

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

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

1 FOR AN ACT relating to crimes and offenses; to amend section 28-445,
2 Reissue Revised Statutes of Nebraska, and sections
3 28-401, 28-405, and 28-416, Revised Statutes Supplement,
4 2013; to change provisions and penalties relating to the
5 Uniform Controlled Substances Act; and to repeal the
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-401, Revised Statutes Supplement,
2 2013, is amended to read:

3 28-401 As used in the Uniform Controlled Substances Act,
4 unless the context otherwise requires:

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

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

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

14 (4) Controlled substance shall mean a drug, biological,
15 substance, or immediate precursor in Schedules I to V of section
16 28-405. Controlled substance shall not include distilled spirits,
17 wine, malt beverages, tobacco, or any nonnarcotic substance if such
18 substance may, under the Federal Food, Drug, and Cosmetic Act, 21
19 U.S.C. 301 et seq., as such act existed on January 1, ~~2009~~, 2014, and
20 the law of this state, be lawfully sold over the counter without a
21 prescription;

22 (5) Counterfeit substance shall mean a controlled
23 substance which, or the container or labeling of which, without
24 authorization, bears the trademark, trade name, or other identifying
25 mark, imprint, number, or device, or any likeness thereof, of a

1 manufacturer, distributor, or dispenser other than the person or
2 persons who in fact manufactured, distributed, or dispensed such
3 substance and which thereby falsely purports or is represented to be
4 the product of, or to have been distributed by, such other
5 manufacturer, distributor, or dispenser;

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

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

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

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

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

19 (11) Drug shall mean (a) articles recognized in the
20 official United States Pharmacopoeia, official Homeopathic
21 Pharmacopoeia of the United States, official National Formulary, or
22 any supplement to any of them, (b) substances intended for use in the
23 diagnosis, cure, mitigation, treatment, or prevention of disease in
24 human beings or animals, and (c) substances intended for use as a
25 component of any article specified in subdivision (a) or (b) of this

1 subdivision, but shall not include devices or their components,
2 parts, or accessories;

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

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

19 (14) Manufacture shall mean the production, preparation,
20 propagation, conversion, or processing of a controlled substance,
21 either directly or indirectly, by extraction from substances of
22 natural origin, independently by means of chemical synthesis, or by a
23 combination of extraction and chemical synthesis, and shall include
24 any packaging or repackaging of the substance or labeling or
25 relabeling of its container. Manufacture shall not include the

1 preparation or compounding of a controlled substance by an individual
2 for his or her own use, except for the preparation or compounding of
3 components or ingredients used for or intended to be used for the
4 manufacture of methamphetamine, or the preparation, compounding,
5 conversion, packaging, or labeling of a controlled substance: (a) By
6 a practitioner as an incident to his or her prescribing,
7 administering, or dispensing of a controlled substance in the course
8 of his or her professional practice; or (b) by a practitioner, or by
9 his or her authorized agent under his or her supervision, for the
10 purpose of, or as an incident to, research, teaching, or chemical
11 analysis and not for sale;

12 (15) Narcotic drug shall mean any of the following,
13 whether produced directly or indirectly by extraction from substances
14 of vegetable origin, independently by means of chemical synthesis, or
15 by a combination of extraction and chemical synthesis: (a) Opium,
16 opium poppy and poppy straw, coca leaves, and opiates; (b) a
17 compound, manufacture, salt, derivative, or preparation of opium,
18 coca leaves, or opiates; or (c) a substance and any compound,
19 manufacture, salt, derivative, or preparation thereof which is
20 chemically equivalent to or identical with any of the substances
21 referred to in subdivisions (a) and (b) of this subdivision, except
22 that the words narcotic drug as used in the Uniform Controlled
23 Substances Act shall not include decocainized coca leaves or extracts
24 of coca leaves, which extracts do not contain cocaine or ecgonine, or
25 isoquinoline alkaloids of opium;

