

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 436

Introduced by Geist, 25.

Read first time January 13, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to
- 2 amend sections 28-405 and 28-416, Revised Statutes Cumulative
- 3 Supplement, 2022; to change provisions relating to the schedules of
- 4 controlled substances; to harmonize provisions; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-405, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 28-405 The following are the schedules of controlled substances
4 referred to in the Uniform Controlled Substances Act, unless specifically
5 contained on the list of exempted products of the Drug Enforcement
6 Administration of the United States Department of Justice as the list
7 existed on January 31, 2022 ~~2021~~:

8 Schedule I

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

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

- 1 (19) Dioxaphetyl butyrate;
- 2 (20) Dipipanone;
- 3 (21) Ethylmethylthiambutene;
- 4 (22) Etonitazene;
- 5 (23) Etoxeridine;
- 6 (24) Furethidine;
- 7 (25) Hydroxypethidine;
- 8 (26) Ketobemidone;
- 9 (27) Levomoramide;
- 10 (28) Levophenacymorphan;
- 11 (29) Morpheridine;
- 12 (30) Noracymethadol;
- 13 (31) Norlevorphanol;
- 14 (32) Normethadone;
- 15 (33) Norpipanone;
- 16 (34) Phenadoxone;
- 17 (35) Phenampromide;
- 18 (36) Phenomorphan;
- 19 (37) Phenoperidine;
- 20 (38) Piritramide;
- 21 (39) Proheptazine;
- 22 (40) Properidine;
- 23 (41) Propiram;
- 24 (42) Racemoramide;
- 25 (43) Trimeperidine;
- 26 (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl-4-
- 27 piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)
- 28 piperidine;
- 29 (45) Tilidine;
- 30 (46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
- 31 phenylpropanamide, its optical and geometric isomers, salts, and salts of

1 isomers;

2 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical
3 isomers, salts, and salts of isomers;

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

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

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

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

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

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

20 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-thienyl)ethyl-4-
21 piperidinyl)-N-phenylpropanamide, its optical and geometric isomers,
22 salts, and salts of isomers;

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

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

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

30 (58) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
31 methylbenzamide;

- 1 (59) 4-Fluoroisobutyryl Fentanyl;
- 2 (60) Acetyl Fentanyl;
- 3 (61) Acyrloylfentanyl;
- 4 (62) AH-7921; 3, 4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]
- 5 benzamide;
- 6 (63) Butyryl fentanyl;
- 7 (64) Cyclopentyl fentanyl;
- 8 (65) Cyclopropyl fentanyl;
- 9 (66) Furanyl fentanyl;
- 10 (67) Isobutyryl fentanyl;
- 11 (68) Isotonitazene;
- 12 (69) Methoxyacetyl fentanyl;
- 13 (70) MT-45; 1-cyclohexyl-4-(1,2-diphenylethyl) piperazine;
- 14 (71) Tetrahydrofuranyl fentanyl;
- 15 (72) 2-fluorofentanyl; N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-
- 16 yl) propionamide;
- 17 (73) Ocfentanil;
- 18 (74) Ortho-Fluorofentanyl;
- 19 (75) Para-chloroisobutyryl fentanyl;
- 20 (76) Para-Fluorobutyryl Fentanyl;
- 21 (77) Valeryl fentanyl;
- 22 (78) Phenyl Fentanyl;
- 23 (79) Para-Methylfentanyl;
- 24 (80) Thiofuranyl Fentanyl;
- 25 (81) Beta-methyl Fentanyl;
- 26 (82) Beta'-Phenyl Fentanyl;
- 27 (83) Crotonyl Fentanyl;
- 28 (84) 2'-Fluoro Ortho-Fluorofentanyl;
- 29 (85) 4'-Methyl Acetyl Fentanyl;
- 30 (86) Ortho-Fluorobutyryl Fentanyl;
- 31 (87) Ortho-Methyl Acetylfentanyl;

1 (88) Ortho-Methyl Methoxyacetyl Fentanyl;

2 (89) Ortho-Fluoroacryl Fentanyl;

3 (90) Fentanyl Carbamate;

4 (91) Ortho-Fluoroisobutyryl Fentanyl;

5 (92) Para-Fluoro Furanyl Fentanyl;

6 (93) Para-Methoxybutyryl Fentanyl; ~~and~~

7 (94) Brorphine (other name: 1-(1-(1-(4-bromophenyl) ethyl)
8 piperidin-4-yl-1,3-dihydro-2H-benzo[D]imidazole-2-one); and -

