

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 902

Introduced by Pankonin, 2.

Read first time January 14, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Uniform Controlled Substances Act;
2 to amend section 28-410, Revised Statutes Cumulative
3 Supplement, 2006, and section 28-405, Revised Statutes
4 Supplement, 2007; to change provisions relating to
5 controlled substances; and to repeal the original
6 sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-405, Revised Statutes Supplement,
2 2007, 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
9 such isomers, esters, ethers, and salts is possible within the
10 specific 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) Difenoquin;

- 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) Levophenacylmorphan;
- 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,
- 7 N-(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl) propionanilide,
- 8 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine;
- 9 (45) Tilidine;
- 10 (46) 3-Methylfentanyl,
- 11 N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide, its
- 12 optical and geometric isomers, 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
- 16 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine), its optical
- 17 isomers, salts, and salts of isomers;
- 18 (49) Acetyl-alpha-methylfentanyl
- 19 (N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide), its
- 20 optical isomers, salts, and salts of isomers;
- 21 (50) Alpha-methylthiofentanyl
- 22 (N-(1-methyl-2-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide),
- 23 its optical isomers, salts, and salts of isomers;
- 24 (51) Benzylfentanyl
- 25 (N-(1-benzyl-4-piperidyl)-N-phenylpropanamide), its optical

1 isomers, salts, and salts of isomers;

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

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

9 (54) 3-methylthiofentanyl
10 (N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide),
11 its optical and geometric isomers, salts, and salts of isomers;

12 (55)
13 N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
14 (thenylfentanyl), its optical isomers, salts, and salts of isomers;

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

18 (57) Para-fluorofentanyl
19 (N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)propanamide),
20 its optical isomers, salts, and salts of isomers.

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

25 (1) Acetorphine;

- 1 (2) Acetyldihydrocodeine;
- 2 (3) Benzylmorphine;
- 3 (4) Codeine methylbromide;
- 4 (5) Codeine-N-Oxide;
- 5 (6) Cyprenorphine;
- 6 (7) Desomorphine;
- 7 (8) Dihydromorphine;
- 8 (9) Drotebanol;
- 9 (10) Etorphine, except hydrochloride salt;
- 10 (11) Heroin;
- 11 (12) Hydromorphinol;
- 12 (13) Methyldesorphine;
- 13 (14) Methyldihydromorphine;
- 14 (15) Morphine methylbromide;
- 15 (16) Morphine methylsulfonate;
- 16 (17) Morphine-N-Oxide;
- 17 (18) Myrophine;
- 18 (19) Nicocodeine;
- 19 (20) Nicomorphine;
- 20 (21) Normorphine;
- 21 (22) Pholcodine; and
- 22 (23) Thebacon.
- 23 (c) Any material, compound, mixture, or preparation which
- 24 contains any quantity of the following hallucinogenic substances,
- 25 their salts, isomers, and salts of isomers, unless specifically

1 excepted, whenever the existence of such salts, isomers, and salts
2 of isomers is possible within the specific chemical designation,
3 and, for purposes of this subdivision only, isomer shall include
4 the optical, position, and geometric isomers:

5 (1) Bufotenine. Trade and other names shall include,
6 but are not limited to: 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
7 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin;
8 5-hydroxy-N,N-dimethyltryptamine; and mappine;

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

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

13 (4) 4-bromo-2,5-dimethoxyamphetamine. Trade and other
14 names shall include, but are not limited to: 4-bromo-2,
15 5-dimethoxy-a-methylphenethylamine; and 4-bromo-2,5-DMA;

16 (5) 4-methoxyamphetamine. Trade and other names shall
17 include, but are not limited to: 4-methoxy-a-methyl-phenethylamine;
18 and paramethoxyamphetamine, PMA;

19 (6) 4-methyl-2, 5-dimethoxyamphetamine. Trade
20 and other names shall include, but are not limited to:
21 4-methyl-2,5-dimethoxy-a-methylphenethylamine; DOM; and STP;

