

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 808

FINAL READING

Introduced by Morfeld, 46; Wayne, 13.

Read first time January 06, 2022

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to
- 2 amend section 28-416, Revised Statutes Cumulative Supplement, 2020,
- 3 and section 28-405, Revised Statutes Supplement, 2021; to change
- 4 provisions relating to the schedules of controlled substances; to
- 5 harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-405, Revised Statutes Supplement, 2021, 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, 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) Levophenacylmorphane;
- 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) Acryloylfentanyl;
- 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 ~~1-~~
- 14 ~~cyclohexenyl-4-(1,2-diphenylethyl) piperazine;~~
- 15 (71) Tetrahydrofuranyl fentanyl;
- 16 (72) 2-fluorofentanyl; N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-
- 17 yl) propionamide ~~N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)~~
- 18 ~~propionamide;~~
- 19 (73) Ocfentanil;
- 20 (74) Ortho-Fluorofentanyl;
- 21 (75) Para-chloroisobutyryl fentanyl;
- 22 (76) Para-Fluorobutyryl Fentanyl; ~~and~~
- 23 (77) Valeryl fentanyl; ~~+~~
- 24 (78) Phenyl Fentanyl;
- 25 (79) Para-Methylfentanyl;
- 26 (80) Thiofuranyl Fentanyl;
- 27 (81) Beta-methyl Fentanyl;
- 28 (82) Beta'-Phenyl Fentanyl;
- 29 (83) Crotonyl Fentanyl;
- 30 (84) 2'-Fluoro Ortho-Fluorofentanyl;
- 31 (85) 4'-Methyl Acetyl Fentanyl;

- 1 (86) Ortho-Fluorobutyryl Fentanyl;
- 2 (87) Ortho-Methyl Acetylfentanyl;
- 3 (88) Ortho-Methyl Methoxyacetyl Fentanyl;
- 4 (89) Ortho-Fluoroacryl Fentanyl;
- 5 (90) Fentanyl Carbamate;
- 6 (91) Ortho-Fluoroisobutyryl Fentanyl;
- 7 (92) Para-Fluoro Furanyl Fentanyl;
- 8 (93) Para-Methoxybutyryl Fentanyl; and
- 9 (94) Brorphine (other name: 1-(1-(1-(4-bromophenyl) ethyl)
- 10 piperidin-4-yl-1,3-dihydro-2H-benzo[D]imidazole-2-one);

11 (b) Any of the following opium derivatives, their salts, isomers,
12 and salts of isomers, unless specifically excepted, whenever the
13 existence of such salts, isomers, and salts of isomers is possible within
14 the specific chemical designation:

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

- 1 (18) Myrophine;
- 2 (19) Nicocodeine;
- 3 (20) Nicomorphine;
- 4 (21) Normorphine;
- 5 (22) Pholcodine; and
- 6 (23) Thebacon.

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

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

17 (2) 4-bromo-2,5-dimethoxyamphetamine. Trade and other names shall
18 include, but are not limited to: 4-bromo-2,5-dimethoxy-alpha-
19 methylphenethylamine; and 4-bromo-2,5-DMA;

20 (3) 4-methoxyamphetamine. Trade and other names shall include, but
21 are not limited to: 4-methoxy-alpha-methylphenethylamine; and
22 paramethoxyamphetamine, PMA;

23 (4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other names shall
24 include, but are not limited to: 4-methyl-2,5-dimethoxy-alpha-
25 methylphenethylamine; DOM; and STP;

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

29 (6) (5) Ibogaine. Trade and other names shall include, but are not
30 limited to: 7-Ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-
31 methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole; and Tabernanthe

1 iboga;

2 (7) ~~(6)~~ Lysergic acid diethylamide;

3 (8) ~~(7)~~ Marijuana;

4 (9) ~~(8)~~ Mescaline;

5 (10) ~~(9)~~ Peyote. Peyote shall mean all parts of the plant presently
6 classified botanically as *Lophophora williamsii* Lemaire, whether growing
7 or not, the seeds thereof, any extract from any part of such plant, and
8 every compound, manufacture, salts, derivative, mixture, or preparation
9 of such plant or its seeds or extracts;

10 (11) ~~(10)~~ Psilocybin;

11 (12) ~~(11)~~ Psilocyn;

