

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 814

Introduced by Schilz, 47; Ashford, 20; Harms, 48; Harr, 8; Karpisek, 32; Lautenbaugh, 18; McCoy, 39; Mello, 5; Nordquist, 7; Pirsch, 4.

Read first time January 05, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section 28-405,
2 Revised Statutes Supplement, 2011; to include additional
3 substances in the schedule of controlled substances under
4 the Uniform Controlled Substances Act; to repeal the
5 original section; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-405, Revised Statutes Supplement,
2 2011, is amended to read:

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

5 Schedule I

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

11 (1) Acetylmethadol;

12 (2) Allylprodine;

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

16 (4) Alphameprodine;

17 (5) Alphamethadol;

18 (6) Benzethidine;

19 (7) Betacetylmethadol;

20 (8) Betameprodine;

21 (9) Betamethadol;

22 (10) Betaprodine;

23 (11) Clonitazene;

24 (12) Dextromoramide;

25 (13) Difenoxin;

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

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

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

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

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

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

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

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

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

22 (1) Acetorphine;

23 (2) Acetyldihydrocodeine;

24 (3) Benzylmorphine;

25 (4) Codeine methylbromide;

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

1 optical, position, and geometric isomers:

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

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

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

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

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

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

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

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

24 (9) Lysergic acid diethylamide;

25 (10) Marijuana;

1 (11) Mescaline;

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

7 (13) Psilocybin;

8 (14) Psilocyn;

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

22 (16) 3,4-methylenedioxy amphetamine;

23 (17) 5-methoxy-3,4-methylenedioxy-amphetamine;

24 (18) 3,4,5-trimethoxy amphetamine;

25 (19) N-ethyl-3-piperidyl benzilate;

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

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

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

5 (31) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

6 (32) Alpha-methyltryptamine, which is also known as AMT;

7 (33) 5-Methoxy-N,N-diisopropyltryptamine, which is also
8 known as 5-MeO-DIPT;

9 (34) Salvia divinorum or Salvinorin A. Salvia divinorum
10 or Salvinorin A includes all parts of the plant presently classified
11 botanically as Salvia divinorum, whether growing or not, the seeds
12 thereof, any extract from any part of such plant, and every compound,
13 manufacture, derivative, mixture, or preparation of such plant, its
14 seeds, or its extracts, including 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; ~~and~~

17 (35) Any material, compound, mixture, or preparation
18 containing any quantity of synthetically produced cannabinoids as
19 listed in subdivisions (i) through (viii) of this subdivision,
20 including their salts, isomers, and salts of isomers, unless
21 specifically excepted elsewhere in this section. Since nomenclature
22 of these synthetically produced cannabinoids is not internationally
23 standardized and may continually evolve, these structures or
24 compounds of these structures shall be included under this
25 subdivision, regardless of their specific numerical designation of

1 atomic positions covered, so long as it can be determined through
2 some form of scientific testing or analysis that the substance
3 contains properties that fit within one or more of the following
4 categories:

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

15 (ii) Naphthoylindoles: Any compound containing a 3-(1-
16 naphthoyl)indole structure with substitution at the nitrogen atom of
17 the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
18 cycloalkylethyl or 2-(4-morpholinyl)ethyl group, whether or not
19 further substituted in the indole ring to any extent and whether or
20 not substituted in the naphthyl ring to any extent;

21 (iii) Naphthylmethylinindoles: Any compound containing a 1
22 H-indol-3-yl-(1-naphthyl)methane structure with substitution at the
23 nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl,
24 cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl group,
25 whether or not further substituted in the indole ring to any extent

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

2 (iv) Naphthoypyrroles: Any compound containing a 3-(1-
3 naphthoypyrrole structure with substitution at the nitrogen atom of
4 the pyrrole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
5 cycloalkylethyl or 2-(4-morpholinyl)ethyl group, whether or not
6 further substituted in the pyrrole ring to any extent and whether or
7 not substituted in the naphthyl ring to any extent;

8 (v) Naphthylideneindenes: Any compound containing a
9 naphthylideneindene structure with substitution at the 3-position of
10 the indene ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
11 cycloalkylethyl or 2-(4-morpholinyl)ethyl group, whether or not
12 further substituted in the indene ring to any extent and whether or
13 not substituted in the naphthyl ring to any extent;

14 (vi) Phenylacetylindoles: Any compound containing a 3-
15 phenylacetylindole structure with substitution at the nitrogen atom
16 of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
17 cycloalkylethyl or 2-(4-morpholinyl)ethyl group, whether or not
18 further substituted in the indole ring to any extent and whether or
19 not substituted in the phenyl ring to any extent;

