

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 298

Introduced by McCoy, 39.

Read first time January 17, 2013

Committee:

A BILL

1 FOR AN ACT relating to the Uniform Controlled Substances Act; to
2 amend sections 28-405 and 28-416, Revised Statutes
3 Cumulative Supplement, 2012; to change provisions
4 relating to controlled substances schedules and
5 penalties; to harmonize provisions; to repeal the
6 original sections; and to declare an emergency.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-405, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 28-405 The following are the schedules of controlled
4 substances referred to in the Uniform Controlled Substances Act:

5 Schedule I

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

11 (1) Acetylmethadol;

12 (2) Allylprodine;

13 (3) Alphacetylmethadol, except levo-alphacetylmethadol
14 which is also known as levo-alpha-acetylmethadol, levomethadyl
15 acetate, and LAAM;

16 (4) Alphameprodine;

17 (5) Alphamethadol;

18 (6) Benzethidine;

19 (7) Betacetylmethadol;

20 (8) Betameprodine;

21 (9) Betamethadol;

22 (10) Betaprodine;

23 (11) Clonitazene;

24 (12) Dextromoramide;

25 (13) Difenoxin;

- 1 (14) Diampromide;
- 2 (15) Diethylthiambutene;
- 3 (16) Dimenoxadol;
- 4 (17) Dimepheptanol;
- 5 (18) Dimethylthiambutene;
- 6 (19) Dioxaphetyl butyrate;
- 7 (20) Dipipanone;
- 8 (21) Ethylmethylthiambutene;
- 9 (22) Etonitazene;
- 10 (23) Etoxeridine;
- 11 (24) Furethidine;
- 12 (25) Hydroxypethidine;
- 13 (26) Ketobemidone;
- 14 (27) Levomoramide;
- 15 (28) Levophenacylmorphane;
- 16 (29) Morpheridine;
- 17 (30) Noracymethadol;
- 18 (31) Norlevorphanol;
- 19 (32) Normethadone;
- 20 (33) Norpipanone;
- 21 (34) Phenadoxone;
- 22 (35) Phenampromide;
- 23 (36) Phenomorphan;
- 24 (37) Phenoperidine;
- 25 (38) Piritramide;

- 1 (39) Proheptazine;
- 2 (40) Properidine;
- 3 (41) Propiram;
- 4 (42) Racemoramide;
- 5 (43) Trimeperidine;
- 6 (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-
- 7 phenyl)ethyl-4-piperidyl) propionanilide, 1-(1-methyl-2-
- 8 phenylethyl)-4-(N-propanilido) piperidine;
- 9 (45) Tilidine;
- 10 (46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-
- 11 piperidyl)-N-phenylpropanamide, its optical and geometric isomers,
- 12 salts, and salts of isomers;
- 13 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its
- 14 optical isomers, salts, and salts of isomers;
- 15 (48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine,
- 16 its optical isomers, salts, and salts of isomers;
- 17 (49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-
- 18 phenethyl)-4-piperidinyl)-N-phenylacetamide, its optical isomers,
- 19 salts, and salts of isomers;
- 20 (50) Alpha-methylthiofentanyl, N-(1-methyl-2-(2-
- 21 thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide, its optical
- 22 isomers, salts, and salts of isomers;
- 23 (51) Benzylfentanyl, N-(1-benzyl-4-piperidyl)-N-
- 24 phenylpropanamide, its optical isomers, salts, and salts of isomers;
- 25 (52) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-

1 phenethyl)-4-piperidinyl)-N-phenylpropanamide, its optical isomers,
2 salts, and salts of isomers;

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

6 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-
7 thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide, its optical and
8 geometric isomers, salts, and salts of isomers;

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

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

15 (57) Para-fluorofentanyl, N-(4-fluorophenyl)-N-(1-(2-
16 phenethyl)-4-piperidinyl)propanamide, its optical isomers, salts, and
17 salts of isomers.