12 (13) ~~(12)~~ Tetrahydrocannabinols, including, but not limited to,
13 synthetic equivalents of the substances contained in the plant or in the
14 resinous extractives of cannabis, sp. or synthetic substances,
15 derivatives, and their isomers with similar chemical structure and
16 pharmacological activity such as the following: Delta 1 cis or trans
17 tetrahydrocannabinol and their optical isomers, excluding dronabinol in a
18 drug product approved by the federal Food and Drug Administration; Delta
19 6 cis or trans tetrahydrocannabinol and their optical isomers; and Delta
20 3,4 cis or trans tetrahydrocannabinol and its optical isomers. Since
21 nomenclature of these substances is not internationally standardized,
22 compounds of these structures shall be included regardless of the
23 numerical designation of atomic positions covered. Tetrahydrocannabinols
24 does not include cannabidiol contained in a drug product approved by the
25 federal Food and Drug Administration;

26 (14) ~~(13)~~ N-ethyl-3-piperidyl benzilate;

27 (15) ~~(14)~~ N-methyl-3-piperidyl benzilate;

28 (16) ~~(15)~~ Thiophene analog of phencyclidine. Trade and other names
29 shall include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-
30 piperidine; 2-thienyl analog of phencyclidine; TPCP; and TCP;

31 (17) ~~(16)~~ Hashish or concentrated cannabis;

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

4 ~~(19)~~ ~~(18)~~ Ethylamine analog of phencyclidine. Trade and other names
5 shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine;
6 (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
7 cyclohexamine; and PCE;

8 ~~(20)~~ ~~(19)~~ Pyrrolidine analog of phencyclidine. Trade and other names
9 shall include, but are not limited to: 1-(1-phenylcyclohexyl)-
10 pyrrolidine; PCPy; and PHP;

11 ~~(21)~~ ~~(20)~~ Alpha-ethyltryptamine. Some trade or other names:
12 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
13 indole; alpha-ET; and AET;

14 ~~(22)~~ ~~(21)~~ 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

15 ~~(23)~~ ~~(22)~~ 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

16 ~~(24)~~ ~~(23)~~ Alpha-methyltryptamine, which is also known as AMT;

17 ~~(25)~~ ~~(24)~~ Salvia divinorum or Salvinorin A. Salvia divinorum or
18 Salvinorin A includes all parts of the plant presently classified
19 botanically as Salvia divinorum, whether growing or not, the seeds
20 thereof, any extract from any part of such plant, and every compound,
21 manufacture, derivative, mixture, or preparation of such plant, its
22 seeds, or its extracts, including salts, isomers, and salts of isomers
23 whenever the existence of such salts, isomers, and salts of isomers is
24 possible within the specific chemical designation;

25 ~~(26)~~ ~~(25)~~ Any material, compound, mixture, or preparation containing
26 any quantity of synthetically produced cannabinoids as listed in
27 subdivisions (A) through (L) of this subdivision, including their salts,
28 isomers, salts of isomers, and nitrogen, oxygen, or sulfur-heterocyclic
29 analogs, unless specifically excepted elsewhere in this section. Since
30 nomenclature of these synthetically produced cannabinoids is not
31 internationally standardized and may continually evolve, these structures

1 or compounds of these structures shall be included under this
2 subdivision, regardless of their specific numerical designation of atomic
3 positions covered, so long as it can be determined through a recognized
4 method of scientific testing or analysis that the substance contains
5 properties that fit within one or more of the following categories:

6 (A) Tetrahydrocannabinols: Meaning tetrahydrocannabinols naturally
7 contained in a plant of the genus cannabis (cannabis plant), as well as
8 synthetic equivalents of the substances contained in the plant, or in the
9 resinous extractives of cannabis, sp. and/or synthetic substances,
10 derivatives, and their isomers with similar chemical structure and
11 pharmacological activity such as the following: Delta 1 cis or trans
12 tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans
13 tetrahydrocannabinol, and their optical isomers; Delta 3,4 cis or trans
14 tetrahydrocannabinol, and its optical isomers. This subdivision does not
15 include cannabidiol contained in a drug product approved by the federal
16 Food and Drug Administration;

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

25 (C) Naphthylmethylindoles: Any compound containing a 1 H-indol-3-
26 yl-(1-naphthyl)methane structure with substitution at the nitrogen atom
27 of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
28 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
29 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
30 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
31 tetrahydropyranylmethyl group, whether or not further substituted in or

