

AMENDMENTS TO LB487

Introduced by Judiciary.

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

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

5 25-21,280 (1) Any person employed by a school approved or accredited
6 by the State Department of Education, employed by an educational service
7 unit and working in a school approved or accredited by the department, or
8 employed by an early childhood education program approved by the
9 department who serves as a school nurse or medication aide or who has
10 been designated and trained by the school, educational service unit, or
11 program as a nonmedical staff person to implement the emergency response
12 to life-threatening asthma or systemic allergic reactions protocols
13 adopted by the school, educational service unit, or program shall be
14 immune from civil liability for any act or omission in rendering
15 emergency care for a person experiencing a potentially life-threatening
16 asthma or allergic reaction event on school grounds, in a vehicle being
17 used for school purposes, in a vehicle being used for educational service
18 unit purposes, at a school-sponsored activity or athletic event, at a
19 facility used by the early childhood education program, in a vehicle
20 being used for early childhood education program purposes, or at an
21 activity sponsored by the early childhood education program which results
22 in damage or injury unless such damage or injury was caused by the
23 willful or wanton act or omission of such employee.

24 (2) The individual immunity granted by subsection (1) of this
25 section shall not extend to the school district, educational service
26 unit, or early childhood education program and shall not extend to any
27 act or omission of such employee which results in damage or injury if the

1 damage or injury is caused by such employee while impaired by alcohol or
2 any controlled substance enumerated in section 28-405.

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

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

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

30 (6) For purposes of this section, the name of the school,
31 educational service unit, or early childhood education program shall

1 serve as the patient name on the non-patient-specific prescription.

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

4 28-101 Sections 28-101 to 28-1357, ~~28-1418.01, 28-1429.03,~~ and
5 28-1601 to 28-1603 and section 8 of this act shall be known and may be
6 cited as the Nebraska Criminal Code.

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

9 28-401 As used in the Uniform Controlled Substances Act, unless the
10 context otherwise requires:

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

14 (2) Agent means an authorized person who acts on behalf of or at the
15 direction of another person but does not include a common or contract
16 carrier, public warehouse keeper, or employee of a carrier or warehouse
17 keeper;

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

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

27 (5) Counterfeit substance means a controlled substance which, or the
28 container or labeling of which, without authorization, bears the
29 trademark, trade name, or other identifying mark, imprint, number, or
30 device, or any likeness thereof, of a manufacturer, distributor, or
31 dispenser other than the person or persons who in fact manufactured,

1 distributed, or dispensed such substance and which thereby falsely
2 purports or is represented to be the product of, or to have been
3 distributed by, such other manufacturer, distributor, or dispenser;

4 (6) Department means the Department of Health and Human Services;

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

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

13 (9) Distribute means to deliver other than by administering or
14 dispensing a controlled substance;

15 (10) Prescribe means to issue a medical order;

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

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

27 (13) Marijuana means all parts of the plant of the genus cannabis,
28 whether growing or not, the seeds thereof, and every compound,
29 manufacture, salt, derivative, mixture, or preparation of such plant or
30 its seeds, but does not include the mature stalks of such plant, hashish,
31 tetrahydrocannabinols extracted or isolated from the plant, fiber

1 produced from such stalks, oil or cake made from the seeds of such plant,
2 any other compound, manufacture, salt, derivative, mixture, or
3 preparation of such mature stalks, the sterilized seed of such plant
4 which is incapable of germination, or cannabidiol contained in a drug
5 product approved by the federal Food and Drug Administration or obtained
6 pursuant to sections 28-463 to 28-468. When the weight of marijuana is
7 referred to in the Uniform Controlled Substances Act, it means its weight
8 at or about the time it is seized or otherwise comes into the possession
9 of law enforcement authorities, whether cured or uncured at that time.
10 When industrial hemp as defined in section 2-5701 is in the possession of
11 a person as authorized under section 2-5701, it is not considered
12 marijuana for purposes of the Uniform Controlled Substances Act;

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

30 (15) Narcotic drug means any of the following, whether produced
31 directly or indirectly by extraction from substances of vegetable origin,

1 independently by means of chemical synthesis, or by a combination of
2 extraction and chemical synthesis: (a) Opium, opium poppy and poppy
3 straw, coca leaves, and opiates; (b) a compound, manufacture, salt,
4 derivative, or preparation of opium, coca leaves, or opiates; or (c) a
5 substance and any compound, manufacture, salt, derivative, or preparation
6 thereof which is chemically equivalent to or identical with any of the
7 substances referred to in subdivisions (a) and (b) of this subdivision,
8 except that the words narcotic drug as used in the Uniform Controlled
9 Substances Act does not include decocainized coca leaves or extracts of
10 coca leaves, which extracts do not contain cocaine or ecgonine, or
11 isoquinoline alkaloids of opium;