9 (95) Fentanyl-related substances, their isomers, esters, ethers,
10 salts and salts of isomers, esters, and ethers. Unless specifically
11 excepted, listed in another schedule, or specifically named in this
12 schedule, this includes any substance that is structurally related to
13 fentanyl by one or more of the following modifications:

14 (a) Replacement of the phenyl portion of the phenethyl group by any
15 monocycle, whether or not further substituted in or on the monocycle;

16 (b) Substitution in or on the phenethyl group with alkyl, alkenyl,
17 alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;

18 (c) Substitution in or on the piperidine ring with alkyl, alkenyl,
19 alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

20 (d) Replacement of the aniline ring with any aromatic monocycle
21 whether or not further substituted in or on the aromatic monocycle; or

22 (e) Replacement of the N-propionyl group by another acyl group.

23 (b) Any of the following opium derivatives, their salts, isomers,
24 and salts of isomers, unless specifically excepted, whenever the
25 existence of such salts, isomers, and salts of isomers is possible within
26 the specific chemical designation:

27 (1) Acetorphine;

28 (2) Acetyldihydrocodeine;

29 (3) Benzylmorphine;

30 (4) Codeine methylbromide;

31 (5) Codeine-N-Oxide;

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

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

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

29 (2) 4-bromo-2,5-dimethoxyamphetamine. Trade and other names shall
30 include, but are not limited to: 4-bromo-2,5-dimethoxy-alpha-
31 methylphenethylamine; and 4-bromo-2,5-DMA;

1 (3) 4-methoxyamphetamine. Trade and other names shall include, but
2 are not limited to: 4-methoxy-alpha-methylphenethylamine; and
3 paramethoxyamphetamine, PMA;

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

7 (5) Para-methoxymethamphetamine. Trade and other names shall
8 include, but are not limited to: 1-(4-Methoxyphenyl)-N-methylpropan-2-
9 amine, PMMA, and 4-MMA;

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

14 (7) Lysergic acid diethylamide;

15 (8) Marijuana;

16 (9) Mescaline;

17 (10) Methoxetamine (MXE);

18 (11) (10) Peyote. Peyote shall mean all parts of the plant presently
19 classified botanically as *Lophophora williamsii* Lemaire, whether growing
20 or not, the seeds thereof, any extract from any part of such plant, and
21 every compound, manufacture, salts, derivative, mixture, or preparation
22 of such plant or its seeds or extracts;

23 (12) (11) Psilocybin;

24 (13) (12) Psilocyn;

25 (14) (13) Tetrahydrocannabinols, including, but not limited to,
26 synthetic equivalents of the substances contained in the plant or in the
27 resinous extractives of cannabis, sp. or synthetic substances,
28 derivatives, and their isomers with similar chemical structure and
29 pharmacological activity such as the following: Delta 1 cis or trans
30 tetrahydrocannabinol and their optical isomers, excluding dronabinol in a
31 drug product approved by the federal Food and Drug Administration; Delta

1 6 cis or trans tetrahydrocannabinol and their optical isomers; and Delta
2 3,4 cis or trans tetrahydrocannabinol and its optical isomers. Since
3 nomenclature of these substances is not internationally standardized,
4 compounds of these structures shall be included regardless of the
5 numerical designation of atomic positions covered. Tetrahydrocannabinols
6 does not include cannabidiol contained in a drug product approved by the
7 federal Food and Drug Administration;

8 (15) ~~(14)~~ N-ethyl-3-piperidyl benzilate;

9 (16) ~~(15)~~ N-methyl-3-piperidyl benzilate;

10 (17) ~~(16)~~ Thiophene analog of phencyclidine. Trade and other names
11 shall include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-
12 piperidine; 2-thienyl analog of phencyclidine; TCP; and TCP;

13 (18) ~~(17)~~ Hashish or concentrated cannabis;

14 (19) ~~(18)~~ Parahexyl. Trade and other names shall include, but are
15 not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
16 dibenzo(b,d)pyran; and Synhexyl;

17 (20) ~~(19)~~ Ethylamine analog of phencyclidine. Trade and other names
18 shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine;
19 (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
20 cyclohexamine; and PCE;

