

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 157

FINAL READING

Introduced by DeBoer, 10; Blood, 3; Fredrickson, 20.

Read first time January 09, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to law; to amend sections 25-323, 25-331,
2 25-21,273, 30-2626, and 52-401, Reissue Revised Statutes of
3 Nebraska, and sections 28-405, 28-416, 30-24,125, 42-903, 42-924,
4 43-286, 81-1821, 83-4,114, and 83-918, Revised Statutes Cumulative
5 Supplement, 2022; to provide for awards of attorney's fees in
6 appeals; to change provisions and modernize language relating to
7 third-party practice; to allow petitioners in change of name
8 proceedings to proceed in forma pauperis; to prohibit providers of
9 services relating to examination or treatment of injuries from
10 sexual assault, domestic assault, and child abuse from taking
11 certain debt enforcement actions against victims; to change
12 provisions relating to controlled substances schedules under the
13 Uniform Controlled Substances Act; to change provisions relating to
14 decedents' estates; to authorize appointment of temporary guardians
15 for certain limited purposes in certain counties; to create the
16 Limited Temporary Guardian Aid Program and provide state aid to
17 covered counties; to provide for protection of household pets in
18 protection orders under the Protection from Domestic Abuse Act; to
19 provide for modification of disposition orders or conditions of
20 probation or supervision under the Nebraska Juvenile Code; to
21 provide for a lien for providers of emergency medical services; to
22 change requirements for applications to the Crime Victim's

1 Reparations Committee; to provide a duty for the Department of
2 Correctional Services and to change provisions relating to certain
3 reports; to eliminate obsolete provisions relating to the long-term
4 restrictive housing work group; to eliminate a reporting requirement
5 related to the use of restrictive housing; to harmonize provisions;
6 to appropriate funds to aid in carrying out the provisions of
7 Legislative Bill 157, One Hundred Eighth Legislature, First Session,
8 2023; to provide operative dates; to repeal the original sections;
9 to outright repeal section 83-173.02, Revised Statutes Cumulative
10 Supplement, 2022; and to declare an emergency.
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. A statute that authorizes the award of attorney's fees
2 to a party in a civil action or proceeding also authorizes an appellate
3 court to award attorney's fees if the party prevails on an appeal from a
4 judgment or order in the action or proceeding. This section does not
5 apply if another section of law specifically authorizes or prohibits the
6 award of attorney's fees on an appeal from such a judgment or order.

7 Sec. 2. Section 25-323, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 25-323 The court may determine any controversy between parties
10 before it when it can be done without prejudice to the rights of others
11 or by saving their rights; but when a determination of the controversy
12 cannot be had without the presence of other parties, the court shall ~~must~~
13 order them to be brought in.

14 ~~Any person whose negligence was or may have been a proximate cause~~
15 ~~of an accident or occurrence alleged by the plaintiff, other than parties~~
16 ~~who have been released by the plaintiff and are not subject to suit~~
17 ~~pursuant to section 25-21,185.11, may be brought into the suit by any~~
18 ~~party in the manner provided in section 25-331 or 25-705.~~

19 Sec. 3. Section 25-331, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 25-331 (1)(a) A (1) At any time after commencement of the action, a
22 defending party may, as a third-party plaintiff, serve may cause a
23 summons and complaint on a nonparty:

24 (i) Who to be served upon a person not a party to the action who is
25 or may be liable to the defending party third-party plaintiff for all or
26 part of the plaintiff's claim against the defending party; or

27 (ii) Whose negligence was or may have been a proximate cause of the
28 transaction or occurrence that is the subject matter of the plaintiff's
29 claim and who is not precluded by section 25-21,185.11 from being made a
30 party third-party plaintiff.

31 (b) The third-party plaintiff shall, by motion, need not obtain the

1 ~~court's leave to make the service~~ if the third-party plaintiff files the
2 third-party complaint ~~more not later than fourteen ten~~ days after servicing
3 its filing the original answer. ~~Otherwise the third-party plaintiff must~~
4 ~~obtain leave of the trial court on motion upon notice to all parties to~~
5 ~~the action.~~

6 (c) The person served with the summons and third-party complaint,
7 hereinafter called the third-party defendant, has shall have all the
8 rights and obligations of a defendant, including those created the rights
9 authorized by this section and by the rules promulgated by the Supreme
10 Court pursuant to sections 25-801.01 and 25-1273.01.

11 (d) The third-party defendant may assert against the plaintiff any
12 defense that defenses ~~which~~ the third-party plaintiff has to the
13 plaintiff's claim. The third-party defendant may also assert any claim
14 against the plaintiff any claim arising out of the transaction or
15 occurrence that is the subject matter of the plaintiff's claim against
16 the third-party plaintiff.

17 (e) The plaintiff may assert any claim against the third-party
18 defendant any claim arising out of the transaction or occurrence that is
19 the subject matter of the plaintiff's claim against the third-party
20 plaintiff. ~~The third party defendant shall have all the rights of a~~
21 ~~defendant including the rights authorized by this section. The court on~~
22 ~~its own motion, or motion of any party, may move to strike the third-~~
23 ~~party claim, or for its severance or separate trial if the third party~~
24 ~~claim should delay trial, might tend to confuse a jury, or in any way~~
25 ~~jeopardize the rights of the plaintiff.~~

26 (f) A defending party may assert against the third-party defendant a
27 claim that the third-party defendant is liable to the defending party for
28 all or part of the claim against the defending party.

29 (g) A third-party defendant ~~or subsequent defendants~~ may bring in a
30 nonparty if subdivision (1)(a) of this section would allow a defending
31 party to do so proceed under this section.

1 (h) Any party may move to strike the third-party claim, to sever it,
2 or try it separately.

3 (2) When a claim counterclaim is asserted against a plaintiff, the
4 plaintiff may bring in a nonparty if subdivision (1)(a) of cause a third
5 party to be brought in under circumstances which under this section would
6 allow a defending party entitle a defendant to do so.

7 Sec. 4. Section 25-21,273, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 25-21,273 (1) Unless the petitioner is allowed to proceed in forma
10 pauperis in accordance with sections 25-2301 to 25-2310, all All
11 proceedings under sections 25-21,270 to 25-21,272 shall be at the cost of
12 the petitioner or petitioners, for which fee-bill or execution may issue
13 as in civil cases.

14 (2) Any change of names under such the provisions of said sections,
15 shall not in any manner affect or alter any right of action, legal
16 process, or property.

17 Sec. 5. (1) A health care provider, an emergency medical services
18 provider, a laboratory, or a pharmacy providing medical services,
19 transportation, medications, or other services related to the examination
20 or treatment of injuries arising out of sexual assault as defined in
21 section 29-4309, domestic assault under section 28-323, or child abuse
22 under section 28-707 shall not:

23 (a) Refer a bill for such services to a collection agency or an
24 attorney for collection against the victim or the victim's guardian or
25 family;

26 (b) Distribute information regarding such services and status of
27 payment in any way that would affect the credit rating of the victim or
28 the victim's guardian or family; or

29 (c) Take any other action adverse to the victim or the victim's
30 guardian or family on account of providing such services.

31 (2) This section shall not be construed to prevent an entity

1 described in subsection (1) of this section from otherwise seeking
2 payment for such services from the victim or any other source.

3 (3) If a collection agency or an attorney is referred a debt for a
4 bill described in subsection (1) of this section, then upon notice of the
5 applicability of this section, the collection agency or attorney shall
6 return the debt to the referring health care provider, emergency medical
7 services provider, laboratory, or pharmacy.

8 (4) No private cause of action shall exist under this section
9 against a debt collector.