18 (b) Any of the following opium derivatives, their salts,
19 isomers, and salts of isomers, unless specifically excepted, whenever
20 the existence of such salts, isomers, and salts of isomers is
21 possible within the specific chemical designation:

22 (1) Acetorphine;

23 (2) Acetyldihydrocodeine;

24 (3) Benzylmorphine;

25 (4) Codeine methylbromide;

- 1 (5) Codeine-N-Oxide;
 - 2 (6) Cyprenorphine;
 - 3 (7) Desomorphine;
 - 4 (8) Dihydromorphine;
 - 5 (9) Drotebanol;
 - 6 (10) Etorphine, except hydrochloride salt;
 - 7 (11) Heroin;
 - 8 (12) Hydromorphanol;
 - 9 (13) Methyldesorphine;
 - 10 (14) Methyldihydromorphine;
 - 11 (15) Morphine methylbromide;
 - 12 (16) Morphine methylsulfonate;
 - 13 (17) Morphine-N-Oxide;
 - 14 (18) Myrophine;
 - 15 (19) Nicocodeine;
 - 16 (20) Nicomorphine;
 - 17 (21) Normorphine;
 - 18 (22) Pholcodine; and
 - 19 (23) Thebacon.
- 20 (c) Any material, compound, mixture, or preparation which
21 contains any quantity of the following hallucinogenic substances,
22 their salts, isomers, and salts of isomers, unless specifically
23 excepted, whenever the existence of such salts, isomers, and salts of
24 isomers is possible within the specific chemical designation, and,
25 for purposes of this subdivision only, isomer shall include the

1 optical, position, and geometric isomers:

2 (1) Bufotenine. Trade and other names shall include, but
3 are not limited to: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-
4 (2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-
5 N,N-dimethyltryptamine; and mappine;

6 ~~(2) Diethyltryptamine. Trade and other names shall~~
7 ~~include, but are not limited to: N,N-Diethyltryptamine; and DET;~~

8 ~~(3) Dimethyltryptamine. Trade and other names shall~~
9 ~~include, but are not limited to: DMT;~~

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

13 ~~(5)-(3)~~ 4-methoxyamphetamine. Trade and other names shall
14 include, but are not limited to: 4-methoxy-alpha-
15 methylphenethylamine; and paramethoxyamphetamine, PMA;

16 ~~(6)-(4)~~ 4-methyl-2,5-dimethoxyamphetamine. Trade and
17 other names shall include, but are not limited to: 4-methyl-2,5-
18 dimethoxy-alpha-methylphenethylamine; DOM; and STP;

19 ~~(7) 5-methoxy-N,N-dimethyltryptamine;~~

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

24 ~~(9)-(6)~~ Lysergic acid diethylamide;

25 ~~(10)-(7)~~ Marijuana;

1 ~~(11)~~(8) Mescaline;

2 ~~(12)~~(9) Peyote. Peyote shall mean all parts of the plant
3 presently classified botanically as *Lophophora williamsii* Lemaire,
4 whether growing or not, the seeds thereof, any extract from any part
5 of such plant, and every compound, manufacture, salts, derivative,
6 mixture, or preparation of such plant or its seeds or extracts;

7 ~~(13)~~(10) Psilocybin;

8 ~~(14)~~(11) Psilocyn;

9 ~~(15)~~(12) Tetrahydrocannabinols, including, but not
10 limited to, synthetic equivalents of the substances contained in the
11 plant or in the resinous extractives of cannabis, sp. or synthetic
12 substances, derivatives, and their isomers with similar chemical
13 structure and pharmacological activity such as the following: Delta 1
14 cis or trans tetrahydrocannabinol and their optical isomers,
15 excluding dronabinol in sesame oil and encapsulated in a soft gelatin
16 capsule in a drug product approved by the federal Food and Drug
17 Administration; Delta 6 cis or trans tetrahydrocannabinol and their
18 optical isomers; and Delta 3,4 cis or trans tetrahydrocannabinol and
19 its optical isomers. Since nomenclature of these substances is not
20 internationally standardized, compounds of these structures shall be
21 included regardless of the numerical designation of atomic positions
22 covered;

23 ~~(16)~~ 3,4-methylenedioxy amphetamine;

24 ~~(17)~~ 5-methoxy 3,4-methylenedioxy amphetamine;

25 ~~(18)~~ 3,4,5-trimethoxy amphetamine;

