement officer, who acts on behalf of, at the request of, or as agent for a law enforcement agency for the purpose of gathering or obtaining evidence of offenses punishable under the Uniform Controlled Substances Act;

(27) Hashish or concentrated cannabis shall mean: (a) The separated resin, whether crude or purified, obtained from a plant of the genus cannabis; or (b) any material, preparation, mixture, compound, or other substance which contains ten percent or more by weight of tetrahydrocannabinols;

(28) Exceptionally hazardous drug shall mean (a) a narcotic drug, (b) thiophene analog of phencyclidine, (c) phencyclidine, (d) amobarbital, (e) secobarbital, (f) pentobarbital, (g) amphetamine, or (h) methamphetamine;

(29) Imitation controlled substance shall mean a
substance which is not a controlled substance or controlled substance analogue but which, by way of express or implied representations and consideration of other relevant factors including those specified in section 28-445, would lead a reasonable person to believe the substance is a controlled substance or controlled substance analogue. A placebo or registered investigational drug manufactured, distributed, possessed, or delivered in the ordinary course of practice or research by a health care professional shall not be deemed to be an imitation controlled substance;

(30)(a) Controlled substance analogue shall mean a substance (i) the chemical structure of which is substantially similar to the chemical structure of a Schedule I or Schedule II controlled substance as provided in section 28-405 or (ii) which has a stimulant, depressant, analgesic, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, analgesic, or hallucinogenic effect on the central nervous system of a Schedule I or Schedule II controlled substance as provided in section 28-405. A controlled substance analogue shall, to the extent intended for human consumption, be treated as a controlled substance under Schedule I of section 28-405 for purposes of the Uniform Controlled Substances Act; and

(b) Controlled substance analogue shall not include (i) a controlled substance, (ii) any substance generally recognized as safe and effective within the meaning of the Federal Food, Drug, and
Cosmetic Act, 21 U.S.C. 301 et seq., as such act existed on January 1, 2009, as such act existed on January 1, 2014, (iii) any substance for which there is an approved new drug application, or (iv) with respect to a particular person, any substance if an exemption is in effect for investigational use for that person, under section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2009, to the extent conduct with respect to such substance is pursuant to such exemption;

(31) Anabolic steroid shall mean any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids), that promotes muscle growth and includes any controlled substance in Schedule III(d) of section 28-405. Anabolic steroid shall not include any anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and has been approved by the Secretary of Health and Human Services for such administration, but if any person prescribes, dispenses, or distributes such a steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subdivision;

(32) Chart order shall mean an order for a controlled substance issued by a practitioner for a patient who is in the hospital where the chart is stored or for a patient receiving detoxification treatment or maintenance treatment pursuant to section 28-412. Chart order shall not include a prescription;
(33) Medical order shall mean a prescription, a chart order, or an order for pharmaceutical care issued by a practitioner;
(34) Prescription shall mean an order for a controlled substance issued by a practitioner. Prescription shall not include a chart order;
(35) Registrant shall mean any person who has a controlled substances registration issued by the state or the administration;
(36) Reverse distributor shall mean a person whose primary function is to act as an agent for a pharmacy, wholesaler, manufacturer, or other entity by receiving, inventorying, and managing the disposition of outdated, expired, or otherwise nonsaleable controlled substances;
(37) Signature shall mean the name, word, or mark of a person written in his or her own hand with the intent to authenticate a writing or other form of communication or a digital signature which complies with section 86-611 or an electronic signature;
(38) Facsimile shall mean a copy generated by a system that encodes a document or photograph into electrical signals, transmits those signals over telecommunications lines, and reconstructs the signals to create an exact duplicate of the original document at the receiving end;
(39) Electronic signature shall have the definition found in section 86-621;
(40) Electronic transmission shall mean transmission of
information in electronic form. Electronic transmission may include computer-to-computer transmission or computer-to-facsimile transmission; and

(41) Long-term care facility shall mean an intermediate care facility, an intermediate care facility for persons with developmental disabilities, a long-term care hospital, a mental health center, a nursing facility, or a skilled nursing facility, as such terms are defined in the Health Care Facility Licensure Act.

