AMENDMENTS TO LB487

Introduced by Judiciary.

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

Section 1. Section 25-21,280, Reissue Revised Statutes of Nebraska, is amended to read:

25-21,280 (1) Any person employed by a school approved or accredited by the State Department of Education, employed by an educational service unit and working in a school approved or accredited by the department, or employed by an early childhood education program approved by the department who serves as a school nurse or medication aide or who has been designated and trained by the school, educational service unit, or program as a nonmedical staff person to implement the emergency response to life-threatening asthma or systemic allergic reactions protocols adopted by the school, educational service unit, or program shall be immune from civil liability for any act or omission in rendering emergency care for a person experiencing a potentially life-threatening asthma or allergic reaction event on school grounds, in a vehicle being used for school purposes, in a vehicle being used for educational service unit purposes, at a school-sponsored activity or athletic event, at a facility used by the early childhood education program, in a vehicle being used for early childhood education program purposes, or at an activity sponsored by the early childhood education program which results in damage or injury unless such damage or injury was caused by the willful or wanton act or omission of such employee.

(2) The individual immunity granted by subsection (1) of this section shall not extend to the school district, educational service unit, or early childhood education program and shall not extend to any act or omission of such employee which results in damage or injury if the
damage or injury is caused by such employee while impaired by alcohol or any controlled substance enumerated in section 28-405.

(3) Any school nurse, such nurse's designee, or other designated adult described in section 79-224 shall be immune from civil liability for any act or omission described in such section which results in damage or injury unless such damage or injury was caused by the willful or wanton act or omission of such school nurse, nurse's designee, or designated adult.

(4) A physician or other health care professional may issue a non-patient-specific prescription for medication for response to life-threatening asthma or anaphylaxis to a school, an educational service unit, or an early childhood education program as described in subsection (1) of this section. The physician or other health care professional shall be immune from liability for issuing such prescription unless he or she does not exercise reasonable care under the circumstances in signing the prescription. In no circumstance shall a physician or other health care professional be liable for the act or omission of another who provides or in any way administers the medication prescribed by the physician or other health care professional.

(5) A pharmacist may dispense medication pursuant to a non-patient-specific prescription for response to life-threatening asthma or anaphylaxis to a school, an educational service unit, or an early childhood education program as described in subsection (1) of this section. The pharmacist shall be immune from liability for dispensing medication pursuant to a non-patient-specific prescription unless the pharmacist does not exercise reasonable care under the circumstances in dispensing the medication. In no circumstance shall a pharmacist be liable for the act or omission of another who provides or in any way administers the medication dispensed by the pharmacist.

(6) For purposes of this section, the name of the school, educational service unit, or early childhood education program shall
serve as the patient name on the non-patient-specific prescription.

Sec. 2. Section 28-101, Reissue Revised Statutes of Nebraska, is amended to read:

28-101 Sections 28-101 to 28-1357, 28-1418.01, 28-1420.03, and 28-1601 to 28-1603 and section 8 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 3. Section 28-401, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) Administer means 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 means an authorized person who acts on behalf of or at the direction of another person but does not include a common or contract carrier, public warehouse keeper, or employee of a carrier or warehouse keeper;

(3) Administration means the Drug Enforcement Administration of the United States Department of Justice;

(4) Controlled substance means a drug, biological, substance, or immediate precursor in Schedules I to V of section 28-405. Controlled substance does 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, 2014, and the law of this state, be lawfully sold over the counter without a prescription;

(5) Counterfeit substance means 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 means the Department of Health and Human Services;

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

(8) Dispense means 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 means to deliver other than by administering or
dispensing a controlled substance;

(10) Prescribe means to issue a medical order;

(11) Drug means (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 does not include devices
or their components, parts, or accessories;

(12) Deliver or delivery means 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 means 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 does 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, the sterilized seed of such plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration or obtained pursuant to sections 28-463 to 28-468. When the weight of marijuana is referred to in the Uniform Controlled Substances Act, it means 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. When industrial hemp as defined in section 2-5701 is in the possession of a person as authorized under section 2-5701, it is not considered marijuana for purposes of the Uniform Controlled Substances Act;

(14) Manufacture means 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 includes any packaging or repackaging of the substance or labeling or relabeling of its container. Manufacture does 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 means 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 does not include decocainized coca leaves or extracts of
coca leaves, which extracts do not contain cocaine or ecgonine, or
isoquinoline alkaloids of opium;