1 on any of the listed ring systems to any extent;

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

10 (E) Naphthylideneindenes: Any compound containing a
11 naphthylideneindene structure with substitution at the 3-position of the
12 indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
13 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
14 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
15 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
16 tetrahydropyranylmethyl group, whether or not further substituted in or
17 on any of the listed ring systems to any extent;

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

26 (G) Cyclohexylphenols: Any compound containing a 2-(3-
27 hydroxycyclohexyl)phenol structure with substitution at the 5-position of
28 the phenolic ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
29 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
30 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
31 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or

1 tetrahydropyranylmethyl group, whether or not substituted in or on any of
2 the listed ring systems to any extent;

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

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

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

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

1 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
2 tetrahydropyranylmethyl group, substitution at the carboxamide group by
3 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,
4 phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further
5 substituted in or on any of the listed ring systems to any extent or to
6 the adamantyl, 1-naphthyl, phenyl, aminooxoalkyl, benzyl, or
7 propionaldehyde groups to any extent;

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

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

25 ~~(27)~~ (26) Any material, compound, mixture, or preparation containing
26 any quantity of a substituted phenethylamine as listed in subdivisions
27 (A) through (C) of this subdivision, unless specifically excepted, listed
28 in another schedule, or specifically named in this schedule, that is
29 structurally derived from phenylethan-2-amine by substitution on the
30 phenyl ring with a fused methylenedioxy ring, fused furan ring, or a
31 fused tetrahydrofuran ring; by substitution with two alkoxy groups; by

1 substitution with one alkoxy and either one fused furan, tetrahydrofuran,
2 or tetrahydropyran ring system; or by substitution with two fused ring
3 systems from any combination of the furan, tetrahydrofuran, or
4 tetrahydropyran ring systems, whether or not the compound is further
5 modified in any of the following ways:

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

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

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

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

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

19 (v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is also known as
20 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;

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

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

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

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

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

31 (xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine, which is also

- 1 known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine;
- 2 (xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine, which is also
3 known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;
- 4 (xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane, which is also
5 known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;
- 6 (xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine, which is also
7 known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;
- 8 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
9 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe; 25B-
10 NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;
- 11 (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
12 methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe; 25I-
13 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;
- 14 (xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine,
15 which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-
16 methoxybenzyl)phenethylamine;
- 17 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
18 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or
19 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;
- 20 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine,
21 which is also known as 2CB-5-hemiFLY;
- 22 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-
23 yl)ethanamine, which is also known as 2C-B-FLY;
- 24 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
25 yl)ethanamine, which is also known as 2C-B-butterFLY;
- 26 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-
27 b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-
28 NBOMe;
- 29 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine,
30 which is also known as bromo-benzodifuranylisopropylamine or bromo-
31 dragonFLY;

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

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

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

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

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

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

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

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

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

15 (xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as
16 4-methyl-2,5-dimethoxy- α -methylphenethylamine; DOM and STP;

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

18 (xxxv) 3,4-methylenedioxymethamphetamine, which is also known as
19 MDMA;

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

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

23 (xxxviii) n-hydroxy-3,4-Methylenedioxy-N-Hydroxyamphetamine, which
24 is also known as N-hydroxyMDA n-hydroxy-3,4-Methylenedioxyamphetamine,
25 which is also known as N-hydroxyMDA;

26 (28) ~~(27)~~ Any material, compound, mixture, or preparation containing
27 any quantity of a substituted tryptamine unless specifically excepted,
28 listed in another schedule, or specifically named in this schedule, that
29 is structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also
30 known as tryptamine, by mono- or di-substitution of the amine nitrogen
31 with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom

1 in a cyclic structure whether or not the compound is further substituted
2 at the alpha position with an alkyl group or whether or not further
3 substituted on the indole ring to any extent with any alkyl, alkoxy,
4 halo, hydroxyl, or acetoxy groups, and including, but not limited to:

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

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

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

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

13 (E) 5-methoxy-N-methyl-N-isopropyltryptamine, which is also known as
14 5-MeOMiPT;

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

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

19 (H) Diethyltryptamine, which is also known as N,N-Diethyltryptamine,
20 DET; and