- 1 ~~(19)~~(13) N-ethyl-3-piperidyl benzilate;
- 2 ~~(20)~~(14) N-methyl-3-piperidyl benzilate;
- 3 ~~(21)~~(15) Thiophene analog of phencyclidine. Trade and
4 other names shall include, but are not limited to: 1-(1-(2-thienyl)-
5 cyclohexyl)-piperidine; 2-thienyl analog of phencyclidine; TCP; and
6 TCP;
- 7 ~~(22)~~ 2,5 dimethoxyamphetamine. Trade and other names
8 shall include, but are not limited to: 2,5 dimethoxy alpha-
9 methylphenethylamine; and 2,5 DMA;
- 10 ~~(23)~~(16) Hashish or concentrated cannabis;
- 11 ~~(24)~~(17) Parahexyl. Trade and other names shall include,
12 but are not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-
13 trimethyl-6H-dibenzo(b,d)pyran; and Synhexyl;
- 14 ~~(25)~~(18) Ethylamine analog of phencyclidine. Trade and
15 other names shall include, but are not limited to: N-ethyl-1-
16 phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-
17 phenylcyclohexyl)ethylamine; cyclohexamine; and PCE;
- 18 ~~(26)~~(19) Pyrrolidine analog of phencyclidine. Trade and
19 other names shall include, but are not limited to: 1-(1-
20 phenylcyclohexyl)-pyrrolidine; PCPy; and PHP;
- 21 ~~(27)~~ 3,4 methylenedioxymethamphetamine (MDMA), its
22 optical, positional, and geometric isomers, salts, and salts of
23 isomers;
- 24 ~~(28)~~ 4-Bromo-2,5-dimethoxyphenethylamine. Some trade or
25 other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-

1 ~~desmethyl DOB; 2C-B; and Nexus;~~

2 ~~(29)~~ (20) Alpha-ethyltryptamine. Some trade or other
3 names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-
4 aminobutyl) indole; alpha-ET; and AET;

5 ~~(30)~~ (21) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

6 ~~(31)~~ (22) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and
7 TCPy;

8 ~~(32)~~ (23) Alpha-methyltryptamine, which is also known as
9 AMT;

10 ~~(33)~~ 5-Methoxy N,N-diisopropyltryptamine, which is also
11 known as 5-MeO-DIPT;

12 ~~(34)~~ (24) Salvia divinorum or Salvinorin A. Salvia
13 divinorum or Salvinorin A includes all parts of the plant presently
14 classified botanically as Salvia divinorum, whether growing or not,
15 the seeds thereof, any extract from any part of such plant, and every
16 compound, manufacture, derivative, mixture, or preparation of such
17 plant, its seeds, or its extracts, including salts, isomers, and
18 salts of isomers whenever the existence of such salts, isomers, and
19 salts of isomers is possible within the specific chemical
20 designation;

21 ~~(35)~~ (25) Any material, compound, mixture, or preparation
22 containing any quantity of synthetically produced cannabinoids as
23 listed in subdivisions ~~(i)~~ (A) through ~~(viii)~~ (K) of this
24 subdivision, including their salts, isomers, ~~and~~ salts of isomers,
25 and nitrogen-heterocyclic analogs, unless specifically excepted

1 elsewhere in this section. Since nomenclature of these synthetically
2 produced cannabinoids is not internationally standardized and may
3 continually evolve, these structures or compounds of these structures
4 shall be included under this subdivision, regardless of their
5 specific numerical designation of atomic positions covered, so long
6 as it can be determined through some form of scientific testing or
7 analysis that the substance contains properties that fit within one
8 or more of the following categories:

9 (i)———(A)———Tetrahydrocannabinols: Meaning
10 tetrahydrocannabinols naturally contained in a plant of the genus
11 cannabis (cannabis plant), as well as synthetic equivalents of the
12 substances contained in the plant, or in the resinous extractives of
13 cannabis, sp. and/or synthetic substances, derivatives, and their
14 isomers with similar chemical structure and pharmacological activity
15 such as the following: Delta 1 cis or trans tetrahydrocannabinol, and
16 their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and
17 their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol,
18 and its optical isomers;

19 (ii)—(B) Naphthoylindoles: Any compound containing a 3-
20 (1-naphthoyl)indole structure with substitution at the nitrogen atom
21 of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
22 cycloalkylethyl, ~~or~~ 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-
23 methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl 1-(N-
24 methyl-3-morpholinyl)methyl, or tetrahydropyranylethyl group,
25 whether or not further substituted in the indole ring to any extent

1 and whether or not substituted in the naphthyl ring to any extent;

2 ~~(iii)~~ (C) Naphthylmethylindoles: Any compound containing
3 a 1 H-indol-3-yl-(1-naphthyl)methane structure with substitution at
4 the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl,
5 cycloalkylmethyl, cycloalkylethyl, ~~or~~ 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
9 the indole ring to any extent and whether or not substituted in the
10 naphthyl ring to any extent;