Sec. 2. Section 28-405, Revised Statutes Supplement, 2013, is amended to read:

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

Schedule I

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

(1) Acetylmethadol;

(2) Allylprodine;

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

(4) Alphameprodine;

(5) Alphamethadol;
1  (6) Benzethidine;
2  (7) Betacetylmethadol;
3  (8) Betameprodine;
4  (9) Betamethadol;
5  (10) Betaprodine;
6  (11) Clonitazene;
7  (12) Dextromoramide;
8  (13) Difenoxin;
9  (14) Diampromide;
10 (15) Diethylthiambutene;
11 (16) Dimenoxadol;
12 (17) Dimepheptanol;
13 (18) Dimethylthiambutene;
14 (19) Dioxaphetyl butyrate;
15 (20) Dipipanone;
16 (21) Ethylmethylthiambutene;
17 (22) Etonitazene;
18 (23) Etoxeridine;
19 (24) Furethidine;
20 (25) Hydroxypethidine;
21 (26) Ketobemidone;
22 (27) Levomoramide;
23 (28) Levophenacylmorphan;
24 (29) Morpheridine;
25 (30) Noracymethadol;
(31) Norlevorphanol;
(32) Normethadone;
(33) Norpipanone;
(34) Phenadoxone;
(35) Phenampromide;
(36) Phenomorphan;
(37) Phenoperidine;
(38) Piritramide;
(39) Proheptazine;
(40) Properidine;
(41) Propiram;
(42) Racemoramide;
(43) Trimeperidine;
(44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine;
(45) Tilidine;
(46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide, its optical and geometric isomers, salts, and salts of isomers;
(47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts, and salts of isomers;
(48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine, its optical isomers, salts, and salts of isomers;
(49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-
phenethyl)-4-piperidinyl)-N-phenylacetamide, its optical isomers, salts, and salts of isomers;

(50) Alpha-methylthiofentanyl, \(N-(1\text{-methyl-2-(2-thienyl)ethyl-4-piperidinyl})-N\text{-phenylpropanamide}\), its optical isomers, salts, and salts of isomers;

(51) Benzylfentanyl, \(N-(1\text{-benzyl-4-piperidyl})-N\text{-phenylpropanamide}\), its optical isomers, salts, and salts of isomers;

(52) Beta-hydroxyfentanyl, \(N-(1\text{-}(2\text{-hydroxy-2-phenethyl)-4-piperidinyl})-N\text{-phenylpropanamide}\), its optical isomers, salts, and salts of isomers;

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

(54) 3-methylthiofentanyl, \(N-(3\text{-methyl-1-(2-thienyl)ethyl-4-piperidinyl})-N\text{-phenylpropanamide}\), its optical and geometric isomers, salts, and salts of isomers;

(55) \(N-(1\text{-}(2\text{-thienyl)methyl-4-piperidyl})-N\text{-phenylpropanamide (thenylfentanyl)}\), its optical isomers, salts, and salts of isomers;

(56) Thiofentanyl, \(N\text{-phenyl-}\(N-(1\text{-}(2\text{-thienyl)ethyl-4-piperidinyl})\text{-propanamide}\), its optical isomers, salts, and salts of isomers; and

(57) Para-fluorofentanyl, \(N-(4\text{-fluorophenyl})-N-(1\text{-}(2-phenethyl)-4-piperidinyl) propanamide\), its optical isomers, salts, and salts of isomers.
(b) Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

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

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

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

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

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

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

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

(6) Lysergic acid diethylamide;

(7) Marijuana;

(8) Mescaline;

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

(10) Psilocybin;

(11) Psilocyn;

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

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

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

(16) Hashish or concentrated cannabis;

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

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

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

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

(21) 2,5-dimethoxy-4-ethylamphetamine; and DOET;

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

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

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

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

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

(B) Naphthoylindoles: Any compound containing a 3-(1-
naphthoyl)indole structure with substitution at the nitrogen atom of
the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-
methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-
methyl-3-morpholinyl)methyl, or tetrahydropyranymethyl group,
whether or not further substituted in the indole ring to any extent
and whether or not substituted in the naphthyl ring to any extent.
This class includes, but is not limited to, the following compounds:
AM-694, AM-2201, AM-2233, AM-1220, WIN 55, 212-2, JWH-018, JWH-015,
JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, JWH-398, and
MAM-2201;