22 (7) 5-methoxy-N-N, dimethyltryptamine;

23 (8) Ibogaine. Trade and other names
24 shall include, but are not limited to:
25 7-ethyl-6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-

1 pyrido (1',2':1,2) azepino (5,4-b) indole; and tabernanthe iboga;
2 (9) Lysergic acid diethylamide;
3 (10) Marijuana;
4 (11) Mescaline;
5 (12) Peyote. Peyote shall mean all parts of the plant
6 presently classified botanically as *Lophophora williamsii* Lemaire,
7 whether growing or not, the seeds thereof, any extract from
8 any part of such plant, and every compound, manufacture, salts,
9 derivative, mixture, or preparation of such plant or its seeds or
10 extracts;
11 (13) Psilocybin;
12 (14) Psilocyn;
13 (15) Tetrahydrocannabinols, including, but not limited
14 to, synthetic equivalents of the substances contained in the plant
15 or in the resinous extractives of cannabis, sp. or synthetic
16 substances, derivatives, and their isomers with similar chemical
17 structure and pharmacological activity such as the following: Delta
18 1 cis or trans tetrahydrocannabinol and their optical isomers,
19 excluding dronabinol in sesame oil and encapsulated in a soft
20 gelatin capsule in a drug product approved by the federal Food
21 and Drug Administration; Delta 6 cis or trans tetrahydrocannabinol
22 and their optical isomers; and Delta 3,4 cis or trans
23 tetrahydrocannabinol and its optical isomers. Since nomenclature
24 of these substances is not internationally standardized, compounds
25 of these structures shall be included regardless of the numerical

- 1 designation of atomic positions covered;
- 2 (16) 3,4-methylenedioxy amphetamine;
- 3 (17) 5-methoxy-3,4-methylenedioxy amphetamine;
- 4 (18) 3,4,5-trimethoxy amphetamine;
- 5 (19) N-ethyl-3-piperidyl benzilate;
- 6 (20) N-methyl-3-piperidyl benzilate;
- 7 (21) Thiophene analog of phencyclidine. Trade
8 and other names shall include, but are not limited to:
9 1-(1-(2-thienyl)-cyclohexyl)-piperidine; 2-thienyl analog of
10 phencyclidine; TCP; and TCP;
- 11 (22) 2,5-dimethoxyamphetamine. Trade and
12 other names shall include, but are not limited to:
13 2,5-dimethoxy- α -methylphenethylamine; and 2,5-DMA;
- 14 (23) Hashish or concentrated cannabis;
- 15 (24) Parahexyl. Trade and other names shall include,
16 but are not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,
17 9-trimethyl-6H-dibenzo(b,d)pyran; and synhexyl;
- 18 (25) Ethylamine analog of phencyclidine. Trade
19 and other names shall include, but are not limited to:
20 N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine;
21 N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; and PCE;
- 22 (26) Pyrrolidine analog of phencyclidine. Trade
23 and other names shall include, but are not limited to:
24 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; and PHP;
- 25 (27) 3,4-methylenedioxymethamphetamine (MDMA), its

1 optical, positional, and geometric isomers, salts, and salts of
2 isomers;

3 (28) 4-bromo-2,5-dimethoxyphenethylamine. Some trade
4 or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;
5 alpha-desmethyl DOB; 2C-B; and Nexus;

6 (29) Alpha-ethyltryptamine. Some trade or other
7 names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine;
8 3-(2-aminobutyl) indole; alpha-ET; and AET;

9 (30) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

10 (31) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

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

12 and

13 (33) 5-Methoxy-N, N-diisopropyltryptamine, which is also
14 known as 5-MeO-DIPT.

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

22 (1) Mecloqualone;

23 (2) Methaqualone; and

24 (3) Gamma-hydroxybutyric acid. Some other names include:
25 GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic

1 acid; sodium oxybate; and sodium oxybutyrate.

