

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

Introduced by McCoy, 39.

Read first time January 17, 2013

Committee: Judiciary

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~~ a recognized method of
 7 scientific testing or analysis that the substance contains properties
 8 that fit within one 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 ~~a~~ an alkyl, haloalkyl, alkenyl,
 22 cycloalkylmethyl, cycloalkylethyl, ~~or~~ 2-(4-morpholinyl)ethyl group,
 23 cyanoalkyl, 1-(N-methyl-2-piperidiny)methyl, 1-(N-methyl-2-
 24 pyrrolidiny)methyl 1-(N-methyl-3-morpholinyl)methyl, or
 25 tetrahydropyranylmethyl group, whether or not further substituted in

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

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

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

21 ~~(v)~~-(E) Naphthylideneindenes: Any compound containing a
22 naphthylideneindene structure with substitution at the 3-position of
23 the indene ring by a ~~a~~an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
24 cycloalkylethyl, ~~or~~ 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-
25 methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl 1-(N-

1 methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group,
2 whether or not further substituted in the indene ring to any extent
3 and whether or not substituted in the naphthyl ring to any extent;

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

13 ~~(vii)~~ (G) Cyclohexylphenols: Any compound containing a 2-
14 (3-hydroxycyclohexyl)phenol structure with substitution at the 5-
15 position of the phenolic ring by a ~~a~~ an alkyl, haloalkyl, alkenyl,
16 cycloalkylmethyl, cycloalkylethyl, ~~or~~ 2-(4-morpholinyl)ethyl group,
17 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
18 pyrrolidinyl)methyl 1-(N-methyl-3-morpholinyl)methyl, or
19 tetrahydropyranylmethyl group, whether or not substituted in the
20 cyclohexyl ring to any extent; ~~and~~

21 ~~(viii)~~ (H) Benzoylindoles: Any compound containing a 3-
22 (benzoyl)indole structure with substitution at the nitrogen atom of
23 the indole ring by a ~~a~~ an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
24 cycloalkylethyl, ~~or~~ 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-
25 methyl-2-piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl 1-(N-

1 methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group,
2 whether or not further substituted in the indole ring to any extent
3 and whether or not substituted in the phenyl ring to any extent; ~~and~~

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

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

21 (K) Adamantylindole carboxamides: Any compound containing
22 a 1-indole-3-carboxamide structure with substitution at the nitrogen
23 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
24 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
25 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-

1 methyl-3-morpholinyl)methyl, or tetrahydropyranymethyl group,
2 substitution at the carboxamide group by an adamantyl, 1-naphthyl, or
3 phenyl group, whether or not further substituted in the indole ring
4 to any extent and whether or not substituted in the adamantyl ring to
5 any extent;

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

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

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

- 1 (ii) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine, which is
2 also known as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine;
- 3 (iii) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine, which is
4 also known as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine;
- 5 (iv) 2-(2,5-Dimethoxyphenyl)ethanamine, which is also
6 known as 2C-H or 2,5-Dimethoxyphenethylamine;
- 7 (v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is
8 also known as 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;
- 9 (vi) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine, which is
10 also known as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine;
- 11 (vii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine,
12 which is also known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine;
- 13 (viii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine,
14 which is also known as 2C-T-2 or 2,5-Dimethoxy-4-
15 ethylthiophenethylamine;
- 16 (ix) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine,
17 which is also known as 2C-T-4 or 2,5-Dimethoxy-4-
18 isopropylthiophenethylamine;
- 19 (x) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine, which is
20 also known as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine;
- 21 (xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine,
22 which is also known as 2C-T or 4-methylthio-2,5-
23 dimethoxyphenethylamine;
- 24 (xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine,
25 which is also known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;

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

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

5 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
6 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe;
7 25B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;

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

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

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

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

20 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f]
21 [1]benzofuran-4-yl)ethanamine, which is also known as 2C-B-FLY;

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

24 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-
25 tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane, which is

1 also known as 2C-B-FLY-NBOMe;

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

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

7 (xxv) 5-(2-Aminoprpyl)benzofuran, which is also known as
8 5-APB;