12 (16) Opiate means any substance having an addiction-forming or
13 addiction-sustaining liability similar to morphine or being capable of
14 conversion into a drug having such addiction-forming or addiction-
15 sustaining liability. Opiate does not include the dextrorotatory isomer
16 of 3-methoxy-n methylmorphinan and its salts. Opiate includes its racemic
17 and levorotatory forms;

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

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

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

24 (20) Practitioner means a physician, a physician assistant, a
25 dentist, a veterinarian, a pharmacist, a podiatrist, an optometrist, a
26 certified nurse midwife, a certified registered nurse anesthetist, a
27 nurse practitioner, a scientific investigator, a pharmacy, a hospital, or
28 any other person licensed, registered, or otherwise permitted to
29 distribute, dispense, prescribe, conduct research with respect to, or
30 administer a controlled substance in the course of practice or research
31 in this state, including an emergency medical service as defined in

1 section 38-1207;

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

4 (22) Immediate precursor means a substance which is the principal
5 compound commonly used or produced primarily for use and which is an
6 immediate chemical intermediary used or likely to be used in the
7 manufacture of a controlled substance, the control of which is necessary
8 to prevent, curtail, or limit such manufacture;

9 (23) State means the State of Nebraska;

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

14 (25) Hospital has the same meaning as in section 71-419;

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

20 (27) Hashish or concentrated cannabis means (a) the separated resin,
21 whether crude or purified, obtained from a plant of the genus cannabis or
22 (b) any material, preparation, mixture, compound, or other substance
23 which contains ten percent or more by weight of tetrahydrocannabinols.
24 When resins extracted from industrial hemp as defined in section 2-5701
25 are in the possession of a person as authorized under section 2-5701,
26 they are not considered hashish or concentrated cannabis for purposes of
27 the Uniform Controlled Substances Act;

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

1 (29) Imitation controlled substance means a substance which is not a
2 controlled substance or controlled substance analogue but which, by way
3 of express or implied representations and consideration of other relevant
4 factors including those specified in section 28-445, would lead a
5 reasonable person to believe the substance is a controlled substance or
6 controlled substance analogue. A placebo or registered investigational
7 drug manufactured, distributed, possessed, or delivered in the ordinary
8 course of 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 means a substance (i) the
11 chemical structure of which is substantially similar to the chemical
12 structure of a Schedule I or Schedule II controlled substance as provided
13 in section 28-405 or (ii) which has a stimulant, depressant, analgesic,
14 or hallucinogenic effect on the central nervous system that is
15 substantially similar to or greater than the stimulant, depressant,
16 analgesic, or hallucinogenic effect on the central nervous system of a
17 Schedule I or Schedule II controlled substance as provided in section
18 28-405. A controlled substance analogue shall, to the extent intended for
19 human consumption, be treated as a controlled substance under Schedule I
20 of section 28-405 for purposes of the Uniform Controlled Substances Act;
21 and

22 (b) Controlled substance analogue does not include (i) a controlled
23 substance, (ii) any substance generally recognized as safe and effective
24 within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
25 301 et seq., as such act existed on January 1, 2014, (iii) any substance
26 for which there is an approved new drug application, or (iv) with respect
27 to a particular person, any substance if an exemption is in effect for
28 investigational use for that person, under section 505 of the Federal
29 Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
30 January 1, 2014, to the extent conduct with respect to such substance is
31 pursuant to such exemption;

1 (31) Anabolic steroid means any drug or hormonal substance,
2 chemically and pharmacologically related to testosterone (other than
3 estrogens, progestins, and corticosteroids), that promotes muscle growth
4 and includes any controlled substance in Schedule III(d) of section
5 28-405. Anabolic steroid does not include any anabolic steroid which is
6 expressly intended for administration through implants to cattle or other
7 nonhuman species and has been approved by the Secretary of Health and
8 Human Services for such administration, but if any person prescribes,
9 dispenses, or distributes such a steroid for human use, such person shall
10 be considered to have prescribed, dispensed, or distributed an anabolic
11 steroid within the meaning of this subdivision;

12 (32) Chart order means an order for a controlled substance issued by
13 a practitioner for a patient who is in the hospital where the chart is
14 stored or for a patient receiving detoxification treatment or maintenance
15 treatment pursuant to section 28-412. Chart order does not include a
16 prescription;

17 (33) Medical order means a prescription, a chart order, or an order
18 for pharmaceutical care issued by a practitioner;

19 (34) Prescription means an order for a controlled substance issued
20 by a practitioner. Prescription does not include a chart order;