11 ~~(iv)~~ (D) Naphthoypyrroles: Any compound containing a 3-
12 (1-naphthoypyrrole structure with substitution at the nitrogen atom
13 of the pyrrole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
14 cycloalkylethyl, ~~or~~ 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-
15 methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl 1-(N-
16 methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group,
17 whether or not further substituted in the pyrrole ring to any extent
18 and whether or not substituted in the naphthyl ring to any extent;

19 ~~(v)~~ (E) Naphthylideneindenes: Any compound containing a
20 naphthylideneindene structure with substitution at the 3-position of
21 the indene ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
22 cycloalkylethyl, ~~or~~ 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-
23 methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl 1-(N-
24 methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group,
25 whether or not further substituted in the indene ring to any extent

1 and whether or not substituted in the naphthyl ring to any extent;

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

10 ~~(vii)~~-(G) Cyclohexylphenols: Any compound containing a 2-
11 (3-hydroxycyclohexyl)phenol structure with substitution at the 5-
12 position of the phenolic ring by a alkyl, haloalkyl, alkenyl,
13 cycloalkylmethyl, cycloalkylethyl, ~~or~~ 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 substituted in the
17 cyclohexyl ring to any extent; ~~and~~

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

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

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

18 (K) Adamantylindole carboxamides: Any compound containing
19 a 1-indole-3-carboxamide structure with substitution at the nitrogen
20 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
21 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
22 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-
23 methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group,
24 substitution at the carboxamide group by an adamantyl, 1-naphthyl, or
25 phenyl group, whether or not further substituted in the indole ring

1 to any extent and whether or not substituted in the adamantyl ring to
2 any extent;

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

15 (A) Substitution of the phenyl ring by any halo,
16 hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups; (B)
17 Substitution at the 2-position by any alkyl groups; or (C)
18 Substitution at the 2-amino nitrogen atom with alkyl, dialkyl,
19 benzyl, hydroxybenzyl or methoxybenzyl groups, and including, but not
20 limited to:

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

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

25 (iii) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine, which is

1 also known as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine;

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

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

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

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

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

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

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

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

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

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

25 (xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine,

1 which is also known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;
2 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
3 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe;
4 25B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;
5 (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
6 methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe;
7 25I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;
8 (xvii) N-(2-Methoxybenzyl)-2-(3,4,5-
9 trimethoxyphenyl)ethanamine, which is also known as Mescaline-NBOMe
10 or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine;
11 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
12 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe;
13 or 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-
14 methoxybenzyl)phenethylamine;
15 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-
16 yl)ethanamine, which is also known as 2CB-5-hemiFLY;
17 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f]
18 [1]benzofuran-4-yl)ethanamine, which is also known as 2C-B-FLY;
19 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-
20 g]chromen-5-yl)ethanamine, which is also known as 2C-BbutterFLY;
21 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-
22 tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane, which is
23 also known as 2C-B-FLY-NBOMe;
24 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-
25 amine, which is also known as bromo-benzodifuranylisopropylamine or

1 bromo-dragonFLY;
2 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-
3 dimethoxyphenethylamine, which is also known as 2C-INBOH or 25I-NBOH;
4 (xxv) 5-(2-Aminoprpyl)benzofuran, which is also known as
5 5-APB;
6 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known
7 as 6-APB;
8 (xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is
9 also known as 5-APDB;
10 (xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which
11 is also known as 6-APDB;
12 (xxvix) 2,5-dimethoxy-amphetamine, which is also known as
13 2, 5-dimethoxy-a-methylphenethylamine; 2, 5-DMA;
14 (xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also
15 known as DOET;
16 (xxxii) 2,5-dimethoxy-4-(n)-propylthiophenethylamine,
17 which is also known as 2C-T-7;
18 (xxxiii) 5-methoxy-3,4-methylenedioxy-amphetamine;
19 (xxxiiii) 4-methyl-2,5-dimethoxy-amphetamine, which is
20 also known as 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and
21 STP;
22 (xxxv) 3,4-methylenedioxy amphetamine, which is also
23 known as MDA;
24 (xxxvi) 3,4-methylenedioxymethamphetamine, which is also
25 known as MDMA;

1 (xxxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is
2 also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine,
3 MDE, MDEA; and

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

5 (27) Any material, compound, mixture, or preparation
6 containing any quantity of a substituted tryptamine unless
7 specifically excepted, listed in another schedule, or specifically
8 named in this schedule, that is structurally derived from 2-(1H-
9 indol-3-yl)ethanamine, which is also known as tryptamine, by mono- or
10 di-substitution of the amine nitrogen with alkyl or alkenyl groups or
11 by inclusion of the amino nitrogen atom in a cyclic structure whether
12 or not the compound is further substituted at the alpha position with
13 an alkyl group or whether or not further substituted on the indole
14 ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy
15 groups, and including, but not limited to:

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

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

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

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

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

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

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

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

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

8 ~~(36)(A)~~(28)(A) Any substance containing any quantity of
9 the following materials, compounds, mixtures, or structures:

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

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

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

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

16 (v) Fluoromethcathinone, or FMC;

17 (vi) Napthylpyrovalerone, or naphyrone; or

18 (vii) Beta-keto-N-methylbenzodioxolylpropylamine; or

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

25 (i) Substitution in the ring system to any extent with

1 alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide
2 substituents, whether or not further substituted in the ring system
3 by one or more other univalent substituents;

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

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

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

16 (1) Mecloqualone;

17 (2) Methaqualone; and

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

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

- 1 (1) Fenethylline;
- 2 (2) N-ethylamphetamine;
- 3 (3) Aminorex; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
- 4 or 4,5-dihydro-5-phenyl-2-oxazolamine;
- 5 (4) Cathinone; 2-amino-1-phenyl-1-propanone; alpha-
- 6 aminopropiophenone; 2-aminopropiophenone; and norephedrone;
- 7 (5) Methcathinone, its salts, optical isomers, and salts
- 8 of optical isomers. Some other names: 2-(methylamino)-propiofenone;
- 9 alpha-(methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-
- 10 one; alpha-N-methylaminopropiofenone; methylcathinone;
- 11 monomethylpropion; ephedrone; N-methylcathinone; AL-464; AL-422;
- 12 AL-463; and UR1432;
- 13 (6) (+/-)cis-4-methylaminorex; and (+/-)cis-4,5-
- 14 dihydro-4-methyl-5-phenyl-2-oxazolamine;
- 15 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-
- 16 benzeneethanamine; and N,N-alpha-trimethylphenethylamine; and
- 17 (8) Benzylpiperazine, 1-benzylpiperazine.
- 18 (f) Any controlled substance analogue to the extent
- 19 intended for human consumption.

20 Schedule II

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

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

- 6 (i) Raw opium;
- 7 (ii) Opium extracts;
- 8 (iii) Opium fluid;
- 9 (iv) Powdered opium;
- 10 (v) Granulated opium;
- 11 (vi) Tincture of opium;
- 12 (vii) Codeine;
- 13 (viii) Ethylmorphine;
- 14 (ix) Etorphine hydrochloride;
- 15 (x) Hydrocodone;
- 16 (xi) Hydromorphone;
- 17 (xii) Metopon;
- 18 (xiii) Morphine;
- 19 (xiv) Oxycodone;
- 20 (xv) Oxymorphone;
- 21 (xvi) Oripavine;
- 22 (xvii) Thebaine; and
- 23 (xviii) Dihydroetorphine;

24 (2) Any salt, compound, derivative, or preparation
25 thereof which is chemically equivalent to or identical with any of

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

4 (3) Opium poppy and poppy straw;

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

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

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

21 (1) Alphaprodine;

22 (2) Anileridine;

23 (3) Bezitramide;

24 (4) Diphenoxylate;

25 (5) Fentanyl;

- 1 (6) Isomethadone;
- 2 (7) Levomethorphan;
- 3 (8) Levorphanol;
- 4 (9) Metazocine;
- 5 (10) Methadone;
- 6 (11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-
- 7 diphenyl butane;
- 8 (12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-
- 9 diphenylpropane-carboxylic acid;
- 10 (13) Pethidine or meperidine;
- 11 (14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 12 phenylpiperidine;
- 13 (15) Pethidine-Intermediate-B, ethyl-4-
- 14 phenylpiperidine-4-carboxylate;
- 15 (16) Pethidine-Intermediate-C, 1-methyl-4-
- 16 phenylpiperidine-4-carboxylic acid;
- 17 (17) Phenazocine;
- 18 (18) Piminodine;
- 19 (19) Racemethorphan;
- 20 (20) Racemorphan;
- 21 (21) Dihydrocodeine;
- 22 (22) Bulk Propoxyphene in nondosage forms;
- 23 (23) Sufentanil;
- 24 (24) Alfentanil;
- 25 (25) Levo-alphaacetylmethadol which is also known as levo-

1 alpha-acetylmethadol, levomethadyl acetate, and LAAM;

2 (26) Carfentanil;

3 (27) Remifentanil; and

4 (28) Tapentadol.

