

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 244

Introduced by Coash, 27.

Read first time January 13, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to controlled substances; to amend sections
2 28-405, 28-448, and 28-454, Reissue Revised Statutes
3 of Nebraska; to change a schedule as prescribed;
4 to harmonize provisions; and to repeal the original
5 sections.

6 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.

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-oxazoline;
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-oxazoline;
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
16 include, but are not limited to: Phenyl-2-propanone; P2P; benzyl
17 methyl 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 flupyrazapon.

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) Tramadol;
13 ~~(45)~~ (46) Triazolam;
14 ~~(46)~~ (47) Midazolam;
15 ~~(47)~~ (48) Quazepam;
16 ~~(48)~~ (49) Zolpidem;
17 ~~(49)~~ (50) Dichloralphenazone; and
18 ~~(50)~~ (51) Zaleplon.

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

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

1 which contains any quantity of the following substances having a
2 stimulant effect on the central nervous system, including their
3 salts, isomers, whether optical, position, or geometric, and salts
4 of such isomers whenever the existence of such salts, isomers,
5 and salts of isomers is possible within the specific chemical
6 designation:

- 7 (1) Diethylpropion;
- 8 (2) Phentermine;
- 9 (3) Pemoline, including organometallic complexes and
10 chelates thereof;
- 11 (4) Mazindol;
- 12 (5) Pipradrol;
- 13 (6) SPA, ((-)-1-dimethylamino- 1,2-diphenylethane);
- 14 (7) Cathine. Another name for cathine is
15 ((+)-norpseudoephedrine);
- 16 (8) Fencamfamin;
- 17 (9) Fenproporex;
- 18 (10) Mefenorex;
- 19 (11) Modafinil; and
- 20 (12) Sibutramine.

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

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

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

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

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

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

21 (2) The following drug products containing ephedrine, its
22 salts, optical isomers, and salts of such optical isomers are
23 excepted from subdivision ~~(g)-(1)~~ (h)(1) of Schedule IV if they
24 may lawfully be sold over the counter without a prescription under
25 the Federal Food, Drug, and Cosmetic Act, as the act existed on

1 September 1, 2001; are labeled and marketed in a manner consistent
2 with the pertinent OTC Tentative Final or Final Monograph; are
3 manufactured and distributed for legitimate medicinal use in a
4 manner that reduces or eliminates the likelihood of abuse; and
5 are not marketed, advertised, or represented in any manner for the
6 indication of stimulation, mental alertness, euphoria, ecstasy, a
7 buzz or high, heightened sexual performance, or increased muscle
8 mass:

9 (A) Primatene Tablets;

10 (B) Bronkaid Dual Action Caplets; and

11 (C) Pazo Hemorrhoidal Ointment.

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

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

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

1 weight;

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

6 (D) Analysis of the product is provided to the department
7 to ensure that the product meets the requirements of subdivision
8 ~~(g)(3)(B)~~ (h)(3)(B) of Schedule IV.

9 Schedule V

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

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

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

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

24 (4) Not more than two and five-tenths milligrams of
25 diphenoxylate and not less than twenty-five micrograms of atropine

1 sulfate per dosage unit;

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

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

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

12 Sec. 2. Section 28-448, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 28-448 Food or dietary supplements containing ephedrine
15 as described in subdivision ~~(g)(3)~~ (h)(3) of Schedule IV of section
16 28-405 shall be packaged with a prominent label securely affixed to
17 each package that legibly states:

18 (1) The total amount in milligrams of ephedrine or
19 ephedrine group alkaloids in a serving or dosage unit and a dose
20 limitation of not more than twenty-five milligrams of ephedrine or
21 ephedrine alkaloids;

22 (2) The amount of the food or dietary supplement that
23 constitutes a serving or dosage unit;

24 (3) That the maximum recommended twenty-four-hour serving
25 or dosage for an adult human is one hundred milligrams;

1 (4) That consumption of more than the recommended
2 serving or dosage for the food or dietary supplement, or that
3 consumption of a serving or dosage at a more frequent interval than
4 recommended, may increase the risk of adverse effects; and

5 (5) The following warning:

6 WARNING: Not intended for use by anyone under the age
7 of 18. Do not use this product if you are pregnant or nursing.
8 Consult a health care professional before using this product if
9 you have heart disease, thyroid disease, diabetes, high blood
10 pressure, depression or other psychiatric condition, glaucoma,
11 difficulty in urinating, prostate enlargement, or seizure disorder,
12 if you are using a monoamine oxidase inhibitor (MAOI) or any
13 other prescription drug, or if you are using an over-the-counter
14 drug containing ephedrine, pseudoephedrine, or phenylpropanolamine
15 (ingredients found in certain allergy, asthma, cough/cold, and
16 weight control products). Discontinue use and call a health
17 care professional immediately if you experience rapid heartbeat,
18 dizziness, severe headache, shortness of breath, or other similar
19 symptoms.

20 Sec. 3. Section 28-454, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 28-454 (1) Any manufacturer or wholesale distributor, as
23 indicated on the product label in conformance with the Federal
24 Food, Drug, and Cosmetic Act, as the act existed on September 1,
25 2001, who sells food products or dietary supplements containing

1 ephedrine as described in subdivision ~~(g)(3)~~ (h)(3) of Schedule
2 IV of section 28-405 for resale in this state shall register
3 with the department for each product line containing ephedrine
4 sold for resale in this state. The department shall register the
5 manufacturer or wholesale distributor upon application and payment
6 of a one-thousand-dollar application fee. The registration shall
7 expire twelve months after issuance and shall be renewed for a
8 twelve-month period upon payment of a one-thousand-dollar renewal
9 fee. The registration shall be subject to revocation for violations
10 of the Uniform Controlled Substances Act. The requirements to
11 register and to pay a fee shall terminate upon the federal Food
12 and Drug Administration's publication in the Federal Register of
13 a final rule establishing good manufacturing practices for dietary
14 supplements or five years after September 1, 2001, whichever date
15 occurs first.

16 (2) Any manufacturer or wholesale distributor, as
17 indicated on the product label in conformance with the Federal
18 Food, Drug, and Cosmetic Act, as the act existed on September 1,
19 2001, who sells food products or dietary supplements described
20 in subsection (1) of this section for resale in this state
21 without being registered shall be subject to a civil penalty of
22 five thousand dollars and any such food products and dietary
23 supplements shall be seized and destroyed upon the finding of a
24 violation of this section. The department, in conjunction with
25 the Attorney General, the Nebraska State Patrol, and local law

1 enforcement agencies, shall have authority to make inspections and
2 investigations to enforce the registration requirements of this
3 section. In addition, the department may seek injunctive relief for
4 suspected violations of this section.

5 (3) The department shall remit fees collected under
6 this section to the State Treasurer for credit to the Ephedra
7 Registration Fund. The fund is created. The department shall use
8 the fund to administer the provisions of this section. Any money in
9 the fund available for investment shall be invested by the state
10 investment officer pursuant to the Nebraska Capital Expansion Act
11 and the Nebraska State Funds Investment Act.

12 Sec. 4. Original sections 28-405, 28-448, and 28-454,
13 Reissue Revised Statutes of Nebraska, are repealed.