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

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

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

15 (xxvix) 2,5-dimethoxy-amphetamine, which is also known as
16 2, 5-dimethoxy-a-methylphenethylamine; 2, 5-DMA;

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

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

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

22 (xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is
23 also known as 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and
24 STP;

25 (xxxiv) 3,4-methylenedioxy amphetamine, which is also

1 known as MDA;

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

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

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

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

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

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

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

25 (D) 4-hydroxy-N,N-diisopropyltryptamine, which is also

1 known as 4-HO-DIPT;

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

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

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

8 (H) Diethyltryptamine, which is also known as N,N-
9 Diethyltryptamine, DET; and

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

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

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

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

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

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

19 (v) Fluoromethcathinone, or FMC;

20 (vi) ~~Naphthylpyrovalerone,~~ Naphthylpyrovalerone, or
21 naphyrone; or

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

23 (B) Unless listed in another schedule, any substance
24 which contains any quantity of any material, compound, mixture, or
25 structure, other than bupropion, that is structurally derived by any

1 means from 2-aminopropan-1-one by substitution at the 1-position with
2 either phenyl, naphthyl, or thiophene ring systems, whether or not
3 the compound is further modified in any of the following ways:

4 (i) Substitution in the ring system to any extent with
5 alkyl, alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide
6 substituents, whether or not further substituted in the ring system
7 by one or more other univalent substituents;

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

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

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

20 (1) Mecloqualone;

21 (2) Methaqualone; and

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

25 (e) Unless specifically excepted or unless listed in

1 another schedule, any material, compound, mixture, or preparation
2 which contains any quantity of the following substances having a
3 stimulant effect on the central nervous system, including its salts,
4 isomers, and salts of isomers:

5 (1) Fenethylamine;

6 (2) N-ethylamphetamine;

7 (3) Amphetamine; amphetamine; 2-amino-5-phenyl-2-oxazoline;
8 or 4,5-dihydro-5-phenyl-2-oxazolamine;

9 (4) Cathinone; 2-amino-1-phenyl-1-propanone; alpha-
10 aminopropiophenone; 2-aminopropiophenone; and norephedrine;

11 (5) Methcathinone, its salts, optical isomers, and salts
12 of optical isomers. Some other names: 2-(methylamino)-propionophenone;
13 alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-
14 one; alpha-N-methylaminopropionophenone; methylcathinone;
15 monomethylpropion; ephedrine; N-methylcathinone; AL-464; AL-422;
16 AL-463; and UR1432;

17 (6) (+/-)cis-4-methylamphetamines; and (+/-)cis-4,5-
18 dihydro-4-methyl-5-phenyl-2-oxazolamine;

19 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-
20 benzeneethanamine; and N,N-alpha-trimethylphenethylamine; and

21 (8) Benzylpiperazine, 1-benzylpiperazine.

22 (f) Any controlled substance analogue to the extent
23 intended for human consumption.

24 Schedule II

25 (a) Any of the following substances except those narcotic

1 drugs listed in other schedules whether produced directly or
2 indirectly by extraction from substances of vegetable origin,
3 independently by means of chemical synthesis, or by combination of
4 extraction and chemical synthesis:

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

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

1 (xvii) Thebaine; and

2 (xviii) Dihydroetorphine;

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

8 (3) Opium poppy and poppy straw;

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

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

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

25 (1) Alphaprodine;

- 1 (2) Anileridine;
- 2 (3) Bezitramide;
- 3 (4) Diphenoxylate;
- 4 (5) Fentanyl;
- 5 (6) Isomethadone;
- 6 (7) Levomethorphan;
- 7 (8) Levorphanol;
- 8 (9) Metazocine;
- 9 (10) Methadone;
- 10 (11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-
- 11 diphenyl butane;
- 12 (12) Moramide-intermediate, 2-methyl-3-morpholino-1,1-
- 13 diphenylpropane-carboxylic acid;
- 14 (13) Pethidine or meperidine;
- 15 (14) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 16 phenylpiperidine;
- 17 (15) Pethidine-Intermediate-B, ethyl-4-
- 18 phenylpiperidine-4-carboxylate;
- 19 (16) Pethidine-Intermediate-C, 1-methyl-4-
- 20 phenylpiperidine-4-carboxylic acid;
- 21 (17) Phenazocine;
- 22 (18) Piminodine;
- 23 (19) Racemethorphan;
- 24 (20) Racemorphan;
- 25 (21) Dihydrocodeine;

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

1 (2) Secobarbital;

2 (3) Pentobarbital;

3 (4) Phencyclidine; and

4 (5) Glutethimide.