21 (21) ~~(20)~~ Pyrrolidine analog of phencyclidine. Trade and other names
22 shall include, but are not limited to: 1-(1-phenylcyclohexyl)-
23 pyrrolidine; PCPy; and PHP;

24 (22) ~~(21)~~ Alpha-ethyltryptamine. Some trade or other names:
25 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
26 indole; alpha-ET; and AET;

27 (23) ~~(22)~~ 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

28 (24) ~~(23)~~ 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

29 (25) ~~(24)~~ Alpha-methyltryptamine, which is also known as AMT;

30 (26) ~~(25)~~ Salvia divinorum or Salvinorin A. Salvia divinorum or
31 Salvinorin A includes all parts of the plant presently classified

1 botanically as *Salvia divinorum*, whether growing or not, the seeds
2 thereof, any extract from any part of such plant, and every compound,
3 manufacture, derivative, mixture, or preparation of such plant, its
4 seeds, or its extracts, including salts, isomers, and salts of isomers
5 whenever the existence of such salts, isomers, and salts of isomers is
6 possible within the specific chemical designation;

7 ~~(27)~~ (26) Any material, compound, mixture, or preparation containing
8 any quantity of synthetically produced cannabinoids as listed in
9 subdivisions (A) through (L) of this subdivision, including their salts,
10 isomers, salts of isomers, and nitrogen, oxygen, or sulfur-heterocyclic
11 analogs, unless specifically excepted elsewhere in this section. Since
12 nomenclature of these synthetically produced cannabinoids is not
13 internationally standardized and may continually evolve, these structures
14 or compounds of these structures shall be included under this
15 subdivision, regardless of their specific numerical designation of atomic
16 positions covered, so long as it can be determined through a recognized
17 method of scientific testing or analysis that the substance contains
18 properties that fit within one or more of the following categories:

19 (A) Tetrahydrocannabinols: Meaning tetrahydrocannabinols naturally
20 contained in a plant of the genus *cannabis* (*cannabis* plant), as well as
21 synthetic equivalents of the substances contained in the plant, or in the
22 resinous extractives of *cannabis*, sp. and/or synthetic substances,
23 derivatives, and their isomers with similar chemical structure and
24 pharmacological activity such as the following: Delta 1 cis or trans
25 tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans
26 tetrahydrocannabinol, and their optical isomers; Delta 3,4 cis or trans
27 tetrahydrocannabinol, and its optical isomers. This subdivision does not
28 include cannabidiol contained in a drug product approved by the federal
29 Food and Drug Administration;

30 (B) Naphthoylindoles: Any compound containing a 3-(1-
31 naphthoyl)indole structure with substitution at the nitrogen atom of the

1 indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
2 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
3 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
4 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
5 tetrahydropyranylmethyl group, whether or not further substituted in or
6 on any of the listed ring systems to any extent;

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

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

23 (E) Naphthylideneindenes: Any compound containing a
24 naphthylideneindene structure with substitution at the 3-position of the
25 indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
26 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
27 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
28 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
29 tetrahydropyranylmethyl group, whether or not further substituted in or
30 on any of the listed ring systems to any extent;

31 (F) Phenylacetylindoles: Any compound containing a 3-

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

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

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

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

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

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

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

1 propionaldehyde groups to any extent; and

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

7 (28) Zipeprol 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-
8 yl]-1-phenylpropan-2-ol, including its isomers, esters, ethers, salts,
9 and salts of isomers, esters, and ethers, whenever the existence of such
10 isomers, esters, ethers, and salts is possible within the specific
11 chemical designation;

12 (29) ~~(27)~~ Any material, compound, mixture, or preparation containing
13 any quantity of a substituted phenethylamine as listed in subdivisions
14 (A) through (C) of this subdivision, unless specifically excepted, listed
15 in another schedule, or specifically named in this schedule, that is
16 structurally derived from phenylethan-2-amine by substitution on the
17 phenyl ring with a fused methylenedioxy ring, fused furan ring, or a
18 fused tetrahydrofuran ring; by substitution with two alkoxy groups; by
19 substitution with one alkoxy and either one fused furan, tetrahydrofuran,
20 or tetrahydropyran ring system; or by substitution with two fused ring
21 systems from any combination of the furan, tetrahydrofuran, or
22 tetrahydropyran ring systems, whether or not the compound is further
23 modified in any of the following ways:

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

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

31 (ii) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine, which is also known

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

1 (xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine,
2 which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-
3 methoxybenzyl)phenethylamine;