2 (e) Unless specifically excepted or unless listed in
3 another schedule, any material, compound, mixture, or preparation
4 which contains any quantity of the following substances having
5 a stimulant effect on the central nervous system, including its
6 salts, isomers, and salts of isomers:

7 (1) Fenethylamine;

8 (2) N-ethylamphetamine;

9 (3) Amphetamine; amphetamine; 2-amino-5-phenyl-2-oxazoline;
10 and 4,5-dihydro-5-phenyl-2-oxazoline;

11 (4) Cathinone; 2-amino-1-phenyl-1-propanone;
12 alpha-aminopropiophenone; 2-aminopropiophenone; and norephedrine;

13 (5) Methcathinone, its salts, optical isomers,
14 and salts of optical isomers. Some other names:

15 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone;

16 2-(methylamino)-1-phenylpropan-1-one;

17 alpha-N-methylaminopropiophenone; methylcathinone;

18 monomethylpropion; ephedrine; N-methylcathinone; AL-464; AL-422;

19 AL-463; and UR1432;

20 (6) (+/-) cis-4-methylamphetamine; and

21 (+/-) cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline;

22 and

23 (7) N,N-dimethylamphetamine;

24 N,N-alpha-trimethylbenzeneethanamine; and

25 N,N-alpha-trimethylphenethylamine.

1 (f) Any controlled substance analogue to the extent
2 intended for human consumption.

3 Schedule II

4 (a) Any of the following substances except those narcotic
5 drugs listed in other schedules whether produced directly or
6 indirectly by extraction from substances of vegetable origin,
7 independently by means of chemical synthesis, or by combination of
8 extraction and chemical synthesis:

9 (1) Opium and opiate, and any salt, compound, derivative,
10 or preparation of opium or opiate, excluding apomorphine,
11 buprenorphine, thebaine-derived butorphanol, dextrorphan,
12 nalbuphine, nalmeffene, naloxone, and naltrexone and their
13 salts, but including the following:

- 14 (i) Raw opium;
15 (ii) Opium extracts;
16 (iii) Opium fluid;
17 (iv) Powdered opium;
18 (v) Granulated opium;
19 (vi) Tincture of opium;
20 (vii) Codeine;
21 (viii) Ethylmorphine;
22 (ix) Etorphine hydrochloride;
23 (x) Hydrocodone;
24 (xi) Hydromorphone;
25 (xii) Metopon;

1 (xiii) Morphine;

2 (xiv) Oxycodone;

3 (xv) Oxymorphone;

4 (xvi) Oripavine;

5 ~~(xvi)~~ (xvii) Thebaine; and

6 ~~(xvii)~~ (xviii) Dihydroetorphine;

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

12 (3) Opium poppy and poppy straw;

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

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

23 (b) Unless specifically excepted or unless in another
24 schedule any of the following opiates, including their isomers,
25 esters, ethers, salts, and salts of their isomers, esters, and

1 ethers whenever the existence of such isomers, esters, ethers,
2 and salts is possible within the specific chemical designation,
3 dextrorphan excepted:

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

1 (18) Piminodine;

2 (19) Racemethorphan;

3 (20) Racemorphan;

4 (21) Dihydrocodeine;

5 (22) Bulk propoxyphene in nondosage forms;

6 (23) Sufentanil;

7 (24) Alfentanil;

8 (25) Levo-alpha-acetylmethadol which is also known as
9 levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;

10 (26) Carfentanil; and

11 (27) Remifentanil.

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

16 (1) Amphetamine, its salts, optical isomers, and salts of
17 its optical isomers;

18 (2) Phenmetrazine and its salts;

19 (3) Methamphetamine, its salts, isomers, and salts of its
20 isomers; and

21 (4) Methylphenidate.

22 (d) Any material, compound, mixture, or preparation
23 which contains any quantity of the following substances having
24 a potential for abuse associated with a depressant effect on the
25 central nervous system, including their salts, isomers, and salts

1 of isomers whenever the existence of such salts, isomers, and salts
2 of isomers is possible within the specific chemical designations:

- 3 (1) Amobarbital;
- 4 (2) Secobarbital;
- 5 (3) Pentobarbital;
- 6 (4) Phencyclidine; and
- 7 (5) Glutethimide.