(C) Naphthylmethylindoles: Any compound containing a 1 H-
indol-3-yl-(1-naphthyl)methane structure with substitution at the
nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
tetrahydropyranymethyl group, whether or not further substituted in
the indole ring to any extent and whether or not substituted in the
naphthyl ring to any extent. This class includes, but is not limited
to, the following compounds: JWH-175 and JWH-184;
(D) Naphthoylpyrroles: Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This class includes, but is not limited to, the following compound: JWH-307;

(E) Naphthylideneindenes: Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. This class includes, but is not limited to, the following compound: JWH-176;

(F) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-
methyl-3-morpholinyl)methyl, or tetrahydropyranymethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This class includes, but is not limited to, the following compounds: SR-18, RCS-8, JWH-250, and JWH-203;

(G) Cyclohexylphenols: Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, or tetrahydropyranymethyl group, whether or not substituted in the cyclohexyl ring to any extent. This class includes, but is not limited to, the following compounds: CP-55,940 and CP-47,497;

(H) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranymethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This class includes, but is not limited to, the following compounds: AM-694, RCS-4, and WIN 48,098;

(I) Adamantoylindoles: Any compound containing a 3-
adamantoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent. This class includes, but is not limited to, the following compounds: AB-001 and AM-1248;

(J) Tetramethylcyclopropanoylindoles: Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent. This class includes, but is not limited to, the following compounds: AB-034, UR-144, XLR-11, and A-796,260; and

(K) Adamantylindole—Indole carboxamides: Any compound containing a 1-indole-3-carboxamide structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-
methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranymethyl group, substitution at the carboxamide group by an adamantyl, 1-naphthyl, or phenyl, or aminooxoalkyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring any of the ring systems to any extent. This class includes, but is not limited to, the following compounds: AB-PINACA, AB-FUBINACA, ADB-PINACA, ADB-FUBINACA, MN-24, STS-135, AKB-48, 5FAKB-48, APICA, JWH-018 adamantyl carboxamide, and 2NE-1;

(L) Indole carboxylates: Any compound containing a 1-indole-3-carboxylate structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranymethyl group, substitution at the carboxylate group by an adamantyl, 1-naphthyl, phenyl or quinolinyl group, whether or not further substituted in any of the ring systems to any extent. This class includes, but is not limited to, the following compounds: BB-22, PB-22, and 5FPB-22; and

(M) Any other compound, not specifically listed in these schedules or approved by the federal Food and Drug Administration, that is identified by chemical, medical, or pharmacological means as a cannabinoid receptor agonist which mimics or is intended to mimic the pharmacological effect of naturally occurring cannabinoids;

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

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

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

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

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

(iv) 2-(2,5-Dimethoxyphenyl)ethanamine, which is also known as 2C-H or 2,5-Dimethoxyphenethylamine;
(v) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine, which is also known as 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;

(vi) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine, which is also known as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine;

(vii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine, which is also known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine;

(viii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine, which is also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine;

(ix) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine, which is also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine;

(x) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine, which is also known as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine;

(xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine, which is also known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine;

(xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine, which is also known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;

(xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane, which is also known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;

(xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine, which is also known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;

(xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe;
25B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;  
(xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe;  
25I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;  
(xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine, which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine;  
(xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe;  
or 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;  
(xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-y1)ethanamine, which is also known as 2CB-5-hemiFLY;  
(xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro[2,3-f][1]benzofuran-4-yl)ethanamine, which is also known as 2C-B-FLY;  
(xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyra[2,3-g]chromen-5-yl)ethanamine, which is also known as 2C-B-butterFLY;  
(xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-NBOMe;  
(xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine, which is also known as bromo-benzodifuranylisopropylamine or bromo-dragonFLY;  
(xxiv) N-(2-Hydroxybenzyl)-4-ido-2,5-dimethoxyphenethylamine, which is also known as 2C-INBOH or 25I-NBOH;
(xxv) 5-(2-Aminopropyl)benzofuran, which is also known as 5-APB;
(xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;
(xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known as 5-APDB;
(xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known as 6-APDB;
(xxix) 2,5-dimethoxy-amphetamine, which is also known as 2,5-dimethoxy-a-methylphenethylamine; 2, 5-DMA;
(xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;
(xxxi) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also known as 2C-T-7;
(xxxii) 5-methoxy-3,4-methylenedioxy-amphetamine;
(xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and STP;
(xxxiv) 3,4-methylenedioxy amphetamine, which is also known as MDA;
(xxxv) 3,4-methylenedioxymethamphetamine, which is also known as MDMA;
(xxxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA; and
(xxxvii) 3,4,5-trimethoxy amphetamine;