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

24 (36) Reverse distributor means a person whose primary function is to
25 act as an agent for a pharmacy, wholesaler, manufacturer, or other entity
26 by receiving, inventorying, and managing the disposition of outdated,
27 expired, or otherwise nonsaleable controlled substances;

28 (37) Signature means the name, word, or mark of a person written in
29 his or her own hand with the intent to authenticate a writing or other
30 form of communication or a digital signature which complies with section
31 86-611 or an electronic signature;

1 (38) Facsimile means a copy generated by a system that encodes a
2 document or photograph into electrical signals, transmits those signals
3 over telecommunications lines, and reconstructs the signals to create an
4 exact duplicate of the original document at the receiving end;

5 (39) Electronic signature has the definition found in section
6 86-621;

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

10 (41) Long-term care facility means an intermediate care facility, an
11 intermediate care facility for persons with developmental disabilities, a
12 long-term care hospital, a mental health center, a nursing facility, or a
13 skilled nursing facility, as such terms are defined in the Health Care
14 Facility Licensure Act;

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

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

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

28 (a) The packaging or labeling of the product or substance suggests
29 that the user will achieve euphoria, hallucination, mood enhancement,
30 stimulation, or another effect on the human body that replicates or
31 mimics those produced by a controlled substance;

1 (b) The name or packaging of the product or substance uses images or
2 labels suggesting that it is a controlled substance or produces effects
3 on the human body that replicate or mimic those produced by a controlled
4 substance;

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

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

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

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

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

26 (h) The product or substance contains a chemical or chemical
27 compound that does not have a legitimate relationship to the use or
28 purpose claimed by the seller, distributor, packer, or manufacturer of
29 the product or substance or indicated by the product name, appearing on
30 the product's packaging or label or depicted in advertisement of the
31 product or substance.

1 Sec. 4. Section 28-401.01, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-401.01 Sections 28-401 to 28-456.01 and 28-458 to 28-471 and
4 section 8 of this act shall be known and may be cited as the Uniform
5 Controlled Substances Act.

6 Sec. 5. Section 28-405, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 28-405 The following are the schedules of controlled substances
9 referred to in the Uniform Controlled Substances Act:

10 Schedule I

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

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

- 1 (17) Dimepheptanol;
- 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) Levophenacymorphan;
- 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-
- 29 piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)
- 30 piperidine;
- 31 (45) Tilidine;

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

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

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

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

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

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

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

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

22 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-thienyl)ethyl-4-
23 piperidinyl)-N-phenylpropanamide, its optical and geometric isomers,
24 salts, and salts of isomers;

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

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

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

1 (58) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
2 methylbenzamide.

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

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

30 (c) Any material, compound, mixture, or preparation which contains
31 any quantity of the following hallucinogenic substances, their salts,

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

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

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

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

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

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

22 (6) Lysergic acid diethylamide;

23 (7) Marijuana;

24 (8) Mescaline;

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

30 (10) Psilocybin;

31 (11) Psilocyn;

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

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

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

16 (15) Thiophene analog of phencyclidine. Trade and other names shall
17 include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
18 2-thienyl analog of phencyclidine; TCP; and TCP;

19 (16) Hashish or concentrated cannabis;

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

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

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

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

1 alpha-ET; and AET;

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

3 (22) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

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

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

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

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

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

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

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

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

27 (E) Naphthylideneindenes: Any compound containing a
28 naphthylideneindene structure with substitution at the 3-position of the
29 indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
30 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
31 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-

1 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
2 tetrahydropyranylmethyl group, whether or not further substituted in or
3 on any of the listed ring systems to any extent;

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

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

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

28 (I) Adamantoylindoles: Any compound containing a 3-adamantoylindole
29 structure with substitution at the nitrogen atom of the indole ring by an
30 alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl,
31 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-

1 (4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
2 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
3 further substituted in or on any of the listed ring systems to any
4 extent;

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

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

25 (L) Indole carboxylates: Any compound containing a 1-indole-3-
26 carboxylate structure with substitution at the nitrogen atom of the
27 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
28 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
29 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
30 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
31 tetrahydropyranylmethyl group, substitution at the carboxylate group by

1 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,
2 phenyl, aminoalkoxy group, or quinolinyl group, whether or not further
3 substituted in or on any of the listed ring systems to any extent or to
4 the adamantyl, 1-naphthyl, phenyl, aminoalkoxy, benzyl, or
5 propionaldehyde groups to any extent; and

