

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 151**

Introduced by Stuthman, 22; Christensen, 44; Rogert, 16.

Read first time January 09, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to controlled substances; to amend sections  
2 28-405, 28-456, and 28-456.01, Reissue Revised Statutes  
3 of Nebraska; to eliminate provisions relating to  
4 ephedrine as prescribed; to harmonize provisions; to  
5 repeal the original sections; and to outright repeal  
6 sections 28-448 and 28-454, Reissue Revised Statutes of  
7 Nebraska.

8 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) Difenoxylin;

- 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-a-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.

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

21 (1) Mecloqualone;

22 (2) Methaqualone; and

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

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

- 6 (1) Fenethylamine;  
7 (2) N-ethylamphetamine;  
8 (3) Amphetamine; amphetamine; 2-amino-5-phenyl-2-oxazoline;  
9 and 4,5-dihydro-5-phenyl-2-oxazolamine;  
10 (4) Cathinone; 2-amino-1-phenyl-1-propanone;  
11 alpha-aminopropiophenone; 2-aminopropiophenone; and norephedrine;  
12 (5) Methcathinone, its salts, optical isomers,  
13 and salts of optical isomers. Some other names:  
14 2-(methylamino)-propionophenone; alpha-(methylamino)propionophenone;  
15 2-(methylamino)-1-phenylpropan-1-one;  
16 alpha-N-methylaminopropiophenone; methylcathinone;  
17 monomethylpropion; ephedrine; N-methylcathinone; AL-464; AL-422;  
18 AL-463; and UR1432;  
19 (6) (+/-) cis-4-methylamphetamine; and  
20 (+/-) cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine;  
21 and  
22 (7) N,N-dimethylamphetamine;  
23 N,N-alpha-trimethylbenzeneethanamine; and  
24 N,N-alpha-trimethylphenethylamine.

25 (f) Any controlled substance analogue to the extent

1 intended for human consumption.

2 Schedule II

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

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

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

1 (xiv) Oxycodone;

2 (xv) Oxymorphone;

3 (xvi) Oripavine;

4 (xvii) Thebaine; and

5 (xviii) Dihydroetorphine;

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

11 (3) Opium poppy and poppy straw;

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

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

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

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

- 1 (19) Racemethorphan;
- 2 (20) Racemorphan;
- 3 (21) Dihydrocodeine;
- 4 (22) Bulk propoxyphene in nondosage forms;
- 5 (23) Sufentanil;
- 6 (24) Alfentanil;
- 7 (25) Levo-alpha-acetylmethadol which is also known as
- 8 levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
- 9 (26) Carfentanil; and
- 10 (27) Remifentanil.

11 (c) Any material, compound, mixture, or preparation

12 which contains any quantity of the following substances having

13 a potential for abuse associated with a stimulant effect on the

14 central nervous system:

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

21 (d) Any material, compound, mixture, or preparation

22 which contains any quantity of the following substances having

23 a potential for abuse associated with a depressant effect on the

24 central nervous system, including their salts, isomers, and salts

25 of isomers whenever the existence of such salts, isomers, and salts

1 of isomers is possible within the specific chemical designations:

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

7 (e) Hallucinogenic substances known as:

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

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

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

18 (2) Immediate precursors to phencyclidine, PCP:

- 19 (i) 1-phenylcyclohexylamine; or  
20 (ii) 1-piperidinocyclohexanecarbonitrile, PCC.

21 Schedule III

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



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

4 (1) Benzphetamine;

5 (2) Chlorphentermine;

6 (3) Clortermine; and

7 (4) Phendimetrazine.

