

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 123

FINAL READING

Introduced by Karpisek, 32; Christensen, 44; Coash, 27; Dubas, 34; Friend, 10; McGill, 26; Pirsch, 4; Rogert, 16; Wallman, 30; Giese, 17.

Read first time January 09, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Uniform Controlled Substances Act;
2 to amend section 28-405, Reissue Revised Statutes of
3 Nebraska; to regulate Salvia divinorum or Salvinorin A;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-405, Reissue Revised Statutes of
2 Nebraska, 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) 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) 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
3 (N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-phenylpropanamide),

4 its optical 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-phenylpropanamide),

7 its optical and geometric isomers, salts, and salts of isomers;

8 (54) 3-methylthiofentanyl

9 (N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide),

10 its optical and geometric isomers, salts, and salts of isomers;

11 (55)

12 N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide

13 (thenylfentanyl), its optical isomers, salts, and salts of isomers;

14 (56) Thiofentanyl

15 (N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide), its

16 optical isomers, salts, and salts of isomers; and

17 (57) Para-fluorofentanyl

18 (N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)propanamide),

19 its optical isomers, salts, and salts of isomers.

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

24 (1) Acetorphine;

25 (2) Acetyldihydrocodeine;

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

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

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

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

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

12 (4) 4-bromo-2,5-dimethoxyamphetamine. Trade and other
13 names shall include, but are not limited to: 4-bromo-2,
14 5-dimethoxy-a-methylphenethylamine; and 4-bromo-2,5-DMA;

15 (5) 4-methoxyamphetamine. Trade and other names shall
16 include, but are not limited to: 4-methoxy-a-methyl-phenethylamine;
17 and paramethoxyamphetamine, PMA;

18 (6) 4-methyl-2, 5-dimethoxyamphetamine. Trade
19 and other names shall include, but are not limited to:
20 4-methyl-2,5-dimethoxy-a-methylphenethylamine; DOM; and STP;

21 (7) 5-methoxy-N-N, dimethyltryptamine;

22 (8) Ibogaine. Trade and other names
23 shall include, but are not limited to:
24 7-ethyl-6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido
25 (1',2':1,2) azepino (5,4-b) indole; and tabernanthe iboga;

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

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

1 isomers;

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

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

8 (30) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

9 (31) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

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

11 and

12 (33) 5-Methoxy-N, N-diisopropyltryptamine, which is also
13 known as 5-MeO-DIPT; and-

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

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 substances having

1 a depressant effect on the central nervous system, including its
2 salts, isomers, and salts of isomers whenever the existence of
3 such salts, isomers, and salts of isomers is possible within the
4 specific chemical designation:

5 (1) Mecloqualone;

6 (2) Methaqualone; and

7 (3) Gamma-hydroxybutyric acid. Some other names include:
8 GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic
9 acid; sodium oxybate; and sodium oxybutyrate.

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

15 (1) Fenethylamine;

16 (2) N-ethylamphetamine;

17 (3) Aminorex; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
18 and 4,5-dihydro-5-phenyl-2-oxazolamine;

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

21 (5) Methcathinone, its salts, optical isomers,
22 and salts of optical isomers. Some other names:
23 2-(methylamino)-propiofenone; alpha-(methylamino)propiofenone;
24 2-(methylamino)-1-phenylpropan-1-one;
25 alpha-N-methylaminopropiofenone; methylcathinone;

1 monomethylpropion; ephedrone; N-methylcathinone; AL-464; AL-422;
2 AL-463; and UR1432;

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

6 (7) N,N-dimethylamphetamine;
7 N,N-alpha-trimethyl-benzeneethanamine; and
8 N,N-alpha-trimethylphenethylamine.

9 (f) Any controlled substance analogue to the extent
10 intended for human consumption.

11 Schedule II

12 (a) Any of the following substances except those narcotic
13 drugs listed in other schedules whether produced directly or
14 indirectly by extraction from substances of vegetable origin,
15 independently by means of chemical synthesis, or by combination of
16 extraction and chemical synthesis:

17 (1) Opium and opiate, and any salt, compound, derivative,
18 or preparation of opium or opiate, excluding apomorphine,
19 buprenorphine, thebaine-derived butorphanol, dextrorphan,
20 nalbuphine, nalmeffene, naloxone, and naltrexone and their
21 salts, but including the following:

22 (i) Raw opium;

23 (ii) Opium extracts;

24 (iii) Opium fluid;

25 (iv) Powdered opium;

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

1 that the substances shall not include decocainized coca leaves or
2 extractions which do not contain cocaine or ecgonine; and

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

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

12 (1) Alphaprodine;

13 (2) Anileridine;

14 (3) Bezitramide;

15 (4) Diphenoxylate;

16 (5) Fentanyl;

17 (6) Isomethadone;

18 (7) Levomethorphan;

19 (8) Levorphanol;

20 (9) Metazocine;

21 (10) Methadone;

22 (11) Methadone-Intermediate,
23 4-cyano-2-dimethylamino-4,4-diphenyl butane;

24 (12) Moramide-intermediate,
25 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;