4 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
5 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or
6 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;

7 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine,
8 which is also known as 2CB-5-hemiFLY;

9 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-
10 yl)ethanamine, which is also known as 2C-B-FLY;

11 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
12 yl)ethanamine, which is also known as 2C-B-butterFLY;

13 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-
14 b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-
15 NBOMe;

16 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine,
17 which is also known as bromo-benzodifuranylisopropylamine or bromo-
18 dragonFLY;

19 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which
20 is also known as 2C-INBOH or 25I-NBOH;

21 (xxv) 5-(2-Aminopropyl)benzofuran, which is also known as 5-APB;

22 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;

23 (xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known
24 as 5-APDB;

25 (xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also
26 known as 6-APDB;

27 (xxix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-
28 dimethoxy-a-methylphenethylamine; 2, 5-DMA;

29 (xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;

30 (xxxii) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also
31 known as 2C-T-7;

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

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

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

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

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

8 ~~(31)(A)~~ ~~(29)(A)~~ Any substance containing any quantity of the
9 following materials, compounds, mixtures, or structures:

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

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

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

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

14 (v) Fluoromethcathinone, or FMC;

15 (vi) Naphthylpyrovalerone, or naphyrone; or

16 (vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or
17 butylone; or

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

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

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

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

1 structure.

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 substances having a depressant effect on
5 the central nervous system, including its salts, isomers, and salts of
6 isomers whenever the existence of such salts, isomers, and salts of
7 isomers is possible within the specific chemical designation:

8 (1) Amineptine 7-[(10,11-dihydro-5H-dibenzo[a,d]-cyclohepten-5-
9 yl)amino]heptanoic acid, including its salts, isomers, and salts of
10 isomers;

11 (2) ~~(1)~~ Mecloqualone;

12 (3) ~~(2)~~ Methaqualone; and

13 (4) ~~(3)~~ Gamma-Hydroxybutyric Acid. Some other names include: GHB;
14 Gamma-hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium
15 Oxybate; and Sodium Oxybutyrate.

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

21 (1) Fenethylamine;

22 (2) N-ethylamphetamine;

23 (3) Amphetamine; amphetamine; 2-amino-5-phenyl-2-oxazoline; or 4,5-
24 dihydro-5-phenyl-2-oxazoline;

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

27 (5) Methcathinone, its salts, optical isomers, and salts of optical
28 isomers. Some other names: 2-(methylamino)-propionophenone; alpha-
29 (methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-
30 N-methylaminopropionophenone; methylcathinone; monomethylpropion;
31 ephedrine; N-methylcathinone; AL-464; AL-422; AL-463; UR1432; and 4-MEC;

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

3 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine;
4 and N,N-alpha-trimethylphenethylamine;

5 (8) Benzylpiperazine, 1-benzylpiperazine; ~~and~~

6 (9) 4,4'-dimethylaminorex (other names: 4,4'-DMAR, 4,5-dihydro-4-
7 methyl-5-(4-methylphenyl)-2-oxazolamine); ~~and~~ -

8 (10) N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-
9 ium-5-yl)carbamimidate), including its salts, isomers, and salts of
10 isomers.

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

13 Schedule II

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

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

23 (A) Raw opium;

24 (B) Opium extracts;

25 (C) Opium fluid;

26 (D) Powdered opium;

27 (E) Granulated opium;

28 (F) Tincture of opium;

29 (G) Codeine;

30 (H) Ethylmorphine;

31 (I) Etorphine hydrochloride;

1 (J) Hydrocodone;

2 (K) Hydromorphone;

3 (L) Metopon;

4 (M) Morphine;

5 (N) Oxycodone;

6 (O) Oxymorphone;

7 (P) Oripavine;

8 (Q) Thebaine; and

9 (R) Dihydroetorphine;

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

14 (3) Opium poppy and poppy straw;

15 (4) Coca leaves and any salt, compound, derivative, or preparation
16 of coca leaves, and any salt, compound, derivative, or preparation
17 thereof which is chemically equivalent to or identical with any of these
18 substances, including cocaine or ecgonine and its salts, optical isomers,
19 and salts of optical isomers, except that the substances shall not
20 include decocainized coca leaves or extractions which do not contain
21 cocaine or ecgonine; and

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

25 (b) Unless specifically excepted or unless in another schedule any
26 of the following opiates, including their isomers, esters, ethers, salts,
27 and salts of their isomers, esters, and ethers whenever the existence of
28 such isomers, esters, ethers, and salts is possible within the specific
29 chemical designation, dextrorphan excepted:

30 (1) Alphaprodine;

31 (2) Anileridine;

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

- 1 (29) Remifentanil;
- 2 (30) Tapentadol; and
- 3 (31) Thiafentanil.