1 (16) Opiate shall mean any substance having an addiction-
2 forming or addiction-sustaining liability similar to morphine or
3 being capable of conversion into a drug having such addiction-forming
4 or addiction-sustaining liability. Opiate shall not include the
5 dextrorotatory isomer of 3-methoxy-n methylmorphinan and its salts.
6 Opiate shall include its racemic and levorotatory forms;

7 (17) Opium poppy shall mean the plant of the species
8 *Papaver somniferum* L., except the seeds thereof;

9 (18) Poppy straw shall mean all parts, except the seeds,
10 of the opium poppy after mowing;

11 (19) Person shall mean any corporation, association,
12 partnership, limited liability company, or one or more individuals;

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

22 (21) Production shall include the manufacture, planting,
23 cultivation, or harvesting of a controlled substance;

24 (22) Immediate precursor shall mean a substance which is
25 the principal compound commonly used or produced primarily for use

1 and which is an immediate chemical intermediary used or likely to be
2 used in the manufacture of a controlled substance, the control of
3 which is necessary to prevent, curtail, or limit such manufacture;

4 (23) State shall mean the State of Nebraska;

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

9 (25) Hospital shall have the same meaning as in section
10 71-419;

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

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

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

25 (29) Imitation controlled substance shall mean a

1 substance which is not a controlled substance or controlled substance
2 analogue but which, by way of express or implied representations and
3 consideration of other relevant factors including those specified in
4 section 28-445, would lead a reasonable person to believe the
5 substance is a controlled substance or controlled substance analogue.

6 A placebo or registered investigational drug manufactured,
7 distributed, possessed, or delivered in the ordinary course of
8 practice or research by a health care professional shall not be
9 deemed to be an imitation controlled substance;

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

23 (b) Controlled substance analogue shall not include (i) a
24 controlled substance, (ii) any substance generally recognized as safe
25 and effective within the meaning of the Federal Food, Drug, and

1 Cosmetic Act, 21 U.S.C. 301 et seq., as such act existed on January
2 1, ~~2009~~, 2014, (iii) any substance for which there is an approved new
3 drug application, or (iv) with respect to a particular person, any
4 substance if an exemption is in effect for investigational use for
5 that person, under section 505 of the Federal Food, Drug, and
6 Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1,
7 ~~2009~~, 2014, to the extent conduct with respect to such substance is
8 pursuant to such exemption;

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

21 (32) Chart order shall mean an order for a controlled
22 substance issued by a practitioner for a patient who is in the
23 hospital where the chart is stored or for a patient receiving
24 detoxification treatment or maintenance treatment pursuant to section
25 28-412. Chart order shall not include a prescription;

1 (33) Medical order shall mean a prescription, a chart
2 order, or an order for pharmaceutical care issued by a practitioner;

3 (34) Prescription shall mean an order for a controlled
4 substance issued by a practitioner. Prescription shall not include a
5 chart order;

6 (35) Registrant shall mean any person who has a
7 controlled substances registration issued by the state or the
8 administration;

9 (36) Reverse distributor shall mean a person whose
10 primary function is to act as an agent for a pharmacy, wholesaler,
11 manufacturer, or other entity by receiving, inventorying, and
12 managing the disposition of outdated, expired, or otherwise
13 nonsaleable controlled substances;

14 (37) Signature shall mean the name, word, or mark of a
15 person written in his or her own hand with the intent to authenticate
16 a writing or other form of communication or a digital signature which
17 complies with section 86-611 or an electronic signature;

18 (38) Facsimile shall mean a copy generated by a system
19 that encodes a document or photograph into electrical signals,
20 transmits those signals over telecommunications lines, and
21 reconstructs the signals to create an exact duplicate of the original
22 document at the receiving end;

23 (39) Electronic signature shall have the definition found
24 in section 86-621;

25 (40) Electronic transmission shall mean transmission of

1 information in electronic form. Electronic transmission may include
2 computer-to-computer transmission or computer-to-facsimile
3 transmission; and

