

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 659

Introduced by Wayne, 13.

Read first time January 23, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to
2 amend section 28-467, Reissue Revised Statutes of Nebraska, and
3 sections 28-401 and 28-405, Revised Statutes Cumulative Supplement,
4 2018; to define a term; to remove cannabidiol from the definition of
5 marijuana; to remove cannabidiol from the list of controlled
6 substances; to eliminate an affirmative defense to unlawful
7 possession of marijuana; to harmonize provisions; and to repeal the
8 original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-401, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 28-401 As used in the Uniform Controlled Substances Act, unless the
4 context otherwise requires:

5 (1) Administer means to directly apply a controlled substance by
6 injection, inhalation, ingestion, or any other means to the body of a
7 patient or research subject;

8 (2) Agent means an authorized person who acts on behalf of or at the
9 direction of another person but does not include a common or contract
10 carrier, public warehouse keeper, or employee of a carrier or warehouse
11 keeper;

12 (3) Administration means the Drug Enforcement Administration of the
13 United States Department of Justice;

14 (4) Cannabidiol means processed cannabis plant extract, oil, or
15 resin that contains more than ten percent cannabidiol by weight, but not
16 more than three-tenths of one percent tetrahydrocannabinols by weight,
17 and delivered in the form of a liquid or solid dosage form, regardless of
18 whether or not the cannabidiol is contained in a drug product approved by
19 the federal Food and Drug Administration or obtained pursuant to sections
20 28-463 to 28-468;

21 (5) (4) Controlled substance means a drug, biological, substance, or
22 immediate precursor in Schedules I through V of section 28-405.
23 Controlled substance does not include distilled spirits, wine, malt
24 beverages, tobacco, or any nonnarcotic substance if such substance may,
25 under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., as
26 such act existed on January 1, 2014, and the law of this state, be
27 lawfully sold over the counter without a prescription, or cannabidiol;

28 (6) (5) Counterfeit substance means a controlled substance which, or
29 the container or labeling of which, without authorization, bears the
30 trademark, trade name, or other identifying mark, imprint, number, or
31 device, or any likeness thereof, of a manufacturer, distributor, or

1 dispenser other than the person or persons who in fact manufactured,
2 distributed, or dispensed such substance and which thereby falsely
3 purports or is represented to be the product of, or to have been
4 distributed by, such other manufacturer, distributor, or dispenser;

5 (7) ~~(6)~~ Department means the Department of Health and Human
6 Services;

7 (8) ~~(7)~~ Division of Drug Control means the personnel of the Nebraska
8 State Patrol who are assigned to enforce the Uniform Controlled
9 Substances Act;

10 (9) ~~(8)~~ Dispense means to deliver a controlled substance to an
11 ultimate user or a research subject pursuant to a medical order issued by
12 a practitioner authorized to prescribe, including the packaging,
13 labeling, or compounding necessary to prepare the controlled substance
14 for such delivery;

15 (10) ~~(9)~~ Distribute means to deliver other than by administering or
16 dispensing a controlled substance;

17 (11) ~~(10)~~ Prescribe means to issue a medical order;

18 (12) ~~(11)~~ Drug means (a) articles recognized in the official United
19 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United
20 States, official National Formulary, or any supplement to any of them,
21 (b) substances intended for use in the diagnosis, cure, mitigation,
22 treatment, or prevention of disease in human beings or animals, and (c)
23 substances intended for use as a component of any article specified in
24 subdivision (a) or (b) of this subdivision, but does not include devices
25 or their components, parts, or accessories;

26 (13) ~~(12)~~ Deliver or delivery means the actual, constructive, or
27 attempted transfer from one person to another of a controlled substance,
28 whether or not there is an agency relationship;

29 (14)(a) ~~(13)~~ Marijuana means all parts of the plant of the genus
30 cannabis, whether growing or not, the seeds thereof, and every compound,
31 manufacture, salt, derivative, mixture, or preparation of such plant or

1 its seeds, ~~but~~

2 (b) Marijuana does not include the mature stalks of such plant,
3 hashish, tetrahydrocannabinols extracted or isolated from the plant,
4 fiber produced from such stalks, oil or cake made from the seeds of such
5 plant, any other compound, manufacture, salt, derivative, mixture, or
6 preparation of such mature stalks, the sterilized seed of such plant
7 which is incapable of germination, or cannabidiol ~~contained in a drug~~
8 ~~product approved by the federal Food and Drug Administration or obtained~~
9 ~~pursuant to sections 28-463 to 28-468.~~

10 (c) When the weight of marijuana is referred to in the Uniform
11 Controlled Substances Act, it means its weight at or about the time it is
12 seized or otherwise comes into the possession of law enforcement
13 authorities, whether cured or uncured at that time.