(16) Opiate means 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 does not include the dextrorotatory isomer
of 3-methoxy-N-methylmorphinan and its salts. Opiate includes its racemic
and levorotatory forms;

(17) Opium poppy means the plant of the species Papaver somniferum
L., except the seeds thereof;

(18) Poppy straw means all parts, except the seeds, of the opium
poppy after mowing;

(19) Person means any corporation, association, partnership, limited
liability company, or one or more persons;

(20) Practitioner means 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;

(21) Production includes the manufacture, planting, cultivation, or
harvesting of a controlled substance;

(22) Immediate precursor means 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 means the State of Nebraska;

(24) Ultimate user means 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 has the same meaning as in section 71-419;

(26) Cooperating individual means 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 means (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.
When resins extracted from industrial hemp as defined in section 2-5701
are in the possession of a person as authorized under section 2-5701,
they are not considered hashish or concentrated cannabis for purposes of
the Uniform Controlled Substances Act;

(28) Exceptionally hazardous drug means (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 means 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 means 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 does 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, 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, 2014, to the extent conduct with respect to such substance is pursuant to such exemption;
Anabolic steroid means 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 does 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;

Chart order means 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 does not include a prescription;

Medical order means a prescription, a chart order, or an order for pharmaceutical care issued by a practitioner;

Prescription means an order for a controlled substance issued by a practitioner. Prescription does not include a chart order;

Registrant means any person who has a controlled substances registration issued by the state or the Drug Enforcement Administration of the United States Department of Justice administration;

Reverse distributor means 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;

Signature means 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 means 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 has the definition found in section
86-621;

(40) Electronic transmission means transmission of information in
electronic form. Electronic transmission includes computer-to-computer
transmission or computer-to-facsimile transmission;

(41) Long-term care facility means 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;

(42) Compounding has the same meaning as in section 38-2811;

(43) Cannabinoid receptor agonist shall mean any chemical compound
or substance that, according to scientific or medical research, study,
testing, or analysis, demonstrates the presence of binding activity at
one or more of the CB1 or CB2 cell membrane receptors located within the
human body; and

(44) Lookalike substance means a product or substance, not
specifically designated as a controlled substance in section 28-405, that
is either portrayed in such a manner by a person to lead another person
to reasonably believe that it produces effects on the human body that
replicate, mimic, or are intended to simulate the effects produced by a
controlled substance or that possesses one or more of the following
indicia or characteristics:

(a) The packaging or labeling of the product or substance suggests
that the user will achieve euphoria, hallucination, mood enhancement,
stimulation, or another effect on the human body that replicates or
mimics those produced by a controlled substance;
(b) The name or packaging of the product or substance uses images or labels suggesting that it is a controlled substance or produces effects on the human body that replicate or mimic those produced by a controlled substance;

c) The product or substance is marketed or advertised for a particular use or purpose and the cost of the product or substance is disproportionately higher than other products or substances marketed or advertised for the same or similar use or purpose;

d) The packaging or label on the product or substance contains words or markings that state or suggest that the product or substance is in compliance with state and federal laws regulating controlled substances;

e) The owner or person in control of the product or substance uses evasive tactics or actions to avoid detection or inspection of the product or substance by law enforcement authorities;

f) The owner or person in control of the product or substance makes a verbal or written statement suggesting or implying that the product or substance is a synthetic drug or that consumption of the product or substance will replicate or mimic effects on the human body to those effects commonly produced through use or consumption of a controlled substance;

g) The owner or person in control of the product or substance makes a verbal or written statement to a prospective customer, buyer, or recipient of the product or substance implying that the product or substance may be resold for profit; or

h) The product or substance contains a chemical or chemical compound that does not have a legitimate relationship to the use or purpose claimed by the seller, distributor, packer, or manufacturer of the product or substance or indicated by the product name, appearing on the product’s packaging or label or depicted in advertisement of the product or substance.
Sec. 4. Section 28-401.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-401.01 Sections 28-401 to 28-456.01 and 28-458 to 28-471 and section 8 of this act shall be known and may be cited as the Uniform Controlled Substances Act.