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

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

16 (2) Chlorhexadol;

17 (3) Lysergic acid;

18 (4) Lysergic acid amide;

19 (5) Methyprylon;

20 (6) Sulfondiethylmethane;

21 (7) Sulfonethylmethane;

22 (8) Sulfonmethane;

23 (9) Nalorphine;

24 (10) Any compound, mixture, or preparation containing  
25 amobarbital, secobarbital, pentobarbital, or any salt thereof and

1 one or more other active medicinal ingredients which are not listed  
2 in any schedule;

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

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

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

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

23 (c) Unless specifically excepted or unless listed in  
24 another schedule:

25 (1) Any material, compound, mixture, or preparation

1 containing limited quantities of any of the following narcotic  
2 drugs, or any salts calculated as the free anhydrous base or  
3 alkaloid, in limited quantities as set forth below:

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

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

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

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

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

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

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

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

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

16           (i) Buprenorphine.

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

24           (1) Boldenone;

25           (2) Chlorotestosterone (4-chlortestosterone);

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

1           (28) Any salt, ester, or isomer of a drug or substance  
2 described or listed in this subdivision if the salt, ester, or  
3 isomer promotes muscle growth.

4           (e) Hallucinogenic substances known as:

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

10           Schedule IV

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

16           (1) Barbital;

17           (2) Chloral betaine;

18           (3) Chloral hydrate;

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

22           (5) Clonazepam;

23           (6) Clorazepate;

24           (7) Diazepam;

25           (8) Ethchlorvynol;

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

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

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

23 (c) 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 a



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

6 (1) Diethylpropion;

7 (2) Phentermine;

8 (3) Pemoline, including organometallic complexes and  
9 chelates thereof;

10 (4) Mazindol;

11 (5) Pipradrol;

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

13 (7) Cathine. Another name for cathine is  
14 ((+)-norpseudoephedrine);

15 (8) Fencamfamin;

16 (9) Fenproporex;

17 (10) Mefenorex;

18 (11) Modafinil; and

19 (12) Sibutramine.

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

25 (1) Propoxyphene in manufactured dosage forms; and

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

3           (e) 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  
6 its salts: Pentazocine.

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

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

16           ~~(2) The following drug products containing ephedrine,~~  
17 ~~its salts, optical isomers, and salts of such optical isomers~~  
18 ~~are excepted from subdivision (g)(1) of Schedule IV if they may~~  
19 ~~lawfully be sold over the counter without a prescription under~~  
20 ~~the Federal Food, Drug, and Cosmetic Act, as the act existed on~~  
21 ~~September 1, 2001, are labeled and marketed in a manner consistent~~  
22 ~~with the pertinent OTC Tentative Final or Final Monograph, are~~  
23 ~~manufactured and distributed for legitimate medicinal use in a~~  
24 ~~manner that reduces or eliminates the likelihood of abuse, and~~  
25 ~~are not marketed, advertised, or represented in any manner for the~~

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

4 (A) Primatene Tablets;

5 (B) Bronkaid Dual Action Caplets; and

6 (C) Paze Hemorrhoidal Ointment.

7 (3) Food and dietary supplements described in 21 U.S.C.  
8 321, as such section existed on September 1, 2001, containing  
9 ephedrine, including its salts, optical isomers, and salts of such  
10 optical isomers, are excepted from subdivision (g)(1) of Schedule  
11 IV if:

12 (A) They are labeled in a manner consistent with section  
13 28-448 and bear the statements: "This statement has not been  
14 evaluated by the Food and Drug Administration. This product is not  
15 intended to diagnose, treat, cure, or prevent any disease."

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

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

1           ~~(D) Analysis of the product is provided to the department~~  
2   to ensure that the product meets the requirements of subdivision  
3   ~~(g)(3)(B) of Schedule IV.~~

4           Schedule V

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

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

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

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

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

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

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

1 unit.