14 (d) When industrial hemp as defined in section 2-5701 is in the
15 possession of a person as authorized under section 2-5701, it is not
16 considered marijuana for purposes of the Uniform Controlled Substances
17 Act;

18 (15) ~~(14)~~ Manufacture means the production, preparation,
19 propagation, conversion, or processing of a controlled substance, either
20 directly or indirectly, by extraction from substances of natural origin,
21 independently by means of chemical synthesis, or by a combination of
22 extraction and chemical synthesis, and includes any packaging or
23 repackaging of the substance or labeling or relabeling of its container.
24 Manufacture does not include the preparation or compounding of a
25 controlled substance by an individual for his or her own use, except for
26 the preparation or compounding of components or ingredients used for or
27 intended to be used for the manufacture of methamphetamine, or the
28 preparation, compounding, conversion, packaging, or labeling of a
29 controlled substance: (a) By a practitioner as an incident to his or her
30 prescribing, administering, or dispensing of a controlled substance in
31 the course of his or her professional practice; or (b) by a practitioner,

1 or by his or her authorized agent under his or her supervision, for the
2 purpose of, or as an incident to, research, teaching, or chemical
3 analysis and not for sale;

4 (16) ~~(15)~~ Narcotic drug means any of the following, whether produced
5 directly or indirectly by extraction from substances of vegetable origin,
6 independently by means of chemical synthesis, or by a combination of
7 extraction and chemical synthesis: (a) Opium, opium poppy and poppy
8 straw, coca leaves, and opiates; (b) a compound, manufacture, salt,
9 derivative, or preparation of opium, coca leaves, or opiates; or (c) a
10 substance and any compound, manufacture, salt, derivative, or preparation
11 thereof which is chemically equivalent to or identical with any of the
12 substances referred to in subdivisions (a) and (b) of this subdivision,
13 except that the words narcotic drug as used in the Uniform Controlled
14 Substances Act does not include decocainized coca leaves or extracts of
15 coca leaves, which extracts do not contain cocaine or ecgonine, or
16 isoquinoline alkaloids of opium;

17 (17) ~~(16)~~ Opiate means any substance having an addiction-forming or
18 addiction-sustaining liability similar to morphine or being capable of
19 conversion into a drug having such addiction-forming or addiction-
20 sustaining liability. Opiate does not include the dextrorotatory isomer
21 of 3-methoxy-n methylmorphinan and its salts. Opiate includes its racemic
22 and levorotatory forms;

23 (18) ~~(17)~~ Opium poppy means the plant of the species *Papaver*
24 *somniferum* L., except the seeds thereof;

25 (19) ~~(18)~~ Poppy straw means all parts, except the seeds, of the
26 opium poppy after mowing;

27 (20) ~~(19)~~ Person means any corporation, association, partnership,
28 limited liability company, or one or more persons;

29 (21) ~~(20)~~ Practitioner means a physician, a physician assistant, a
30 dentist, a veterinarian, a pharmacist, a podiatrist, an optometrist, a
31 certified nurse midwife, a certified registered nurse anesthetist, a

1 nurse practitioner, a scientific investigator, a pharmacy, a hospital, or
2 any other person licensed, registered, or otherwise permitted to
3 distribute, dispense, prescribe, conduct research with respect to, or
4 administer a controlled substance in the course of practice or research
5 in this state, including an emergency medical service as defined in
6 section 38-1207;

7 (22) ~~(21)~~ Production includes the manufacture, planting,
8 cultivation, or harvesting of a controlled substance;

9 (23) ~~(22)~~ Immediate precursor means a substance which is the
10 principal compound commonly used or produced primarily for use and which
11 is an immediate chemical intermediary used or likely to be used in the
12 manufacture of a controlled substance, the control of which is necessary
13 to prevent, curtail, or limit such manufacture;