Sec. 5. Section 28-405, Reissue Revised Statutes of Nebraska, 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-alphacetylmethadol which is also known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
(4) Alphameprodine;
(5) Alphamethadol;
(6) Benzethidine;
(7) Betacetylmethadol;
(8) Betameprodine;
(9) Betamethadol;
(10) Betaprodine;
(11) Clonitazene;
(12) Dextromoramide;
(13) Diapromide;
(14) Difenoxin;
(15) Diethylthiambutene;
(16) Dimenoxadol;
1  (17) Dimephteptanol;
2  (18) Dimethylthiambutene;
3  (19) Dioxaphetyl butyrate;
4  (20) Dipipanone;
5  (21) Ethylmethylthiambutene;
6  (22) Etonitazene;
7  (23) Etoxeridine;
8  (24) Furethidine;
9  (25) Hydroxypethidine;
10  (26) Ketobemidone;
11  (27) Levomoramide;
12  (28) Levophenacylmorphan;
13  (29) Morpheridine;
14  (30) Noracymethadol;
15  (31) Norlevorphanol;
16  (32) Normethadone;
17  (33) Norpipanone;
18  (34) Phenadoxone;
19  (35) Phenampromide;
20  (36) Phenomorphan;
21  (37) Phenoperidine;
22  (38) Piritramide;
23  (39) Proheptazine;
24  (40) Properidine;
25  (41) Propiram;
26  (42) Racemoramide;
27  (43) Trimeperidine;
28  (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine;
31  (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-methyl-2-phenethyl-4-piperidinyl)-N-phenylacetamide, its optical isomers, salts, and salts of isomers;

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

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

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

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

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

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

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

(57) Para-fluorofentanyl, N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)propanamide, its optical isomers, salts, and salts of isomers; and
(58) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide.

(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) Cyprenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Drotebanol;
(10) Etorphine, except hydrochloride salt;
(11) Heroin;
(12) Hydromorphinol;
(13) Methyldesorphine;
(14) Methylidihydromorphine;
(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-dibenzo(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 (L) of this subdivision, including their salts, isomers, salts of isomers, and nitrogen, oxygen, or sulfur-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, halobenzyl, benzyl,
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 or
on any of the listed ring systems to any extent;

(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, halobenzyl, benzyl,
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 or
on any of the listed ring systems to any extent;

(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, halobenzyl, benzyl,
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 or
on any of the listed ring systems to any extent;

(E) Naphthylideneindenes: Any compound containing a naphthylideneindene structure with substitution at the 3-position of the
indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
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 tetrahydropyran-1-yl)methyl group, whether or not further substituted in or on any of the listed ring systems to any extent;

(F) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, 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 tetrahydropyran-1-yl)methyl group, whether or not further substituted in or on any of the listed ring systems to any extent;

(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, halobenzyl, benzyl, 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 tetrahydropyran-1-yl)methyl group, whether or not substituted in or on any of the listed ring systems to any extent;

(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, halobenzyl, benzyl, 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 tetrahydropyran-1-yl)methyl group, whether or not further substituted in or on any of the listed ring systems to any extent;

(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, halobenzyl, benzyl, 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 or on any of the listed ring systems to any extent;

(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, halobenzyl, benzyl, 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 or on any of the listed ring systems to any extent;

(K) 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, benzyl, 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, substitution at the carboxamide group by an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl, phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further substituted in or on any of the listed ring systems to any extent or to the adamantyl, 1-naphthyl, phenyl, aminooxoalkyl, benzyl, or propionaldehyde groups to any extent;

(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, halobenzyl, benzyl, 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, substitution at the carboxylate group by an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl, phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further substituted in or on any of the listed ring systems to any extent or to the adamantyl, 1-naphthyl, phenyl, aminooxoalkyl, benzyl, or propionaldehyde groups to any extent;
an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl, phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further substituted in or on any of the listed ring systems to any extent or to the adamantyl, 1-methyl, phenyl, aminooxoalkyl, benzyl, or propionaldehyde groups to any extent; and

(M) Any nonnaturally occurring substance, chemical compound, mixture, or preparation, not specifically listed elsewhere in these schedules and which is not approved for human consumption by the federal Food and Drug Administration, containing or constituting a cannabinoid receptor agonist as defined in section 28-401;

(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-yl)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-hexahydropyrano[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-iodo-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;
(xxiv) 3,4-methylenedioxy amphetamine, which is also known as MDA;
(xxv) 3,4-methylenedioxymethamphetamine, which is also known as
MDMA;
(xxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is also known
as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA; and
(xxvii) 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 methylone;

(ii) 3,4-methylenedioxypyrovalerone, 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 bk-MBDB or butylone; or