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

9 Sec. 2. Section 28-405, Revised Statutes Supplement,
10 2013, is amended to read:

11 28-405 The following are the schedules of controlled
12 substances referred to in the Uniform Controlled Substances Act:

13 Schedule I

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

19 (1) Acetylmethadol;

20 (2) Allylprodine;

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

24 (4) Alphameprodine;

25 (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) Difenoquin;
- 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) Etoxadine;
- 19 (24) Furethidine;
- 20 (25) Hydroxypethidine;
- 21 (26) Ketobemidone;
- 22 (27) Levomoramide;
- 23 (28) Levophenacymorphan;
- 24 (29) Morpheridine;
- 25 (30) Noracymethadol;

- 1 (31) Norlevorphanol;
- 2 (32) Normethadone;
- 3 (33) Norpipanone;
- 4 (34) Phenadoxone;
- 5 (35) Phenampromide;
- 6 (36) Phenomorphan;
- 7 (37) Phenoperidine;
- 8 (38) Piritramide;
- 9 (39) Proheptazine;
- 10 (40) Properidine;
- 11 (41) Propiram;
- 12 (42) Racemoramide;
- 13 (43) Trimeperidine;
- 14 (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-
- 15 phenyl)ethyl-4-piperidyl) propionanilide, 1-(1-methyl-2-
- 16 phenylethyl)-4-(N-propanilido) piperidine;
- 17 (45) Tilidine;
- 18 (46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-
- 19 piperidyl)-N-phenylpropanamide, its optical and geometric isomers,
- 20 salts, and salts of isomers;
- 21 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its
- 22 optical isomers, salts, and salts of isomers;
- 23 (48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine,
- 24 its optical isomers, salts, and salts of isomers;
- 25 (49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-

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

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

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

8 (52) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-
9 phenethyl)-4-piperidinyl)-N-phenylpropanamide, its optical isomers,
10 salts, and salts of isomers;

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

14 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-
15 thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide, its optical and
16 geometric isomers, salts, and salts of isomers;

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

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

23 (57) Para-fluorofentanyl, N-(4-fluorophenyl)-N-(1-(2-
24 phenethyl)-4-piperidinyl)propanamide, its optical isomers, salts, and
25 salts of isomers.

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

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

1 (22) Pholcodine; and

2 (23) Thebacon.

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

10 (1) Bufotenine. Trade and other names shall include, but
11 are not limited to: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-
12 (2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-
13 N,N-dimethyltryptamine; and mappine;

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

17 (3) 4-methoxyamphetamine. Trade and other names shall
18 include, but are not limited to: 4-methoxy-alpha-
19 methylphenethylamine; and paramethoxyamphetamine, PMA;

20 (4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other
21 names shall include, but are not limited to: 4-methyl-2,5-dimethoxy-
22 alpha-methylphenethylamine; DOM; and STP;

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

- 1 Tabernanthe iboga;
- 2 (6) Lysergic acid diethylamide;
- 3 (7) Marijuana;
- 4 (8) Mescaline;
- 5 (9) Peyote. Peyote shall mean all parts of the plant
- 6 presently classified botanically as *Lophophora williamsii* Lemaire,
- 7 whether growing or not, the seeds thereof, any extract from any part
- 8 of such plant, and every compound, manufacture, salts, derivative,
- 9 mixture, or preparation of such plant or its seeds or extracts;
- 10 (10) Psilocybin;
- 11 (11) Psilocyn;
- 12 (12) Tetrahydrocannabinols, including, but not limited
- 13 to, synthetic equivalents of the substances contained in the plant or
- 14 in the resinous extractives of cannabis, sp. or synthetic substances,
- 15 derivatives, and their isomers with similar chemical structure and
- 16 pharmacological activity such as the following: Delta 1 cis or trans
- 17 tetrahydrocannabinol and their optical isomers, excluding dronabinol
- 18 in sesame oil and encapsulated in a soft gelatin capsule in a drug
- 19 product approved by the federal Food and Drug Administration; Delta 6
- 20 cis or trans tetrahydrocannabinol and their optical isomers; and
- 21 Delta 3,4 cis or trans tetrahydrocannabinol and its optical isomers.
- 22 Since nomenclature of these substances is not internationally
- 23 standardized, compounds of these structures shall be included
- 24 regardless of the numerical designation of atomic positions covered;
- 25 (13) N-ethyl-3-piperidyl benzilate;