14 (24) ~~(23)~~ State means the State of Nebraska;

15 (25) ~~(24)~~ Ultimate user means a person who lawfully possesses a
16 controlled substance for his or her own use, for the use of a member of
17 his or her household, or for administration to an animal owned by him or
18 her or by a member of his or her household;

19 (26) ~~(25)~~ Hospital has the same meaning as in section 71-419;

20 (27) ~~(26)~~ Cooperating individual means any person, other than a
21 commissioned law enforcement officer, who acts on behalf of, at the
22 request of, or as agent for a law enforcement agency for the purpose of
23 gathering or obtaining evidence of offenses punishable under the Uniform
24 Controlled Substances Act;

25 (28) ~~(27)~~ Hashish or concentrated cannabis means (a) the separated
26 resin, whether crude or purified, obtained from a plant of the genus
27 cannabis or (b) any material, preparation, mixture, compound, or other
28 substance which contains ten percent or more by weight of
29 tetrahydrocannabinols. When resins extracted from industrial hemp as
30 defined in section 2-5701 are in the possession of a person as authorized
31 under section 2-5701, they are not considered hashish or concentrated

1 cannabis for purposes of the Uniform Controlled Substances Act;

2 (29) ~~(28)~~ Exceptionally hazardous drug means (a) a narcotic drug,
3 (b) thiophene analog of phencyclidine, (c) phencyclidine, (d)
4 amobarbital, (e) secobarbital, (f) pentobarbital, (g) amphetamine, or (h)
5 methamphetamine;

6 (30) ~~(29)~~ Imitation controlled substance means a substance which is
7 not a controlled substance or controlled substance analogue but which, by
8 way of express or implied representations and consideration of other
9 relevant factors including those specified in section 28-445, would lead
10 a reasonable person to believe the substance is a controlled substance or
11 controlled substance analogue. A placebo or registered investigational
12 drug manufactured, distributed, possessed, or delivered in the ordinary
13 course of practice or research by a health care professional shall not be
14 deemed to be an imitation controlled substance;

15 (31)(a) ~~(30)(a)~~ Controlled substance analogue means a substance (i)
16 the chemical structure of which is substantially similar to the chemical
17 structure of a Schedule I or Schedule II controlled substance as provided
18 in section 28-405 or (ii) which has a stimulant, depressant, analgesic,
19 or hallucinogenic effect on the central nervous system that is
20 substantially similar to or greater than the stimulant, depressant,
21 analgesic, or hallucinogenic effect on the central nervous system of a
22 Schedule I or Schedule II controlled substance as provided in section
23 28-405. A controlled substance analogue shall, to the extent intended for
24 human consumption, be treated as a controlled substance under Schedule I
25 of section 28-405 for purposes of the Uniform Controlled Substances Act;
26 and

27 (b) Controlled substance analogue does not include (i) a controlled
28 substance, (ii) any substance generally recognized as safe and effective
29 within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
30 301 et seq., as such act existed on January 1, 2014, (iii) any substance
31 for which there is an approved new drug application, or (iv) with respect

1 to a particular person, any substance if an exemption is in effect for
2 investigational use for that person, under section 505 of the Federal
3 Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
4 January 1, 2014, to the extent conduct with respect to such substance is
5 pursuant to such exemption;

6 (32) ~~(31)~~ Anabolic steroid means any drug or hormonal substance,
7 chemically and pharmacologically related to testosterone (other than
8 estrogens, progestins, and corticosteroids), that promotes muscle growth
9 and includes any controlled substance in Schedule III(d) of section
10 28-405. Anabolic steroid does not include any anabolic steroid which is
11 expressly intended for administration through implants to cattle or other
12 nonhuman species and has been approved by the Secretary of Health and
13 Human Services for such administration, but if any person prescribes,
14 dispenses, or distributes such a steroid for human use, such person shall
15 be considered to have prescribed, dispensed, or distributed an anabolic
16 steroid within the meaning of this subdivision;

17 (33) ~~(32)~~ Chart order means an order for a controlled substance
18 issued by a practitioner for a patient who is in the hospital where the
19 chart is stored or for a patient receiving detoxification treatment or
20 maintenance treatment pursuant to section 28-412. Chart order does not
21 include a prescription;

22 (34) ~~(33)~~ Medical order means a prescription, a chart order, or an
23 order for pharmaceutical care issued by a practitioner;