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

7 Sec. 2. Section 28-456, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 28-456 (1) Any drug products containing  
10 phenylpropanolamine, pseudoephedrine, or their salts, optical  
11 isomers, or salts of such optical isomers may be sold without a  
12 prescription only if they are:

13 (a) Labeled and marketed in a manner consistent with the  
14 pertinent OTC Tentative Final or Final Monograph;

15 (b) Manufactured and distributed for legitimate medicinal  
16 use in a manner that reduces or eliminates the likelihood of abuse;

17 (c) Packaged as follows:

18 (i) Except for liquids, sold in package sizes of not  
19 more than three and six-tenths grams of pseudoephedrine base or  
20 three and six-tenths grams of phenylpropanolamine base, in blister  
21 packs, each blister containing not more than two dosage units, or  
22 if the use of blister packs is technically infeasible, in unit dose  
23 packets or pouches; and

24 (ii) For liquids, sold in package sizes of not more than  
25 three and six-tenths grams of pseudoephedrine base or three and

1 six-tenths grams of phenylpropanolamine base;

2 (d) Sold by a person, eighteen years of age or older, in  
3 the course of his or her employment to a customer, eighteen years  
4 of age or older, with the following restrictions:

5 (i) No customer shall be allowed to purchase, receive,  
6 or otherwise acquire more than three and six-tenths grams  
7 of pseudoephedrine base or three and six-tenths grams of  
8 phenylpropanolamine base during a twenty-four-hour period;

9 (ii) No customer shall purchase, receive, or otherwise  
10 acquire more than nine grams of pseudoephedrine base or nine grams  
11 of phenylpropanolamine base during a thirty-day period; and

12 (iii) The customer shall display a valid driver's  
13 or operator's license, a Nebraska state identification card, a  
14 military identification card, an alien registration card, or a  
15 passport as proof of identification; and

16 (e) Stored behind a counter, in an area not accessible to  
17 customers, or in a locked case so that a customer needs assistance  
18 from an employee to access the drug product., ~~except that this~~  
19 ~~requirement does not apply to liquid pediatric formulations. For~~  
20 ~~the purposes of this subdivision, liquid pediatric formulation~~  
21 ~~means a liquid formulation with pseudoephedrine doses of fifteen~~  
22 ~~milligrams or less that is manufactured and marketed for children~~  
23 ~~twelve years of age or younger. If it is documented by a~~  
24 ~~law enforcement agency to the Nebraska State Patrol that a~~  
25 ~~liquid pediatric formulation has been found at a methamphetamine~~

1 ~~manufacturing site, the patrol shall present the documentation to~~  
2 ~~the chief medical officer, as described in section 81-3115, who~~  
3 ~~shall issue an order removing the exemption.~~

4 (2) Any person who sells drug products in violation  
5 of this section may be subject to a civil penalty of fifty  
6 dollars per day, and for a second or any subsequent violation,  
7 the penalty may be one hundred dollars per day. Any such drug  
8 products shall be seized and destroyed upon the finding of a  
9 violation of this section. The department, in conjunction with  
10 the Attorney General, the Nebraska State Patrol, and local law  
11 enforcement agencies, shall have authority to make inspections  
12 and investigations to enforce this section. In addition, the  
13 department may seek injunctive relief for suspected violations of  
14 this section.

15 Sec. 3. Section 28-456.01, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 28-456.01 No person shall purchase, receive, or otherwise  
18 acquire, other than wholesale acquisition by a retail business  
19 in the normal course of its trade or business, any drug product  
20 containing more than ~~one thousand four hundred forty milligrams~~  
21 three and six-tenths grams of pseudoephedrine base or ~~one thousand~~  
22 ~~four hundred forty milligrams~~ three and six-tenths grams of  
23 phenylpropanolamine base during a twenty-four-hour period unless  
24 purchased pursuant to a medical order. Any person who violates this  
25 section shall be guilty of an infraction as defined in section

1 29-431.

2           Sec. 4. Original sections 28-405, 28-456, and 28-456.01,  
3 Reissue Revised Statutes of Nebraska, are repealed.

4           Sec. 5. The following sections are outright repealed:  
5 Sections 28-448 and 28-454, Reissue Revised Statutes of Nebraska.