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

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

6 (16) Hashish or concentrated cannabis;

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

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

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

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

20 (21) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

21 (22) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

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

23 (24) Salvia divinorum or Salvinorin A. Salvia divinorum
24 or Salvinorin A includes all parts of the plant presently classified
25 botanically as Salvia divinorum, whether growing or not, the seeds

1 thereof, any extract from any part of such plant, and every compound,
2 manufacture, derivative, mixture, or preparation of such plant, its
3 seeds, or its extracts, including salts, isomers, and salts of
4 isomers whenever the existence of such salts, isomers, and salts of
5 isomers is possible within the specific chemical designation;

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

19 (A) Tetrahydrocannabinols: Meaning tetrahydrocannabinols
20 naturally contained in a plant of the genus cannabis (cannabis
21 plant), as well as synthetic equivalents of the substances contained
22 in the plant, or in the resinous extractives of cannabis, sp. and/or
23 synthetic substances, derivatives, and their isomers with similar
24 chemical structure and pharmacological activity such as the
25 following: Delta 1 cis or trans tetrahydrocannabinol, and their

1 optical isomers; Delta 6 cis or trans tetrahydrocannabinol, and their
2 optical isomers; Delta 3,4 cis or trans tetrahydrocannabinol, and its
3 optical isomers;

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

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

1 (D) Naphthoylpyrroles: Any compound containing a 3-(1-
2 naphthoyl)pyrrole structure with substitution at the nitrogen atom of
3 the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
4 cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-
5 methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-
6 methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group,
7 whether or not further substituted in the pyrrole ring to any extent
8 and whether or not substituted in the naphthyl ring to any extent.
9 This class includes, but is not limited to, the following compound:
10 JWH-307;

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

21 (F) Phenylacetylindoles: Any compound containing a 3-
22 phenylacetylindole structure with substitution at the nitrogen atom
23 of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
24 cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-
25 methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-

1 methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group,
2 whether or not further substituted in the indole ring to any extent
3 and whether or not substituted in the phenyl ring to any extent. This
4 class includes, but is not limited to, the following compounds:
5 SR-18, RCS-8, JWH-250, and JWH-203;

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

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

25 (I) Adamantoylindoles: Any compound containing a 3-

1 adamantoylindole structure with substitution at the nitrogen atom of
2 the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
3 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
4 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-
5 methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group,
6 whether or not further substituted in the indole ring to any extent
7 and whether or not substituted in the adamantyl ring to any extent.

8 This class includes, but is not limited to, the following compounds:

9 AB-001 and AM-1248;

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

21 (K) ~~Adamantylindole~~—Indole carboxamides: Any compound
22 containing a 1-indole-3-carboxamide structure with substitution at
23 the nitrogen atom of the indole ring by an alkyl, haloalkyl,
24 cyanoalkyl, alkenyl, halobenzyl, cycloalkylmethyl, cycloalkylethyl,
25 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-

1 methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
2 tetrahydropyranylmethyl group, substitution at the carboxamide group
3 by an adamantyl, 1-naphthyl, ~~or phenyl, or aminoalkyl~~ group,
4 whether or not further substituted in the indole ring to any extent
5 and whether or not substituted in the adamantyl ring any of the ring
6 systems to any extent. This class includes, but is not limited to,
7 the following compounds: AB-PINACA, AB-FUBINACA, ADB-PINACA, ADB-
8 FUBINACA, MN-24, STS-135, AKB-48, 5FAKB-48, APICA, JWH-018 adamantyl
9 carboxamide, and 2NE-1;