10 Sec. 6. Section 28-405, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 28-405 The following are the schedules of controlled substances
13 referred to in the Uniform Controlled Substances Act, unless specifically
14 contained on the list of exempted products of the Drug Enforcement
15 Administration of the United States Department of Justice as the list
16 existed on January 31, 2022 ~~2021~~:

17 Schedule I

18 (a) Any of the following opiates, including their isomers, esters,
19 ethers, salts, and salts of isomers, esters, and ethers, unless
20 specifically excepted, whenever the existence of such isomers, esters,
21 ethers, and salts is possible within the specific chemical designation:

22 (1) Acetylmethadol;

23 (2) Allylprodine;

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

26 (4) Alphameprodine;

27 (5) Alphamethadol;

28 (6) Benzethidine;

29 (7) Betacetylmethadol;

30 (8) Betameprodine;

31 (9) Betamethadol;

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

- 1 (41) Propiram;
- 2 (42) Racemoramide;
- 3 (43) Trimeperidine;
- 4 (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl-4-
- 5 piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)
- 6 piperidine;
- 7 (45) Tilidine;
- 8 (46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
- 9 phenylpropanamide, its optical and geometric isomers, salts, and salts of
- 10 isomers;
- 11 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical
- 12 isomers, salts, and salts of isomers;
- 13 (48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine, its
- 14 optical isomers, salts, and salts of isomers;
- 15 (49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-phenethyl)-4-
- 16 piperidinyl)-N-phenylacetamide, its optical isomers, salts, and salts of
- 17 isomers;
- 18 (50) Alpha-methylthiofentanyl, N-(1-methyl-2-(2-thienyl)ethyl-4-
- 19 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
- 20 of isomers;
- 21 (51) Benzylfentanyl, N-(1-benzyl-4-piperidyl)-N-phenylpropanamide,
- 22 its optical isomers, salts, and salts of isomers;
- 23 (52) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-phenethyl)-4-
- 24 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
- 25 of isomers;
- 26 (53) Beta-hydroxy-3-methylfentanyl, (other name: N-(1-(2-hydroxy-2-
- 27 phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide), its optical and
- 28 geometric isomers, salts, and salts of isomers;
- 29 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-thienyl)ethyl-4-
- 30 piperidinyl)-N-phenylpropanamide, its optical and geometric isomers,
- 31 salts, and salts of isomers;

- 1 (55) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
2 (thenylfentanyl), its optical isomers, salts, and salts of isomers;
3 (56) Thiofentanyl, N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-
4 propanamide, its optical isomers, salts, and salts of isomers;
5 (57) Para-fluorofentanyl, N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-
6 piperidinyl)propanamide, its optical isomers, salts, and salts of
7 isomers;
8 (58) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
9 methylbenzamide;
10 (59) 4-Fluoroisobutyryl Fentanyl;
11 (60) Acetyl Fentanyl;
12 (61) Acyrloylfentanyl;
13 (62) AH-7921; 3, 4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]
14 benzamide;
15 (63) Butyryl fentanyl;
16 (64) Cyclopentyl fentanyl;
17 (65) Cyclopropyl fentanyl;
18 (66) Furanyl fentanyl;
19 (67) Isobutyryl fentanyl;
20 (68) Isotonitazene;
21 (69) Methoxyacetyl fentanyl;
22 (70) MT-45; 1-cyclohexyl-4-(1,2-diphenylethyl) piperazine;
23 (71) Tetrahydrofuranyl fentanyl;
24 (72) 2-fluorofentanyl; N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-
25 yl) propionamide;
26 (73) Ocfentanil;
27 (74) Ortho-Fluorofentanyl;
28 (75) Para-chloroisobutyryl fentanyl;
29 (76) Para-Fluorobutyryl Fentanyl;
30 (77) Valeryl fentanyl;
31 (78) Phenyl Fentanyl;

- 1 (79) Para-Methylfentanyl;
2 (80) Thiofuranyl Fentanyl;
3 (81) Beta-methyl Fentanyl;
4 (82) Beta'-Phenyl Fentanyl;
5 (83) Crotonyl Fentanyl;
6 (84) 2'-Fluoro Ortho-Fluorofentanyl;
7 (85) 4'-Methyl Acetyl Fentanyl;
8 (86) Ortho-Fluorobutyryl Fentanyl;
9 (87) Ortho-Methyl Acetylfentanyl;
10 (88) Ortho-Methyl Methoxyacetyl Fentanyl;
11 (89) Ortho-Fluoroacryl Fentanyl;
12 (90) Fentanyl Carbamate;
13 (91) Ortho-Fluoroisobutyryl Fentanyl;
14 (92) Para-Fluoro Furanyl Fentanyl;
15 (93) Para-Methoxybutyryl Fentanyl; ~~and~~
16 (94) Brorphine (other name: 1-(1-(1-(4-bromophenyl) ethyl)
17 piperidin-4-yl-1,3-dihydro-2H-benzo[D]imidazole-2-one); and -
18 (95) Fentanyl-related substances, their isomers, esters, ethers,
19 salts and salts of isomers, esters, and ethers. Unless specifically
20 excepted, listed in another schedule, or specifically named in this
21 schedule, this includes any substance that is structurally related to
22 fentanyl by one or more of the following modifications:
23 (A) Replacement of the phenyl portion of the phenethyl group by any
24 monocycle, whether or not further substituted in or on the monocycle;
25 (B) Substitution in or on the phenethyl group with alkyl, alkenyl,
26 alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;
27 (C) Substitution in or on the piperidine ring with alkyl, alkenyl,
28 alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;
29 (D) Replacement of the aniline ring with any aromatic monocycle
30 whether or not further substituted in or on the aromatic monocycle; or
31 (E) Replacement of the N-propionyl group by another acyl group.

1 (b) Any of the following opium derivatives, their salts, isomers,
2 and salts of isomers, unless specifically excepted, whenever the
3 existence of such salts, isomers, and salts of isomers is possible within
4 the specific chemical designation:

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

28 (c) Any material, compound, mixture, or preparation which contains
29 any quantity of the following hallucinogenic substances, their salts,
30 isomers, and salts of isomers, unless specifically excepted, whenever the
31 existence of such salts, isomers, and salts of isomers is possible within

1 the specific chemical designation, and, for purposes of this subdivision
2 only, isomer shall include the optical, position, and geometric isomers:

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

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

10 (3) 4-methoxyamphetamine. Trade and other names shall include, but
11 are not limited to: 4-methoxy-alpha-methylphenethylamine; and
12 paramethoxyamphetamine, PMA;

13 (4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other names shall
14 include, but are not limited to: 4-methyl-2,5-dimethoxy-alpha-
15 methylphenethylamine; DOM; and STP;

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

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

23 (7) Lysergic acid diethylamide;

24 (8) Marijuana;

25 (9) Mescaline;

26 (10) Methoxetamine (MXE);

27 (11) (10) Peyote. Peyote shall mean all parts of the plant presently
28 classified botanically as *Lophophora williamsii* Lemaire, whether growing
29 or not, the seeds thereof, any extract from any part of such plant, and
30 every compound, manufacture, salts, derivative, mixture, or preparation
31 of such plant or its seeds or extracts;

- 1 ~~(12)~~ ~~(11)~~ Psilocybin;
- 2 ~~(13)~~ ~~(12)~~ Psilocyn;
- 3 ~~(14)~~ ~~(13)~~ Tetrahydrocannabinols, including, but not limited to,
- 4 synthetic equivalents of the substances contained in the plant or in the
- 5 resinous extractives of cannabis, sp. or synthetic substances,
- 6 derivatives, and their isomers with similar chemical structure and
- 7 pharmacological activity such as the following: Delta 1 cis or trans
- 8 tetrahydrocannabinol and their optical isomers, excluding dronabinol in a
- 9 drug product approved by the federal Food and Drug Administration; Delta
- 10 6 cis or trans tetrahydrocannabinol and their optical isomers; and Delta
- 11 3,4 cis or trans tetrahydrocannabinol and its optical isomers. Since
- 12 nomenclature of these substances is not internationally standardized,
- 13 compounds of these structures shall be included regardless of the
- 14 numerical designation of atomic positions covered. Tetrahydrocannabinols
- 15 does not include cannabidiol contained in a drug product approved by the
- 16 federal Food and Drug Administration;
- 17 ~~(15)~~ ~~(14)~~ N-ethyl-3-piperidyl benzilate;
- 18 ~~(16)~~ ~~(15)~~ N-methyl-3-piperidyl benzilate;
- 19 ~~(17)~~ ~~(16)~~ Thiophene analog of phencyclidine. Trade and other names
- 20 shall include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-
- 21 piperidine; 2-thienyl analog of phencyclidine; TPCP; and TCP;
- 22 ~~(18)~~ ~~(17)~~ Hashish or concentrated cannabis;
- 23 ~~(19)~~ ~~(18)~~ Parahexyl. Trade and other names shall include, but are
- 24 not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
- 25 dibenzo(b,d)pyran; and Synhexyl;
- 26 ~~(20)~~ ~~(19)~~ Ethylamine analog of phencyclidine. Trade and other names
- 27 shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine;
- 28 (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
- 29 cyclohexamine; and PCE;
- 30 ~~(21)~~ ~~(20)~~ Pyrrolidine analog of phencyclidine. Trade and other names
- 31 shall include, but are not limited to: 1-(1-phenylcyclohexyl)-