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

- 7 (1) Amphetamine, its salts, optical isomers, and salts of its
8 optical isomers;
- 9 (2) Phenmetrazine and its salts;
- 10 (3) Methamphetamine, its salts, isomers, and salts of its isomers;
- 11 (4) Methylphenidate; and
- 12 (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

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

- 19 (1) Amobarbital;
- 20 (2) Secobarbital;
- 21 (3) Pentobarbital;
- 22 (4) Phencyclidine; and
- 23 (5) Glutethimide.

24 (e) Hallucinogenic substances known as:

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

28 (2) Dronabinol in an oral solution in a drug product approved by the
29 federal Food and Drug Administration.

30 (f) 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:

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

6 (2) Immediate precursors to phencyclidine, PCP:

7 (A) 1-phenylcyclohexylamine; or

8 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

9 (3) Immediate precursor to fentanyl; 4-anilino-N-phenethylpiperidine
10 (ANPP).

11 Schedule III

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

19 (1) Benzphetamine;

20 (2) Chlorphentermine;

21 (3) Clortermine; and

22 (4) Phendimetrazine.

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

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

30 (2) Aprobarbital;

31 (3) Butabarbital;

- 1 (4) Butalbital;
- 2 (5) Butethal;
- 3 (6) Butobarbital;
- 4 (7) Chlorhexadol;
- 5 (8) Embutramide;
- 6 (9) Lysergic acid;
- 7 (10) Lysergic acid amide;
- 8 (11) Methyprylon;
- 9 (12) Perampanel;
- 10 (13) Secbutabarbital;
- 11 (14) Sulfondiethylmethane;
- 12 (15) Sulfonethylmethane;
- 13 (16) Sulfonmethane;
- 14 (17) Nalorphine;
- 15 (18) Talbutal;
- 16 (19) Thiamylal;
- 17 (20) Thiopental;
- 18 (21) Vinbarbital;
- 19 (22) Any compound, mixture, or preparation containing amobarbital,
20 secobarbital, pentobarbital, or any salt thereof and one or more other
21 active medicinal ingredients which are not listed in any schedule;
- 22 (23) Any suppository dosage form containing amobarbital,
23 secobarbital, pentobarbital, or any salt of any of these drugs and
24 approved by the federal Food and Drug Administration for marketing only
25 as a suppository;
- 26 (24) Any drug product containing gamma-hydroxybutyric acid,
27 including its salts, isomers, and salts of isomers, for which an
28 application is approved under section 505 of the Federal Food, Drug, and
29 Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2014;
- 30 (25) Ketamine, its salts, isomers, and salts of isomers. Some other
31 names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-

1 cyclohexanone; and

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

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

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

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

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

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

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

30 (E) Not more than five hundred milligrams of opium per one hundred
31 milliliters or per one hundred grams, or not more than twenty-five

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

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

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

8 (A) Buprenorphine.

9 (d) Unless contained on the list of exempt anabolic steroids of the
10 Drug Enforcement Administration of the United States Department of
11 Justice as the list existed on January 31, 2022 ~~2021~~, any anabolic
12 steroid, which shall include any material, compound, mixture, or
13 preparation containing any quantity of the following substances,
14 including its salts, isomers, and salts of isomers whenever the existence
15 of such salts of isomers is possible within the specific chemical
16 designation:

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

18 (2) 3-alpha,17-beta-dihydroxy-5a-androstane;

19 (3) 5-alpha-androstan-3,17-dione;

20 (4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-
21 ene);

22 (5) 1-androstenediol (3-alpha,17-beta-dihydroxy-5-alpha-androst-1-
23 ene);

24 (6) 4-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

25 (7) 5-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);

26 (8) 1-androstenedione ([5-alpha]-androst-1-en-3,17-dione);

27 (9) 4-androstenedione (androst-4-en-3,17-dione);

28 (10) 5-androstenedione (androst-5-en-3,17-dione);

29 (11) Bolasterone (7-alpha,17-alpha-dimethyl-17-beta-
30 hydroxyandrost-4-en-3-one);