(B) Unless listed in another schedule, any substance which contains any quantity of any material, compound, mixture, or structure, other than bupropion, 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, alkenylenedioxy, 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-trimethyl-benzeneethanamine;
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, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone and their salts, but including the following:

(A) Raw opium;
(B) Opium extracts;
(C) Opium fluid;
(D) Powdered opium;
(E) Granulated opium;
(F) Tincture of opium;
(G) Codeine;
(H) Ethylmorphine;
(I) Etorphine hydrochloride;
(J) Hydrocodone;
(K) Hydromorphone;
(L) Metopon;
(M) Morphine;
(N) Oxycodone;
(O) Oxymorphone;
(P) Oripavine;
(Q) Thebaine; and
(R) Dihydroetorphine;

(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-diphenylbutane;
(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-alphacetylmethadol 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;

(4) Methylphenidate; and

(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

(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;

(2) Immediate precursors to phencyclidine, PCP:
   (A) 1-phenylcyclohexylamine; or
   (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

(3) Immediate precursor to fentanyl; 4-anilino-N-phenethyl-4-piperidine (ANNPP).

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) Embutramide;
(4) Lysergic acid;
(5) Lysergic acid amide;
(6) Methyprylon;
(7) Perampanel;
(8) Sulfondiethylmethane;
(9) Sulfonethylmethane;
(10) Sulfonmethane;
(11) Nalorphine;
(12) 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;
(13) 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;
(14) 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 January 1, 2014;

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

(16) 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 flupyzapon.

(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:

(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;

(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;

(C) 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;

(D) 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;

(E) 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

(F) 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 of the Drug Enforcement Administration of the United States Department of Justice as the list existed on 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) 3-beta,17-dihydroxy-5a-androstane;

(2) 3-alpha,17-beta-dihydroxy-5a-androstane;

(3) 5-alpha-androstan-3,17-dione;

(4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-ene);

(5) 1-androstenediol (3-alpha,17-beta-dihydroxy-5-alpha-androst-1-ene);

(6) 4-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

(7) 5-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

(8) 1-androstenedione ([5-alpha]-androst-1-en-3,17-dione);
1  (9) 4-androstenedione (androst-4-en-3,17-dione);
2  (10) 5-androstenedione (androst-5-en-3,17-dione);
3  (11) Bolasterone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyandrost-4-en-3-one);
4  (12) Boldenone (17-beta-hydroxyandrost-1,4-diene-3-one);
5  (13) Boldione (androsta-1,4-diene-3,17-3-one);
6  (14) Calusterone (7-beta,17-alpha-dimethyl-17-beta-hydroxyandrost-4-en-3-one);
7  (15) Clostebol (4-chloro-17-beta-hydroxyandrost-4-en-3-one);
8  (16) Dehydrochloromethyltestosterone (4-chloro-17-beta-hydroxy-17-alpha-methyl-androst-1,4-dien-3-one);
9  (17) Desoxymethyltestosterone (17-alpha-methyl-5-alpha-androst-2-en-17-beta-ol) (a.k.a. 'madol');
10 (18) Delta-1-Dihydrotestosterone (a.k.a. '1-testosterone')(17-beta-hydroxy-5-alpha-androst-1-en-3-one);
11 (19) 4-Dihydrotestosterone (17-beta-hydroxy-androstan-3-one);
12 (20) Drostanolone (17-beta-hydroxy-2-alpha-methyl-5-alpha-androstan-3-one);
13 (21) Ethylestrenol (17-alpha-ethyl-17-beta-hydroxyestr-4-ene);
14 (22) Fluoxymesterone (9-fluoro-17-alpha-methyl-11-beta,17-beta-dihydroxyandrost-4-en-3-one);
15 (23) Formebulone (formebolone); (2-formyl-17-alpha-methyl-11-alpha,17-beta-dihydroxyandrost-1,4-dien-3-one);
16 (24) Furazabol (17-alpha-methyl-17-beta-hydroxyandrostanol[2,3-c]-furan);
17 (25) 13-beta-ethyl-17-beta-hydroxygon-4-en-3-one;
18 (26) 4-hydroxytestosterone (4,17-beta-dihydroxy-androst-4-en-3-one);
19 (27) 4-hydroxy-19-nortestosterone (4,17-beta-dihydroxy-estr-4-en-3-one);
20 (28) Mestanolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-one);
1. Mesterolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-one);

2. Methandienone (17-alpha-methyl-17-beta-hydroxyandrost-1,4-dien-3-one);

3. Methandriol (17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-ene);

4. Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-beta-ol-3-one);

5. Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-one);

6. 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;

7. 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;

8. 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;

9. 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-hydroxy-17-beta-hydroxyestr-4-en-3-one);

10. Methylldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-dien-3-one);

11. Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-trien-3-one);

12. Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-en-3-one);

13. Mibolerone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-en-3-one);

14. 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-methyl-1-testosterone');

15. Nandrolone (17-beta-hydroxyestr-4-en-3-one);

16. 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);

17. 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);

18. 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);

19. 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);
(48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);

(49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);

(50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);

(51) Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-en-3-one);

(52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);

(53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-one);

(54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-one);

(55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-androstan-3-one);

(56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrost-4-en-3-one);

(57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-hydroxy-[5-alpha]-androstan-3-one);

(58) Prostanozol (17-beta-hydroxy-5-alpha-androstano[3,2-c]pyrazole);

(59) Stanozolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-androst-2-eno[3,2-c]-pyrazole);

(60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-one);

(61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

(62) Testosterone (17-beta-hydroxyandrost-4-en-3-one);

(63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4,9,11-trien-3-one);

(64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one); and

(65) 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) Chloral betaine;
    (3) Chloral 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;
    (15) Oxazepam;
    (16) Paraldehyde;
    (17) Petrichloral;
1. Phenobarbital;
2. Prazepam;
3. Alprazolam;
4. Bromazepam;
5. Camazepam;
6. Clobazam;
7. Clotiazepam;
8. Cloxazolam;
9. Delorazepam;
10. Estazolam;
11. Ethyl loflazepate;
12. Fludiazepam;
13. Flunitrazepam;
14. Halazepam;
15. Haloxazolam;
16. Ketazolam;
17. Loprazolam;
18. Lorazepam;
19. Lormetazepam;
20. Medazepam;
21. Nimetazepam;
22. Nitrazepam;
23. Nordiazepam;
24. Oxazolam;
25. Pinazepam;
26. Temazepam;
27. Tetrazepam;
28. Triazolam;
29. Midazolam;
30. Quazepam;
31. Zolpidem;
(49) Dichloralphenazone;
(50) Zaleplon;
(51) Zopiclone;
(52) Fospropofol;
(53) Alfaxalone;
(54) Suvorexant; and
(55) Carisoprodol.

(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;

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

(3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers to include: Tramadol.

(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:

(1) Pentazocine; and

(2) Butorphanol (including its optical isomers).

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: Lorcaserin.

(g)(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 (g)(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).

(d) Cannabidiol in a drug product approved by the federal Food and Drug Administration.

Sec. 6. Section 28-416, Reissue Revised Statutes of Nebraska, 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.
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 IIA felony; or (c) a controlled substance classified in Schedule IV or V of section 28-405 shall be guilty of a Class IIIA felony.

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. A person shall not be in violation of this subsection if section 8 of this act applies.

(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 means 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 means 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 means 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 existing penalties available for a violation
of subsection (1) of this section, including any criminal attempt or
conspiracy to violate subsection (1) of this section, a sentencing court
may order that any money, securities, negotiable instruments, firearms,
conveyances, or electronic communication devices as defined in section 28-833 or any equipment, components, peripherals, software, hardware, or accessories related to electronic communication devices be forfeited as a part of the sentence imposed if it finds by clear and convincing evidence adduced at a separate hearing in the same prosecution, following conviction for a violation of subsection (1) of this section, and conducted pursuant to section 28-1601, that any or all such property was derived from, used, or intended to be used to facilitate a violation of subsection (1) of this section.

(19) 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. 7. Section 28-441, Reissue Revised Statutes of Nebraska, is amended to read:

28-441 (1) It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of sections 28-101, 28-431, and 28-439 to 28-444.

(2) Any person who violates this section shall be guilty of an
infraction.

(3) A person shall not be in violation of this section if section 8 of this act applies.

Sec. 8. (1) A person shall not be in violation of section 28-441 or subsection (3) of section 28-416 if:

(a) Such person made a good faith request for emergency medical assistance in response to a drug overdose of himself, herself, or another;

(b) Such person made a request for medical assistance as soon as the drug overdose was apparent;

(c) The evidence for the violation of section 28-441 or subsection (3) of section 28-416 was obtained as a result of the drug overdose and the request for medical assistance; and

(d) When emergency medical assistance was requested for the drug overdose of another person:

(i) Such requesting person remained on the scene until medical assistance or law enforcement personnel arrived; and

(ii) Such requesting person cooperated with medical assistance and law enforcement personnel.