1 pyrrolidine; PCPy; and PHP;

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

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

6 ~~(24)~~ ~~(23)~~ 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

7 ~~(25)~~ ~~(24)~~ Alpha-methyltryptamine, which is also known as AMT;

8 ~~(26)~~ ~~(25)~~ Salvia divinorum or Salvinorin A. Salvia divinorum or
9 Salvinorin A includes all parts of the plant presently classified
10 botanically as Salvia divinorum, whether growing or not, the seeds
11 thereof, any extract from any part of such plant, and every compound,
12 manufacture, derivative, mixture, or preparation of such plant, its
13 seeds, or its extracts, including salts, isomers, and salts of isomers
14 whenever the existence of such salts, isomers, and salts of isomers is
15 possible within the specific chemical designation;

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

28 (A) Tetrahydrocannabinols: Meaning tetrahydrocannabinols naturally
29 contained in a plant of the genus cannabis (cannabis plant), as well as
30 synthetic equivalents of the substances contained in the plant, or in the
31 resinous extractives of cannabis, sp. and/or synthetic substances,

1 derivatives, and their isomers with similar chemical structure and
2 pharmacological activity such as the following: Delta 1 cis or trans
3 tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans
4 tetrahydrocannabinol, and their optical isomers; Delta 3,4 cis or trans
5 tetrahydrocannabinol, and its optical isomers. This subdivision does not
6 include cannabidiol contained in a drug product approved by the federal
7 Food and Drug Administration;

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

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

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

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

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

17 (G) Cyclohexylphenols: Any compound containing a 2-(3-
18 hydroxycyclohexyl)phenol structure with substitution at the 5-position of
19 the phenolic ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
20 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
21 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
22 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
23 tetrahydropyranylmethyl group, whether or not substituted in or on any of
24 the listed ring systems to any extent;

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

1 extent;

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

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

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

30 (L) Indole carboxylates: Any compound containing a 1-indole-3-
31 carboxylate structure with substitution at the nitrogen atom of the

1 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
2 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
3 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
4 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
5 tetrahydropyranylmethyl group, substitution at the carboxylate group by
6 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,
7 phenyl, aminoalkyl group, or quinolinyl group, whether or not further
8 substituted in or on any of the listed ring systems to any extent or to
9 the adamantyl, 1-naphthyl, phenyl, aminoalkyl, benzyl, or
10 propionaldehyde groups to any extent; and

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

16 (28) Zipeprol 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-
17 yl]-1-phenylpropan-2-ol, including its isomers, esters, ethers, salts,
18 and salts of isomers, esters, and ethers, whenever the existence of such
19 isomers, esters, ethers, and salts is possible within the specific
20 chemical designation;

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

1 modified in any of the following ways:

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

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

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

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

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

15 (v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is also known as
16 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;

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

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

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

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

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

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

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

31 (xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane, which is also

- 1 known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;
- 2 (xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine, which is also
3 known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;
- 4 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
5 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe; 25B-
6 NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;
- 7 (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
8 methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe; 25I-
9 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;
- 10 (xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine,
11 which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-
12 methoxybenzyl)phenethylamine;
- 13 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
14 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or
15 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;
- 16 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine,
17 which is also known as 2CB-5-hemiFLY;
- 18 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-
19 yl)ethanamine, which is also known as 2C-B-FLY;
- 20 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
21 yl)ethanamine, which is also known as 2C-B-butterFLY;
- 22 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-
23 b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-
24 NBOMe;
- 25 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine,
26 which is also known as bromo-benzodifuranylisopropylamine or bromo-
27 dragonFLY;
- 28 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which
29 is also known as 2C-INBOH or 25I-NBOH;
- 30 (xxv) 5-(2-Aminopropyl)benzofuran, which is also known as 5-APB;
- 31 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;

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

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

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

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

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

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

11 (xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as
12 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and STP;

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

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

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

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

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

21 (30) ~~(28)~~ Any material, compound, mixture, or preparation containing
22 any quantity of a substituted tryptamine unless specifically excepted,
23 listed in another schedule, or specifically named in this schedule, that
24 is structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also
25 known as tryptamine, by mono- or di-substitution of the amine nitrogen
26 with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom
27 in a cyclic structure whether or not the compound is further substituted
28 at the alpha position with an alkyl group or whether or not further
29 substituted on the indole ring to any extent with any alkyl, alkoxy,
30 halo, hydroxyl, or acetoxy groups, and including, but not limited to:

31 (A) 5-methoxy-N,N-diallyltryptamine, which is also known as 5-MeO-

1 DALT;

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

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

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

8 (E) 5-methoxy-N-methyl-N-isopropyltryptamine, which is also known as
9 5-MeOMiPT;

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

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

14 (H) Diethyltryptamine, which is also known as N,N-Diethyltryptamine,
15 DET; and

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

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

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

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

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

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

23 (v) Fluoromethcathinone, or FMC;

24 (vi) Naphthylpyrovalerone, or naphyrone; or

25 (vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or
26 butylone; or

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

1 further modified in any of the following ways:

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

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

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

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

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

20 (2) ~~(1)~~ Mecloqualone;

21 (3) ~~(2)~~ Methaqualone; and

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

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

30 (1) Fenethylamine;

31 (2) N-ethylamphetamine;

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

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

5 (5) Methcathinone, its salts, optical isomers, and salts of optical
6 isomers. Some other names: 2-(methylamino)-propiophenone; alpha-
7 (methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-
8 N-methylaminopropiophenone; methylcathinone; monomethylpropion;
9 ephedrone; N-methylcathinone; AL-464; AL-422; AL-463; UR1432; and 4-MEC;

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

12 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine;
13 and N,N-alpha-trimethylphenethylamine;

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

15 (9) 4,4'-dimethylaminorex (other names: 4,4'-DMAR, 4,5-dihydro-4-
16 methyl-5-(4-methylphenyl)-2-oxazolamine); and -

17 (10) N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-
18 ium-5-yl)carbamidate), including its salts, isomers, and salts of
19 isomers.

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

22 Schedule II

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

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

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

1 either liquid, solid, or powder form which contains the phenanthrene
2 alkaloids of the opium poppy.

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

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

- 1 (21) Racemethorphan;
- 2 (22) Racemorphan;
- 3 (23) Dihydrocodeine;
- 4 (24) Bulk Propoxyphene in nondosage forms;
- 5 (25) Sufentanil;
- 6 (26) Alfentanil;
- 7 (27) Levo-alphaacetylmethadol which is also known as levo-alpha-
- 8 acetylmethadol, levomethadyl acetate, and LAAM;
- 9 (28) Carfentanil;
- 10 (29) Remifentanil;
- 11 (30) Tapentadol; and
- 12 (31) Thiafentanil.

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

- 16 (1) Amphetamine, its salts, optical isomers, and salts of its
17 optical isomers;
- 18 (2) Phenmetrazine and its salts;
- 19 (3) Methamphetamine, its salts, isomers, and salts of its isomers;
- 20 (4) Methylphenidate; and
- 21 (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

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

- 28 (1) Amobarbital;
- 29 (2) Secobarbital;
- 30 (3) Pentobarbital;
- 31 (4) Phencyclidine; and

1 (5) Glutethimide.

2 (e) Hallucinogenic substances known as:

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

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

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

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

15 (2) Immediate precursors to phencyclidine, PCP:

16 (A) 1-phenylcyclohexylamine; or

17 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

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

20 Schedule III

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

28 (1) Benzphetamine;

29 (2) Chlorphentermine;

30 (3) Clortermine; and

31 (4) Phendimetrazine.

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

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

8 (2) Aprobarbital;

9 (3) Butabarbital;

10 (4) Butalbital;

11 (5) Butethal;

12 (6) Butobarbital;

13 (7) Chlorhexadol;

14 (8) Embutramide;

15 (9) Lysergic acid;

16 (10) Lysergic acid amide;

17 (11) Methyprylon;

18 (12) Perampanel;

19 (13) Secbutabarbital;

20 (14) Sulfondiethylmethane;

21 (15) Sulfonethylmethane;

22 (16) Sulfonmethane;

23 (17) Nalorphine;

24 (18) Talbutal;

25 (19) Thiamylal;

26 (20) Thiopental;

27 (21) Vinbarbital;

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

31 (23) Any suppository dosage form containing amobarbital,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (A) Buprenorphine.