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

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

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

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

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

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

- 1 which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-
2 methoxybenzyl)phenethylamine;
- 3 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
4 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or
5 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;
- 6 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine,
7 which is also known as 2CB-5-hemiFLY;
- 8 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-
9 yl)ethanamine, which is also known as 2C-B-FLY;
- 10 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
11 yl)ethanamine, which is also known as 2C-B-butterFLY;
- 12 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-
13 b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-
14 NBOMe;
- 15 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine,
16 which is also known as bromo-benzodifuranylisopropylamine or bromo-
17 dragonFLY;
- 18 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which
19 is also known as 2C-INBOH or 25I-NBOH;
- 20 (xxv) 5-(2-Aminoprpyl)benzofuran, which is also known as 5-APB;
- 21 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;
- 22 (xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known
23 as 5-APDB;
- 24 (xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also
25 known as 6-APDB;
- 26 (xxix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-
27 dimethoxy-a-methylphenethylamine; 2, 5-DMA;
- 28 (xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;
- 29 (xxxii) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also
30 known as 2C-T-7;
- 31 (xxxii) 5-methoxy-3,4-methylenedioxy-amphetamine;

- 1 (xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as
2 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and STP;
- 3 (xxxiv) 3,4-methylenedioxy amphetamine, which is also known as MDA;
- 4 (xxxv) 3,4-methylenedioxymethamphetamine, which is also known as
5 MDMA;
- 6 (xxxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is also known
7 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA; and
- 8 (xxxvii) 3,4,5-trimethoxy amphetamine;
- 9 (27) Any material, compound, mixture, or preparation containing any
10 quantity of a substituted tryptamine unless specifically excepted, listed
11 in another schedule, or specifically named in this schedule, that is
12 structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also
13 known as tryptamine, by mono- or di-substitution of the amine nitrogen
14 with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom
15 in a cyclic structure whether or not the compound is further substituted
16 at the alpha position with an alkyl group or whether or not further
17 substituted on the indole ring to any extent with any alkyl, alkoxy,
18 halo, hydroxyl, or acetoxy groups, and including, but not limited to:
- 19 (A) 5-methoxy-N,N-diallyltryptamine, which is also known as 5-MeO-
20 DALT;
- 21 (B) 4-acetoxy-N,N-dimethyltryptamine, which is also known as 4-AcO-
22 DMT or OAcetylpsilocin;
- 23 (C) 4-hydroxy-N-methyl-N-ethyltryptamine, which is also known as 4-
24 HO-MET;
- 25 (D) 4-hydroxy-N,N-diisopropyltryptamine, which is also known as 4-
26 HO-DIPT;
- 27 (E) 5-methoxy-N-methyl-N-isopropyltryptamine, which is also known as
28 5-MeOMiPT;
- 29 (F) 5-Methoxy-N,N-Dimethyltryptamine, which is also known as 5-MeO-
30 DMT;
- 31 (G) 5-methoxy-N,N-diisopropyltryptamine, which is also known as 5-

1 MeO-DiPT;

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

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

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

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

8 (ii) 3,4-methylenedioxypyrovalerone, or MDPV;

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

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

11 (v) Fluoromethcathinone, or FMC;

12 (vi) Naphthylpyrovalerone, or naphyrone; or

13 (vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or
14 butylone; or

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

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

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

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

30 (d) Unless specifically excepted or unless listed in another
31 schedule, any material, compound, mixture, or preparation which contains

1 any quantity of the following substances having a depressant effect on
2 the central nervous system, including its salts, isomers, and salts of
3 isomers whenever the existence of such salts, isomers, and salts of
4 isomers is possible within the specific chemical designation:

5 (1) Mecloqualone;

6 (2) Methaqualone; and

7 (3) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-
8 hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium
9 Oxybate; and Sodium Oxybutyrate.

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

15 (1) Fenethylline;

16 (2) N-ethylamphetamine;

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

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

21 (5) Methcathinone, its salts, optical isomers, and salts of optical
22 isomers. Some other names: 2-(methylamino)-propiofenone; alpha-
23 (methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-
24 N-methylaminopropiophenone; methylcathinone; monomethylpropion;
25 ephedrone; N-methylcathinone; AL-464; AL-422; AL-463; and UR1432;

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

28 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine;
29 and N,N-alpha-trimethylphenethylamine; and

30 (8) Benzylpiperazine, 1-benzylpiperazine.

31 (f) Any controlled substance analogue to the extent intended for

1 human consumption.