(2) The exception from criminal liability provided in subsection (1) of this section applies to any person who makes a request for emergency medical assistance and complies with the requirements of subsection (1) of this section.

(3) A person shall not be in violation of section 28-441 or subsection (3) of section 28-416 if such person was experiencing a drug overdose and the evidence for such violation was obtained as a result of the drug overdose and a request for medical assistance by another person made in compliance with subsection (1) of this section.

(4) A person shall not initiate or maintain an action against a peace officer or the state agency or political subdivision employing such officer based on the officer's compliance with subsections (1) through
Nothing in this section shall be interpreted to interfere with
or prohibit the investigation, arrest, or prosecution of any person for,
or affect the admissibility or use of evidence in, cases involving:

(a) Drug-induced homicide;
(b) Except as provided in subsections (1) through (3) of this
section, violations of section 28-441 or subsection (3) of section
28-416; or
(c) Any other criminal offense.

As used in this section, drug overdose means an acute condition
including, but not limited to, physical illness, coma, mania, hysteria,
or death resulting from the consumption or use of a controlled substance
or the consumption or use of another substance with which a controlled
substance was combined and which condition a layperson would reasonably
believe requires emergency medical assistance.

Sec. 9. Section 28-470, Reissue Revised Statutes of Nebraska, is
amended to read:

28-470 (1) A health professional who is authorized to prescribe or
dispense naloxone, if acting with reasonable care, may prescribe,
administer, or dispense naloxone to any of the following persons without
being subject to administrative action or criminal prosecution:
(a) A person who is apparently experiencing or who is likely to
experience an opioid-related overdose; or
(b) A family member, friend, or other person in a position to assist
a person who is apparently experiencing or who is likely to experience an
opioid-related overdose.

(2) A family member, friend, or other person who is in a position to
assist a person who is apparently experiencing or who is likely to
experience an opioid-related overdose, other than an emergency responder
or peace officer, is not subject to actions under the Uniform
Credentialing Act, administrative action, or criminal prosecution if the
person, acting in good faith, obtains naloxone from a health professional or a prescription for naloxone from a health professional and administers the naloxone obtained from the health professional or acquired pursuant to the prescription to a person who is apparently experiencing an opioid-related overdose.

(3) An emergency responder who is not subject to administrative action or criminal prosecution if the emergency responder, acting in good faith, obtains naloxone from the emergency responder's emergency medical service organization and administers the naloxone to a person who is apparently experiencing an opioid-related overdose shall not be:

(a) Subject to administrative action or criminal prosecution; or

(b) Liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering such care or services or arising out of his or her failure to act to provide or arrange for further medical treatment or care for the person who is apparently experiencing an opioid-related overdose, unless the emergency responder caused damage or injury by his or her willful, wanton, or grossly negligent act of commission or omission.

(4) A peace officer who is not subject to administrative action or criminal prosecution if the peace officer, acting in good faith, obtains naloxone from the peace officer's law enforcement agency and administers the naloxone to a person who is apparently experiencing an opioid-related overdose shall not be:

(a) Subject to administrative action or criminal prosecution; or

(b) Liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering such care or services or arising out of his or her failure to act to provide or arrange for further medical treatment or care for the person who is apparently experiencing an opioid-related overdose, unless the peace officer caused damage or injury by his or her willful, wanton, or grossly negligent act of commission or omission.
by his or her willful, wanton, or grossly negligent act of commission or omission.

(5) For purposes of this section:

(a) Administer has the same meaning as in section 38-2806;

(b) Dispense has the same meaning as in section 38-2817;

(c) Emergency responder means an emergency medical first responder, an emergency medical technician, an advanced emergency medical technician, or a paramedic emergency medical technician paramedic licensed under the Emergency Medical Services Practice Act;

(d) Health professional means a physician, physician assistant, nurse practitioner, or pharmacist licensed under the Uniform Credentialing Act;

(e) Law enforcement agency means a police department, a town marshal, the office of sheriff, or the Nebraska State Patrol;

(f) Naloxone means naloxone hydrochloride; and

(g) Peace officer has the same meaning as in section 49-801.

Sec. 10. Original sections 25-21,280, 28-101, 28-401, 28-401.01, 28-405, 28-416, 28-441, and 28-470, Reissue Revised Statutes of Nebraska, are repealed.