20 (vii) Cyclohexylphenols: Any compound containing a 2-(3-
21 hydroxycyclohexyl)phenol structure with substitution at the 5-
22 position of the phenolic ring by a alkyl, haloalkyl, alkenyl,
23 cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl group,
24 whether or not substituted in the cyclohexyl ring to any extent; and

25 (viii) Benzoylindoles: Any compound containing a 3-

1 (benzoyl)indole structure with substitution at the nitrogen atom of
2 the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
3 cycloalkylethyl or 2-(4-morpholinyl)ethyl group, whether or not
4 further substituted in the indole ring to any extent and whether or
5 not substituted in the phenyl ring to any extent; and -

6 (36)(A) Any substance containing any quantity of the
7 following materials, compounds, mixtures, or structures:

8 (i) 3,4-methylenedioxy methcathinone, or bk-MDMA, or
9 methylone;

10 (ii) 3,4-methylenedioxy pyrovalerone, or MDPV;

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

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

14 (v) Fluoromethcathinone, or FMC;

15 (vi) Napthylpyrovalerone, or naphyrone; or

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

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

23 (i) Substitution in the ring system to any extent with
24 alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide
25 substituents, whether or not further substituted in the ring system

1 by one or more other univalent substituents;

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

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

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

14 (1) Mecloqualone;

15 (2) Methaqualone; and

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

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

24 (1) Fenethylamine;

25 (2) N-ethylamphetamine;

1 (3) Aminorex; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
2 or 4,5-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
6 of optical isomers. Some other names: 2-(methylamino)-propiophenone;
7 alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-
8 one; alpha-N-methylaminopropiophenone; methylcathinone;
9 monomethylpropion; ephedrone; N-methylcathinone; AL-464; AL-422;
10 AL-463; and UR1432;

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

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

15 (8) Benzylpiperazine, 1-benzylpiperazine.

16 (f) Any controlled substance analogue to the extent
17 intended for human consumption.

18 Schedule II

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

24 (1) Opium and opiate, and any salt, compound, derivative,
25 or preparation of opium or opiate, excluding apomorphine,

1 buprenorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine,
2 nalmefene, naloxone, and naltrexone and their salts, but including
3 the following:

- 4 (i) Raw opium;
- 5 (ii) Opium extracts;
- 6 (iii) Opium fluid;
- 7 (iv) Powdered opium;
- 8 (v) Granulated opium;
- 9 (vi) Tincture of opium;
- 10 (vii) Codeine;
- 11 (viii) Ethylmorphine;
- 12 (ix) Etorphine hydrochloride;
- 13 (x) Hydrocodone;
- 14 (xi) Hydromorphone;
- 15 (xii) Metopon;
- 16 (xiii) Morphine;
- 17 (xiv) Oxycodone;
- 18 (xv) Oxymorphone;
- 19 (xvi) Oripavine;
- 20 (xvii) Thebaine; and
- 21 (xviii) Dihydroetorphine;
- 22 (2) Any salt, compound, derivative, or preparation
- 23 thereof which is chemically equivalent to or identical with any of
- 24 the substances referred to in subdivision (1) of this subdivision,
- 25 except that these substances shall not include the isoquinoline

1 alkaloids of opium;

2 (3) Opium poppy and poppy straw;

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

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

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

19 (1) Alphaprodine;

20 (2) Anileridine;

21 (3) Bezitramide;

22 (4) Diphenoxylate;

23 (5) Fentanyl;

24 (6) Isomethadone;

25 (7) Levomethorphan;

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

1 (27) Remifentanil; and

2 (28) Tapentadol.

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

7 (1) Amphetamine, its salts, optical isomers, and salts of
8 its optical isomers;

9 (2) Phenmetrazine and its salts;

10 (3) Methamphetamine, its salts, isomers, and salts of its
11 isomers; and

12 (4) Methylphenidate.

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

19 (1) Amobarbital;

20 (2) Secobarbital;

21 (3) Pentobarbital;

22 (4) Phencyclidine; and

23 (5) Glutethimide.

24 (e) Hallucinogenic substances known as:

25 (1) Nabilone. Another name for nabilone: (+/-)-trans-3-

1 (1,1-dimethylheptyl)- 6,6a,7,8,10,10a-Hexahydro-1-hydroxy-6,6-
2 dimethyl-9H-dibenzo(b,d)pyran-9-one.