2 Schedule II

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

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

- 12 (A) Raw opium;
- 13 (B) Opium extracts;
- 14 (C) Opium fluid;
- 15 (D) Powdered opium;
- 16 (E) Granulated opium;
- 17 (F) Tincture of opium;
- 18 (G) Codeine;
- 19 (H) Ethylmorphine;
- 20 (I) Etorphine hydrochloride;
- 21 (J) Hydrocodone;
- 22 (K) Hydromorphone;
- 23 (L) Metopon;
- 24 (M) Morphine;
- 25 (N) Oxycodone;
- 26 (O) Oxymorphone;
- 27 (P) Oripavine;
- 28 (Q) Thebaine; and
- 29 (R) Dihydroetorphine;

30 (2) Any salt, compound, derivative, or preparation thereof which is
31 chemically equivalent to or identical with any of the substances referred

1 to in subdivision (1) of this subdivision, except that these substances
2 shall not include the isoquinoline alkaloids of opium;

3 (3) Opium poppy and poppy straw;

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

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

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

19 (1) Alphaprodine;

20 (2) Anileridine;

21 (3) Bezitramide;

22 (4) Diphenoxylate;

23 (5) Fentanyl;

24 (6) Isomethadone;

25 (7) Levomethorphan;

26 (8) Levorphanol;

27 (9) Metazocine;

28 (10) Methadone;

29 (11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl
30 butane;

31 (12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-

- 1 diphenylpropane-carboxylic acid;
- 2 (13) Pethidine or meperidine;
- 3 (14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 4 (15) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
- 5 carboxylate;
- 6 (16) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
- 7 carboxylic acid;
- 8 (17) Phenazocine;
- 9 (18) Piminodine;
- 10 (19) Racemethorphan;
- 11 (20) Racemorphan;
- 12 (21) Dihydrocodeine;
- 13 (22) Bulk Propoxyphene in nondosage forms;
- 14 (23) Sufentanil;
- 15 (24) Alfentanil;
- 16 (25) Levo-alphaacetylmethadol which is also known as levo-alpha-
- 17 acetylmethadol, levomethadyl acetate, and LAAM;
- 18 (26) Carfentanil;
- 19 (27) Remifentanil; and
- 20 (28) Tapentadol.
- 21 (c) Any material, compound, mixture, or preparation which contains
- 22 any quantity of the following substances having a potential for abuse
- 23 associated with a stimulant effect on the central nervous system:
- 24 (1) Amphetamine, its salts, optical isomers, and salts of its
- 25 optical isomers;
- 26 (2) Phenmetrazine and its salts;
- 27 (3) Methamphetamine, its salts, isomers, and salts of its isomers;
- 28 (4) Methylphenidate; and
- 29 (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.
- 30 (d) Any material, compound, mixture, or preparation which contains
- 31 any quantity of the following substances having a potential for abuse

1 associated with a depressant effect on the central nervous system,
2 including their salts, isomers, and salts of isomers whenever the
3 existence of such salts, isomers, and salts of isomers is possible within
4 the specific chemical designations:

- 5 (1) Amobarbital;
- 6 (2) Secobarbital;
- 7 (3) Pentobarbital;
- 8 (4) Phencyclidine; and
- 9 (5) Glutethimide.

10 (e) Hallucinogenic substances known as:

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

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

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

21 (2) Immediate precursors to phencyclidine, PCP:

- 22 (A) 1-phenylcyclohexylamine; or
- 23 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

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

26 Schedule III

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

1 and salts of isomers is possible within the specific chemical
2 designation:

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

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

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

- 14 (2) Chlorhexadol;
- 15 (3) Embutramide;
- 16 (4) Lysergic acid;
- 17 (5) Lysergic acid amide;
- 18 (6) Methyprylon;
- 19 (7) Perampanel;
- 20 (8) Sulfondiethylmethane;
- 21 (9) Sulfonethylmethane;
- 22 (10) Sulfonmethane;
- 23 (11) Nalorphine;

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

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

31 (14) Any drug product containing gamma-hydroxybutyric acid,

1 including its salts, isomers, and salts of isomers, for which an
2 application is approved under section 505 of the Federal Food, Drug, and
3 Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2014;

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

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

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

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

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

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

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

31 (D) Not more than three hundred milligrams of ethylmorphine per one

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

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

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

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

13 (A) Buprenorphine.

14 (d) Unless contained on the ~~administration's~~ list of exempt anabolic
15 steroids of the Drug Enforcement Administration of the United States
16 Department of Justice as the list existed on January 1, 2014, any
17 anabolic steroid, which shall include any material, compound, mixture, or
18 preparation containing any quantity of the following substances,
19 including its salts, isomers, and salts of isomers whenever the existence
20 of such salts of isomers is possible within the specific chemical
21 designation:

22 (1) 3-beta,17-dihydroxy-5a-androstane;

23 (2) 3-alpha,17-beta-dihydroxy-5a-androstane;

24 (3) 5-alpha-androstan-3,17-dione;

25 (4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-
26 ene);

27 (5) 1-androstenediol (3-alpha,17-beta-dihydroxy-5-alpha-androst-1-
28 ene);