8 (e) Hallucinogenic substances known as:

9 (1) Nabilone. Another name for
10 nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-
11 6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-
12 dibenzo(b,d)pyran-9-one.

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

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

20 (2) Immediate precursors to phencyclidine, PCP:

- 21 (i) 1-phenylcyclohexylamine; or
- 22 (ii) 1-piperidinocyclohexanecarbonitrile, PCC.

23 Schedule III

24 (a) Any material, compound, mixture, or preparation
25 which contains any quantity of the following substances having

1 a potential for abuse associated with a stimulant effect on the
2 central nervous system, including their salts, isomers, whether
3 optical, position, or geometric, and salts of such isomers whenever
4 the existence of such salts, isomers, and salts of isomers is
5 possible within the specific chemical designation:

6 (1) Benzphetamine;

7 (2) Chlorphentermine;

8 (3) Clortermine; and

9 (4) Phendimetrazine.

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

14 (1) Any substance which contains any quantity of a
15 derivative of barbituric acid or any salt of a derivative of
16 barbituric acid, except those substances which are specifically
17 listed in other schedules of this section;

18 (2) Chlorhexadol;

19 (3) Lysergic acid;

20 (4) Lysergic acid amide;

21 (5) Methyprylon;

22 (6) Sulfondiethylmethane;

23 (7) Sulfonethylmethane;

24 (8) Sulfonmethane;

25 (9) Nalorphine;

1 (10) Any compound, mixture, or preparation containing
2 amobarbital, secobarbital, pentobarbital, or any salt thereof and
3 one or more other active medicinal ingredients which are not listed
4 in any schedule;

5 (11) Any suppository dosage form containing amobarbital,
6 secobarbital, pentobarbital, or any salt of any of these drugs and
7 approved by the Food and Drug Administration for marketing only as
8 a suppository;

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

14 (13) Ketamine, its salts, isomers, and
15 salts of isomers. Some other names for ketamine:
16 (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone; and

17 (14) Tiletamine and zolazepam or any salt thereof.
18 Trade or other names for a tiletamine-zolazepam combination
19 product shall include, but are not limited to: telazol. Trade
20 or other names for tiletamine shall include, but are not
21 limited to: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Trade or
22 other names for zolazepam shall include, but are not limited
23 to: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e)
24 (1,4)-diazepin-7(1H)-one, and flupyrzapon.

25 (c) Unless specifically excepted or unless listed in

1 another schedule:

2 (1) Any material, compound, mixture, or preparation
3 containing limited quantities of any of the following narcotic
4 drugs, or any salts calculated as the free anhydrous base or
5 alkaloid, in limited quantities as set forth below:

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

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

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

19 (iv) Not more than three hundred milligrams of
20 dihydrocodeinone which is also known as hydrocodone per one hundred
21 milliliters or not more than fifteen milligrams per dosage unit,
22 with one or more active, nonnarcotic ingredients in recognized
23 therapeutic amounts;

24 (v) Not more than one and eight-tenths grams of
25 dihydrocodeine per one hundred milliliters or not more than ninety

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

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

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

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

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

18 (i) Buprenorphine.