5 (e) Hallucinogenic substances known as:

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

9 (f) 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:

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

16 (2) Immediate precursors to phencyclidine, PCP:

17 (i) 1-phenylcyclohexylamine; or

18 (ii) 1-piperidinocyclohexanecarbonitrile, PCC.

19 Schedule III

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

1 chemical designation:

2 (1) Benzphetamine;

3 (2) Chlorphentermine;

4 (3) Clortermine; and

5 (4) Phendimetrazine.

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

10 (1) Any substance which contains any quantity of a
11 derivative of barbituric acid or any salt of a derivative of
12 barbituric acid, except those substances which are specifically
13 listed in other schedules of this section;

14 (2) Chlorhexadol;

15 (3) Lysergic acid;

16 (4) Lysergic acid amide;

17 (5) Methyprylon;

18 (6) Sulfondiethylmethane;

19 (7) Sulfonethylmethane;

20 (8) Sulfonmethane;

21 (9) Nalorphine;

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

1 (11) Any suppository dosage form containing amobarbital,
2 secobarbital, pentobarbital, or any salt of any of these drugs and
3 approved by the Food and Drug Administration for marketing only as a
4 suppository;

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

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

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

21 (c) Unless specifically excepted or unless listed in
22 another schedule:

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

1 limited quantities as set forth below:

2 (i) 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 an equal or greater quantity of an isoquinoline
5 alkaloid of opium;

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

10 (iii) 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 a fourfold or greater quantity of an isoquinoline alkaloid of opium;

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

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

23 (vi) Not more than three hundred milligrams of
24 ethylmorphine per one hundred milliliters or not more than fifteen
25 milligrams per dosage unit, with one or more active, nonnarcotic

1 ingredients in recognized therapeutic amounts;

2 (vii) Not more than five hundred milligrams of opium per
3 one hundred milliliters or per one hundred grams, or not more than
4 twenty-five milligrams per dosage unit, with one or more active,
5 nonnarcotic ingredients in recognized therapeutic amounts; and

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

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

12 (i) Buprenorphine.

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

20 (1) Boldenone;

21 (2) Boldione;

22 (3) Chlorotestosterone (4-chlorotestosterone);

23 (4) Clostebol;

24 (5) Dehydrochloromethyltestosterone;

25 (6) Desoxymethyltestosterone;

- 1 (7) Dihydrotestosterone (4-dihydrotestosterone);
- 2 (8) Drostanolone;
- 3 (9) Ethylestrenol;
- 4 (10) Fluoxymesterone;
- 5 (11) Formebolone (formebolone);
- 6 (12) Mesterolone;
- 7 (13) Methandienone;
- 8 (14) Methandranone;
- 9 (15) Methandriol;
- 10 (16) Methandrostenolone;
- 11 (17) Methenolone;
- 12 (18) Methyltestosterone;
- 13 (19) Mibolerone;
- 14 (20) Nandrolone;
- 15 (21) Norethandrolone;
- 16 (22) Oxandrolone;
- 17 (23) Oxymesterone;
- 18 (24) Oxymetholone;
- 19 (25) Stanolone;
- 20 (26) Stanozolol;
- 21 (27) Testolactone;
- 22 (28) Testosterone;
- 23 (29) Trenbolone;
- 24 (30) 19-nor-4,9(10)-androstadienedione; and
- 25 (31) Any salt, ester, or ether of a drug or substance

1 described or listed in this subdivision if the salt, ester, or ether
2 promotes muscle growth.