24 (35) ~~(34)~~ Prescription means an order for a controlled substance
25 issued by a practitioner. Prescription does not include a chart order;

26 (36) ~~(35)~~ Registrant means any person who has a controlled
27 substances registration issued by the state or the Drug Enforcement
28 Administration of the United States Department of Justice;

29 (37) ~~(36)~~ Reverse distributor means a person whose primary function
30 is to act as an agent for a pharmacy, wholesaler, manufacturer, or other
31 entity by receiving, inventorying, and managing the disposition of

1 outdated, expired, or otherwise nonsaleable controlled substances;

2 (38) ~~(37)~~ Signature means the name, word, or mark of a person
3 written in his or her own hand with the intent to authenticate a writing
4 or other form of communication or a digital signature which complies with
5 section 86-611 or an electronic signature;

6 (39) ~~(38)~~ Facsimile means a copy generated by a system that encodes
7 a document or photograph into electrical signals, transmits those signals
8 over telecommunications lines, and reconstructs the signals to create an
9 exact duplicate of the original document at the receiving end;

10 (40) ~~(39)~~ Electronic signature has the definition found in section
11 86-621;

12 (41) ~~(40)~~ Electronic transmission means transmission of information
13 in electronic form. Electronic transmission includes computer-to-computer
14 transmission or computer-to-facsimile transmission;

15 (42) ~~(41)~~ Long-term care facility means an intermediate care
16 facility, an intermediate care facility for persons with developmental
17 disabilities, a long-term care hospital, a mental health substance use
18 treatment center, a nursing facility, or a skilled nursing facility, as
19 such terms are defined in the Health Care Facility Licensure Act;

20 (43) ~~(42)~~ Compounding has the same meaning as in section 38-2811;

21 (44) ~~(43)~~ Cannabinoid receptor agonist shall mean any chemical
22 compound or substance that, according to scientific or medical research,
23 study, testing, or analysis, demonstrates the presence of binding
24 activity at one or more of the CB1 or CB2 cell membrane receptors located
25 within the human body; and

26 (45) ~~(44)~~ Lookalike substance means a product or substance, not
27 specifically designated as a controlled substance in section 28-405, that
28 is either portrayed in such a manner by a person to lead another person
29 to reasonably believe that it produces effects on the human body that
30 replicate, mimic, or are intended to simulate the effects produced by a
31 controlled substance or that possesses one or more of the following

1 indicia or characteristics:

2 (a) The packaging or labeling of the product or substance suggests
3 that the user will achieve euphoria, hallucination, mood enhancement,
4 stimulation, or another effect on the human body that replicates or
5 mimics those produced by a controlled substance;

6 (b) The name or packaging of the product or substance uses images or
7 labels suggesting that it is a controlled substance or produces effects
8 on the human body that replicate or mimic those produced by a controlled
9 substance;

10 (c) The product or substance is marketed or advertised for a
11 particular use or purpose and the cost of the product or substance is
12 disproportionately higher than other products or substances marketed or
13 advertised for the same or similar use or purpose;

14 (d) The packaging or label on the product or substance contains
15 words or markings that state or suggest that the product or substance is
16 in compliance with state and federal laws regulating controlled
17 substances;

18 (e) The owner or person in control of the product or substance uses
19 evasive tactics or actions to avoid detection or inspection of the
20 product or substance by law enforcement authorities;

21 (f) The owner or person in control of the product or substance makes
22 a verbal or written statement suggesting or implying that the product or
23 substance is a synthetic drug or that consumption of the product or
24 substance will replicate or mimic effects on the human body to those
25 effects commonly produced through use or consumption of a controlled
26 substance;

27 (g) The owner or person in control of the product or substance makes
28 a verbal or written statement to a prospective customer, buyer, or
29 recipient of the product or substance implying that the product or
30 substance may be resold for profit; or

31 (h) The product or substance contains a chemical or chemical

1 compound that does not have a legitimate relationship to the use or
2 purpose claimed by the seller, distributor, packer, or manufacturer of
3 the product or substance or indicated by the product name, appearing on
4 the product's packaging or label or depicted in advertisement of the
5 product or substance.

