

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 892

Introduced by Bosn, 25.

Read first time

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 Supplement, 2023;
- 3 to change provisions relating to controlled substances schedules; to
- 4 harmonize provisions; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-405, Revised Statutes Supplement, 2023, is
2 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:

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;

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 alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;

18 (C) Substitution in or on the piperidine ring with alkyl, alkenyl,
19 alkoxy, 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 and -

24 (96) Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-
25 benzimidazol-1-yl)ethan-1-amine).

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

30 (1) Acetorphine;

31 (2) Acetyldihydrocodeine;

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

22 (c) Any material, compound, mixture, or preparation which contains
23 any quantity of the following hallucinogenic substances, their salts,
24 isomers, 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, and, for purposes of this subdivision
27 only, isomer shall include the optical, position, and geometric isomers:

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

1 (2) 4-bromo-2,5-dimethoxyamphetamine. Trade and other names shall
2 include, but are not limited to: 4-bromo-2,5-dimethoxy-alpha-
3 methylphenethylamine; and 4-bromo-2,5-DMA;

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

7 (4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other names shall
8 include, but are not limited to: 4-methyl-2,5-dimethoxy-alpha-
9 methylphenethylamine; DOM; and STP;

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

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

17 (7) Lysergic acid diethylamide;

18 (8) Marijuana;

19 (9) Mescaline;

20 (10) Methoxetamine (MXE);

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

26 (12) Psilocybin;

27 (13) Psilocyn;

28 (14) Tetrahydrocannabinols, including, but not limited to, synthetic
29 equivalents of the substances contained in the plant or in the resinous
30 extractives of cannabis, sp. or synthetic substances, derivatives, and
31 their isomers with similar chemical structure and pharmacological

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

11 (15) N-ethyl-3-piperidyl benzilate;

12 (16) N-methyl-3-piperidyl benzilate;

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

16 (18) Hashish or concentrated cannabis;

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

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

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

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

30 (23) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

31 (24) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

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

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

10 (27) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)butan-1-one (other
11 names: eutylone or bk-EBDB);

12 (28) ~~(27)~~ Any material, compound, mixture, or preparation containing
13 any quantity of synthetically produced cannabinoids as listed in
14 subdivisions (A) through (L) of this subdivision, including their salts,
15 isomers, salts of isomers, and nitrogen, oxygen, or sulfur-heterocyclic
16 analogs, unless specifically excepted elsewhere in this section. Since
17 nomenclature of these synthetically produced cannabinoids is not
18 internationally standardized and may continually evolve, these structures
19 or compounds of these structures shall be included under this
20 subdivision, regardless of their specific numerical designation of atomic
21 positions covered, so long as it can be determined through a recognized
22 method of scientific testing or analysis that the substance contains
23 properties that fit within one or more of the following categories:

24 (A) Tetrahydrocannabinols: Meaning tetrahydrocannabinols naturally
25 contained in a plant of the genus cannabis (cannabis plant), as well as
26 synthetic equivalents of the substances contained in the plant, or in the
27 resinous extractives of cannabis, sp. and/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; Delta 6 cis or trans
31 tetrahydrocannabinol, and their optical isomers; Delta 3,4 cis or trans

1 tetrahydrocannabinol, and its optical isomers. This subdivision does not
2 include cannabidiol contained in a drug product approved by the federal
3 Food and Drug Administration;

4 (B) Naphthoylindoles: Any compound containing a 3-(1-
5 naphthoyl)indole structure with substitution at the nitrogen atom of the
6 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 (C) Naphthylmethylindoles: Any compound containing a 1 H-indol-3-
13 yl-(1-naphthyl)methane structure with substitution at the nitrogen atom
14 of the indole 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 further substituted in or
19 on any of the listed ring systems to any extent;

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

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

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

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

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

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

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

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

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

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

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

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

12 (29) ~~(28)~~ Zipeprol 1-methoxy-3-[4-(2-methoxy-2-
13 phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol, including its isomers,
14 esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
15 the existence of such isomers, esters, ethers, and salts is possible
16 within the specific chemical designation;