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

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

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

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

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

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

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

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

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

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

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

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

(ii) 3,4-methylenedioxyxypyrovalerone, or MDPV;

(iii) 4-methylmethcathinone, or 4-MMC, or mephedrone;

(iv) 4-methoxymethcathinone, or bk-PMMA, or PMMC, or
methedrone;

(v) Fluoromethcathinone, or FMC;

(vi) Naphthylpyrovalerone, or naphyrone; or

(vii) Beta-keto-N-methylbenzodioxolylpropylamine; or

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

(i) Substitution in the ring system to any extent with
alkyl, alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide
substituents, whether or not further substituted in the ring system
by one or more other univalent substituents;
(ii) Substitution at the 3-position with an acyclic alkyl substituent; or

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

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

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

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

(1) Fenethylline;
(2) N-ethylamphetamine;
(3) Aminorex; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
or 4,5-dihydro-5-phenyl-2-oxazolamine;

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

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

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

(7) N,N-dimethylamphetamine; N,N-alpha-trimethylbenzeneethanamine; and N,N-alpha-trimethylphenethylamine; and

(8) Benzylpiperazine, 1-benzylpiperazine.

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

Schedule II

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

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

1. *(i)* (A) Raw opium;
2. *(ii)* (B) Opium extracts;
3. *(iii)* (C) Opium fluid;
4. *(iv)* (D) Powdered opium;
5. *(v)* (E) Granulated opium;
6. *(vi)* (F) Tincture of opium;
7. *(vii)* (G) Codeine;
8. *(viii)* (H) Ethylmorphine;
9. *(ix)* (I) Etorphine hydrochloride;
10. *(x)* (J) Hydrocodone;
11. *(xi)* (K) Hydromorphone;
12. *(xii)* (L) Metopon;
13. *(xiii)* (M) Morphine;
14. *(xiv)* (N) Oxycodone;
15. *(xv)* (O) Oxymorphone;
16. *(xvi)* (P) Oripavine;
17. *(xvii)* (Q) Thebaine; and
18. *(xviii)* (R) Dihydroetorphine;

2. *(2)* Any salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to in subdivision (1) of this subdivision, except that these substances shall not include the isoquinoline alkaloids of opium;
(3) Opium poppy and poppy straw;
(4) Coca leaves and any salt, compound, derivative, or
preparation of coca leaves, and any salt, compound, derivative, or
preparation thereof which is chemically equivalent to or identical
with any of these substances, including cocaine and its salts,
optical isomers, and salts of optical isomers, except that the
substances shall not include decocainized coca leaves or extractions
which do not contain cocaine or ecgonine; and
(5) Concentrate of poppy straw, the crude extract of
poppy straw in either liquid, solid, or powder form which contains
the phenanthrene alkaloids of the opium poppy.
(b) Unless specifically excepted or unless in another
schedule any of the following opiates, including their isomers,
esters, ethers, salts, and salts of their isomers, esters, and ethers
whenever the existence of such isomers, esters, ethers, and salts is
possible within the specific chemical designation, dextrophan
excepted:
(1) Alphaprodine;
(2) Anileridine;
(3) Bezitramide;
(4) Diphenoxylate;
(5) Fentanyl;
(6) Isomethadone;
(7) Levomethorphan;
(8) Levorphanol;
(9) Metazocine;
(10) Methadone;
(11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-
diphenyl butane;
(12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-
diphenylpropane-carboxylic acid;
(13) Pethidine or meperidine;
(14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
phenylpiperidine;
(15) Pethidine-Intermediate-B, ethyl-4-
phenylpiperidine-4-carboxylate;
(16) Pethidine-Intermediate-C, 1-methyl-4-
phenylpiperidine-4-carboxylic acid;
(17) Phenazocine;
(18) Piminodine;
(19) Racemethorphan;
(20) Racemorphan;
(21) Dihydrocodeine;
(22) Bulk Propoxyphene in nondosage forms;
(23) Sufentanil;
(24) Alfentanil;
(25) Levo-alpha-acetylmethadol which is also known as levo-
alpha-acetylmethadol, levomethadyl acetate, and LAAM;
(26) Carfentanil;
(27) Remifentanil; and
(28) Tapentadol.