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

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

10 (2) Immediate precursors to phencyclidine, PCP:

11 (i) 1-phenylcyclohexylamine; or

12 (ii) 1-piperidinocyclohexanecarbonitrile, PCC.

13 Schedule III

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

21 (1) Benzphetamine;

22 (2) Chlorphentermine;

23 (3) Clortermine; and

24 (4) Phendimetrazine.

25 (b) Any material, compound, mixture, or preparation which

1 contains any quantity of the following substances having a potential
2 for abuse associated with a depressant effect on the central nervous
3 system:

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

8 (2) Chlorhexadol;

9 (3) Lysergic acid;

10 (4) Lysergic acid amide;

11 (5) Methyprylon;

12 (6) Sulfondiethylmethane;

13 (7) Sulfonethylmethane;

14 (8) Sulfonmethane;

15 (9) Nalorphine;

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

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

24 (12) Any drug product containing gamma-hydroxybutyric
25 acid, including its salts, isomers, and salts of isomers, for which

1 an application is approved under section 505 of the Federal Food,
2 Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
3 July 20, 2002;

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

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

15 (c) Unless specifically excepted or unless listed in
16 another schedule:

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

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

25 (ii) Not more than one and eight-tenths grams of codeine

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

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

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

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

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

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

25 (viii) Not more than fifty milligrams of morphine per one

1 hundred milliliters or per one hundred grams with one or more active,
2 nonnarcotic ingredients in recognized therapeutic amounts; and

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

6 (i) Buprenorphine.

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

14 (1) Boldenone;

15 (2) Boldione;

16 (3) Chlorotestosterone (4-chlorotestosterone);

17 (4) Clostebol;

18 (5) Dehydrochloromethyltestosterone;

19 (6) Desoxymethyltestosterone;

20 (7) Dihydrotestosterone (4-dihydrotestosterone);

21 (8) Drostanolone;

22 (9) Ethylestrenol;

23 (10) Fluoxymesterone;

24 (11) Formebolone (formebolone);

25 (12) Mesterolone;

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

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

3 Schedule IV

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

- 9 (1) Barbital;
- 10 (2) Chloral betaine;
- 11 (3) Chloral hydrate;
- 12 (4) Chlordiazepoxide, but not including librax
13 (chlordiazepoxide hydrochloride and clindinium bromide) or menrium
14 (chlordiazepoxide and water soluble esterified estrogens);
- 15 (5) Clonazepam;
- 16 (6) Clorazepate;
- 17 (7) Diazepam;
- 18 (8) Ethchlorvynol;
- 19 (9) Ethinamate;
- 20 (10) Flurazepam;
- 21 (11) Mebutamate;
- 22 (12) Meprobamate;
- 23 (13) Methohexital;
- 24 (14) Methylphenobarbital;
- 25 (15) Oxazepam;

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

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

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

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

- 23 (1) Diethylpropion;
24 (2) Phentermine;
25 (3) Pemoline, including organometallic complexes and

1 chelates thereof;

2 (4) Mazindol;

3 (5) Pipradrol;

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

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

7 (8) Fencamfamin;

8 (9) Fenproporex;

9 (10) Mefenorex;

10 (11) Modafinil; and

11 (12) Sibutramine.

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

17 (1) Propoxyphene in manufactured dosage forms; and

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

20 (e) Unless specifically excepted or unless listed in
21 another schedule, any material, compound, mixture, or preparation
22 which contains any quantity of the following substance, including its
23 salts: Pentazocine.

24 (f) Unless specifically excepted or unless listed in
25 another schedule, any material, compound, mixture, or preparation

1 which contains any quantity of the following substance, including its
2 salts, isomers, and salts of such isomers: Butorphanol.

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

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

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

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

- 10 (i) Primatene Tablets; and
11 (ii) Bronkaid Dual Action Caplets. ; ~~and~~
12 ~~(iii) Pazo Hemorrhoidal Ointment.~~

13 Schedule V

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

- 21 (1) Not more than two hundred milligrams of codeine per
22 one hundred milliliters or per one hundred grams;
23 (2) Not more than one hundred milligrams of
24 dihydrocodeine per one hundred milliliters or per one hundred grams;
25 (3) Not more than one hundred milligrams of ethylmorphine

1 per one hundred milliliters or per one hundred grams;

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

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

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

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

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

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

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

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

1 Sec. 2. Original section 28-405, Revised Statutes
2 Supplement, 2011, is repealed.

3 Sec. 3. Since an emergency exists, this act takes effect
4 when passed and approved according to law.