10 (L) Indole carboxylates: Any compound containing a 1-
11 indole-3-carboxylate structure with substitution at the nitrogen atom
12 of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
13 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
14 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-
15 methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group,
16 substitution at the carboxylate group by an adamantyl, 1-naphthyl,
17 phenyl or quinolinyl group, whether or not further substituted in any
18 of the ring systems to any extent. This class includes, but is not
19 limited to, the following compounds: BB-22, PB-22, and 5FPB-22; and

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

25 (26) Any material, compound, mixture, or preparation

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

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

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

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

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

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

- 1 (v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is
2 also known as 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;
- 3 (vi) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine, which is
4 also known as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine;
- 5 (vii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine,
6 which is also known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine;
- 7 (viii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine,
8 which is also known as 2C-T-2 or 2,5-Dimethoxy-4-
9 ethylthiophenethylamine;
- 10 (ix) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine,
11 which is also known as 2C-T-4 or 2,5-Dimethoxy-4-
12 isopropylthiophenethylamine;
- 13 (x) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine, which is
14 also known as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine;
- 15 (xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine,
16 which is also known as 2C-T or 4-methylthio-2,5-
17 dimethoxyphenethylamine;
- 18 (xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine,
19 which is also known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;
- 20 (xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane,
21 which is also known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;
- 22 (xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine,
23 which is also known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;
- 24 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
25 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe;

1 25B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;
2 (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
3 methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe;
4 25I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;
5 (xvii) N-(2-Methoxybenzyl)-2-(3,4,5-
6 trimethoxyphenyl)ethanamine, which is also known as Mescaline-NBOMe
7 or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine;
8 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
9 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe;
10 or 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-
11 methoxybenzyl)phenethylamine;
12 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-
13 yl)ethanamine, which is also known as 2CB-5-hemiFLY;
14 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f]
15 [1]benzofuran-4-yl)ethanamine, which is also known as 2C-B-FLY;
16 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-
17 g]chromen-5-yl)ethanamine, which is also known as 2C-B-butterFLY;
18 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-
19 tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane, which is
20 also known as 2C-B-FLY-NBOMe;
21 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-
22 amine, which is also known as bromo-benzodifuranylisopropylamine or
23 bromo-dragonFLY;
24 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-
25 dimethoxyphenethylamine, which is also known as 2C-INBOH or 25I-NBOH;

1 (xxv) 5-(2-Aminoprpyl)benzofuran, which is also known as
2 5-APB;
3 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known
4 as 6-APB;
5 (xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is
6 also known as 5-APDB;
7 (xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which
8 is also known as 6-APDB;
9 (xxix) 2,5-dimethoxy-amphetamine, which is also known as
10 2, 5-dimethoxy-a-methylphenethylamine; 2, 5-DMA;
11 (xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also
12 known as DOET;
13 (xxxi) 2,5-dimethoxy-4-(n)-propylthiophenethylamine,
14 which is also known as 2C-T-7;
15 (xxxii) 5-methoxy-3,4-methylenedioxy-amphetamine;
16 (xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is
17 also known as 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and
18 STP;
19 (xxxiv) 3,4-methylenedioxy amphetamine, which is also
20 known as MDA;
21 (xxxv) 3,4-methylenedioxymethamphetamine, which is also
22 known as MDMA;
23 (xxxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is
24 also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine,
25 MDE, MDEA; and

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

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

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

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

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

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

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

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

25 (G) 5-methoxy-N,N-diisopropyltryptamine, which is also

1 known as 5-MeO-DIPT;

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

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

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

7 (i) 3,4-methylenedioxy methcathinone, or bk-MDMA, or
8 methydone;

9 (ii) 3,4-methylenedioxy pyrovalerone, or MDPV;

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

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

13 (v) Fluoromethcathinone, or FMC;