29 (6) 4-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

30 (7) 5-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

31 (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-
- 4 hydroxyandrost-4-en-3-one);
- 5 (12) Boldenone (17-beta-hydroxyandrost-1,4-diene-3-one);
- 6 (13) Boldione (androsta-1,4-diene-3,17-3-one);
- 7 (14) Calusterone (7-beta,17-alpha-dimethyl-17-beta-hydroxyandrost-4-
- 8 en-3-one);
- 9 (15) Clostebol (4-chloro-17-beta-hydroxyandrost-4-en-3-one);
- 10 (16) Dehydrochloromethyltestosterone (4-chloro-17-beta-hydroxy-17-
- 11 alpha-methyl-androst-1,4-dien-3-one);
- 12 (17) Desoxymethyltestosterone (17-alpha-methyl-5-alpha-androst-2-
- 13 en-17-beta-ol) (a.k.a. 'madol');
- 14 (18) Delta-1-Dihydrotestosterone (a.k.a. '1-testosterone')(17-beta-
- 15 hydroxy-5-alpha-androst-1-en-3-one);
- 16 (19) 4-Dihydrotestosterone (17-beta-hydroxy-androstan-3-one);
- 17 (20) Drostanolone (17-beta-hydroxy-2-alpha-methyl-5-alpha-
- 18 androstan-3-one);
- 19 (21) Ethylestrenol (17-alpha-ethyl-17-beta-hydroxyestr-4-ene);
- 20 (22) Fluoxymesterone (9-fluoro-17-alpha-methyl-11-beta,17-beta-
- 21 dihydroxyandrost-4-en-3-one);
- 22 (23) Formebolone (formebolone); (2-formyl-17-alpha-methyl-11-alpha,
- 23 17-beta-dihydroxyandrost-1,4-dien-3-one);
- 24 (24) Furazabol (17-alpha-methyl-17-beta-hydroxyandrostano[2,3-c]-
- 25 furazan);
- 26 (25) 13-beta-ethyl-17-beta-hydroxygon-4-en-3-one;
- 27 (26) 4-hydroxytestosterone (4,17-beta-dihydroxy-androst-4-en-3-one);
- 28 (27) 4-hydroxy-19-nortestosterone (4,17-beta-dihydroxy-estr-4-en-3-
- 29 one);
- 30 (28) Mestanolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
- 31 one);

- 1 (29) Mesterolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
2 one);
- 3 (30) Methandienone (17-alpha-methyl-17-beta-hydroxyandrost-1,4-
4 dien-3-one);
- 5 (31) Methandriol (17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-
6 ene);
- 7 (32) Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-
8 beta-ol-3-one);
- 9 (33) Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-
10 one);
- 11 (34) 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;
- 12 (35) 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;
- 13 (36) 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;
- 14 (37) 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-
15 hydroxy-17-beta-hydroxyestr-4-en-3-one);
- 16 (38) Methyldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-
17 dien-3-one);
- 18 (39) Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-
19 trien-3-one);
- 20 (40) Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-
21 en-3-one);
- 22 (41) Mibolerone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-
23 en-3-one);
- 24 (42) 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-
25 hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-
26 methyl-1-testosterone');
- 27 (43) Nandrolone (17-beta-hydroxyestr-4-en-3-one);
- 28 (44) 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);
- 29 (45) 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);
- 30 (46) 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);
- 31 (47) 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);

- 1 (48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-
2 dione);
- 3 (49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 4 (50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 5 (51) Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-
6 en-3-one);
- 7 (52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);
- 8 (53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-
9 one);
- 10 (54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-
11 one);
- 12 (55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-
13 androstan-3-one);
- 14 (56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrost-4-
15 en-3-one);
- 16 (57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-
17 hydroxy-[5-alpha]-androstan-3-one);
- 18 (58) Prostanazol (17-beta-hydroxy-5-alpha-androstano[3,2-
19 c]pyrazole);
- 20 (59) Stanozolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-
21 androst-2-eno[3,2-c]-pyrazole);
- 22 (60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-
23 one);
- 24 (61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-
25 oic acid lactone);
- 26 (62) Testosterone (17-beta-hydroxyandrost-4-en-3-one);
- 27 (63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-
28 hydroxygon-4,9,11-trien-3-one);
- 29 (64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one); and
- 30 (65) Any salt, ester, or ether of a drug or substance described or
31 listed in this subdivision if the salt, ester, or ether promotes muscle

1 growth.