- 1 (13) Pethidine or meperidine;
- 2 (14) Pethidine-Intermediate-A,
3 4-cyano-1-methyl-4-phenylpiperidine;
- 4 (15) Pethidine-Intermediate-B,
5 ethyl-4-phenylpiperidine-4-carboxylate;
- 6 (16) Pethidine-Intermediate-C,
7 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 8 (17) Phenazocine;
- 9 (18) Piminodine;
- 10 (19) Racemethorphan;
- 11 (20) Racemorphan;
- 12 (21) Dihydrocodeine;
- 13 (22) Bulk propoxyphene in nondosage forms;
- 14 (23) Sufentanil;
- 15 (24) Alfentanil;
- 16 (25) Levo-alpha-acetylmethadol which is also known as
17 levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
- 18 (26) Carfentanil; and
- 19 (27) Remifentanil.
- 20 (c) Any material, compound, mixture, or preparation
21 which contains any quantity of the following substances having
22 a potential for abuse associated with a stimulant effect on the
23 central nervous system:
- 24 (1) Amphetamine, its salts, optical isomers, and salts of
25 its optical isomers;

1 (2) Phenmetrazine and its salts;

2 (3) Methamphetamine, its salts, isomers, and salts of its
3 isomers; and

4 (4) Methylphenidate.

5 (d) Any material, compound, mixture, or preparation
6 which contains any quantity of the following substances having
7 a potential for abuse associated with a depressant effect on the
8 central nervous system, including their salts, isomers, and salts
9 of isomers whenever the existence of such salts, isomers, and salts
10 of isomers is possible within the specific chemical designations:

11 (1) Amobarbital;

12 (2) Secobarbital;

13 (3) Pentobarbital;

14 (4) Phencyclidine; and

15 (5) Glutethimide.

16 (e) Hallucinogenic substances known as:

17 (1) Nabilone. Another name for

18 nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-

19 6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one.

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

23 (1) Immediate precursor to amphetamine and
24 methamphetamine: Phenylacetone. Trade and other names shall
25 include, but are not limited to: Phenyl-2-propanone; P2P; benzyl

1 methyl ketone; and methyl benzyl ketone; or

2 (2) Immediate precursors to phencyclidine, PCP:

3 (i) 1-phenylcyclohexylamine; or

4 (ii) 1-piperidinocyclohexanecarbonitrile, PCC.

5 Schedule III

6 (a) Any material, compound, mixture, or preparation
7 which contains any quantity of the following substances having
8 a potential for abuse associated with a stimulant effect on the
9 central nervous system, including their salts, isomers, whether
10 optical, position, or geometric, and salts of such isomers whenever
11 the existence of such salts, isomers, and salts of isomers is
12 possible within the specific chemical designation:

13 (1) Benzphetamine;

14 (2) Chlorphentermine;

15 (3) Clortermine; and

16 (4) Phendimetrazine.

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

21 (1) Any substance which contains any quantity of a
22 derivative of barbituric acid or any salt of a derivative of
23 barbituric acid, except those substances which are specifically
24 listed in other schedules of this section;

25 (2) Chlorhexadol;

- 1 (3) Lysergic acid;
- 2 (4) Lysergic acid amide;
- 3 (5) Methyprylon;
- 4 (6) Sulfondiethylmethane;
- 5 (7) Sulfonethylmethane;
- 6 (8) Sulfonmethane;
- 7 (9) Nalorphine;
- 8 (10) Any compound, mixture, or preparation containing
- 9 amobarbital, secobarbital, pentobarbital, or any salt thereof and
- 10 one or more other active medicinal ingredients which are not listed
- 11 in any schedule;
- 12 (11) Any suppository dosage form containing amobarbital,
- 13 secobarbital, pentobarbital, or any salt of any of these drugs and
- 14 approved by the Food and Drug Administration for marketing only as
- 15 a suppository;
- 16 (12) Any drug product containing gamma-hydroxybutyric
- 17 acid, including its salts, isomers, and salts of isomers, for which
- 18 an application is approved under section 505 of the Federal Food,
- 19 Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
- 20 July 20, 2002;
- 21 (13) Ketamine, its salts, isomers, and
- 22 salts of isomers. Some other names for ketamine:
- 23 (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone; and
- 24 (14) Tiletamine and zolazepam or any salt thereof.
- 25 Trade or other names for a tiletamine-zolazepam combination

1 product shall include, but are not limited to: telazol. Trade
2 or other names for tiletamine shall include, but are not
3 limited to: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Trade or
4 other names for zolazepam shall include, but are not limited
5 to: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e)
6 (1,4)-diazepin-7(1H)-one, and flupyrzapon.