17 (30) ~~(29)~~ Any material, compound, mixture, or preparation containing
18 any quantity of a substituted phenethylamine as listed in subdivisions
19 (A) through (C) of this subdivision, unless specifically excepted, listed
20 in another schedule, or specifically named in this schedule, that is
21 structurally derived from phenylethan-2-amine by substitution on the
22 phenyl ring with a fused methylenedioxy ring, fused furan ring, or a
23 fused tetrahydrofuran ring; by substitution with two alkoxy groups; by
24 substitution with one alkoxy and either one fused furan, tetrahydrofuran,
25 or tetrahydropyran ring system; or by substitution with two fused ring
26 systems from any combination of the furan, tetrahydrofuran, or
27 tetrahydropyran ring systems, whether or not the compound is further
28 modified in any of the following ways:

29 (A) Substitution of the phenyl ring by any halo, hydroxyl, alkyl,
30 trifluoromethyl, alkoxy, or alkylthio groups; (B) substitution at the 2-
31 position by any alkyl groups; or (C) substitution at the 2-amino nitrogen

1 atom with alkyl, dialkyl, benzyl, hydroxybenzyl, or methoxybenzyl groups,
2 and including, but not limited to:

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

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

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

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

11 (v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is also known as
12 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;

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

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

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

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

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

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

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

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

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

31 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-

1 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe; 25B-
2 NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;

3 (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
4 methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe; 25I-
5 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;

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

9 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
10 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or
11 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;

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

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

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

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

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

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

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

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

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

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

1 (xxix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-
2 dimethoxy- α -methylphenethylamine; 2, 5-DMA;

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

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

6 (xxxii) 5-methoxy-3,4-methylenedioxy-amphetamine;

7 (xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as
8 4-methyl-2,5-dimethoxy- α -methylphenethylamine; DOM and STP;

9 (xxxiv) 3,4-methylenedioxy amphetamine, which is also known as MDA;

10 (xxxv) 3,4-methylenedioxymethamphetamine, which is also known as
11 MDMA;

12 (xxxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is also known
13 as N-ethyl- α -methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA;

14 (xxxvii) 3,4,5-trimethoxy amphetamine; and

15 (xxxviii) n-hydroxy-3, 4-Methylenedioxy-N-Hydroxyamphetamine, which
16 is also known as N-hydroxyMDA;

17 (31) ~~(30)~~ Any material, compound, mixture, or preparation containing
18 any quantity of a substituted tryptamine unless specifically excepted,
19 listed in another schedule, or specifically named in this schedule, that
20 is structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also
21 known as tryptamine, by mono- or di-substitution of the amine nitrogen
22 with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom
23 in a cyclic structure whether or not the compound is further substituted
24 at the alpha position with an alkyl group or whether or not further
25 substituted on the indole ring to any extent with any alkyl, alkoxy,
26 halo, hydroxyl, or acetoxy groups, and including, but not limited to:

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

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

31 (C) 4-hydroxy-N-methyl-N-ethyltryptamine, which is also known as 4-

1 HO-MET;

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

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

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

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

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

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

13 ~~(31)(A)~~ (32)(A) Any substance containing any quantity of the
14 following materials, compounds, mixtures, or structures:

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

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

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

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

19 (v) Fluoromethcathinone, or FMC;

20 (vi) Naphthylpyrovalerone, or naphyrone; or

21 (vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or
22 butylone; or

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

29 (i) Substitution in the ring system to any extent with alkyl,
30 alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents,
31 whether or not further substituted in the ring system by one or more

1 other univalent substituents;

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

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

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

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

16 (2) Mecloqualone;

17 (3) Methaqualone; and

18 (4) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-
19 hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium
20 Oxybate; and Sodium Oxybutyrate.

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

26 (1) Fenethylamine;

27 (2) N-ethylamphetamine;

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

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

1 (5) Methcathinone, its salts, optical isomers, and salts of optical
2 isomers. Some other names: 2-(methylamino)-propiofenone; alpha-
3 (methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-
4 N-methylaminopropiofenone; methylcathinone; monomethylpropion;
5 ephedrone; N-methylcathinone; AL-464; AL-422; AL-463; UR1432; and 4-MEC;

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

8 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine;
9 and N,N-alpha-trimethylphenethylamine;

10 (8) Benzylpiperazine, 1-benzylpiperazine;

11 (9) 4,4'-dimethylaminorex (other names: 4,4'-DMAR, 4,5-dihydro-4-
12 methyl-5-(4-methylphenyl)-2-oxazolamine); ~~and~~

13 (10) N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-
14 ium-5-yl)carbamimidate), including its salts, isomers, and salts of
15 isomers; ~~-~~

16 (11) Mesocarb (N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-
17 oxadiazol-3-ium-5-yl)carbamimidate); and

18 (12) Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2-amine).