14 (vi) Naphthylpyrovalerone, or naphyrone; or

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

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

22 (i) Substitution in the ring system to any extent with
23 alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide
24 substituents, whether or not further substituted in the ring system
25 by one or more other univalent substituents;

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

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

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

13 (1) Mecloqualone;

14 (2) Methaqualone; and

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

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

23 (1) Fenethylline;

24 (2) N-ethylamphetamine;

25 (3) Aminorex; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;

1 or 4,5-dihydro-5-phenyl-2-oxazolamine;

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

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

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

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

14 (8) Benzylpiperazine, 1-benzylpiperazine.

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

17 Schedule II

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

23 (1) Opium and opiate, and any salt, compound, derivative,
24 or preparation of opium or opiate, excluding apomorphine,
25 buprenorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine,

1 nalmefene, naloxone, and naltrexone and their salts, but including
2 the following:

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

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

1 (3) Opium poppy and poppy straw;

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

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

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

18 (1) Alphaprodine;

19 (2) Anileridine;

20 (3) Bezitramide;

21 (4) Diphenoxylate;

22 (5) Fentanyl;

23 (6) Isomethadone;

24 (7) Levomethorphan;

25 (8) Levorphanol;

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

1 (28) Tapentadol.

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

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

8 (2) Phenmetrazine and its salts;

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

11 (4) Methylphenidate.

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

18 (1) Amobarbital;

19 (2) Secobarbital;

20 (3) Pentobarbital;

21 (4) Phencyclidine; and

22 (5) Glutethimide.

23 (e) Hallucinogenic substances known as:

24 (1) Nabilone. Another name for nabilone: (+/-)-trans-3-
25 (1,1-dimethylheptyl)- 6,6a,7,8,10,10a-Hexahydro-1-hydroxy-6,6-

1 dimethyl-9H-dibenzo(b,d)pyran-9-one.

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

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

9 (2) Immediate precursors to phencyclidine, PCP:

10 ~~(i)~~-(A) 1-phenylcyclohexylamine; or

11 ~~(ii)~~-(B) 1-piperidinocyclohexanecarbonitrile, PCC.

12 Schedule III

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

20 (1) Benzphetamine;

21 (2) Chlorphentermine;

22 (3) Clortermine; and

23 (4) Phendimetrazine.

24 (b) Any material, compound, mixture, or preparation which
25 contains any quantity of the following substances having a potential

1 for abuse associated with a depressant effect on the central nervous
2 system:

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

7 (2) Chlorhexadol;

8 (3) Lysergic acid;

9 (4) Lysergic acid amide;

10 (5) Methyprylon;

11 (6) Sulfondiethylmethane;

12 (7) Sulfonethylmethane;

13 (8) Sulfonmethane;

14 (9) Nalorphine;

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

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

23 (12) Any drug product containing gamma-hydroxybutyric
24 acid, including its salts, isomers, and salts of isomers, for which
25 an application is approved under section 505 of the Federal Food,

1 Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
2 ~~July 20, 2002;~~ January 1, 2014;

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

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

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

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

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

24 ~~(ii)~~-(B) Not more than one and eight-tenths grams of
25 codeine per one hundred milliliters or not more than ninety

1 milligrams per dosage unit, with one or more active, nonnarcotic
2 ingredients in recognized therapeutic amounts;

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

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

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

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

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

24 ~~(viii)~~—(H) Not more than fifty milligrams of morphine per
25 one hundred milliliters or per one hundred grams with one or more

1 active, nonnarcotic ingredients in recognized therapeutic amounts;
2 and

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

6 ~~(i)~~-(A) Buprenorphine.