7 (c) Unless specifically excepted or unless listed in
8 another schedule:

9 (1) Any material, compound, mixture, or preparation
10 containing limited quantities of any of the following narcotic
11 drugs, or any salts calculated as the free anhydrous base or
12 alkaloid, in limited quantities as set forth below:

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

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

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

1 (iv) Not more than three hundred milligrams of
2 dihydrocodeinone which is also known as hydrocodone per one hundred
3 milliliters or not more than fifteen milligrams per dosage unit,
4 with one or more active, nonnarcotic ingredients in recognized
5 therapeutic amounts;

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

10 (vi) Not more than three hundred milligrams of
11 ethylmorphine per one hundred milliliters or not more than fifteen
12 milligrams per dosage unit, with one or more active, nonnarcotic
13 ingredients in recognized therapeutic amounts;

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

18 (viii) Not more than fifty milligrams of morphine per
19 one hundred milliliters or per one hundred grams with one or more
20 active, nonnarcotic ingredients in recognized therapeutic amounts;
21 and

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

25 (i) Buprenorphine.

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

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

- 1 (19) Norethandrolone;
2 (20) Oxandrolone;
3 (21) Oxymesterone;
4 (22) Oxymetholone;
5 (23) Stanolone;
6 (24) Stanozolol;
7 (25) Testolactone;
8 (26) Testosterone;
9 (27) Trenbolone; and
10 (28) Any salt, ester, or isomer of a drug or substance
11 described or listed in this subdivision if the salt, ester, or
12 isomer promotes muscle growth.

13 (e) Hallucinogenic substances known as:

- 14 (1) Dronabinol, synthetic, in sesame oil and encapsulated
15 in a soft gelatin capsule in a Food and Drug Administration
16 approved drug product. Some other names for dronabinol are
17 (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo
18 (b,d)pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol.

19 Schedule IV

- 20 (a) Any material, compound, mixture, or preparation which
21 contains any quantity of the following substances, including their
22 salts, isomers, and salts of isomers whenever the existence of
23 such salts, isomers, and salts of isomers is possible within the
24 specific chemical designation:

- 25 (1) Barbital;

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

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

1 (50) Zaleplon.

2 (b) Any material, compound, mixture, or preparation which
3 contains any quantity of the following substance, including its
4 salts, isomers, whether optical, position, or geometric, and salts
5 of such isomers, whenever the existence of such salts, isomers, and
6 salts of isomers is possible: Fenfluramine.

7 (c) 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 stimulant effect on the central nervous system, including their
11 salts, isomers, whether optical, position, or geometric, and salts
12 of such isomers whenever the existence of such salts, isomers,
13 and salts of isomers is possible within the specific chemical
14 designation:

15 (1) Diethylpropion;

16 (2) Phentermine;

17 (3) Pemoline, including organometallic complexes and
18 chelates thereof;

19 (4) Mazindol;

20 (5) Pipradrol;

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

22 (7) Cathine. Another name for cathine is
23 ((+)-norpseudoephedrine);

24 (8) Fencamfamin;

25 (9) Fenproporex;

1 (10) Mefenorex;

2 (11) Modafinil; and

3 (12) Sibutramine.

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

9 (1) Propoxyphene in manufactured dosage forms; and

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

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

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

20 (g)(1) 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
23 its salts, optical isomers, and salts of such optical isomers:
24 Ephedrine.

25 (2) The following drug products containing ephedrine,

1 its salts, optical isomers, and salts of such optical isomers
2 are excepted from subdivision (g)(1) of Schedule IV if they may
3 lawfully be sold over the counter without a prescription under
4 the Federal Food, Drug, and Cosmetic Act, as the act existed on
5 September 1, 2001; are labeled and marketed in a manner consistent
6 with the pertinent OTC Tentative Final or Final Monograph; are
7 manufactured and distributed for legitimate medicinal use in a
8 manner that reduces or eliminates the likelihood of abuse; and
9 are not marketed, advertised, or represented in any manner for the
10 indication of stimulation, mental alertness, euphoria, ecstasy, a
11 buzz or high, heightened sexual performance, or increased muscle
12 mass:

13 (A) Primatene Tablets;

14 (B) Bronkaid Dual Action Caplets; and

15 (C) Pazo Hemorrhoidal Ointment.

16 (3) Food and dietary supplements described in 21 U.S.C.
17 321, as such section existed on September 1, 2001, containing
18 ephedrine, including its salts, optical isomers, and salts of such
19 optical isomers, are excepted from subdivision (g)(1) of Schedule
20 IV if:

21 (A) They are labeled in a manner consistent with section
22 28-448 and bear the statements: "This statement has not been
23 evaluated by the Food and Drug Administration. This product is not
24 intended to diagnose, treat, cure, or prevent any disease.";

25 (B) Any dosage form of the food or dietary supplements

1 (i) does not contain any hydrochloride or sulfate salts of
2 ephedrine alkaloids, (ii) does not contain more than twenty-five
3 milligrams of ephedrine alkaloids, and (iii) does not contain
4 ephedrine alkaloids in excess of five percent of the total capsule
5 weight;

6 (C) They are not marketed, advertised, or represented in
7 any manner for the indication of stimulation, mental alertness,
8 euphoria, ecstasy, a buzz or high, heightened sexual performance,
9 or increased muscle mass; and

10 (D) Analysis of the product is provided to the department
11 to ensure that the product meets the requirements of subdivision
12 (g) (3) (B) of Schedule IV.

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
25 grams;

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

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

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

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

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

16 Sec. 2. Original section 28-405, Reissue Revised Statutes
17 of Nebraska, is repealed.