31 (12) Boldenone (17-beta-hydroxyandrost-1,4-diene-3-one);

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

- 1 ene);
- 2 (32) Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-
- 3 beta-ol-3-one);
- 4 (33) Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-
- 5 one);
- 6 (34) 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;
- 7 (35) 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;
- 8 (36) 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;
- 9 (37) 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-
- 10 hydroxy-17-beta-hydroxyestr-4-en-3-one);
- 11 (38) Methyldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-
- 12 dien-3-one);
- 13 (39) Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-
- 14 trien-3-one);
- 15 (40) Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-
- 16 en-3-one);
- 17 (41) Mibolerone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-
- 18 en-3-one);
- 19 (42) 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-
- 20 hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-
- 21 methyl-1-testosterone');
- 22 (43) Nandrolone (17-beta-hydroxyestr-4-en-3-one);
- 23 (44) 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);
- 24 (45) 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);
- 25 (46) 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);
- 26 (47) 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);
- 27 (48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-
- 28 dione);
- 29 (49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 30 (50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 31 (51) Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-

- 1 en-3-one);
- 2 (52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);
- 3 (53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-
- 4 one);
- 5 (54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-
- 6 one);
- 7 (55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-
- 8 androstan-3-one);
- 9 (56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrost-4-
- 10 en-3-one);
- 11 (57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-
- 12 hydroxy-[5-alpha]-androstan-3-one);
- 13 (58) Prostanazol (17-beta-hydroxy-5-alpha-androstano[3,2-
- 14 c]pyrazole);
- 15 (59) Stanozolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-
- 16 androst-2-eno[3,2-c]-pyrazole);
- 17 (60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-
- 18 one);
- 19 (61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-
- 20 oic acid lactone);
- 21 (62) Testosterone (17-beta-hydroxyandrost-4-en-3-one);
- 22 (63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-
- 23 hydroxygon-4,9,11-trien-3-one);
- 24 (64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one);
- 25 (65) [3,2-c]-furazan-5 alpha-androstane-17 beta-ol;
- 26 (66) [3,2-c]pyrazole-androst-4-en-17 beta-ol;
- 27 (67) 17 alpha-methyl-androst-ene-3,17 beta-diol;
- 28 (68) 17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
- 29 (69) 17 alpha-methyl-androstan-3-hydroxyimine-17 beta-ol;
- 30 (70) 17 beta-hydroxy-androstano[2,3-d]isoxazole;
- 31 (71) 17 beta-hydroxy-androstano[3,2-c]isoxazole;

- 1 (72) 18a-homo-3-hydroxy-estra-2,5(10)-dien-17-one;
- 2 (73) 2 alpha, 3 alpha-epithio-17 alpha-methyl-5 alpha-androstan-17
3 beta-ol;
- 4 (74) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3-one;
- 5 (75) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3,11-
6 dione;
- 7 (76) 4-chloro-17 alpha-methyl-androst-4-ene-3 beta,17 beta-diol;
- 8 (77) 4-chloro-17 alpha-methyl-androsta-1,4_7-diene-3,17 beta-diol;
- 9 (78) 4-hydroxy-androst-4-ene-3,17-dione;
- 10 (79) 5 alpha-Androstan-3,6,17-trione;
- 11 (80) 6-bromo-androst-1,4-diene-3,17-dione;
- 12 (81) 6-bromo-androstan-3,17-dione;
- 13 (82) 6 alpha-methyl-androst-4-ene-3,17-dione;
- 14 (83) Delta 1-dihydrotestosterone;
- 15 (84) Estra-4,9,11-triene-3,17-dione; and
- 16 (85) Any salt, ester, or ether of a drug or substance described or
17 listed in this subdivision if the salt, ester, or ether promotes muscle
18 growth.