18 (d) Unless contained on the list of exempt anabolic steroids of the
19 Drug Enforcement Administration of the United States Department of
20 Justice as the list existed on January 31, 2022 ~~2021~~, any anabolic
21 steroid, which shall include any material, compound, mixture, or
22 preparation containing any quantity of the following substances,
23 including its salts, isomers, and salts of isomers whenever the existence
24 of such salts of isomers is possible within the specific chemical
25 designation:

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

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

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

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

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

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

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

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

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

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

3 Schedule IV

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

8 (1) Barbital;

9 (2) Chloral betaine;

10 (3) Chloral hydrate;

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

14 (5) Clonazepam;

15 (6) Clorazepate;

16 (7) Daridorexant;

17 (8) ~~(7)~~ Diazepam;

18 (9) ~~(8)~~ Ethchlorvynol;

19 (10) ~~(9)~~ Ethinamate;

20 (11) ~~(10)~~ Flurazepam;

21 (12) ~~(11)~~ Mebutamate;

22 (13) ~~(12)~~ Meprobamate;

23 (14) ~~(13)~~ Methohexital;

24 (15) ~~(14)~~ Methylphenobarbital;

25 (16) ~~(15)~~ Oxazepam;

26 (17) ~~(16)~~ Paraldehyde;

27 (18) ~~(17)~~ Petrichloral;

28 (19) ~~(18)~~ Phenobarbital;

29 (20) ~~(19)~~ Prazepam;

30 (21) ~~(20)~~ Alprazolam;

31 (22) ~~(21)~~ Bromazepam;

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

- 1 ~~(54)~~ ~~(53)~~ Alfaxalone;
- 2 ~~(55)~~ ~~(54)~~ Suvorexant;
- 3 ~~(56)~~ ~~(55)~~ Carisoprodol;
- 4 ~~(57)~~ ~~(56)~~ Brexanolone; 3 alpha-hydroxy-5 alpha-pregnan-20-one;
- 5 ~~(58)~~ ~~(57)~~ Lemborexant;
- 6 ~~(59)~~ ~~(58)~~ Solriamfetol; 2-amino-3-phenylpropyl carbamate;
- 7 ~~(60)~~ ~~(59)~~ Remimazolam; and
- 8 ~~(61)~~ ~~(60)~~ Serdexmethylphenidate.

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

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

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

1 (11) Modafinil; and

2 (12) Sibutramine.

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

8 (1) Propoxyphene in manufactured dosage forms;

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

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

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

17 (1) Pentazocine; and

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

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

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

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

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

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

19 Schedule V

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

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

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

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

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

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

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

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

20 (2) Ganaxolone;

21 (3) ~~(2)~~ Lacosamide ((R)-2-acetoamido-N-benzyl-3-methoxy-
22 propionamide);

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

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

27 (6) ~~(5)~~ Cenobamate; and

28 (7) ~~(6)~~ Lasmiditan.

29 Sec. 7. Section 28-416, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

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

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

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

15 (3) A person knowingly or intentionally possessing a controlled
16 substance, except marijuana or any substance containing a quantifiable
17 amount of the substances, chemicals, or compounds described, defined, or
18 delineated in subdivision (c)(27) ~~(c)(26)~~ of Schedule I of section
19 28-405, unless such substance was obtained directly or pursuant to a
20 medical order issued by a practitioner authorized to prescribe while
21 acting in the course of his or her professional practice, or except as
22 otherwise authorized by the act, shall be guilty of a Class IV felony. A
23 person shall not be in violation of this subsection if section 28-472 or
24 28-1701 applies.

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

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

12 (b) For purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

30 (8) Any person who violates subsection (1) of this section with
31 respect to base cocaine (crack) or any mixture or substance containing a

1 detectable amount of base cocaine in a quantity of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 Sec. 8. Section 30-24,125, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 30-24,125 (a) Thirty days after the death of a decedent, any person
3 indebted to the decedent or having possession of tangible personal
4 property or an instrument evidencing a debt, obligation, stock, or chose
5 in action belonging to the decedent shall make payment of the
6 indebtedness or deliver the tangible personal property or an instrument
7 evidencing a debt, obligation, stock, or chose in action to a person
8 claiming to be the successor of the decedent upon being presented an
9 affidavit made by or on behalf of the successor stating:

10 (1) the value of all of the personal property in the decedent's
11 estate, wherever located, less liens and encumbrances, does not exceed
12 one hundred thousand dollars;

13 (2) thirty days have elapsed since the death of the decedent as
14 shown in a certified or authenticated copy of the decedent's death
15 certificate attached to the affidavit;

16 (3) the claiming successor's relationship to the decedent or, if
17 there is no relationship, the basis of the successor's claim to the
18 personal property;

19 (4) the person or persons claiming as successors under the affidavit
20 swear or affirm that all statements in the affidavit are true and
21 material and further acknowledge that any false statement may subject the
22 person or persons to penalties relating to perjury under section 28-915;

23 (5) no application or petition for the appointment of a personal
24 representative is pending or has been granted in any jurisdiction; and

25 (6) the claiming successor is entitled to payment or delivery of the
26 property.

27 (b) A transfer agent of any security shall change the registered
28 ownership on the books of a corporation from the decedent to the
29 successor or successors upon the presentation of an affidavit as provided
30 in subsection (a).

31 (c) Upon the presentation of an affidavit as provided in subsection

1 (a), the claiming successor may endorse or negotiate any instrument
2 evidencing a debt belonging to the decedent that is a check, draft, or
3 other negotiable instrument that is payable to the decedent or the
4 decedent's estate. Notwithstanding the provisions of section 3-403,
5 3-417, or 3-420, Uniform Commercial Code, a financial institution
6 accepting such a check, draft, or other negotiable instrument presented
7 for deposit in such manner is discharged from all claims for the amount
8 accepted.

9 (d) (e) In addition to compliance with the requirements of
10 subsection (a), a person seeking a transfer of a certificate of title to
11 a motor vehicle, motorboat, all-terrain vehicle, utility-type vehicle, or
12 minibike shall be required to furnish to the Department of Motor Vehicles
13 an affidavit showing applicability of this section and compliance with
14 the requirements of this section to authorize the department to issue a
15 new certificate of title.

16 Sec. 9. Section 30-2626, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 30-2626 (a)(1) (a) If a person alleged to be incapacitated has no
19 guardian and an emergency exists, the court may, pending notice and
20 hearing, exercise the power of a guardian or enter an ex parte order
21 appointing a temporary guardian to address the emergency. The order and
22 letters of temporary guardianship shall specify the powers and duties of
23 the temporary guardian, limiting the powers and duties to those necessary
24 to address the emergency.

25 (2)(i) For purposes of this subdivision (a)(2):

26 (A) Benefits means private or government benefits to which a person
27 alleged to be incapacitated may be entitled; and

28 (B) Covered county means a county containing a city of the
29 metropolitan class or a city of the primary class.

30 (ii) Subject to subsection (k) of this section, if a person alleged
31 to be incapacitated has no guardian and an emergency exists, the court in

1 a covered county may, pending notice and hearing, enter an ex parte order
2 appointing a temporary guardian for the limited purpose of assisting the
3 person in applying for, validating, and facilitating eligibility for
4 benefits.

5 (iii) The limited temporary guardian may access personal and
6 financial records of such person as necessary to apply for, validate, and
7 facilitate eligibility for benefits. The order and letters of limited
8 temporary guardianship shall limit the powers and duties to those
9 necessary to carry out this subdivision (a)(2).

10 (iv) Third parties, including, but not limited to, financial
11 institutions, in possession of such person's financial and personal
12 records related to eligibility for benefits shall provide the limited
13 temporary guardian access to such records. Records to which a limited
14 temporary guardian may be entitled include, but are not limited to,
15 records relating to: Checking, savings, or other bank accounts; household
16 expenses; health, life, or other insurance; wages; pensions; annuities;
17 real property; trusts; burial plans; retirement accounts; stocks and
18 bonds; farm and business equipment; motor vehicles, boats, and motor
19 homes; immigration status; land contracts; promissory notes and loans;
20 social security benefits; credit cards; taxes; or any other asset.