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

21 Schedule II

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

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

31 (A) Raw opium;

- 1 (B) Opium extracts;
- 2 (C) Opium fluid;
- 3 (D) Powdered opium;
- 4 (E) Granulated opium;
- 5 (F) Tincture of opium;
- 6 (G) Codeine;
- 7 (H) Ethylmorphine;
- 8 (I) Etorphine hydrochloride;
- 9 (J) Hydrocodone;
- 10 (K) Hydromorphone;
- 11 (L) Metopon;
- 12 (M) Morphine;
- 13 (N) Oxycodone;
- 14 (O) Oxymorphone;
- 15 (P) Oripavine;
- 16 (Q) Thebaine; and
- 17 (R) Dihydroetorphine;
- 18 (2) Any salt, compound, derivative, or preparation thereof which is
- 19 chemically equivalent to or identical with any of the substances referred
- 20 to in subdivision (1) of this subdivision, except that these substances
- 21 shall not include the isoquinoline alkaloids of opium;
- 22 (3) Opium poppy and poppy straw;
- 23 (4) Coca leaves and any salt, compound, derivative, or preparation
- 24 of coca leaves, and any salt, compound, derivative, or preparation
- 25 thereof which is chemically equivalent to or identical with any of these
- 26 substances, including cocaine or ecgonine and its salts, optical isomers,
- 27 and salts of optical isomers, except that the substances shall not
- 28 include decocainized coca leaves or extractions which do not contain
- 29 cocaine or ecgonine; and
- 30 (5) Concentrate of poppy straw, the crude extract of poppy straw in
- 31 either liquid, solid, or powder form which contains the phenanthrene

1 alkaloids of the opium poppy.

2 (b) Unless specifically excepted or unless in another schedule any
3 of the following opiates, including their isomers, esters, ethers, salts,
4 and salts of their isomers, esters, and ethers whenever the existence of
5 such isomers, esters, ethers, and salts is possible within the specific
6 chemical designation, dextrorphan excepted:

- 7 (1) Alphaprodine;
- 8 (2) Anileridine;
- 9 (3) Bezitramide;
- 10 (4) Diphenoxylate;
- 11 (5) Fentanyl;
- 12 (6) Isomethadone;
- 13 (7) Levomethorphan;
- 14 (8) Levorphanol;
- 15 (9) Metazocine;
- 16 (10) Methadone;
- 17 (11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl
18 butane;
- 19 (12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-
20 diphenylpropane-carboxylic acid;
- 21 (13) Norfentanyl (N-phenyl-N-piperidin-4-yl) propionamide;
- 22 (14) Oliceridine;
- 23 (15) Pethidine or meperidine;
- 24 (16) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 25 (17) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
26 carboxylate;
- 27 (18) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
28 carboxylic acid;
- 29 (19) Phenazocine;
- 30 (20) Piminodine;
- 31 (21) Racemethorphan;

- 1 (22) Racemorphan;
 - 2 (23) Dihydrocodeine;
 - 3 (24) Bulk Propoxyphene in nondosage forms;
 - 4 (25) Sufentanil;
 - 5 (26) Alfentanil;
 - 6 (27) Levo-alphaacetylmethadol which is also known as levo-alpha-
 - 7 acetylmethadol, levomethadyl acetate, and LAAM;
 - 8 (28) Carfentanil;
 - 9 (29) Remifentanil;
 - 10 (30) Tapentadol; and
 - 11 (31) Thiafentanil.
- 12 (c) 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 (1) Amphetamine, its salts, optical isomers, and salts of its
 - 16 optical isomers;
 - 17 (2) Phenmetrazine and its salts;
 - 18 (3) Methamphetamine, its salts, isomers, and salts of its isomers;
 - 19 (4) Methylphenidate; and
 - 20 (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.
- 21 (d) Any material, compound, mixture, or preparation which contains
- 22 any quantity of the following substances having a potential for abuse
- 23 associated with a depressant effect on the central nervous system,
- 24 including their salts, isomers, and salts of isomers whenever the
- 25 existence of such salts, isomers, and salts of isomers is possible within
- 26 the specific chemical designations:
- 27 (1) Amobarbital;
 - 28 (2) Secobarbital;
 - 29 (3) Pentobarbital;
 - 30 (4) Phencyclidine; and
 - 31 (5) Glutethimide.