3 (e) Hallucinogenic substances known as:

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

9 Schedule IV

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

15 (1) Barbital;

16 (2) Chloral betaine;

17 (3) Chloral hydrate;

18 (4) Chlordiazepoxide, but not including librax
19 (chlordiazepoxide hydrochloride and clindinium bromide) or menrium
20 (chlordiazepoxide and water soluble esterified estrogens);

21 (5) Clonazepam;

22 (6) Clorazepate;

23 (7) Diazepam;

24 (8) Ethchlorvynol;

25 (9) Ethinamate;

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

- 1 (35) Lorazepam;
- 2 (36) Lormetazepam;
- 3 (37) Medazepam;
- 4 (38) Nimetazepam;
- 5 (39) Nitrazepam;
- 6 (40) Nordiazepam;
- 7 (41) Oxazolam;
- 8 (42) Pinazepam;
- 9 (43) Temazepam;
- 10 (44) Tetrazepam;
- 11 (45) Triazolam;
- 12 (46) Midazolam;
- 13 (47) Quazepam;
- 14 (48) Zolpidem;
- 15 (49) Dichloralphenazone; and
- 16 (50) Zaleplon.

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

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

1 salts, isomers, whether optical, position, or geometric, and salts of
2 such isomers whenever the existence of such salts, isomers, and salts
3 of isomers is possible within the specific chemical designation:

4 (1) Diethylpropion;

5 (2) Phentermine;

6 (3) Pemoline, including organometallic complexes and
7 chelates thereof;

8 (4) Mazindol;

9 (5) Pipradrol;

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

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

13 (8) Fencamfamin;

14 (9) Fenproporex;

15 (10) Mefenorex;

16 (11) Modafinil; and

17 (12) Sibutramine.

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

23 (1) Propoxyphene in manufactured dosage forms; and

24 (2) Not more than one milligram of difenoxin and not less
25 than twenty-five micrograms of atropine sulfate per dosage unit.

1 (e) 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: Pentazocine.

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 substance, including its
8 salts, isomers, and salts of such isomers: Butorphanol.

9 (g) 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, isomers, and salts of such isomers: Carisoprodol.

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

17 (2) The following drug products containing ephedrine, its
18 salts, optical isomers, and salts of such optical isomers, are
19 excepted from subdivision (h)(1) of Schedule IV if they (A) are
20 stored behind a counter, in an area not accessible to customers, or
21 in a locked case so that a customer needs assistance from an employee
22 to access the drug product; (B) are sold by a person, eighteen years
23 of age or older, in the course of his or her employment to a customer
24 eighteen years of age or older with the following restrictions: No
25 customer shall be allowed to purchase, receive, or otherwise acquire

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

15 (i) Primatene Tablets; and

16 (ii) Bronkaid Dual Action Caplets.

17 Schedule V

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

25 (1) Not more than two hundred milligrams of codeine per

1 one hundred milliliters or per one hundred grams;

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

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

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

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

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

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

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

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

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

3 (3) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic
4 acid).

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

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

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

22 (3) A person knowingly or intentionally possessing a
23 controlled substance, except marijuana or any substance containing a
24 quantifiable amount of the substances, chemicals, or compounds
25 described, defined, or delineated in subdivision ~~(e)(35)~~(c)(25) of

1 Schedule I of section 28-405, unless such substance was obtained
2 directly or pursuant to a medical order issued by a practitioner
3 authorized to prescribe while acting in the course of his or her
4 professional practice, or except as otherwise authorized by the act,
5 shall be guilty of a Class IV felony.

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

25 (b) For purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (10) Any person who violates subsection (1) of this
24 section with respect to amphetamine, its salts, optical isomers, and
25 salts of its isomers, or with respect to methamphetamine, its salts,

1 optical isomers, and salts of its isomers, in a quantity of:

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

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

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

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

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

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

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

24 (b) For the second offense, be guilty of a Class IV
25 misdemeanor, receive a citation, and be fined four hundred dollars

1 and may be imprisoned not to exceed five days; and

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

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

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

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

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

23 (18) In addition to the penalties provided in this
24 section:

25 (a) If the person convicted or adjudicated of violating

1 this section is eighteen years of age or younger and has one or more
2 licenses or permits issued under the Motor Vehicle Operator's License
3 Act:

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

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

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

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

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

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

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

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

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

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

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