6 Sec. 2. Section 28-405, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 28-405 The following are the schedules of controlled substances
9 referred to in the Uniform Controlled Substances Act, unless specifically
10 contained on the list of exempted products of the Drug Enforcement
11 Administration of the United States Department of Justice as the list
12 existed on November 9, 2017:

13 Schedule I

14 (a) Any of the following opiates, including their isomers, esters,
15 ethers, salts, and salts of isomers, esters, and ethers, unless
16 specifically excepted, whenever the existence of such isomers, esters,
17 ethers, and salts is possible within the specific chemical designation:

- 18 (1) Acetylmethadol;
- 19 (2) Allylprodine;
- 20 (3) Alphacetylmethadol, except levo-alphacetylmethadol which is also
21 known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
- 22 (4) Alphameprodine;
- 23 (5) Alphamethadol;
- 24 (6) Benzethidine;
- 25 (7) Betacetylmethadol;
- 26 (8) Betameprodine;
- 27 (9) Betamethadol;
- 28 (10) Betaprodine;
- 29 (11) Clonitazene;
- 30 (12) Dextromoramide;
- 31 (13) DifenoXin;

- 1 (14) Diampromide;
- 2 (15) Diethylthiambutene;
- 3 (16) Dimenoxadol;
- 4 (17) Dimepheptanol;
- 5 (18) Dimethylthiambutene;
- 6 (19) Dioxaphetyl butyrate;
- 7 (20) Dipipanone;
- 8 (21) Ethylmethylthiambutene;
- 9 (22) Etonitazene;
- 10 (23) Etoxeridine;
- 11 (24) Furethidine;
- 12 (25) Hydroxypethidine;
- 13 (26) Ketobemidone;
- 14 (27) Levomoramide;
- 15 (28) Levophenacylmorphane;
- 16 (29) Morpheridine;
- 17 (30) Noracymethadol;
- 18 (31) Norlevorphanol;
- 19 (32) Normethadone;
- 20 (33) Norpipanone;
- 21 (34) Phenadoxone;
- 22 (35) Phenampromide;
- 23 (36) Phenomorphan;
- 24 (37) Phenoperidine;
- 25 (38) Piritramide;
- 26 (39) Proheptazine;
- 27 (40) Properidine;
- 28 (41) Propiram;
- 29 (42) Racemoramide;
- 30 (43) Trimeperidine;
- 31 (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl)-4-

- 1 piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)
2 piperidine;
- 3 (45) Tilidine;
- 4 (46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
5 phenylpropanamide, its optical and geometric isomers, salts, and salts of
6 isomers;
- 7 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical
8 isomers, salts, and salts of isomers;
- 9 (48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine, its
10 optical isomers, salts, and salts of isomers;
- 11 (49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-phenethyl)-4-
12 piperidinyl)-N-phenylacetamide, its optical isomers, salts, and salts of
13 isomers;
- 14 (50) Alpha-methylthiofentanyl, N-(1-methyl-2-(2-thienyl)ethyl-4-
15 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
16 of isomers;
- 17 (51) Benzylfentanyl, N-(1-benzyl-4-piperidyl)-N-phenylpropanamide,
18 its optical isomers, salts, and salts of isomers;
- 19 (52) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-phenethyl)-4-
20 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
21 of isomers;
- 22 (53) Beta-hydroxy-3-methylfentanyl, (other name: N-(1-(2-hydroxy-2-
23 phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide), its optical and
24 geometric isomers, salts, and salts of isomers;
- 25 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-thienyl)ethyl-4-
26 piperidinyl)-N-phenylpropanamide, its optical and geometric isomers,
27 salts, and salts of isomers;
- 28 (55) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
29 (thenylfentanyl), its optical isomers, salts, and salts of isomers;
- 30 (56) Thiofentanyl, N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-
31 propanamide, its optical isomers, salts, and salts of isomers;

1 (57) Para-fluorofentanyl, N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-
2 piperidinyl)propanamide, its optical isomers, salts, and salts of
3 isomers; and

4 (58) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
5 methylbenzamide.