2 (e) Hallucinogenic substances known as:

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

8 Schedule IV

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

13 (1) Barbital;

14 (2) Chloral betaine;

15 (3) Chloral hydrate;

16 (4) Chlordiazepoxide, but not including librax (chlordiazepoxide
17 hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and
18 water soluble esterified estrogens);

19 (5) Clonazepam;

20 (6) Clorazepate;

21 (7) Diazepam;

22 (8) Ethchlorvynol;

23 (9) Ethinamate;

24 (10) Flurazepam;

25 (11) Mebutamate;

26 (12) Meprobamate;

27 (13) Methohexital;

28 (14) Methylphenobarbital;

29 (15) Oxazepam;

30 (16) Paraldehyde;

31 (17) Petrichloral;

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

- 1 (49) Dichloralphenazone;
- 2 (50) Zaleplon;
- 3 (51) Zopiclone;
- 4 (52) Fospropofol;
- 5 (53) Alfaxalone;
- 6 (54) Suvorexant; and
- 7 (55) Carisoprodol.

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

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

- 20 (1) Diethylpropion;
- 21 (2) Phentermine;
- 22 (3) Pemoline, including organometallic complexes and chelates
23 thereof;
- 24 (4) Mazindol;
- 25 (5) Pipradrol;
- 26 (6) SPA, ((-)-1-dimethylamino- 1,2-diphenylethane);
- 27 (7) Cathine. Another name for cathine is ((+)-norpseudoephedrine);
- 28 (8) Fencamfamin;
- 29 (9) Fenproporex;
- 30 (10) Mefenorex;
- 31 (11) Modafinil; and

1 (12) Sibutramine.

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

7 (1) Propoxyphene in manufactured dosage forms;

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

10 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its
11 salts, optical and geometric isomers, and salts of these isomers to
12 include: Tramadol.

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

16 (1) Pentazocine; and

17 (2) Butorphanol (including its optical isomers).

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

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

26 (2) The following drug products containing ephedrine, its salts,
27 optical isomers, and salts of such optical isomers, are excepted from
28 subdivision (g)(1) of Schedule IV if they (A) are stored behind a
29 counter, in an area not accessible to customers, or in a locked case so
30 that a customer needs assistance from an employee to access the drug
31 product; (B) are sold by a person, eighteen years of age or older, in the

1 course of his or her employment to a customer eighteen years of age or
2 older with the following restrictions: No customer shall be allowed to
3 purchase, receive, or otherwise acquire more than three and six-tenths
4 grams of ephedrine base during a twenty-four-hour period; no customer
5 shall purchase, receive, or otherwise acquire more than nine grams of
6 ephedrine base during a thirty-day period; and the customer shall display
7 a valid driver's or operator's license, a Nebraska state identification
8 card, a military identification card, an alien registration card, or a
9 passport as proof of identification; (C) are labeled and marketed in a
10 manner consistent with the pertinent OTC Tentative Final or Final
11 Monograph; (D) are manufactured and distributed for legitimate medicinal
12 use in a manner that reduces or eliminates the likelihood of abuse; and
13 (E) are not marketed, advertised, or represented in any manner for the
14 indication of stimulation, mental alertness, euphoria, ecstasy, a buzz or
15 high, heightened sexual performance, or increased muscle mass:

- 16 (i) Primatene Tablets; and
17 (ii) Bronkaid Dual Action Caplets.

18 Schedule V

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

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

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

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

31 (4) Not more than two and five-tenths milligrams of diphenoxylate

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

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

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

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

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

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

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

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

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

24 Sec. 6. Section 28-416, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 28-416 (1) Except as authorized by the Uniform Controlled Substances
27 Act, it shall be unlawful for any person knowingly or intentionally: (a)
28 To manufacture, distribute, deliver, dispense, or possess with intent to
29 manufacture, distribute, deliver, or dispense a controlled substance; or
30 (b) to create, distribute, or possess with intent to distribute a
31 counterfeit controlled substance.

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

10 (3) A person knowingly or intentionally possessing a controlled
11 substance, except marijuana or any substance containing a quantifiable
12 amount of the substances, chemicals, or compounds described, defined, or
13 delineated in subdivision (c)(25) of Schedule I of section 28-405, unless
14 such substance was obtained directly or pursuant to a medical order
15 issued by a practitioner authorized to prescribe while acting in the
16 course of his or her professional practice, or except as otherwise
17 authorized by the act, shall be guilty of a Class IV felony. A person
18 shall not be in violation of this subsection if section 8 of this act
19 applies.