21 (b) When the court takes action to exercise the powers of a guardian
22 or to appoint a temporary guardian under subsection (a) of this section,
23 an expedited hearing shall be held if requested by the person alleged to
24 be incapacitated, or by any interested person, if the request is filed
25 more than ten business days prior to the date set for the hearing on the
26 petition for appointment of the guardian. If an expedited hearing is to
27 be held, the hearing shall be held within ten business days after the
28 request is received. At the hearing on the temporary appointment, the
29 petitioner shall have the burden of showing by a preponderance of the
30 evidence that temporary guardianship continues to be necessary to address
31 the emergency situation. Unless the person alleged to be incapacitated

1 has counsel of his or her own choice, the court may appoint an attorney
2 to represent the person alleged to be incapacitated at the hearing as
3 provided in section 30-2619.

4 (c) If an expedited hearing is requested, notice shall be served as
5 provided in section 30-2625. The notice shall specify that a temporary
6 guardian has been appointed and shall be given at least twenty-four hours
7 prior to the expedited hearing.

8 (d) At the expedited hearing, the court may render a judgment
9 authorizing the temporary guardianship to continue beyond the original
10 ten-day period. The judgment shall prescribe the specific powers and
11 duties of the temporary guardian in the letters of temporary guardianship
12 and shall be effective for a single ninety-day period. For good cause
13 shown, the court may extend the temporary guardianship for successive
14 ninety-day periods.

15 (e)(1) ~~(e)~~ The temporary guardianship shall terminate at the end of
16 the ninety-day period in which the temporary guardianship is valid or at
17 any time prior thereto if the court deems the circumstances leading to
18 the order for temporary guardianship no longer exist or if an order has
19 been entered as a result of a hearing pursuant to section 30-2619 which
20 has been held during the ninety-day period.

21 (2) When the duties of a limited temporary guardian appointed
22 pursuant to subdivision (a)(2) of this section have not been completed
23 within ninety days, the court shall accept notification by such guardian
24 as good cause for extending the limited temporary guardianship for an
25 additional ninety days.

26 (f) If the court denies the request for the ex parte order, the
27 court may, in its discretion, enter an order for an expedited hearing
28 pursuant to subsections (b) through (e) of this section.

29 (g) If the petitioner requests the entry of an order of temporary
30 guardianship pursuant to subsection (a) of this section without
31 requesting an ex parte order, the court may hold an expedited hearing

1 pursuant to subsections (b) through (e) of this section.

2 (h) If an appointed guardian is not effectively performing his or
3 her duties and the court further finds that the welfare of the
4 incapacitated person requires immediate action, it may, pending notice
5 and hearing in accordance with section 30-2220, appoint a temporary
6 guardian for the incapacitated person for a specified period not to
7 exceed ninety days. For good cause shown, the court may extend the
8 temporary guardianship for successive ninety-day periods. A temporary
9 guardian appointed pursuant to this subsection has only the powers and
10 duties specified in the previously appointed guardian's letters of
11 guardianship, and the authority of any permanent guardian previously
12 appointed by the court is suspended so long as a temporary guardian has
13 authority.

14 (i) A temporary guardian may be removed at any time. A temporary
15 guardian shall make any report the court requires, except that a
16 temporary guardian shall not be required to provide the check or report
17 under section 30-2602.02. In other respects the provisions of the
18 Nebraska Probate Code concerning guardians apply to temporary guardians.

19 (j) The court may appoint the Public Guardian as the temporary
20 guardian pursuant to the Public Guardianship Act.

21 (k)(1) If the Public Guardian is unable to accept appointment as a
22 limited temporary guardian for the purposes described in subdivision (a)
23 (2) of this section because the Public Guardian has exceeded the average
24 ratio described in subsection (2) of section 30-4115, the court shall
25 appoint an individual to serve as a limited temporary guardian.
26 Appointments of such limited temporary guardians shall be subject to the
27 availability of funds appropriated as described in section 10 of this
28 act. When such funds have been exhausted in a fiscal year, no further
29 appointments shall be made.

30 (2) An individual appointed as a limited temporary guardian pursuant
31 to subdivision (a)(2) of this section shall apply to the court for

1 expenses and fees for services performed. The court, upon hearing the
2 application, shall fix reasonable expenses and fees, and the county board
3 shall pay such guardian in the full amount determined by the court. The
4 court shall set such expenses and fees at levels that: (i) Are similar to
5 expenses and fees paid to guardians and guardians ad litem for comparable
6 work in other legal proceedings in the county; and (ii) are intended to
7 incentivize qualified individuals to provide high-quality services as
8 limited temporary guardians.

9 (3) A county that has paid expenses and fees as provided in
10 subdivision (k)(2) of this section may apply under section 10 of this act
11 for reimbursement.

12 Sec. 10. (1) For purposes of this section:

13 (a) Covered county means a county containing a city of the
14 metropolitan class or a city of the primary class; and

15 (b) Department means the Department of Health and Human Services.

16 (2) There is created a separate and distinct budgetary subprogram
17 within the department to be known as the Limited Temporary Guardian Aid
18 Program. Funds appropriated for the program shall be used to provide
19 state aid to counties in the form of reimbursement to covered counties as
20 provided in this section.

21 (3) A covered county that has paid expenses and fees for limited
22 temporary guardians as provided in subdivision (k)(2) of section 30-2626
23 may apply to the department for reimbursement for such amounts and for
24 reasonable administrative fees incurred by the county in paying such
25 amounts and applying for reimbursement. The application shall be in a
26 form and manner prescribed by the department and shall be submitted on a
27 quarterly basis.

28 (4) It is the intent of the Legislature to appropriate the following
29 amounts to the department to carry out the Limited Temporary Guardian Aid
30 Program:

31 (a) For fiscal year 2024-25:

1 (i) One hundred sixty thousand dollars for state aid to covered
2 counties containing a city of the metropolitan class; and

3 (ii) Ninety thousand dollars for state aid to covered counties
4 containing a city of the primary class; and

5 (b) For fiscal year 2025-26:

6 (i) One hundred sixty thousand dollars for state aid to covered
7 counties containing a city of the metropolitan class; and

8 (ii) Ninety thousand dollars for state aid to covered counties
9 containing a city of the primary class.

10 (5) The department may adopt and promulgate rules and regulations as
11 necessary to carry out this section.

12 Sec. 11. Section 42-903, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 42-903 For purposes of the Protection from Domestic Abuse Act,
15 unless the context otherwise requires:

16 (1) Abuse means the occurrence of one or more of the following acts
17 between family or household members:

18 (a) Attempting to cause or intentionally and knowingly causing
19 bodily injury with or without a dangerous instrument;

20 (b) Placing, by means of credible threat, another person in fear of
21 bodily injury. For purposes of this subdivision, credible threat means a
22 verbal or written threat, including a threat performed through the use of
23 an electronic communication device, or a threat implied by a pattern of
24 conduct or a combination of verbal, written, or electronically
25 communicated statements and conduct that is made by a person with the
26 apparent ability to carry out the threat so as to cause the person who is
27 the target of the threat to reasonably fear for his or her safety or the
28 safety of his or her family. It is not necessary to prove that the person
29 making the threat had the intent to actually carry out the threat. The
30 present incarceration of the person making the threat shall not prevent
31 the threat from being deemed a credible threat under this section; or

1 (c) Engaging in sexual contact or sexual penetration without consent
2 as defined in section 28-318;

3 (2) Department means the Department of Health and Human Services;

4 (3) Family or household members includes spouses or former spouses,
5 children, persons who are presently residing together or who have resided
6 together in the past, persons who have a child in common whether or not
7 they have been married or have lived together at any time, other persons
8 related by consanguinity or affinity, and persons who are presently
9 involved in a dating relationship with each other or who have been
10 involved in a dating relationship with each other. For purposes of this
11 subdivision, dating relationship means frequent, intimate associations
12 primarily characterized by the expectation of affectional or sexual
13 involvement, but does not include a casual relationship or an ordinary
14 association between persons in a business or social context;~~and~~

15 (4) Household pet means any animal maintained for companionship or
16 pleasure but does not include any animal kept primarily for commercial
17 purposes or for consumption or any livestock animal as defined in section
18 54-902; and

19 (5) ~~(4)~~ Law enforcement agency means the police department or town
20 marshal in incorporated municipalities, the office of the sheriff in
21 unincorporated areas, and the Nebraska State Patrol.