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

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
(2) Phenmetrazine and its salts;
(3) Methamphetamine, its salts, isomers, and salts of its isomers; and
(4) Methylphenidate.

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

(1) Amobarbital;
(2) Secobarbital;
(3) Pentobarbital;
(4) Phencyclidine; and
(5) Glutethimide.

(e) Hallucinogenic substances known as:

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

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

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

(2) Immediate precursors to phencyclidine, PCP:

(A) 1-phenylcyclohexylamine; or

(B) 1-piperidinocyclohexanecarbonitrile, PCC.

Schedule III

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

(1) Benzphetamine;

(2) Chlorphentermine;

(3) Clortermine; and

(4) Phendimetrazine.

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

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

(2) Chlorhexadol;

(3) Lysergic acid;

(4) Lysergic acid amide;

(5) Methyprylon;

(6) Sulfoniethylmethane;

(7) Sulfonethylmethane;

(8) Sulfonmethane;

(9) Nalorphine;

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

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

(12) Any drug product containing gamma-hydroxybutyric
acid, including its salts, isomers, and salts of isomers, for which
an application is approved under section 505 of the Federal Food,
Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
July 20, 2002; January 1, 2014;

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Buprenorphine.

(d) Unless contained on the administration's list of exempt anabolic steroids as the list existed on June 1, 2007, January 1, 2014, any anabolic steroid, which shall include any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:

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

(e) Hallucinogenic substances known as:

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

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

(1) Barbital;
(2) Chlora betaine;
(3) Chlora hydrate;
(4) Chlordiazepoxide, but not including librax
(chlordiazepoxide hydrochloride and clindinium bromide) or menrium
(chlordiazepoxide and water soluble esterified estrogens);
(5) Clonazepam;
(6) Clorazepate;
(7) Diazepam;
(8) Ethchlorvynol;
(9) Ethinamate;
(10) Flurazepam;
(11) Mebutamate;
(12) Meprobamate;
(13) Methohexital;
(14) Methylphenobarbital;
1. Oxazepam;
2. Paraldehyde;
3. Petrichloral;
4. Phenobarbital;
5. Prazepam;
6. Alprazolam;
7. Bromazepam;
8. Camazepam;
9. Clobazam;
10. Clotiazepam;
11. Clotiazepam;
12. Delorazepam;
13. Estazolam;
14. Ethyl loflazepate;
15. Fludiazepam;
16. Flunitrazepam;
17. Halazepam;
18. Haloxazolam;
19. Ketazolam;
20. Loprazolam;
21. Lorazepam;
22. Lormetazepam;
23. Medazepam;
24. Nimetazepam;
25. Nitrazepam;
(40) Nordiazepam;
(41) Oxazolam;
(42) Pinazepam;
(43) Temazepam;
(44) Tetrazepam;
(45) Triazolam;
(46) Midazolam;
(47) Quazepam;
(48) Zolpidem;
(49) Dichloralphenazone; and
(50) Zaleplon.

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

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

(1) Diethylpropion;
(2) Phentermine;
(3) Pemoline, including organometallic complexes and chelates thereof; 
(4) Mazindol; 
(5) Pipradrol; 
(6) SPA, \((-\)-1-dimethylamino-1,2-diphenylethane); 
(7) Cathine. Another name for cathine is \((+\)-norpseudoephedrine); 
(8) Fencamfamin; 
(9) Fenproporex; 
(10) Mefenorex; 
(11) Modafinil; and 
(12) Sibutramine. 