7 (d) Unless contained on the administration's list of
8 exempt anabolic steroids as the list existed on ~~June 1, 2007,~~ January
9 1, 2014, any anabolic steroid, which shall include any material,
10 compound, mixture, or preparation containing any quantity of the
11 following substances, including its salts, isomers, and salts of
12 isomers whenever the existence of such salts of isomers is possible
13 within the specific chemical designation:

14 (1) Boldenone;

15 (2) Boldione;

16 (3) Chlorotestosterone (4-chlortestosterone);

17 (4) Clostebol;

18 (5) Dehydrochloromethyltestosterone;

19 (6) Desoxymethyltestosterone;

20 (7) Dihydrotestosterone (4-dihydrotestosterone);

21 (8) Drostanolone;

22 (9) Ethylestrenol;

23 (10) Fluoxymesterone;

24 (11) Formebolone (formebolone);

25 (12) Mesterolone;

- 1 (13) Methandienone;
- 2 (14) Methandranone;
- 3 (15) Methandriol;
- 4 (16) Methandrostenolone;
- 5 (17) Methenolone;
- 6 (18) Methyltestosterone;
- 7 (19) Mibolerone;
- 8 (20) Nandrolone;
- 9 (21) Norethandrolone;
- 10 (22) Oxandrolone;
- 11 (23) Oxymesterone;
- 12 (24) Oxymetholone;
- 13 (25) Stanolone;
- 14 (26) Stanozolol;
- 15 (27) Testolactone;
- 16 (28) Testosterone;
- 17 (29) Trenbolone;
- 18 (30) 19-nor-4,9(10)-androstadienedione; and
- 19 (31) Any salt, ester, or ether of a drug or substance
- 20 described or listed in this subdivision if the salt, ester, or ether
- 21 promotes muscle growth.
- 22 (e) Hallucinogenic substances known as:
- 23 (1) Dronabinol, synthetic, in sesame oil and encapsulated
- 24 in a soft gelatin capsule in a drug product approved by the federal
- 25 Food and Drug Administration. ~~approved drug product.~~ Some other names

1 for dronabinol are (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-
2 trimethyl-3-pentyl-6H-dibenzo (b,d)pyran-1-ol or (-)-delta-9-(trans)-
3 tetrahydrocannabinol.

4 Schedule IV

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

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

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

- 1 (40) Nordiazepam;
2 (41) Oxazolam;
3 (42) Pinazepam;
4 (43) Temazepam;
5 (44) Tetrazepam;
6 (45) Triazolam;
7 (46) Midazolam;
8 (47) Quazepam;
9 (48) Zolpidem;
10 (49) Dichloralphenazone; and
11 (50) Zaleplon.

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

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

- 24 (1) Diethylpropion;
25 (2) Phentermine;

1 (3) Pemoline, including organometallic complexes and
2 chelates thereof;

3 (4) Mazindol;

4 (5) Pipradrol;

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

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

8 (8) Fencamfamin;

9 (9) Fenproporex;

10 (10) Mefenorex;

11 (11) Modafinil; and

12 (12) Sibutramine.

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

18 (1) Propoxyphene in manufactured dosage forms; and

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

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

25 (f) Unless specifically excepted or unless listed in

1 another schedule, any material, compound, mixture, or preparation
2 which contains any quantity of the following substance, including its
3 salts, isomers, and salts of such isomers: Butorphanol.

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

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

12 (2) The following drug products containing ephedrine, its
13 salts, optical isomers, and salts of such optical isomers, are
14 excepted from subdivision (h)(1) of Schedule IV if they (A) are
15 stored behind a counter, in an area not accessible to customers, or
16 in a locked case so that a customer needs assistance from an employee
17 to access the drug product; (B) are sold by a person, eighteen years
18 of age or older, in the course of his or her employment to a customer
19 eighteen years of age or older with the following restrictions: No
20 customer shall be allowed to purchase, receive, or otherwise acquire
21 more than three and six-tenths grams of ephedrine base during a
22 twenty-four-hour period; no customer shall purchase, receive, or
23 otherwise acquire more than nine grams of ephedrine base during a
24 thirty-day period; and the customer shall display a valid driver's or
25 operator's license, a Nebraska state identification card, a military

1 identification card, an alien registration card, or a passport as
2 proof of identification; (C) are labeled and marketed in a manner
3 consistent with the pertinent OTC Tentative Final or Final Monograph;
4 (D) are manufactured and distributed for legitimate medicinal use in
5 a manner that reduces or eliminates the likelihood of abuse; and (E)
6 are not marketed, advertised, or represented in any manner for the
7 indication of stimulation, mental alertness, euphoria, ecstasy, a
8 buzz or high, heightened sexual performance, or increased muscle
9 mass:

10 (i) Primatene Tablets; and

11 (ii) Bronkaid Dual Action Caplets.