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

22 ~~(29)(A)~~ ~~(28)(A)~~ Any substance containing any quantity of the
23 following materials, compounds, mixtures, or structures:

24 (i) 3,4-methylenedioxymethcathinone, or bk-MDMA, or methylone;

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

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

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

28 (v) Fluoromethcathinone, or FMC;

29 (vi) Naphthylpyrovalerone, or naphyrone; or

30 (vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or
31 butylone; or

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

7 (i) Substitution in the ring system to any extent with alkyl,
8 alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents,
9 whether or not further substituted in the ring system by one or more
10 other univalent substituents;

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

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

16 (d) 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 depressant effect on
19 the central nervous system, including its salts, isomers, and salts of
20 isomers whenever the existence of such salts, isomers, and salts of
21 isomers is possible within the specific chemical designation:

22 (1) Mecloqualone;

23 (2) Methaqualone; and

24 (3) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-
25 hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium
26 Oxybate; and Sodium Oxybutyrate.

27 (e) Unless specifically excepted or unless listed in another
28 schedule, any material, compound, mixture, or preparation which contains
29 any quantity of the following substances having a stimulant effect on the
30 central nervous system, including its salts, isomers, and salts of
31 isomers:

- 1 (1) Fenethylamine;
- 2 (2) N-ethylamphetamine;
- 3 (3) Amphetamine; amphetamine; 2-amino-5-phenyl-2-oxazoline; or 4,5-
4 dihydro-5-phenyl-2-oxazoline;
- 5 (4) Cathinone; 2-amino-1-phenyl-1-propanone; alpha-
6 aminopropiophenone; 2-amino-1-phenyl-1-propanone; and norephedrine;
- 7 (5) Methamphetamine, its salts, optical isomers, and salts of optical
8 isomers. Some other names: 2-(methylamino)-propionophenone; alpha-
9 (methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-
10 N-methylaminopropionophenone; methylamphetamine; monomethylpropion-
11 ephedrine; N-methylamphetamine; AL-464; AL-422; AL-463; UR1432; and 4-MEC;
- 12 (6) (+/-)-cis-4-methylamphetamine; and (+/-)-cis-4,5-dihydro-4-methyl-5-
13 phenyl-2-oxazoline;
- 14 (7) N,N-dimethylamphetamine; N,N-alpha-trimethylbenzeneethanamine;
15 and N,N-alpha-trimethylphenethylamine; ~~and~~
- 16 (8) Benzylpiperazine, 1-benzylpiperazine; and -
- 17 (9) 4,4'-dimethylamphetamine (other names: 4,4'-DMAR, 4,5-dihydro-4-
18 methyl-5-(4-methylphenyl)-2-oxazoline).
- 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, dextropropoxyphene, 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 ~~Norfentanyl (N-phenyl-N-peperidin-4-yl) propionamide;~~
- 23 (14) Oliceridine;
- 24 (15) Pethidine or meperidine;
- 25 (16) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 26 (17) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
27 carboxylate;
- 28 (18) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
29 carboxylic acid;
- 30 (19) Phenazocine;
- 31 (20) Piminodine;

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

1 (5) Glutethimide.

2 (e) Hallucinogenic substances known as:

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

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

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

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

15 (2) Immediate precursors to phencyclidine, PCP:

16 (A) 1-phenylcyclohexylamine; or

17 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

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

20 Schedule III

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

28 (1) Benzphetamine;

29 (2) Chlorphentermine;

30 (3) Clortermine; and

31 (4) Phendimetrazine.

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

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

8 (2) Aprobarbital;

9 (3) Butabarbital;

10 (4) Butalbital;

11 (5) Butethal;

12 (6) Butobarbital;

13 (7) Chlorhexadol;

14 (8) Embutramide;

15 (9) Lysergic acid;

16 (10) Lysergic acid amide;

17 (11) Methyprylon;

18 (12) Perampanel;

19 (13) Secbutabarbital;

20 (14) Sulfondiethylmethane;

21 (15) Sulfonethylmethane;

22 (16) Sulfonmethane;

23 (17) Nalorphine;

24 (18) Talbutal;

25 (19) Thiamylal;

26 (20) Thiopental;

27 (21) Vinbarbital;

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

31 (23) Any suppository dosage form containing amobarbital,

1 secobarbital, pentobarbital, or any salt of any of these drugs and
2 approved by the federal Food and Drug Administration for marketing only
3 as a suppository;

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

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

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

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

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

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

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

31 (C) Not more than one and eight-tenths grams of dihydrocodeine per

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

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

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

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

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

17 (A) Buprenorphine.

