

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 436**

Introduced by Geist, 25.

Read first time January 13, 2023

Committee: Judiciary

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

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

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

8 Schedule I

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

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

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

1 isomers;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (88) Ortho-Methyl Methoxyacetyl Fentanyl;
- 2 (89) Ortho-Fluoroacryl Fentanyl;
- 3 (90) Fentanyl Carbamate;
- 4 (91) Ortho-Fluoroisobutyryl Fentanyl;
- 5 (92) Para-Fluoro Furanyl Fentanyl;
- 6 (93) Para-Methoxybutyryl Fentanyl; ~~and~~
- 7 (94) Brorphine (other name: 1-(1-(1-(4-bromophenyl) ethyl)
- 8 piperidin-4-yl-1,3-dihydro-2H-benzo[D]imidazole-2-one); and -
- 9 (95) Fentanyl-related substances, their isomers, esters, ethers,
- 10 salts and salts of isomers, esters, and ethers. Unless specifically
- 11 excepted, listed in another schedule, or specifically named in this
- 12 schedule, this includes any substance that is structurally related to
- 13 fentanyl by one or more of the following modifications:
- 14 (a) Replacement of the phenyl portion of the phenethyl group by any
- 15 monocycle, whether or not further substituted in or on the monocycle;
- 16 (b) Substitution in or on the phenethyl group with alkyl, alkenyl,
- 17 alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;
- 18 (c) Substitution in or on the piperidine ring with alkyl, alkenyl,
- 19 alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;
- 20 (d) Replacement of the aniline ring with any aromatic monocycle
- 21 whether or not further substituted in or on the aromatic monocycle; or
- 22 (e) Replacement of the N-propionyl group by another acyl group.
- 23 (b) Any of the following opium derivatives, their salts, isomers,
- 24 and salts of isomers, unless specifically excepted, whenever the
- 25 existence of such salts, isomers, and salts of isomers is possible within
- 26 the specific chemical designation:
- 27 (1) Acetorphine;
- 28 (2) Acetyldihydrocodeine;
- 29 (3) Benzylmorphine;
- 30 (4) Codeine methylbromide;
- 31 (5) Codeine-N-Oxide;

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

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

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

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

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

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

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

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

14 (7) Lysergic acid diethylamide;

15 (8) Marijuana;

16 (9) Mescaline;

17 (10) Methoxetamine (MXE);

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

23 (12) (11) Psilocybin;

24 (13) (12) Psilocyn;

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 propionaldehyde groups to any extent; and

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

14 (v) Fluoromethcathinone, or FMC;

15 (vi) Naphthylpyrovalerone, or naphyrone; or

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

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

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

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

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

1 structure.

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

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

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

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

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

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

21 (1) Fenethylamine;

22 (2) N-ethylamphetamine;

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

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

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

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

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

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

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

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

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

13 Schedule II

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

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

23 (A) Raw opium;

24 (B) Opium extracts;

25 (C) Opium fluid;

26 (D) Powdered opium;

27 (E) Granulated opium;

28 (F) Tincture of opium;

29 (G) Codeine;

30 (H) Ethylmorphine;

31 (I) Etorphine hydrochloride;

1 (J) Hydrocodone;

2 (K) Hydromorphone;

3 (L) Metopon;

4 (M) Morphine;

5 (N) Oxycodone;

6 (O) Oxymorphone;

7 (P) Oripavine;

8 (Q) Thebaine; and

9 (R) Dihydroetorphine;

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

14 (3) Opium poppy and poppy straw;

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

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

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

30 (1) Alphaprodine;

31 (2) Anileridine;

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

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

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

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

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

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

24 (e) Hallucinogenic substances known as:

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

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

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

1 any quantity of the following substances:

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

6 (2) Immediate precursors to phencyclidine, PCP:

7 (A) 1-phenylcyclohexylamine; or

8 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

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

11 Schedule III

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

19 (1) Benzphetamine;

20 (2) Chlorphentermine;

21 (3) Clortermine; and

22 (4) Phendimetrazine.

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

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

30 (2) Aprobarbital;

31 (3) Butabarbital;



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

1 cyclohexanone; and

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

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

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

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

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

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

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

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

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

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

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

8 (A) Buprenorphine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (e) Hallucinogenic substances known as:

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

25 Schedule IV

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

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

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



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

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

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

12 (1) Diethylpropion;

13 (2) Phentermine;

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

16 (4) Mazindol;

17 (5) Pipradrol;

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

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

20 (8) Fencamfamin;

21 (9) Fenproporex;

22 (10) Mefenorex;

23 (11) Modafinil; and

24 (12) Sibutramine.

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

30 (1) Propoxyphene in manufactured dosage forms;

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

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

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

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

8 (1) Pentazocine; and

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

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

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

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

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

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

10 Schedule V

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

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

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

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

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

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

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

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

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

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

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

11 (2) Ganaxolone;

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

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

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

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

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

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

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

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

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

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

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

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

3 (b) For purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 amount of heroin in a quantity of:

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

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

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

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

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

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

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

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

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

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

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

1 defendant;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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