22 Sec. 12. Section 42-924, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 42-924 (1)(a) Any victim of domestic abuse may file a petition and
25 affidavit for a protection order as provided in this section. Upon the
26 filing of such a petition and affidavit in support thereof, the court may
27 issue a protection order without bond granting the following relief:

28 (i) Enjoining the respondent from imposing any restraint upon the
29 petitioner or upon the liberty of the petitioner;

30 (ii) Enjoining the respondent from threatening, assaulting,
31 molesting, attacking, or otherwise disturbing the peace of the

1 petitioner;

2 (iii) Enjoining the respondent from telephoning, contacting, or
3 otherwise communicating with the petitioner;

4 (iv) Removing and excluding the respondent from the residence of the
5 petitioner, regardless of the ownership of the residence;

6 (v) Ordering the respondent to stay away from any place specified by
7 the court;

8 (vi) Awarding the petitioner temporary custody of any minor children
9 not to exceed ninety days;

10 (vii) Enjoining the respondent from possessing or purchasing a
11 firearm as defined in section 28-1201; ~~or~~

12 (viii) Directing that the petitioner have sole possession of any
13 household pet owned, possessed, leased, kept, or held by the petitioner,
14 the respondent, or any family or household member residing in the
15 household of the petitioner or respondent;

16 (ix) Enjoining the respondent from coming into contact with,
17 harming, or killing any household pet owned, possessed, leased, kept, or
18 held by the petitioner, the respondent, or any family or household member
19 of the petitioner or respondent; or

20 ~~(x) (viii)~~ Ordering such other relief deemed necessary to provide
21 for the safety and welfare of the petitioner and any designated family or
22 household member.

23 (b) If sole possession of a household pet is ordered by a court
24 pursuant to subdivision (1)(a)(viii) of this section, such possession
25 shall be for the duration of the protection order or until further order
26 of the court. The grant of sole possession of a household pet under such
27 subdivision is not intended to permanently determine ownership of such
28 household pet. The petitioner shall not permanently transfer, sell, or
29 dispose of a household pet placed in the petitioner's possession without
30 prior court approval, except that court approval shall not be required in
31 cases where humane euthanasia of a seriously ill or injured household pet

1 is recommended by a licensed veterinarian.

2 (c) ~~(b)~~ The petition for a protection order shall state the events
3 and dates or approximate dates of acts constituting the alleged domestic
4 abuse, including the most recent and most severe incident or incidents.

5 (d) ~~(e)~~ The protection order shall specify to whom relief under this
6 section was granted.

7 (2) Petitions for protection orders shall be filed with the clerk of
8 the district court, and the proceeding may be heard by the county court
9 or the district court as provided in section 25-2740. A petition for a
10 protection order may not be withdrawn except upon order of the court.

11 (3)(a) A protection order shall specify that it is effective for a
12 period of one year and, if the order grants temporary custody, the number
13 of days of custody granted to the petitioner unless otherwise modified by
14 the court.

15 (b)(i) Any victim of domestic abuse may file a petition and
16 affidavit to renew a protection order. Such petition and affidavit for
17 renewal shall be filed any time within forty-five days before the
18 expiration of the previous protection order, including the date the order
19 expires.

20 (ii) A protection order may be renewed on the basis of the
21 petitioner's affidavit stating that there has been no material change in
22 relevant circumstances since entry of the order and stating the reason
23 for the requested renewal if:

24 (A) The petitioner seeks no modification of the order; and

25 (B)(I) The respondent has been properly served with notice of the
26 petition for renewal and notice of hearing and fails to appear at the
27 hearing; or

28 (II) The respondent indicates that he or she does not contest the
29 renewal.

30 (iii) Such renewed order shall specify that it is effective for a
31 period of one year to commence on the first calendar day following the

1 expiration of the previous order or on the calendar day the court grants
2 the renewal if such day is subsequent to the first calendar day after
3 expiration of the previous order and, if the court grants temporary
4 custody, the number of days of custody granted to the petitioner unless
5 otherwise modified by the court.

6 (4) Any person, except the petitioner, who knowingly violates a
7 protection order issued pursuant to this section or section 42-931 after
8 service or notice as described in subsection (2) of section 42-926 shall
9 be guilty of a Class I misdemeanor, except that any person convicted of
10 violating such order who has a prior conviction for violating a
11 protection order shall be guilty of a Class IV felony.

12 (5) If there is any conflict between sections 42-924 to 42-926 and
13 any other provision of law, sections 42-924 to 42-926 shall govern.

14 Sec. 13. Section 43-286, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 43-286 (1) When any juvenile is adjudicated to be a juvenile
17 described in subdivision (1), (2), or (4) of section 43-247:

18 (a) The court may continue the dispositional portion of the hearing,
19 from time to time upon such terms and conditions as the court may
20 prescribe, including an order of restitution of any property stolen or
21 damaged or an order requiring the juvenile to participate in restorative
22 justice programs or community service programs, if such order is in the
23 interest of the juvenile's reformation or rehabilitation, and, subject to
24 the further order of the court, may:

25 (i) Place the juvenile on probation subject to the supervision of a
26 probation officer; or

27 (ii) Permit the juvenile to remain in his or her own home or be
28 placed in a suitable family home or institution, subject to the
29 supervision of the probation officer;

30 (b) When it is alleged that the juvenile has exhausted all levels of
31 probation supervision and options for community-based services and

1 section 43-251.01 has been satisfied, a motion for commitment to a youth
2 rehabilitation and treatment center may be filed and proceedings held as
3 follows:

4 (i) The motion shall set forth specific factual allegations that
5 support the motion and a copy of such motion shall be served on all
6 persons required to be served by sections 43-262 to 43-267;

7 (ii) The Office of Juvenile Services shall be served with a copy of
8 such motion and shall be a party to the case for all matters related to
9 the juvenile's commitment to, placement with, or discharge from the
10 Office of Juvenile Services; and

11 (iii) The juvenile shall be entitled to a hearing before the court
12 to determine the validity of the allegations. At such hearing the burden
13 is upon the state by a preponderance of the evidence to show that:

14 (A) All levels of probation supervision have been exhausted;

15 (B) All options for community-based services have been exhausted;
16 and

17 (C) Placement at a youth rehabilitation and treatment center is a
18 matter of immediate and urgent necessity for the protection of the
19 juvenile or the person or property of another or if it appears that such
20 juvenile is likely to flee the jurisdiction of the court;

21 (c) After the hearing, the court may, as a condition of an order of
22 intensive supervised probation, commit such juvenile to the Office of
23 Juvenile Services for placement at a youth rehabilitation and treatment
24 center operated in compliance with state law. Upon commitment by the
25 court to the Office of Juvenile Services, the court shall immediately
26 notify the Office of Juvenile Services of the commitment. Intensive
27 supervised probation for purposes of this subdivision means that the
28 Office of Juvenile Services shall be responsible for the care and custody
29 of the juvenile until the Office of Juvenile Services discharges the
30 juvenile from commitment to the Office of Juvenile Services. Upon
31 discharge of the juvenile, the court shall hold a review hearing on the

1 conditions of probation and enter any order allowed under subdivision (1)
2 (a) of this section;

3 (d) The Office of Juvenile Services shall notify those required to
4 be served by sections 43-262 to 43-267, all interested parties, and the
5 committing court of the pending discharge of a juvenile from the youth
6 rehabilitation and treatment center sixty days prior to discharge and
7 again in every case not less than thirty days prior to discharge. Upon
8 notice of pending discharge by the Office of Juvenile Services, the court
9 shall set a continued disposition hearing in anticipation of reentry. The
10 Office of Juvenile Services shall work in collaboration with the Office
11 of Probation Administration in developing an individualized reentry plan
12 for the juvenile as provided in section 43-425. The Office of Juvenile
13 Services shall provide a copy of the individualized reentry plan to the
14 juvenile, the juvenile's attorney, and the county attorney or city
15 attorney prior to the continued disposition hearing. At the continued
16 disposition hearing, the court shall review and approve or modify the
17 individualized reentry plan, place the juvenile under probation
18 supervision, and enter any other order allowed by law. No hearing is
19 required if all interested parties stipulate to the individualized
20 reentry plan by signed motion. In such a case, the court shall approve
21 the conditions of probation, approve the individualized reentry plan, and
22 place the juvenile under probation supervision; and

23 (e) The Office of Juvenile Services is responsible for
24 transportation of the juvenile to and from the youth rehabilitation and
25 treatment center. The Office of Juvenile Services may contract for such
26 services. A plan for a juvenile's transport to return to the community
27 shall be a part of the individualized reentry plan. The Office of
28 Juvenile Services may approve family to provide such transport when
29 specified in the individualized reentry plan.