12 Schedule V

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

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

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

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

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

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

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

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

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

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

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

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

25 Sec. 3. Section 28-416, Revised Statutes Supplement,

1 2013, is amended to read:

2 28-416 (1) Except as authorized by the Uniform Controlled
3 Substances Act, it shall be unlawful for any person knowingly or
4 intentionally: (a) To manufacture, distribute, deliver, dispense, or
5 possess with intent to manufacture, distribute, deliver, or dispense
6 a controlled substance; or (b) to create, distribute, or possess with
7 intent to distribute a counterfeit controlled substance.

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

17 (3) A person knowingly or intentionally possessing a
18 controlled substance, except marijuana or any substance containing a
19 quantifiable amount of the substances, chemicals, or compounds
20 described, defined, or delineated in subdivision (c)(25) of Schedule
21 I of section 28-405, unless such substance was obtained directly or
22 pursuant to a medical order issued by a practitioner authorized to
23 prescribe while acting in the course of his or her professional
24 practice, or except as otherwise authorized by the act, shall be
25 guilty of a Class IV felony.

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

20 (b) For purposes of this subsection:

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

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

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

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

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

1 counterfeit controlled substance.

2 (c) Any person who violates subdivision (a) or (b) of
3 this subsection shall be punished by the next higher penalty
4 classification than the penalty prescribed in subsection (2), (7),
5 (8), (9), or (10) of this section, depending upon the controlled
6 substance involved, for the first violation and for a second or
7 subsequent violation shall be punished by the next higher penalty
8 classification than that prescribed for a first violation of this
9 subsection, but in no event shall such person be punished by a
10 penalty greater than a Class IB felony.

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

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

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

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

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

24 (8) Any person who violates subsection (1) of this
25 section with respect to base cocaine (crack) or any mixture or

1 substance containing a detectable amount of base cocaine in a
2 quantity of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (14) Any person convicted of violating this section, if

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

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

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

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

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

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

24 (i) For the first offense, the court may, as a part of
25 the judgment of conviction or adjudication, (A) impound any such

1 licenses or permits for thirty days and (B) require such person to
2 attend a drug education class;

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

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

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

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

24 (ii) For a second offense, the court may, as part of the
25 judgment of conviction or adjudication, (A) prohibit such person from

1 obtaining any permit or any license pursuant to the act for which
2 such person would otherwise be eligible until ninety days after the
3 date of such order and (B) require such person to complete no fewer
4 than twenty hours and no more than forty hours of community service
5 and to attend a drug education class; and

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

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

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

21 28-445 (1) Any person who knowingly and intentionally
22 manufactures, distributes, delivers, or possesses with intent to
23 distribute or deliver an imitation controlled substance shall:

24 (a) For the first offense, be guilty of a Class ~~III~~I
25 misdemeanor; and

1 (b) For the second and all subsequent offenses, be guilty
2 of a Class ~~II misdemeanor~~. IV felony.

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

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

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

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

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

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

23 ~~(e)~~ (f) Whether the dosage unit appearance of the
24 substance is deceptively similar to that of a particular controlled
25 substance; ~~and~~

1 ~~(f)~~(g) Whether the substance is distributed to persons
2 who represent it as a controlled substance or controlled substance
3 analogue, under circumstances which indicate the distributor knows,
4 intends, or should know that his or her distributee is making or will
5 make such representations; and -

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

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

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