6 (b) Any of the following opium derivatives, their salts, isomers,
7 and salts of isomers, unless specifically excepted, whenever the
8 existence of such salts, isomers, and salts of isomers is possible within
9 the specific chemical designation:

- 10 (1) Acetorphine;
- 11 (2) Acetyldihydrocodeine;
- 12 (3) Benzylmorphine;
- 13 (4) Codeine methylbromide;
- 14 (5) Codeine-N-Oxide;
- 15 (6) Cyrenorphine;
- 16 (7) Desomorphine;
- 17 (8) Dihydromorphine;
- 18 (9) Drotebanol;
- 19 (10) Etorphine, except hydrochloride salt;
- 20 (11) Heroin;
- 21 (12) Hydromorphinol;
- 22 (13) Methyldesorphine;
- 23 (14) Methyldihydromorphine;
- 24 (15) Morphine methylbromide;
- 25 (16) Morphine methylsulfonate;
- 26 (17) Morphine-N-Oxide;
- 27 (18) Myrophine;
- 28 (19) Nicocodeine;
- 29 (20) Nicomorphine;
- 30 (21) Normorphine;
- 31 (22) Pholcodine; and

1 (23) Thebacon.

2 (c) Any material, compound, mixture, or preparation which contains
3 any quantity of the following hallucinogenic substances, their salts,
4 isomers, and salts of isomers, unless specifically excepted, whenever the
5 existence of such salts, isomers, and salts of isomers is possible within
6 the specific chemical designation, and, for purposes of this subdivision
7 only, isomer shall include the optical, position, and geometric isomers:

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

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

15 (3) 4-methoxyamphetamine. Trade and other names shall include, but
16 are not limited to: 4-methoxy-alpha-methylphenethylamine; and
17 paramethoxyamphetamine, PMA;

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

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

25 (6) Lysergic acid diethylamide;

26 (7) Marijuana;

27 (8) Mescaline;

28 (9) Peyote. Peyote shall mean all parts of the plant presently
29 classified botanically as *Lophophora williamsii* Lemaire, whether growing
30 or not, the seeds thereof, any extract from any part of such plant, and
31 every compound, manufacture, salts, derivative, mixture, or preparation

1 of such plant or its seeds or extracts;

2 (10) Psilocybin;

3 (11) Psilocyn;

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

17 (13) N-ethyl-3-piperidyl benzilate;

18 (14) N-methyl-3-piperidyl benzilate;

19 (15) Thiophene analog of phencyclidine. Trade and other names shall
20 include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
21 2-thienyl analog of phencyclidine; TCP; and TCP;

22 (16) Hashish or concentrated cannabis;

23 (17) Parahexyl. Trade and other names shall include, but are not
24 limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
25 dibenzo(b,d)pyran; and Synhexyl;

26 (18) Ethylamine analog of phencyclidine. Trade and other names shall
27 include, but are not limited to: N-ethyl-1-phenylcyclohexylamine; (1-
28 phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
29 cyclohexamine; and PCE;

30 (19) Pyrrolidine analog of phencyclidine. Trade and other names
31 shall include, but are not limited to: 1-(1-phenylcyclohexyl)-

1 pyrrolidine; PCPy; and PHP;

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

5 (21) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

6 (22) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

7 (23) Alpha-methyltryptamine, which is also known as AMT;

8 (24) *Salvia divinorum* or Salvinorin A. *Salvia divinorum* or
9 Salvinorin A includes all parts of the plant presently classified
10 botanically as *Salvia divinorum*, whether growing or not, the seeds
11 thereof, any extract from any part of such plant, and every compound,
12 manufacture, derivative, mixture, or preparation of such plant, its
13 seeds, or its extracts, including salts, isomers, and salts of isomers
14 whenever the existence of such salts, isomers, and salts of isomers is
15 possible within the specific chemical designation;

16 (25) Any material, compound, mixture, or preparation containing any
17 quantity of synthetically produced cannabinoids as listed in subdivisions
18 (A) through (L) of this subdivision, including their salts, isomers,
19 salts of isomers, and nitrogen, oxygen, or sulfur-heterocyclic analogs,
20 unless specifically excepted elsewhere in this section. Since
21 nomenclature of these synthetically produced cannabinoids is not
22 internationally standardized and may continually evolve, these structures
23 or compounds of these structures shall be included under this
24 subdivision, regardless of their specific numerical designation of atomic
25 positions covered, so long as it can be determined through a recognized
26 method of scientific testing or analysis that the substance contains
27 properties that fit within one or more of the following categories:

28 (A) Tetrahydrocannabinols: Meaning tetrahydrocannabinols naturally
29 contained in a plant of the genus *cannabis* (*cannabis* plant), as well as
30 synthetic equivalents of the substances contained in the plant, or in the
31 resinous extractives of *cannabis*, sp. and/or synthetic substances,

1 derivatives, and their isomers with similar chemical structure and
2 pharmacological activity such as the following: Delta 1 cis or trans
3 tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans
4 tetrahydrocannabinol, and their optical isomers; Delta 3,4 cis or trans
5 tetrahydrocannabinol, and its optical isomers;

6 (B) Naphthoylindoles: Any compound containing a 3-(1-
7 naphthoyl)indole structure with substitution at the nitrogen atom of the
8 indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
9 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
10 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
11 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
12 tetrahydropyranylmethyl group, whether or not further substituted in or
13 on any of the listed ring systems to any extent;

14 (C) Naphthylmethylinindoles: Any compound containing a 1 H-indol-3-
15 yl-(1-naphthyl)methane structure with substitution at the nitrogen atom
16 of the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
17 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
18 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
19 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
20 tetrahydropyranylmethyl group, whether or not further substituted in or
21 on any of the listed ring systems to any extent;

22 (D) Naphthoylpyrroles: Any compound containing a 3-(1-
23 naphthoyl)pyrrole structure with substitution at the nitrogen atom of the
24 pyrrole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
25 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
26 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
27 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
28 tetrahydropyranylmethyl group, whether or not further substituted in or
29 on any of the listed ring systems to any extent;

30 (E) Naphthylideneindenes: Any compound containing a
31 naphthylideneindene structure with substitution at the 3-position of the

1 indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
2 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
3 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
4 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
5 tetrahydropyranylmethyl group, whether or not further substituted in or
6 on any of the listed ring systems to any extent;

7 (F) Phenylacetylindoles: Any compound containing a 3-
8 phenylacetylindole structure with substitution at the nitrogen atom of
9 the indole ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
10 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
11 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
12 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
13 tetrahydropyranylmethyl group, whether or not further substituted in or
14 on any of the listed ring systems to any extent;

15 (G) Cyclohexylphenols: Any compound containing a 2-(3-
16 hydroxycyclohexyl)phenol structure with substitution at the 5-position of
17 the phenolic ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
18 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
19 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
20 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
21 tetrahydropyranylmethyl group, whether or not substituted in or on any of
22 the listed ring systems to any extent;

23 (H) Benzoylindoles: Any compound containing a 3-(benzoyl)indole
24 structure with substitution at the nitrogen atom of the indole ring by an
25 alkyl, haloalkyl, alkenyl, halobenzyl, benzyl, cycloalkylmethyl,
26 cycloalkylethyl, 2-(4-morpholinyl)ethyl group, cyanoalkyl, 1-(N-methyl-2-
27 piperidinyl)methyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
28 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
29 further substituted in or on any of the listed ring systems to any
30 extent;

31 (I) Adamantoylindoles: Any compound containing a 3-adamantoylindole

1 structure with substitution at the nitrogen atom of the indole ring by an
2 alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl,
3 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
4 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
5 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
6 further substituted in or on any of the listed ring systems to any
7 extent;

8 (J) Tetramethylcyclopropanoylindoles: Any compound containing a 3-
9 tetramethylcyclopropanoylindole structure with substitution at the
10 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
11 alkenyl, halobenzyl, benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
12 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
13 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
14 tetrahydropyranylmethyl group, whether or not further substituted in or
15 on any of the listed ring systems to any extent;

16 (K) Indole carboxamides: Any compound containing a 1-indole-3-
17 carboxamide structure with substitution at the nitrogen atom of the
18 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
19 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
20 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
21 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
22 tetrahydropyranylmethyl group, substitution at the carboxamide group by
23 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,
24 phenyl, aminoalkyl group, or quinolinyl group, whether or not further
25 substituted in or on any of the listed ring systems to any extent or to
26 the adamantyl, 1-naphthyl, phenyl, aminoalkyl, benzyl, or
27 propionaldehyde groups to any extent;

28 (L) Indole carboxylates: Any compound containing a 1-indole-3-
29 carboxylate structure with substitution at the nitrogen atom of the
30 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
31 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-