1 (e) Hallucinogenic substances known as:

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

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

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

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

14 (2) Immediate precursors to phencyclidine, PCP:

15 (A) 1-phenylcyclohexylamine; or

16 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

17 (3) Immediate precursor to fentanyl; 4-anilino-N-phenethylpiperidine
18 (ANPP).

19 Schedule III

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

27 (1) Benzphetamine;

28 (2) Chlorphentermine;

29 (3) Clortermine; and

30 (4) Phendimetrazine.

31 (b) Any material, compound, mixture, or preparation which contains

1 any quantity of the following substances having a potential for abuse
2 associated with a depressant effect on the central nervous system:

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

7 (2) Aprobarbital;

8 (3) Butabarbital;

9 (4) Butalbital;

10 (5) Butethal;

11 (6) Butobarbital;

12 (7) Chlorhexadol;

13 (8) Embutramide;

14 (9) Lysergic acid;

15 (10) Lysergic acid amide;

16 (11) Methyprylon;

17 (12) Perampanel;

18 (13) Secbutabarbital;

19 (14) Sulfondiethylmethane;

20 (15) Sulfonethylmethane;

21 (16) Sulfonmethane;

22 (17) Nalorphine;

23 (18) Talbutal;

24 (19) Thiamylal;

25 (20) Thiopental;

26 (21) Vinbarbital;

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

30 (23) Any suppository dosage form containing amobarbital,
31 secobarbital, pentobarbital, or any salt of any of these drugs and

1 approved by the federal Food and Drug Administration for marketing only
2 as a suppository;

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

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

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

18 (27) Xylazine or any salt thereof.

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

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

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

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

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

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

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

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

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

18 (A) Buprenorphine.

19 (d) Unless contained on the list of exempt anabolic steroids of the
20 Drug Enforcement Administration of the United States Department of
21 Justice as the list existed on January 31, 2022, any anabolic steroid,
22 which shall include any material, compound, mixture, or preparation
23 containing any quantity of the following substances, including its salts,
24 isomers, and salts of isomers whenever the existence of such salts of
25 isomers is possible within the specific chemical designation:

26 (1) 3-beta,17-dihydroxy-5a-androstane;

27 (2) 3-alpha,17-beta-dihydroxy-5a-androstane;

28 (3) 5-alpha-androstan-3,17-dione;

29 (4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-
30 ene);

31 (5) 1-androstenediol (3-alpha,17-beta-dihydroxy-5-alpha-androst-1-

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

- 1 (27) 4-hydroxy-19-nortestosterone (4,17-beta-dihydroxy-estr-4-en-3-
2 one);
- 3 (28) Mestanolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
4 one);
- 5 (29) Mesterolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
6 one);
- 7 (30) Methandienone (17-alpha-methyl-17-beta-hydroxyandrost-1,4-
8 dien-3-one);
- 9 (31) Methandriol (17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-
10 ene);
- 11 (32) Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-
12 beta-ol-3-one);
- 13 (33) Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-
14 one);
- 15 (34) 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;
- 16 (35) 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;
- 17 (36) 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;
- 18 (37) 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-
19 hydroxy-17-beta-hydroxyestr-4-en-3-one);
- 20 (38) Methyldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-
21 dien-3-one);
- 22 (39) Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-
23 trien-3-one);
- 24 (40) Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-
25 en-3-one);
- 26 (41) Mibolerone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-
27 en-3-one);
- 28 (42) 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-
29 hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-
30 methyl-1-testosterone');
- 31 (43) Nandrolone (17-beta-hydroxyestr-4-en-3-one);

- 1 (44) 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);
2 (45) 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);
3 (46) 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);
4 (47) 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);
5 (48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-
6 dione);
7 (49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
8 (50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
9 (51) Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-
10 en-3-one);
11 (52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);
12 (53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-
13 one);
14 (54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-
15 one);
16 (55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-
17 androstan-3-one);
18 (56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrost-4-
19 en-3-one);
20 (57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-
21 hydroxy-[5-alpha]-androstan-3-one);
22 (58) Prostanazol (17-beta-hydroxy-5-alpha-androstano[3,2-
23 c]pyrazole);
24 (59) Stanozolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-
25 androst-2-eno[3,2-c]-pyrazole);
26 (60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-
27 one);
28 (61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-
29 oic acid lactone);
30 (62) Testosterone (17-beta-hydroxyandrost-4-en-3-one);
31 (63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-