18 (d) Unless contained on the list of exempt anabolic steroids of the
19 Drug Enforcement Administration of the United States Department of
20 Justice as the list existed on January 31, 2021, any anabolic steroid,
21 which shall include any material, compound, mixture, or preparation
22 containing any quantity of the following substances, including its salts,
23 isomers, and salts of isomers whenever the existence of such salts of
24 isomers is possible within the specific chemical designation:

25 (1) 3-beta,17-dihydroxy-5a-androstane;

26 (2) 3-alpha,17-beta-dihydroxy-5a-androstane;

27 (3) 5-alpha-androstan-3,17-dione;

28 (4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-
29 ene);

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

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

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

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

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

1 (b,d)pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol.

2 Schedule IV

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

7 (1) Barbital;

8 (2) Chloral betaine;

9 (3) Chloral hydrate;

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

13 (5) Clonazepam;

14 (6) Clorazepate;

15 (7) Diazepam;

16 (8) Ethchlorvynol;

17 (9) Ethinamate;

18 (10) Flurazepam;

19 (11) Mebutamate;

20 (12) Meprobamate;

21 (13) Methohexital;

22 (14) Methylphenobarbital;

23 (15) Oxazepam;

24 (16) Paraldehyde;

25 (17) Petrichloral;

26 (18) Phenobarbital;

27 (19) Prazepam;

28 (20) Alprazolam;

29 (21) Bromazepam;

30 (22) Camazepam;

31 (23) Clobazam;

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

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

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

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

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

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

6 (1) Propoxyphene in manufactured dosage forms;

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

9 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its
10 salts, optical and geometric isomers, and salts of these isomers to
11 include: Tramadol.

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

15 (1) Pentazocine; and

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

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

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

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

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

15 (i) Primatene Tablets; and

16 (ii) Bronkaid Dual Action Caplets.

17 Schedule V

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

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

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

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

30 (4) Not more than two and five-tenths milligrams of diphenoxylate
31 and not less than twenty-five micrograms of atropine sulfate per dosage

1 unit;

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

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

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

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

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

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

19 (3) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid);

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

23 (5) Cenobamate; and

24 (6) Lasmiditan.

25 Sec. 2. Section 28-416, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:

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

31 (b) to create, distribute, or possess with intent to distribute a

1 counterfeit controlled substance.

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

11 (3) A person knowingly or intentionally possessing a controlled
12 substance, except marijuana or any substance containing a quantifiable
13 amount of the substances, chemicals, or compounds described, defined, or
14 delineated in subdivision (c)(26) ~~(e)(25)~~ of Schedule I of section
15 28-405, unless such substance was obtained directly or pursuant to a
16 medical order issued by a practitioner authorized to prescribe while
17 acting in the course of his or her professional practice, or except as
18 otherwise authorized by the act, shall be guilty of a Class IV felony. A
19 person shall not be in violation of this subsection if section 28-472
20 applies.

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

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

8 (b) For purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (b) At least twenty-eight grams but less than one hundred forty

1 grams shall be guilty of a Class IC felony; or

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

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

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

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

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

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

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

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

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

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

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

28 (13) Any person knowingly or intentionally possessing marijuana
29 weighing one ounce or less or any substance containing a quantifiable
30 amount of the substances, chemicals, or compounds described, defined, or
31 delineated in subdivision (c)(26) ~~(e)(25)~~ of Schedule I of section 28-405

1 shall:

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

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

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

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

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

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

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

30 (18) In addition to the existing penalties available for a violation
31 of subsection (1) of this section, including any criminal attempt or

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

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

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

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

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

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

31 (b) If the person convicted or adjudicated of violating this section

1 is eighteen years of age or younger and does not have a permit or license
2 issued under the Motor Vehicle Operator's License Act:

3 (i) For the first 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 thirty days after the date of such order and
7 (B) require such person to attend a drug education class;

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

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

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

27 Sec. 3. Original section 28-416, Revised Statutes Cumulative
28 Supplement, 2020, and section 28-405, Revised Statutes Supplement, 2021,
29 are repealed.