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

(1) Propoxyphene in manufactured dosage forms; and 

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

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

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

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

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

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

(i) Primatene Tablets; and

(ii) Bronkaid Dual Action Caplets.

Schedule V

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

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

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

(3) Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;
(4) Not more than two and five-tenths milligrams of
diphenoxylate and not less than twenty-five micrograms of atropine
sulfate per dosage unit;

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

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

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

(c) Unless specifically exempted or excluded or unless
listed in another schedule, any material, compound, mixture, or
preparation which contains any quantity of the following substances
having a depressant effect on the central nervous system, including
its salts, isomers, and salts of isomers:

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

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

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

Sec. 3. Section 28-416, Revised Statutes Supplement,
2013, is amended to read:

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

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

(3) A person knowingly or intentionally possessing a controlled substance, except marijuana or any substance containing a quantifiable amount of the substances, chemicals, or compounds described, defined, or delineated in subdivision (c)(25) of Schedule I of section 28-405, unless such substance was obtained directly or pursuant to a medical order issued by a practitioner authorized to prescribe while acting in the course of his or her professional practice, or except as otherwise authorized by the act, shall be guilty of a Class IV felony.
(4)(a) Except as authorized by the Uniform Controlled Substances Act, any person eighteen years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver, or dispense a controlled substance or a counterfeit controlled substance (i) to a person under the age of eighteen years, (ii) in, on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, a community college, a public or private college, junior college, or university, or a playground, or (iii) within one hundred feet of a public or private youth center, public swimming pool, or video arcade facility shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(b) For purposes of this subsection:

(i) Playground shall mean any outdoor facility, including any parking lot appurtenant to the facility, intended for recreation, open to the public, and with any portion containing three or more apparatus intended for the recreation of children, including sliding boards, swingsets, and teeterboards;
(ii) Video arcade facility shall mean any facility legally accessible to persons under eighteen years of age, intended primarily for the use of pinball and video machines for amusement, and containing a minimum of ten pinball or video machines; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) Any person knowingly or intentionally possessing marijuana weighing one ounce or less or any substance containing a quantifiable amount of the substances, chemicals, or compounds described, defined, or delineated in subdivision (c)(25) of Schedule I of section 28-405 shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. Section 28-445, Reissue Revised Statutes of Nebraska, is amended to read:

28-445 (1) Any person who knowingly and intentionally manufactures, distributes, delivers, or possesses with intent to distribute or deliver an imitation controlled substance shall:

(a) For the first offense, be guilty of a Class III-I misdemeanor; and
(b) For the second and all subsequent offenses, be guilty of a Class II misdemeanor. IV felony.

(2) In determining whether a substance is an imitation controlled substance the court or other authority concerned shall consider all relevant factors, including, but not limited to, the following:

(a) Whether the substance is represented as having an effect similar to or the same as an illicit controlled substance;

(b) Whether the substance is represented by way of terminology which is deceptively similar to or the same as that describing a particular controlled substance;

(c) Whether the dosage unit price substantially exceeds the reasonable price of a similar dosage unit of like chemical composition sold over the counter; with packaging and labeling approved by the federal Food and Drug Administration;

(d) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter sales and contained the packaging and labeling information approved by the federal Food and Drug Administration;

(e) Whether the substance is packaged in a manner and quantity similar to or the same as that commonly used for illicit controlled substances;

(f) Whether the dosage unit appearance of the substance is deceptively similar to that of a particular controlled substance; and
(f) Whether the substance is distributed to persons who represent it as a controlled substance or controlled substance analogue, under circumstances which indicate the distributor knows, intends, or should know that his or her distributee is making or will make such representations; and

(h) Whether the person in possession or control of the substance utilized deception, fraud, or evasive tactics or actions to prevent the seizure, discovery, or detection of the substance by law enforcement.

(3) Any substance property possessed, distributed, or delivered in violation of this section is a common nuisance and shall be subject to the seizure and forfeiture as provided provisions in section 28-431.

Sec. 5. Original section 28-445, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, and 28-416, Revised Statutes Supplement, 2013, are repealed.