- 1 hydroxygon-4,9,11-trien-3-one);
- 2 (64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one);
- 3 (65) [3,2-c]-furazan-5 alpha-androstane-17 beta-ol;
- 4 (66) [3,2-c]pyrazole-androst-4-en-17 beta-ol;
- 5 (67) 17 alpha-methyl-androst-ene-3,17 beta-diol;
- 6 (68) 17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
- 7 (69) 17 alpha-methyl-androstan-3-hydroxyimine-17 beta-ol;
- 8 (70) 17 beta-hydroxy-androstano[2,3-d]isoxazole;
- 9 (71) 17 beta-hydroxy-androstano[3,2-c]isoxazole;
- 10 (72) 18a-homo-3-hydroxy-estra-2,5(10)-dien-17-one;
- 11 (73) 2 alpha, 3 alpha-epithio-17 alpha-methyl-5 alpha-androstan-17
- 12 beta-ol;
- 13 (74) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3-one;
- 14 (75) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3,11-
- 15 dione;
- 16 (76) 4-chloro-17 alpha-methyl-androst-4-ene-3 beta,17 beta-diol;
- 17 (77) 4-chloro-17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
- 18 (78) 4-hydroxy-androst-4-ene-3,17-dione;
- 19 (79) 5 alpha-Androstan-3,6,17-trione;
- 20 (80) 6-bromo-androst-1,4-diene-3,17-dione;
- 21 (81) 6-bromo-androstan-3,17-dione;
- 22 (82) 6 alpha-methyl-androst-4-ene-3,17-dione;
- 23 (83) Delta 1-dihydrotestosterone;
- 24 (84) Estra-4,9,11-triene-3,17-dione; and
- 25 (85) Any salt, ester, or ether of a drug or substance described or
- 26 listed in this subdivision if the salt, ester, or ether promotes muscle
- 27 growth.
- 28 (e) Hallucinogenic substances known as:
- 29 (1) Dronabinol, synthetic, in sesame oil and encapsulated in a soft
- 30 gelatin capsule in a drug product approved by the federal Food and Drug
- 31 Administration. Some other names for dronabinol are (6aR-

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

3 Schedule IV

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

8 (1) Barbital;

9 (2) Chloral betaine;

10 (3) Chloral hydrate;

11 (4) Chlordiazepoxide, but not including librax (chlordiazepoxide
12 hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and
13 water soluble esterified estrogens);

14 (5) Clonazepam;

15 (6) Clorazepate;

16 (7) Daridorexant;

17 (8) Diazepam;

18 (9) Ethchlorvynol;

19 (10) Ethinamate;

20 (11) Flurazepam;

21 (12) Mebutamate;

22 (13) Meprobamate;

23 (14) Methohexital;

24 (15) Methylphenobarbital;

25 (16) Oxazepam;

26 (17) Paraldehyde;

27 (18) Petrichloral;

28 (19) Phenobarbital;

29 (20) Prazepam;

30 (21) Alprazolam;

31 (22) Bromazepam;

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

- 1 (54) Alfaxalone;
- 2 (55) Suvorexant;
- 3 (56) Carisoprodol;
- 4 (57) Brexanolone; 3 alpha-hydroxy-5 alpha-pregnan-20-one;
- 5 (58) Lemborexant;
- 6 (59) Solriamfetol; 2-amino-3-phenylpropyl carbamate;
- 7 (60) Remimazolam; and
- 8 (61) Serdexmethylphenidate.

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

14 (b) (e) 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 having a stimulant effect on the
17 central nervous system, including their salts, isomers, whether optical,
18 position, or geometric, and salts of such isomers whenever the existence
19 of such salts, isomers, and salts of isomers is possible within the
20 specific chemical designation:

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

1 (11) Modafinil; and

2 (12) Sibutramine.

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

8 (1) Propoxyphene in manufactured dosage forms;

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

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

14 (d) ~~(e)~~ 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 ~~substance~~, including their ~~its~~
17 salts:

18 (1) Pentazocine; and

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

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

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

28 (2) The following drug products containing ephedrine, its salts,
29 optical isomers, and salts of such optical isomers, are excepted from
30 subdivision (f)(1) ~~(g)(1)~~ of Schedule IV if they (A) are stored behind a
31 counter, in an area not accessible to customers, or in a locked case so

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

- 18 (i) Primatene Tablets; and
- 19 (ii) Bronkaid Dual Action Caplets.