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

9 (1) Amphetamine, its salts, optical isomers, and salts of
10 its optical isomers;

11 (2) Phenmetrazine and its salts;

12 (3) Methamphetamine, its salts, isomers, and salts of its
13 isomers; and

14 (4) Methylphenidate.

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

21 (1) Amobarbital;

22 (2) Secobarbital;

23 (3) Pentobarbital;

24 (4) Phencyclidine; and

25 (5) Glutethimide.

1 (e) Hallucinogenic substances known as:

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

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

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

12 (2) Immediate precursors to phencyclidine, PCP:

13 (i) 1-phenylcyclohexylamine; or

14 (ii) 1-piperidinocyclohexanecarbonitrile, PCC.

15 Schedule III

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

23 (1) Benzphetamine;

24 (2) Chlorphentermine;

25 (3) Clortermine; and

1 (4) Phendimetrazine.

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

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

10 (2) Chlorhexadol;

11 (3) Lysergic acid;

12 (4) Lysergic acid amide;

13 (5) Methyprylon;

14 (6) Sulfondiethylmethane;

15 (7) Sulfonethylmethane;

16 (8) Sulfonmethane;

17 (9) Nalorphine;

18 (10) Any compound, mixture, or preparation containing
19 amobarbital, secobarbital, pentobarbital, or any salt thereof and one
20 or more other active medicinal ingredients which are not listed in
21 any schedule;

22 (11) Any suppository dosage form containing amobarbital,
23 secobarbital, pentobarbital, or any salt of any of these drugs and
24 approved by the Food and Drug Administration for marketing only as a
25 suppository;

1 (12) Any drug product containing gamma-hydroxybutyric
2 acid, including its salts, isomers, and salts of isomers, for which
3 an application is approved under section 505 of the Federal Food,
4 Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
5 July 20, 2002;

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

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

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

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

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

1 alkaloid of opium;

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

6 (iii) Not more than three hundred milligrams of
7 dihydrocodeinone which is also known as hydrocodone per one hundred
8 milliliters or not more than fifteen milligrams per dosage unit, with
9 a fourfold or greater quantity of an isoquinoline alkaloid of opium;

10 (iv) Not more than three hundred milligrams of
11 dihydrocodeinone which is also known as hydrocodone per one hundred
12 milliliters or not more than fifteen milligrams per dosage unit, with
13 one or more active, nonnarcotic ingredients in recognized therapeutic
14 amounts;

15 (v) Not more than one and eight-tenths grams of
16 dihydrocodeine per one hundred milliliters or not more than ninety
17 milligrams per dosage unit, with one or more active, nonnarcotic
18 ingredients in recognized therapeutic amounts;

19 (vi) Not more than three hundred milligrams of
20 ethylmorphine per one hundred milliliters or not more than fifteen
21 milligrams per dosage unit, with one or more active, nonnarcotic
22 ingredients in recognized therapeutic amounts;

23 (vii) Not more than five hundred milligrams of opium per
24 one hundred milliliters or per one hundred grams, or not more than
25 twenty-five milligrams per dosage unit, with one or more active,

1 nonnarcotic ingredients in recognized therapeutic amounts; and

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

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

8 (i) Buprenorphine.

9 (d) Unless contained on the administration's list of
10 exempt anabolic steroids as the list existed on June 1, 2007, any
11 anabolic steroid, which shall include any material, compound,
12 mixture, or preparation containing any quantity of the following
13 substances, including its salts, isomers, and salts of isomers
14 whenever the existence of such salts of isomers is possible within
15 the specific chemical designation:

16 (1) Boldenone;

17 (2) Boldione;

18 (3) Chlorotestosterone (4-chlortestosterone);

19 (4) Clostebol;

20 (5) Dehydrochloromethyltestosterone;

21 (6) Desoxymethyltestosterone;

22 (7) Dihydrotestosterone (4-dihydrotestosterone);

23 (8) Drostanolone;

24 (9) Ethylestrenol;

25 (10) Fluoxymesterone;