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

- 1 (1) Boldenone;
- 2 (2) Chlorotestosterone (4-chlortestosterone);
- 3 (3) Clostebol;
- 4 (4) Dehydrochlormethyltestosterone;
- 5 (5) Dihydrotestosterone (4-dihydrotestosterone);
- 6 (6) Drostanolone;
- 7 (7) Ethylestrenol;
- 8 (8) Fluoxymesterone;
- 9 (9) Formebolone (formebolone);
- 10 (10) Mesterolone;
- 11 (11) Methandienone;
- 12 (12) Methandranone;
- 13 (13) Methandriol;
- 14 (14) Methandrostenolone;
- 15 (15) Methenolone;
- 16 (16) Methyltestosterone;
- 17 (17) Mibolerone;
- 18 (18) Nandrolone;
- 19 (19) Norethandrolone;
- 20 (20) Oxandrolone;
- 21 (21) Oxymesterone;
- 22 (22) Oxymetholone;
- 23 (23) Stanolone;
- 24 (24) Stanozolol;
- 25 (25) Testolactone;

- 1 (26) Testosterone;
- 2 (27) Trenbolone; and
- 3 (28) Any salt, ester, or isomer of a drug or substance
- 4 described or listed in this subdivision if the salt, ester, or
- 5 isomer promotes muscle growth.

6 (e) Hallucinogenic substances known as:

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

12 Schedule IV

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

- 18 (1) Barbital;
- 19 (2) Chloral betaine;
- 20 (3) Chloral hydrate;
- 21 (4) Chlordiazepoxide, but not including librax
- 22 (chlordiazepoxide hydrochloride and clindinium bromide) or menrium
- 23 (chlordiazepoxide and water soluble esterified estrogens);
- 24 (5) Clonazepam;
- 25 (6) Clorazepate;

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

- 1 (32) Haloxazolam;
2 (33) Ketazolam;
3 (34) Loprazolam;
4 (35) Lorazepam;
5 (36) Lormetazepam;
6 (37) Medazepam;
7 (38) Nimetazepam;
8 (39) Nitrazepam;
9 (40) Nordiazepam;
10 (41) Oxazolam;
11 (42) Pinazepam;
12 (43) Temazepam;
13 (44) Tetrazepam;
14 (45) Tramadol;
15 ~~(45)~~ (46) Triazolam;
16 ~~(46)~~ (47) Midazolam;
17 ~~(47)~~ (48) Quazepam;
18 ~~(48)~~ (49) Zolpidem;
19 ~~(49)~~ (50) Dichloralphenazone; and
20 ~~(50)~~ (51) Zaleplon.

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

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

9 (1) Diethylpropion;

10 (2) Phentermine;

11 (3) Pemoline, including organometallic complexes and
12 chelates thereof;

13 (4) Mazindol;

14 (5) Pipradrol;

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

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

18 (8) Fencamfamin;

19 (9) Fenproporex;

20 (10) Mefenorex;

21 (11) Modafinil; and

22 (12) Sibutramine.

23 (d) Unless specifically excepted or unless listed in
24 another schedule, any material, compound, mixture, or preparation
25 which contains any quantity of the following narcotic drugs, or

1 their salts or isomers calculated as the free anhydrous base or
2 alkaloid, in limited quantities as set forth below:

3 (1) Propoxyphene in manufactured dosage forms; and

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

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

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

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

19 (2) The following drug products containing ephedrine,
20 its salts, optical isomers, and salts of such optical isomers
21 are excepted from subdivision (g)(1) of Schedule IV if they may
22 lawfully be sold over the counter without a prescription under
23 the Federal Food, Drug, and Cosmetic Act, as the act existed on
24 September 1, 2001; are labeled and marketed in a manner consistent
25 with the pertinent OTC Tentative Final or Final Monograph; are

1 manufactured and distributed for legitimate medicinal use in a
2 manner that reduces or eliminates the likelihood of abuse; and
3 are not marketed, advertised, or represented in any manner for the
4 indication of stimulation, mental alertness, euphoria, ecstasy, a
5 buzz or high, heightened sexual performance, or increased muscle
6 mass:

7 (A) Primatene Tablets;

8 (B) Bronkaid Dual Action Caplets; and

9 (C) Pazo Hemorrhoidal Ointment.