20 Schedule V

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

- 27 (1) Not more than two hundred milligrams of codeine per one hundred
28 milliliters or per one hundred grams;
- 29 (2) Not more than one hundred milligrams of dihydrocodeine per one
30 hundred milliliters or per one hundred grams;
- 31 (3) Not more than one hundred milligrams of ethylmorphine per one

1 hundred milliliters or per one hundred grams;

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

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

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

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

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

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

21 (2) Ganaxolone;

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

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

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

27 (6) Cenobamate; and

28 (7) Lasmiditan.

29 Sec. 2. Section 28-416, Revised Statutes Supplement, 2023, is
30 amended to read:

31 28-416 (1) Except as authorized by the Uniform Controlled Substances

1 Act, it shall be unlawful for any person knowingly or intentionally: (a)
2 To manufacture, distribute, deliver, dispense, or possess with intent to
3 manufacture, distribute, deliver, or dispense a controlled substance; or
4 (b) to create, distribute, or possess with intent to distribute a
5 counterfeit controlled substance.

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

15 (3) A person knowingly or intentionally possessing a controlled
16 substance, except marijuana or any substance containing a quantifiable
17 amount of the substances, chemicals, or compounds described, defined, or
18 delineated in subdivision (c)(28) ~~(c)(27)~~ of Schedule I of section
19 28-405, unless such substance was obtained directly or pursuant to a
20 medical order issued by a practitioner authorized to prescribe while
21 acting in the course of his or her professional practice, or except as
22 otherwise authorized by the act, shall be guilty of a Class IV felony. A
23 person shall not be in violation of this subsection if section 28-472 or
24 28-1701 applies.

25 (4)(a) Except as authorized by the Uniform Controlled Substances
26 Act, any person eighteen years of age or older who knowingly or
27 intentionally manufactures, distributes, delivers, dispenses, or
28 possesses with intent to manufacture, distribute, deliver, or dispense a
29 controlled substance or a counterfeit controlled substance (i) to a
30 person under the age of eighteen years, (ii) in, on, or within one
31 thousand feet of the real property comprising a public or private

1 elementary, vocational, or secondary school, a community college, a
2 public or private college, junior college, or university, or a
3 playground, or (iii) within one hundred feet of a public or private youth
4 center, public swimming pool, or video arcade facility shall be punished
5 by the next higher penalty classification than the penalty prescribed in
6 subsection (2), (7), (8), (9), or (10) of this section, depending upon
7 the controlled substance involved, for the first violation and for a
8 second or subsequent violation shall be punished by the next higher
9 penalty classification than that prescribed for a first violation of this
10 subsection, but in no event shall such person be punished by a penalty
11 greater than a Class IB felony.

12 (b) For purposes of this subsection:

13 (i) Playground means any outdoor facility, including any parking lot
14 appurtenant to the facility, intended for recreation, open to the public,
15 and with any portion containing three or more apparatus intended for the
16 recreation of children, including sliding boards, swingsets, and
17 teeterboards;

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

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

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

1 the same a controlled substance or a counterfeit controlled substance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (17) A person knowingly or intentionally in possession of money used

1 or intended to be used to facilitate a violation of subsection (1) of
2 this section shall be guilty of a Class IV felony.

3 (18) In addition to the existing penalties available for a violation
4 of subsection (1) of this section, including any criminal attempt or
5 conspiracy to violate subsection (1) of this section, a sentencing court
6 may order that any money, securities, negotiable instruments, firearms,
7 conveyances, or electronic communication devices as defined in section
8 28-833 or any equipment, components, peripherals, software, hardware, or
9 accessories related to electronic communication devices be forfeited as a
10 part of the sentence imposed if it finds by clear and convincing evidence
11 adduced at a separate hearing in the same prosecution, following
12 conviction for a violation of subsection (1) of this section, and
13 conducted pursuant to section 28-1601, that any or all such property was
14 derived from, used, or intended to be used to facilitate a violation of
15 subsection (1) of this section.

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

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

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

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

29 (iii) For a third or subsequent offense, the court may, as a part of
30 the judgment of conviction or adjudication, (A) impound any such licenses
31 or permits for twelve months and (B) require such person to complete no

1 fewer than sixty hours of community service, to attend a drug education
2 class, and to submit to a drug assessment by a licensed alcohol and drug
3 counselor; and

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

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

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

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

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

31 Sec. 3. Original sections 28-405 and 28-416, Revised Statutes

1 Supplement, 2023, are repealed.