20 (4)(a) Except as authorized by the Uniform Controlled Substances
21 Act, any person eighteen years of age or older who knowingly or
22 intentionally manufactures, distributes, delivers, dispenses, or
23 possesses with intent to manufacture, distribute, deliver, or dispense a
24 controlled substance or a counterfeit controlled substance (i) to a
25 person under the age of eighteen years, (ii) in, on, or within one
26 thousand feet of the real property comprising a public or private
27 elementary, vocational, or secondary school, a community college, a
28 public or private college, junior college, or university, or a
29 playground, or (iii) within one hundred feet of a public or private youth
30 center, public swimming pool, or video arcade facility shall be punished
31 by the next higher penalty classification than the penalty prescribed in

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

7 (b) For purposes of this subsection:

8 (i) Playground means ~~shall mean~~ any outdoor facility, including any
9 parking lot appurtenant to the facility, intended for recreation, open to
10 the public, and with any portion containing three or more apparatus
11 intended for the recreation of children, including sliding boards,
12 swingsets, and teeterboards;

13 (ii) Video arcade facility means ~~shall mean~~ any facility legally
14 accessible to persons under eighteen years of age, intended primarily for
15 the use of pinball and video machines for amusement, and containing a
16 minimum of ten pinball or video machines; and

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

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

28 (b) Except as authorized by the Uniform Controlled Substances Act,
29 it shall be unlawful for any person eighteen years of age or older to
30 knowingly and intentionally employ, hire, use, cause, persuade, coax,
31 induce, entice, seduce, or coerce any person under the age of eighteen

1 years to aid and abet any person in the manufacture, transportation,
2 distribution, carrying, delivery, dispensing, preparation for delivery,
3 offering for delivery, or possession with intent to do the same of a
4 controlled substance or a counterfeit controlled substance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (a) For the first offense, be guilty of an infraction, receive a

1 citation, be fined three hundred dollars, and be assigned to attend a
2 course as prescribed in section 29-433 if the judge determines that
3 attending such course is in the best interest of the individual
4 defendant;

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

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

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

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

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

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

28 (18) In addition to the existing penalties available for a violation
29 of subsection (1) of this section, including any criminal attempt or
30 conspiracy to violate subsection (1) of this section, a sentencing court
31 may order that any money, securities, negotiable instruments, firearms,

1 conveyances, or electronic communication devices as defined in section
2 28-833 or any equipment, components, peripherals, software, hardware, or
3 accessories related to electronic communication devices be forfeited as a
4 part of the sentence imposed if it finds by clear and convincing evidence
5 adduced at a separate hearing in the same prosecution, following
6 conviction for a violation of subsection (1) of this section, and
7 conducted pursuant to section 28-1601, that any or all such property was
8 derived from, used, or intended to be used to facilitate a violation of
9 subsection (1) of this section.

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

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

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

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

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

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

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

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

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

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

25 Sec. 7. Section 28-441, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 28-441 (1) It shall be unlawful for any person to use, or to possess
28 with intent to use, drug paraphernalia to manufacture, inject, ingest,
29 inhale, or otherwise introduce into the human body a controlled substance
30 in violation of sections 28-101, 28-431, and 28-439 to 28-444.

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

1 infraction.

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

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

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

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

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

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

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

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

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

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

29 (4) A person shall not initiate or maintain an action against a
30 peace officer or the state agency or political subdivision employing such
31 officer based on the officer's compliance with subsections (1) through

1 (3) of this section.

2 (5) Nothing in this section shall be interpreted to interfere with
3 or prohibit the investigation, arrest, or prosecution of any person for,
4 or affect the admissibility or use of evidence in, cases involving:

5 (a) Drug-induced homicide;

6 (b) Except as provided in subsections (1) through (3) of this
7 section, violations of section 28-441 or subsection (3) of section
8 28-416; or

9 (c) Any other criminal offense.

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

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

18 28-470 (1) A health professional who is authorized to prescribe or
19 dispense naloxone, if acting with reasonable care, may prescribe,
20 administer, or dispense naloxone to any of the following persons without
21 being subject to administrative action or criminal prosecution:

22 (a) A person who is apparently experiencing or who is likely to
23 experience an opioid-related overdose; or

24 (b) A family member, friend, or other person in a position to assist
25 a person who is apparently experiencing or who is likely to experience an
26 opioid-related overdose.

27 (2) A family member, friend, or other person who is in a position to
28 assist a person who is apparently experiencing or who is likely to
29 experience an opioid-related overdose, other than an emergency responder
30 or peace officer, is not subject to actions under the Uniform
31 Credentialing Act, administrative action, or criminal prosecution if the

1 person, acting in good faith, obtains naloxone from a health professional
2 or a prescription for naloxone from a health professional and administers
3 the naloxone obtained from the health professional or acquired pursuant
4 to the prescription to a person who is apparently experiencing an opioid-
5 related overdose.

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

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

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

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

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

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

1 by his or her willful, wanton, or grossly negligent act of commission or
2 omission.

3 (5) For purposes of this section:

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

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

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

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

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

15 (f) Naloxone means naloxone hydrochloride; and

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

17 Sec. 10. Original sections 25-21,280, 28-101, 28-401, 28-401.01,
18 28-405, 28-416, 28-441, and 28-470, Reissue Revised Statutes of Nebraska,
19 are repealed.