- 1 (11) Formebolone (formebolone);
- 2 (12) Mesterolone;
- 3 (13) Methandienone;
- 4 (14) Methandranone;
- 5 (15) Methandriol;
- 6 (16) Methandrostenolone;
- 7 (17) Methenolone;
- 8 (18) Methyltestosterone;
- 9 (19) Mibolerone;
- 10 (20) Nandrolone;
- 11 (21) Norethandrolone;
- 12 (22) Oxandrolone;
- 13 (23) Oxymesterone;
- 14 (24) Oxymetholone;
- 15 (25) Stanolone;
- 16 (26) Stanozolol;
- 17 (27) Testolactone;
- 18 (28) Testosterone;
- 19 (29) Trenbolone;
- 20 (30) 19-nor-4,9(10)-androstadienedione; and
- 21 (31) Any salt, ester, or ether of a drug or substance
- 22 described or listed in this subdivision if the salt, ester, or ether
- 23 promotes muscle growth.
- 24 (e) Hallucinogenic substances known as:
- 25 (1) Dronabinol, synthetic, in sesame oil and encapsulated

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

5 Schedule IV

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

11 (1) Barbital;

12 (2) Chloral betaine;

13 (3) Chloral hydrate;

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

17 (5) Clonazepam;

18 (6) Clorazepate;

19 (7) Diazepam;

20 (8) Ethchlorvynol;

21 (9) Ethinamate;

22 (10) Flurazepam;

23 (11) Mebutamate;

24 (12) Meproamate;

25 (13) Methohexital;

- 1 (14) Methylphenobarbital;
- 2 (15) Oxazepam;
- 3 (16) Paraldehyde;
- 4 (17) Petrichloral;
- 5 (18) Phenobarbital;
- 6 (19) Prazepam;
- 7 (20) Alprazolam;
- 8 (21) Bromazepam;
- 9 (22) Camazepam;
- 10 (23) Clobazam;
- 11 (24) Clotiazepam;
- 12 (25) Cloxazolam;
- 13 (26) Delorazepam;
- 14 (27) Estazolam;
- 15 (28) Ethyl loflazepate;
- 16 (29) Fludiazepam;
- 17 (30) Flunitrazepam;
- 18 (31) Halazepam;
- 19 (32) Haloxazolam;
- 20 (33) Ketazolam;
- 21 (34) Loprazolam;
- 22 (35) Lorazepam;
- 23 (36) Lormetazepam;
- 24 (37) Medazepam;
- 25 (38) Nimetazepam;

- 1 (39) Nitrazepam;
2 (40) Nordiazepam;
3 (41) Oxazolam;
4 (42) Pinazepam;
5 (43) Temazepam;
6 (44) Tetrazepam;
7 (45) Triazolam;
8 (46) Midazolam;
9 (47) Quazepam;
10 (48) Zolpidem;
11 (49) Dichloralphenazone; and
12 (50) Zaleplon.

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

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

- 25 (1) Diethylpropion;

- 1 (2) Phentermine;
- 2 (3) Pemoline, including organometallic complexes and
3 chelates thereof;
- 4 (4) Mazindol;
- 5 (5) Pipradrol;
- 6 (6) SPA, ((-)-1-dimethylamino- 1,2-diphenylethane);
- 7 (7) Cathine. Another name for cathine is ((+)-
8 norpseuodophedrine);
- 9 (8) Fencamfamin;
- 10 (9) Fenproporex;
- 11 (10) Mefenorex;
- 12 (11) Modafinil; and
- 13 (12) Sibutramine.
- 14 (d) Unless specifically excepted or unless listed in
15 another schedule, any material, compound, mixture, or preparation
16 which contains any quantity of the following narcotic drugs, or their
17 salts or isomers calculated as the free anhydrous base or alkaloid,
18 in limited quantities as set forth below:
- 19 (1) Propoxyphene in manufactured dosage forms; and
- 20 (2) Not more than one milligram of difenoxin and not less
21 than twenty-five micrograms of atropine sulfate per dosage unit.
- 22 (e) Unless specifically excepted or unless listed in
23 another schedule, any material, compound, mixture, or preparation
24 which contains any quantity of the following substance, including its
25 salts: Pentazocine.

1 (f) Unless specifically excepted or unless listed in
2 another schedule, any material, compound, mixture, or preparation
3 which contains any quantity of the following substance, including its
4 salts, isomers, and salts of such isomers: Butorphanol.

5 (g) Unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or preparation
7 which contains any quantity of the following substance, including its
8 salts, isomers, and salts of such isomers: Carisoprodol.

9 (h)(1) Unless specifically excepted or unless listed in
10 another schedule, any material, compound, mixture, or preparation
11 which contains any quantity of the following substance, including its
12 salts, optical isomers, and salts of such optical isomers: Ephedrine.

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

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

11 (i) Primatene Tablets; and

12 (ii) Bronkaid Dual Action Caplets.