19 (e) Hallucinogenic substances known as:

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

25 Schedule IV

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

- 30 (1) Barbital;
- 31 (2) Chloral betaine;

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

- 1 ~~(32)~~ ~~(31)~~ Halazepam;
- 2 ~~(33)~~ ~~(32)~~ Haloxazolam;
- 3 ~~(34)~~ ~~(33)~~ Ketazolam;
- 4 ~~(35)~~ ~~(34)~~ Loprazolam;
- 5 ~~(36)~~ ~~(35)~~ Lorazepam;
- 6 ~~(37)~~ ~~(36)~~ Lormetazepam;
- 7 ~~(38)~~ ~~(37)~~ Medazepam;
- 8 ~~(39)~~ ~~(38)~~ Nimetazepam;
- 9 ~~(40)~~ ~~(39)~~ Nitrazepam;
- 10 ~~(41)~~ ~~(40)~~ Nordiazepam;
- 11 ~~(42)~~ ~~(41)~~ Oxazolam;
- 12 ~~(43)~~ ~~(42)~~ Pinazepam;
- 13 ~~(44)~~ ~~(43)~~ Temazepam;
- 14 ~~(45)~~ ~~(44)~~ Tetrazepam;
- 15 ~~(46)~~ ~~(45)~~ Triazolam;
- 16 ~~(47)~~ ~~(46)~~ Midazolam;
- 17 ~~(48)~~ ~~(47)~~ Quazepam;
- 18 ~~(49)~~ ~~(48)~~ Zolpidem;
- 19 ~~(50)~~ ~~(49)~~ Dichloralphenazone;
- 20 ~~(51)~~ ~~(50)~~ Zaleplon;
- 21 ~~(52)~~ ~~(51)~~ Zopiclone;
- 22 ~~(53)~~ ~~(52)~~ Fospropofol;
- 23 ~~(54)~~ ~~(53)~~ Alfaxalone;
- 24 ~~(55)~~ ~~(54)~~ Suvorexant;
- 25 ~~(56)~~ ~~(55)~~ Carisoprodol;
- 26 ~~(57)~~ ~~(56)~~ Brexanolone; 3 alpha-hydroxy-5 alpha-pregnan-20-one;
- 27 ~~(58)~~ ~~(57)~~ Lemborexant;
- 28 ~~(59)~~ ~~(58)~~ Solriamfetol; 2-amino-3-phenylpropyl carbamate;
- 29 ~~(60)~~ ~~(59)~~ Remimazolam; and
- 30 ~~(61)~~ ~~(60)~~ Serdexmethylphenidate.
- 31 (b) Any material, compound, mixture, or preparation which contains

1 any quantity of the following substance, including its salts, isomers,
2 whether optical, position, or geometric, and salts of such isomers,
3 whenever the existence of such salts, isomers, and salts of isomers is
4 possible: Fenfluramine.

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

12 (1) Diethylpropion;

13 (2) Phentermine;

14 (3) Pemoline, including organometallic complexes and chelates
15 thereof;

16 (4) Mazindol;

17 (5) Pipradrol;

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

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

20 (8) Fencamfamin;

21 (9) Fenproporex;

22 (10) Mefenorex;

23 (11) Modafinil; and

24 (12) Sibutramine.

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

30 (1) Propoxyphene in manufactured dosage forms;

31 (2) Not more than one milligram of difenoxin and not less than

1 twenty-five micrograms of atropine sulfate per dosage unit; and

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

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

8 (1) Pentazocine; and

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

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

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

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

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

- 8 (i) Primatene Tablets; and
- 9 (ii) Bronkaid Dual Action Caplets.

10 Schedule V

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

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

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

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

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

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

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

30 (b) Unless specifically exempted or excluded or unless listed in
31 another schedule, any material, compound, mixture, or preparation which

1 contains any quantity of the following substances having a stimulant
2 effect on the central nervous system, including its salts, isomers, and
3 salts of isomers: Pyrovalerone.

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

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

11 (2) Ganaxolone;

12 (3) ~~(2)~~ Lacosamide ((R)-2-acetoamido-N-benzyl-3-methoxy-
13 propionamide);

14 (4) ~~(3)~~ Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid);

15 (5) ~~(4)~~ Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]
16 butanamide) (also referred to as BRV; UCB-34714; Briviact), including its
17 salts;

18 (6) ~~(5)~~ Cenobamate; and

19 (7) ~~(6)~~ Lasmiditan.

20 Sec. 2. Section 28-416, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 28-416 (1) Except as authorized by the Uniform Controlled Substances
23 Act, it shall be unlawful for any person knowingly or intentionally: (a)
24 To manufacture, distribute, deliver, dispense, or possess with intent to
25 manufacture, distribute, deliver, or dispense a controlled substance; or
26 (b) to create, distribute, or possess with intent to distribute a
27 counterfeit controlled substance.