30 (2) When any juvenile is found by the court to be a juvenile
31 described in subdivision (3)(b) of section 43-247, the court may enter

1 such order as it is empowered to enter under subdivision (1)(a) of this
2 section.

3 (3) When any juvenile is adjudicated to be a juvenile described in
4 subdivision (1), (2), (3)(b), or (4) of section 43-247, the court may
5 order the juvenile to be assessed for referral to participate in a
6 restorative justice program. Factors that the judge may consider for such
7 referral include, but are not limited to: The juvenile's age,
8 intellectual capacity, and living environment; the ages of others who
9 were part of the offense; the age and capacity of the victim; and the
10 nature of the case.

11 (4) When a juvenile is placed on probation and a probation officer
12 has reasonable cause to believe that such juvenile has committed a
13 violation of a condition of his or her probation, the probation officer
14 shall take appropriate measures as provided in section 43-286.01.

15 (5)(a) When a juvenile is placed on probation or under the
16 supervision of the court and it is alleged that the juvenile is again a
17 juvenile described in subdivision (1), (2), (3)(b), or (4) of section
18 43-247, a petition may be filed and the same procedure followed and
19 rights given at a hearing on the original petition. If an adjudication is
20 made that the allegations of the petition are true, the court may make
21 any disposition authorized by this section for such adjudications and the
22 county attorney may file a motion to revoke the juvenile's probation.

23 (b) When a juvenile is placed on probation or under the supervision
24 of the court for conduct under subdivision (1), (2), (3)(b), or (4) of
25 section 43-247 and it is alleged that the juvenile has violated a term of
26 probation or supervision or that the juvenile has violated an order of
27 the court, a motion to revoke probation or supervision or to change the
28 disposition may be filed and proceedings held as follows:

29 (i) The motion shall set forth specific factual allegations of the
30 alleged violations and a copy of such motion shall be served on all
31 persons required to be served by sections 43-262 to 43-267;

1 (ii) The juvenile shall be entitled to a hearing before the court to
2 determine the validity of the allegations. At such hearing the juvenile
3 shall be entitled to those rights relating to counsel provided by section
4 43-272 and those rights relating to detention provided by sections 43-254
5 to 43-256. The juvenile shall also be entitled to speak and present
6 documents, witnesses, or other evidence on his or her own behalf. He or
7 she may confront persons who have given adverse information concerning
8 the alleged violations, may cross-examine such persons, and may show that
9 he or she did not violate the conditions of his or her probation or
10 supervision or an order of the court or, if he or she did, that
11 mitigating circumstances suggest that the violation does not warrant
12 revocation of probation or supervision or a change of disposition. The
13 hearing shall be held within a reasonable time after the juvenile is
14 taken into custody;

15 (iii) The hearing shall be conducted in an informal manner and shall
16 be flexible enough to consider evidence, including letters, affidavits,
17 and other material, that would not be admissible in an adversarial
18 criminal trial;

19 (iv) The juvenile shall not be confined, detained, or otherwise
20 significantly deprived of his or her liberty pursuant to the filing of a
21 motion described in this section unless the requirements of subdivision
22 (5) of section 43-251.01 and section 43-260.01 have been met. In all
23 cases when the requirements of subdivision (5) of section 43-251.01 and
24 section 43-260.01 have been met and the juvenile is confined, detained,
25 or otherwise significantly deprived of his or her liberty as a result of
26 his or her alleged violation of probation, supervision, or a court order,
27 the juvenile shall be given a preliminary hearing. If, as a result of
28 such preliminary hearing, probable cause is found to exist, the juvenile
29 shall be entitled to a hearing before the court in accordance with this
30 subsection;

31 (v) If the juvenile is found by the court to have violated the terms

1 of his or her probation or supervision or an order of the court, the
2 court may modify the terms and conditions of the probation, supervision,
3 or other court order, extend the period of probation, supervision, or
4 other court order, or enter any order of disposition that could have been
5 made at the time the original order was entered; and

6 (vi) In cases when the court revokes probation, supervision, or
7 other court order, it shall enter a written statement as to the evidence
8 relied on and the reasons for revocation.

9 (6)(a) Except as provided in subdivision (6)(b) of this section, the
10 court shall not change a disposition unless the court finds that the
11 juvenile has violated a term or condition of probation or supervision or
12 an order of the court and the procedures in subdivision (5)(b) of this
13 section have been satisfied.

14 (b) Upon motion of the juvenile, the court may modify the terms or
15 conditions of probation or supervision or modify a dispositional order
16 if:

17 (i) All parties stipulate to the particular modification; and

18 (ii) The juvenile has consulted with counsel or has waived counsel.

19 Any waiver must be particular to the modification and shall comply with
20 section 43-3102.

21 (7) (6) Costs incurred on behalf of a juvenile under this section
22 shall be paid as provided in section 43-290.01.

23 (8) (7) When any juvenile is adjudicated to be a juvenile described
24 in subdivision (4) of section 43-247, the juvenile court shall within
25 thirty days of adjudication transmit to the Director of Motor Vehicles an
26 abstract of the court record of adjudication.

27 Sec. 14. Section 52-401, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 52-401 (1) Whenever any person employs a physician, nurse,
30 chiropractor, or provider of emergency medical service to
31 perform professional service or services of any nature, in the treatment

1 of or in connection with an injury, and such injured person claims
2 damages from the party causing the injury, such physician, nurse,
3 chiropractor, ~~or~~ hospital, or provider of emergency medical service as
4 ~~the case may be~~, shall have a lien upon any sum awarded the injured
5 person in judgment or obtained by settlement or compromise on the amount
6 due for the usual and customary charges of such physician, nurse,
7 chiropractor, ~~or~~ hospital, or provider of emergency medical service
8 applicable at the time ~~times~~ services are performed, except that no such
9 lien shall be valid against anyone covered ~~coming~~ under the Nebraska
10 Workers' Compensation Act. For persons covered under private medical
11 insurance or another private health benefit plan, the amount of the lien
12 shall be reduced by the contracted discount or other limitation which
13 would have been applied had the claim been submitted for reimbursement to
14 the medical insurer or administrator of such other health benefit plan.
15 The measure of damages for medical expenses in personal injury claims
16 shall be the private party rate, not the discounted amount.

17 (2) In order to prosecute such lien, it shall be necessary for such
18 physician, nurse, chiropractor, ~~or~~ hospital, or provider of emergency
19 medical service to serve a written notice upon the person or corporation
20 from whom damages are claimed that such physician, nurse, chiropractor,
21 ~~or~~ hospital, or provider of emergency medical service claims a lien for
22 such services and stating the amount due and the nature of such services,
23 except that whenever an action is pending in court for the recovery of
24 such damages, it shall be sufficient to file the notice of such lien in
25 the pending action.

26 (3) A physician, nurse, chiropractor, ~~or~~ hospital, or provider of
27 emergency medical service claiming a lien under this section shall not be
28 liable for attorney's fees and costs incurred by the injured person in
29 securing the judgment, settlement, or compromise, but the lien of the
30 injured person's attorney shall have precedence over the lien created by
31 this section.

1 (4) Upon a written request and with the injured person's consent, a
2 lienholder shall provide medical records, answers to interrogatories,
3 depositions, or any expert medical testimony related to the recovery of
4 damages within its custody and control at a reasonable charge to the
5 injured person.

6 (5) For purposes of this section, provider of emergency medical
7 service means a public entity that provides emergency medical service as
8 defined in section 38-1207.

9 Sec. 15. Section 81-1821, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 81-1821 (1) Except as provided in subsections (3) and (4) ~~subsection~~
12 ~~(2)~~ of this section, no order for the payment of compensation shall be
13 entered under the Nebraska Crime Victim's Reparations Act unless:

14 (a) The the application has been submitted to the committee within
15 the deadline provided in subsection (2) of this section; and

16 (b) The within two years after the date of the personal injury or
17 ~~death and the~~ personal injury or death was the result of an incident or
18 offense which had been reported to the police within five ~~three~~ days of
19 its occurrence or, if the incident or offense could not reasonably have
20 been reported within that period, within five ~~three~~ days of the time when
21 a report could reasonably have been made.