13 Schedule V

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

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

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

25 (3) Not more than one hundred milligrams of ethylmorphine

1 per one hundred milliliters or per one hundred grams;

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

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

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

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

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

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

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

24 (3) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic
25 acid).

1 Sec. 2. Section 28-416, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 28-416 (1) Except as authorized by the Uniform Controlled
4 Substances Act, it shall be unlawful for any person knowingly or
5 intentionally: (a) To manufacture, distribute, deliver, dispense, or
6 possess with intent to manufacture, distribute, deliver, or dispense
7 a controlled substance; or (b) to create, distribute, or possess with
8 intent to distribute a counterfeit controlled substance.

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

18 (3) A person knowingly or intentionally possessing a
19 controlled substance, except marijuana or any substance containing a
20 quantifiable amount of the substances, chemicals, or compounds
21 described, defined, or delineated in subdivision ~~(e)(35)~~ (c)(25) of
22 Schedule I of section 28-405, unless such substance was obtained
23 directly or pursuant to a medical order issued by a practitioner
24 authorized to prescribe while acting in the course of his or her
25 professional practice, or except as otherwise authorized by the act,

1 shall be guilty of a Class IV felony.

2 (4)(a) Except as authorized by the Uniform Controlled
3 Substances Act, any person eighteen years of age or older who
4 knowingly or intentionally manufactures, distributes, delivers,
5 dispenses, or possesses with intent to manufacture, distribute,
6 deliver, or dispense a controlled substance or a counterfeit
7 controlled substance (i) to a person under the age of eighteen years,
8 (ii) in, on, or within one thousand feet of the real property
9 comprising a public or private elementary, vocational, or secondary
10 school, a community college, a public or private college, junior
11 college, or university, or a playground, or (iii) within one hundred
12 feet of a public or private youth center, public swimming pool, or
13 video arcade facility shall be punished by the next higher penalty
14 classification than the penalty prescribed in subsection (2), (7),
15 (8), (9), or (10) of this section, depending upon the controlled
16 substance involved, for the first violation and for a second or
17 subsequent violation shall be punished by the next higher penalty
18 classification than that prescribed for a first violation of this
19 subsection, but in no event shall such person be punished by a
20 penalty greater than a Class IB felony.

21 (b) For purposes of this subsection:

22 (i) Playground shall mean any outdoor facility, including
23 any parking lot appurtenant to the facility, intended for recreation,
24 open to the public, and with any portion containing three or more
25 apparatus intended for the recreation of children, including sliding

1 boards, swingsets, and teeterboards;

2 (ii) Video arcade facility shall mean any facility
3 legally accessible to persons under eighteen years of age, intended
4 primarily for the use of pinball and video machines for amusement,
5 and containing a minimum of ten pinball or video machines; and

6 (iii) Youth center shall mean any recreational facility
7 or gymnasium, including any parking lot appurtenant to the facility
8 or gymnasium, intended primarily for use by persons under eighteen
9 years of age which regularly provides athletic, civic, or cultural
10 activities.

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

19 (b) Except as authorized by the Uniform Controlled
20 Substances Act, it shall be unlawful for any person eighteen years of
21 age or older to knowingly and intentionally employ, hire, use, cause,
22 persuade, coax, induce, entice, seduce, or coerce any person under
23 the age of eighteen years to aid and abet any person in the
24 manufacture, transportation, distribution, carrying, delivery,
25 dispensing, preparation for delivery, offering for delivery, or

1 possession with intent to do the same of a controlled substance or a
2 counterfeit controlled substance.

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

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

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

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

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

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

25 (8) Any person who violates subsection (1) of this

1 section with respect to base cocaine (crack) or any mixture or
2 substance containing a detectable amount of base cocaine in a
3 quantity of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (13) Any person knowingly or intentionally possessing
11 marijuana weighing one ounce or less or any substance containing a
12 quantifiable amount of the substances, chemicals, or compounds
13 described, defined, or delineated in subdivision ~~(e)(35)~~ (c)(25) of
14 Schedule I of section 28-405 shall:

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

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

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

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

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

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

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

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

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

25 (i) For the first offense, the court may, as a part of

1 the judgment of conviction or adjudication, (A) impound any such
2 licenses or permits for thirty days and (B) require such person to
3 attend a drug education class;

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

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

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

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

25 (ii) For a second offense, the court may, as part of the

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

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

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

20 Sec. 3. Original sections 28-405 and 28-416, Revised
21 Statutes Cumulative Supplement, 2012, are repealed.

22 Sec. 4. Since an emergency exists, this act takes effect
23 when passed and approved according to law.