28 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
29 (10) of this section, any person who violates subsection (1) of this
30 section with respect to: (a) A controlled substance classified in
31 Schedule I, II, or III of section 28-405 which is an exceptionally

1 hazardous drug shall be guilty of a Class II felony; (b) any other
2 controlled substance classified in Schedule I, II, or III of section
3 28-405 shall be guilty of a Class IIA felony; or (c) a controlled
4 substance classified in Schedule IV or V of section 28-405 shall be
5 guilty of a Class IIIA felony.

6 (3) A person knowingly or intentionally possessing a controlled
7 substance, except marijuana or any substance containing a quantifiable
8 amount of the substances, chemicals, or compounds described, defined, or
9 delineated in subdivision (c)(27) ~~(c)(26)~~ of Schedule I of section
10 28-405, unless such substance was obtained directly or pursuant to a
11 medical order issued by a practitioner authorized to prescribe while
12 acting in the course of his or her professional practice, or except as
13 otherwise authorized by the act, shall be guilty of a Class IV felony. A
14 person shall not be in violation of this subsection if section 28-472 or
15 28-1701 applies.

16 (4)(a) Except as authorized by the Uniform Controlled Substances
17 Act, any person eighteen years of age or older who knowingly or
18 intentionally manufactures, distributes, delivers, dispenses, or
19 possesses with intent to manufacture, distribute, deliver, or dispense a
20 controlled substance or a counterfeit controlled substance (i) to a
21 person under the age of eighteen years, (ii) in, on, or within one
22 thousand feet of the real property comprising a public or private
23 elementary, vocational, or secondary school, a community college, a
24 public or private college, junior college, or university, or a
25 playground, or (iii) within one hundred feet of a public or private youth
26 center, public swimming pool, or video arcade facility shall be punished
27 by the next higher penalty classification than the penalty prescribed in
28 subsection (2), (7), (8), (9), or (10) of this section, depending upon
29 the controlled substance involved, for the first violation and for a
30 second or subsequent violation shall be punished by the next higher
31 penalty classification than that prescribed for a first violation of this

1 subsection, but in no event shall such person be punished by a penalty
2 greater than a Class IB felony.

3 (b) For purposes of this subsection:

4 (i) Playground means any outdoor facility, including any parking lot
5 appurtenant to the facility, intended for recreation, open to the public,
6 and with any portion containing three or more apparatus intended for the
7 recreation of children, including sliding boards, swingsets, and
8 teeterboards;

9 (ii) Video arcade facility means any facility legally accessible to
10 persons under eighteen years of age, intended primarily for the use of
11 pinball and video machines for amusement, and containing a minimum of ten
12 pinball or video machines; and

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (9) Any person who violates subsection (1) of this section with
31 respect to heroin or any mixture or substance containing a detectable

1 amount of heroin in a quantity of:

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

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

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

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

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

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

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

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

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

23 (13) Except as provided in section 28-1701, any person knowingly or
24 intentionally possessing marijuana weighing one ounce or less or any
25 substance containing a quantifiable amount of the substances, chemicals,
26 or compounds described, defined, or delineated in subdivision ~~(c)(27)~~ ~~(e)~~
27 ~~(26)~~ of Schedule I of section 28-405 shall:

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

1 defendant;

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

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

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

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

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

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

25 (18) In addition to the existing penalties available for a violation
26 of subsection (1) of this section, including any criminal attempt or
27 conspiracy to violate subsection (1) of this section, a sentencing court
28 may order that any money, securities, negotiable instruments, firearms,
29 conveyances, or electronic communication devices as defined in section
30 28-833 or any equipment, components, peripherals, software, hardware, or
31 accessories related to electronic communication devices be forfeited as a

1 part of the sentence imposed if it finds by clear and convincing evidence
2 adduced at a separate hearing in the same prosecution, following
3 conviction for a violation of subsection (1) of this section, and
4 conducted pursuant to section 28-1601, that any or all such property was
5 derived from, used, or intended to be used to facilitate a violation of
6 subsection (1) of this section.

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

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

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

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

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

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

29 (i) For the first offense, the court may, as part of the judgment of
30 conviction or adjudication, (A) prohibit such person from obtaining any
31 permit or any license pursuant to the act for which such person would

1 otherwise be eligible until thirty days after the date of such order and
2 (B) require such person to attend a drug education class;

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

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

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

22 Sec. 3. Original sections 28-405 and 28-416, Revised Statutes
23 Cumulative Supplement, 2022, are repealed.