22 (2) An application shall be submitted to the committee:

23 (a) For a victim who was nineteen years of age or older at the time
24 of the personal injury or death, within two years after the date of the
25 personal injury or death;

26 (b) For a victim who was under nineteen years of age at the time of
27 death, within three years after the date of death; and

28 (c) For a victim who was under nineteen years of age at the time of
29 the personal injury, on or before the victim's twenty-second birthday.

30 (3) The committee may evaluate applications submitted beyond the
31 deadline established in this section if the committee finds that good

1 cause existed for missing such deadline.

2 (4) (2) An application submitted by or for a victim of sexual
3 assault, domestic assault, child abuse, or sex trafficking is not subject
4 to the five-day ~~three-day~~ reporting requirement in subsection (1) of this
5 section if, prior to submitting the application the:

- 6 (a) Applicant or victim has reported such crime to the police;
7 (b) Applicant or victim has obtained a protection order related to
8 such incident or offense; or
9 (c) Victim has presented for a forensic medical exam.

10 Sec. 16. Section 83-4,114, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 83-4,114 (1) There shall be no corporal punishment or disciplinary
13 restrictions on diet.

14 (2) Disciplinary restrictions on clothing, bedding, mail,
15 visitations, use of toilets, washbowls, or scheduled showers shall be
16 imposed only for abuse of such privilege or facility and only as
17 authorized by written directives, guidance documents, and operational
18 manuals.

19 (3) No person shall be placed in solitary confinement.

20 (4) The director shall issue an annual report on or before September
21 15 to the Governor and the Clerk of the Legislature. The report to the
22 Clerk of the Legislature shall be issued electronically. For all inmates
23 who were held in restrictive housing during the prior year, the report
24 shall contain the race, gender, age, and length of time each inmate has
25 continuously been held in restrictive housing. ~~Prior to releasing the~~
26 ~~report, the director shall meet with the long term restrictive housing~~
27 ~~work group to share the contents of the report.~~ The report shall also
28 contain:

- 29 (a) The number of inmates held in restrictive housing;
30 (b) The reason or reasons each inmate was held in restrictive
31 housing;

1 (c) The number of inmates held in restrictive housing who have been
2 diagnosed with a mental illness or behavioral disorder and the type of
3 mental illness or behavioral disorder by inmate;

4 (d) The number of inmates who were released from restrictive housing
5 directly to parole or into the general public and the reason for such
6 release;

7 (e) The number of inmates who were placed in restrictive housing for
8 his or her own safety and the underlying circumstances for each
9 placement;

10 (f) To the extent reasonably ascertainable, comparable statistics
11 for the nation and each of the states that border Nebraska pertaining to
12 subdivisions (4)(a) through (e) of this section; ~~and~~

13 (g) The mean and median length of time for all inmates held in
14 restrictive housing; ~~and -~~

15 (h) A description of all inmate housing areas that hold inmates in a
16 setting that is neither general population nor restrictive housing,
17 including the purpose of each setting, data on how many inmates were held
18 in such settings, the average length of stay in such settings,
19 information on programs provided in each setting, data on program
20 completions in each setting, staffing levels and types of staff in each
21 setting, and any other information or data relevant to the operation of
22 such settings. For the purposes of this subdivision, general population
23 means an inmate housing area that allows out-of-cell movement without the
24 use of restraints, a minimum of six hours per day of out-of-cell time,
25 regular access to programming areas outside the living unit, and access
26 to services available to the broader population.

27 ~~(5)(a) There is hereby established within the department a long-term~~
28 ~~restrictive housing work group. The work group shall consist of one~~
29 ~~member of the Judiciary Committee of the Legislature appointed by the~~
30 ~~Executive Board of the Legislative Council who shall be a nonvoting, ex~~
31 ~~officio member and the following voting members:~~

1 ~~(i) The director and all deputy directors who have oversight over~~
2 ~~inmate health services or correctional facilities. The director or his or~~
3 ~~her designee shall serve as the chairperson of the work group;~~

4 ~~(ii) The behavioral health administrator within the department;~~

5 ~~(iii) Two employees of the department who currently work with~~
6 ~~inmates held in restrictive housing as designated by the director;~~

7 ~~(iv) Additional department staff as designated by the director; and~~

8 ~~(v) Six members appointed by the Governor who have demonstrated an~~
9 ~~interest in correctional issues. Of these members at least one shall be~~
10 ~~an individual who was previously incarcerated in Nebraska's correctional~~
11 ~~system. The remaining members shall consist of individuals who are mental~~
12 ~~health professionals, have been employed in a restrictive housing unit in~~
13 ~~a correctional facility, have advocated for the rights of incarcerated~~
14 ~~individuals, or have otherwise been engaged in activities related to~~
15 ~~Nebraska's correctional system.~~

16 ~~(b) The work group shall advise the department on policies and~~
17 ~~procedures related to the proper treatment and care of offenders in long-~~
18 ~~term restrictive housing.~~

19 ~~(c) The director shall convene the work group's first meeting no~~
20 ~~later than September 15, 2015, and the work group shall meet at least~~
21 ~~semiannually thereafter. The chairperson shall schedule and convene the~~
22 ~~work group's meetings.~~

23 ~~(d) The director shall provide the work group with quarterly updates~~
24 ~~on the department's policies related to the work group's subject matter~~
25 ~~and with any other information related to long-term restrictive housing~~
26 ~~that is requested by members of the work group.~~

27 ~~(e) The work group shall terminate on December 31, 2021.~~

28 Sec. 17. Section 83-918, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 83-918 (1) For each the biennium ending June 30, 2019, and the
31 biennium ending June 30, 2021, the Department of Correctional Services

1 shall, as part of the appropriations request process pursuant to
2 subsection (1) of section 81-132, include a strategic plan that
3 identifies the main purpose or purposes of each program, verifiable and
4 auditable key goals that the department believes are fair measures of its
5 progress in meeting each program's main purpose or purposes, and
6 benchmarks for improving performance on the key goals. The department
7 shall also report whether the benchmarks are being met and, if not, the
8 expected timeframes for meeting them.

9 ~~(2) On or before Not later than September 15 of each year in 2017,~~
10 ~~2018, 2019, 2020, and 2021,~~ the Department of Correctional Services shall
11 report electronically to the Judiciary Committee of the Legislature and
12 the Appropriations Committee of the Legislature on the progress towards
13 the key goals identified pursuant to this section that occurred in the
14 previous twelve months. ~~Upon request In calendar years 2017, 2018, 2019,~~
15 ~~2020, and 2021,~~ the department shall appear at a joint hearing of the
16 Judiciary Committee and Appropriations Committee and present the report.

17 Sec. 18. There is hereby appropriated (1) \$-0- from the General
18 Fund for FY2023-24 and (2) \$250,000 from the General Fund for FY2024-25
19 to the Department of Health and Human Services, for Program 347, to aid
20 in carrying out the provisions of Legislative Bill 157, One Hundred
21 Eighth Legislature, First Session, 2023.

22 There is included in the appropriation to this program for FY2024-25
23 \$250,000 General Funds as state aid, which shall only be used for such
24 purpose.

25 No expenditures for permanent and temporary salaries and per diems
26 for state employees shall be made from funds appropriated in this
27 section.

28 Sec. 19. Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15,
29 16, 17, 21, and 22 of this act become operative three calendar months
30 after the adjournment of this legislative session. The other sections of
31 this act become operative on their effective date.

1 Sec. 20. Original section 30-24,125, Revised Statutes Cumulative
2 Supplement, 2022, is repealed.

3 Sec. 21. Original sections 25-323, 25-331, 25-21,273, 30-2626, and
4 52-401, Reissue Revised Statutes of Nebraska, and sections 28-405,
5 28-416, 42-903, 42-924, 43-286, 81-1821, 83-4,114, and 83-918, Revised
6 Statutes Cumulative Supplement, 2022, are repealed.

7 Sec. 22. The following section is outright repealed: Section
8 83-173.02, Revised Statutes Cumulative Supplement, 2022.

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