10 (3) Food and dietary supplements described in 21 U.S.C.
11 321, as such section existed on September 1, 2001, containing
12 ephedrine, including its salts, optical isomers, and salts of such
13 optical isomers, are excepted from subdivision (g)(1) of Schedule
14 IV if:

15 (A) They are labeled in a manner consistent with section
16 28-448 and bear the statements: "This statement has not been
17 evaluated by the Food and Drug Administration. This product is not
18 intended to diagnose, treat, cure, or prevent any disease.";

19 (B) Any dosage form of the food or dietary supplements
20 (i) does not contain any hydrochloride or sulfate salts of
21 ephedrine alkaloids, (ii) does not contain more than twenty-five
22 milligrams of ephedrine alkaloids, and (iii) does not contain
23 ephedrine alkaloids in excess of five percent of the total capsule
24 weight;

25 (C) They are not marketed, advertised, or represented in

1 any manner for the indication of stimulation, mental alertness,
2 euphoria, ecstasy, a buzz or high, heightened sexual performance,
3 or increased muscle mass; and

4 (D) Analysis of the product is provided to the department
5 to ensure that the product meets the requirements of subdivision
6 (g) (3) (B) of Schedule IV.

7 Schedule V

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

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

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

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

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

25 (5) Not more than one hundred milligrams of opium per one

1 hundred milliliters or per one hundred grams; and

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

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

10 Sec. 2. Section 28-410, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 28-410 (1) Each registrant manufacturing, distributing,
13 or dispensing controlled substances in Schedule I, II, III, IV, or
14 V of section 28-405 shall keep and maintain a complete and accurate
15 record of all stocks of such controlled substances on hand. Such
16 records shall be maintained for five years.

17 (2) ~~During odd-numbered years,~~ Commencing January 1,
18 2009, each registrant manufacturing, distributing, storing, or
19 dispensing such controlled substances shall prepare an annual
20 inventory of each controlled substance in his or her possession.
21 Such inventory shall (a) be taken within two years after the
22 previous biennial inventory date but in no event later than
23 December 31, 2009, and each year thereafter be taken within
24 one year after the previous annual inventory date, (b) contain
25 such information as shall be required by the Board of Pharmacy,

1 (c) be copied and such copy forwarded to the department within
2 thirty days after completion, (d) be maintained at the location
3 listed on the registration for a period of five years, (e)
4 contain the name, address, and Drug Enforcement Administration
5 number of the registrant, the date and time of day the inventory
6 was completed, and the signature of the person responsible for
7 taking the inventory, (f) list the exact count or measure of all
8 controlled substances listed in Schedule I, II, III, IV, and V ~~or~~
9 ~~II~~ of section 28-405, and (g) list an estimated count or measure
10 of all controlled substances listed in Schedule III, IV, or V of
11 section 28-405 unless the container holds more than one thousand
12 tablets, capsules, or milliliters, in which case the inventory
13 shall list an exact count, and ~~(h)~~ be maintained in permanent,
14 read-only format separating the inventory for controlled substances
15 listed in Schedule Schedules I ~~or~~ and II of section 28-405 from the
16 inventory for controlled substances listed in Schedule Schedules
17 III, IV, or and V of section 28-405. A registrant whose inventory
18 fails to comply with this subsection shall be guilty of a Class IV
19 misdemeanor.

20 (3) This section shall not apply to practitioners who
21 prescribe or administer, as a part of their practice, controlled
22 substances listed in Schedule II, III, IV, or V of section 28-405
23 unless such practitioner regularly engages in dispensing any such
24 drug or drugs to his or her patients.

25 (4) Controlled substances shall be stored in accordance

1 with the following:

2 (a) All controlled substances listed in Schedule I of
3 section 28-405 must be stored in a locked cabinet; and

4 (b) All controlled substances listed in Schedule II, III,
5 IV, or V of section 28-405 must be stored in a locked cabinet or
6 distributed throughout the inventory of noncontrolled substances in
7 a manner which will obstruct theft or diversion of the controlled
8 substances.

9 Sec. 3. Original section 28-410, Revised Statutes
10 Cumulative Supplement, 2006, and section 28-405, Revised Statutes
11 Supplement, 2007, are repealed.