1 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
2 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
3 tetrahydropyranylmethyl group, substitution at the carboxylate group by
4 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,
5 phenyl, aminoalkyl group, or quinolinyl group, whether or not further
6 substituted in or on any of the listed ring systems to any extent or to
7 the adamantyl, 1-naphthyl, phenyl, aminoalkyl, benzyl, or
8 propionaldehyde groups to any extent; and

9 (M) Any nonnaturally occurring substance, chemical compound,
10 mixture, or preparation, not specifically listed elsewhere in these
11 schedules and which is not approved for human consumption by the federal
12 Food and Drug Administration, containing or constituting a cannabinoid
13 receptor agonist as defined in section 28-401. This subdivision does not
14 include tetrahydrocannabinols in cannabidiol;

15 (26) Any material, compound, mixture, or preparation containing any
16 quantity of a substituted phenethylamine as listed in subdivisions (A)
17 through (C) of this subdivision, unless specifically excepted, listed in
18 another schedule, or specifically named in this schedule, that is
19 structurally derived from phenylethan-2-amine by substitution on the
20 phenyl ring with a fused methylenedioxy ring, fused furan ring, or a
21 fused tetrahydrofuran ring; by substitution with two alkoxy groups; by
22 substitution with one alkoxy and either one fused furan, tetrahydrofuran,
23 or tetrahydropyran ring system; or by substitution with two fused ring
24 systems from any combination of the furan, tetrahydrofuran, or
25 tetrahydropyran ring systems, whether or not the compound is further
26 modified in any of the following ways:

27 (A) Substitution of the phenyl ring by any halo, hydroxyl, alkyl,
28 trifluoromethyl, alkoxy, or alkylthio groups; (B) substitution at the 2-
29 position by any alkyl groups; or (C) substitution at the 2-amino nitrogen
30 atom with alkyl, dialkyl, benzyl, hydroxybenzyl or methoxybenzyl groups,
31 and including, but not limited to:

- 1 (i) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine, which is also known
2 as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine;
- 3 (ii) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine, which is also known
4 as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine;
- 5 (iii) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine, which is also known
6 as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine;
- 7 (iv) 2-(2,5-Dimethoxyphenyl)ethanamine, which is also known as 2C-H
8 or 2,5-Dimethoxyphenethylamine;
- 9 (v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is also known as
10 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;
- 11 (vi) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine, which is also known
12 as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine;
- 13 (vii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine, which is also
14 known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine;
- 15 (viii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine, which is
16 also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine;
- 17 (ix) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine, which is
18 also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine;
- 19 (x) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine, which is also known
20 as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine;
- 21 (xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine, which is also
22 known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine;
- 23 (xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine, which is also
24 known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;
- 25 (xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane, which is also
26 known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;
- 27 (xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine, which is also
28 known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;
- 29 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
30 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe; 25B-
31 NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;

- 1 (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
2 methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe; 25I-
3 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;
- 4 (xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine,
5 which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-
6 methoxybenzyl)phenethylamine;
- 7 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
8 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or
9 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;
- 10 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine,
11 which is also known as 2CB-5-hemiFLY;
- 12 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-
13 yl)ethanamine, which is also known as 2C-B-FLY;
- 14 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
15 yl)ethanamine, which is also known as 2C-B-butterFLY;
- 16 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-
17 b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-
18 NBOMe;
- 19 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine,
20 which is also known as bromo-benzodifuranylisopropylamine or bromo-
21 dragonFLY;
- 22 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which
23 is also known as 2C-INBOH or 25I-NBOH;
- 24 (xxv) 5-(2-Aminopropyl)benzofuran, which is also known as 5-APB;
- 25 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;
- 26 (xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known
27 as 5-APDB;
- 28 (xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also
29 known as 6-APDB;
- 30 (xxix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-
31 dimethoxy-a-methylphenethylamine; 2, 5-DMA;

- 1 (xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;
- 2 (xxxi) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also
3 known as 2C-T-7;
- 4 (xxxii) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 5 (xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as
6 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and STP;
- 7 (xxxiv) 3,4-methylenedioxy amphetamine, which is also known as MDA;
- 8 (xxxv) 3,4-methylenedioxymethamphetamine, which is also known as
9 MDMA;
- 10 (xxxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is also known
11 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA; and
12 (xxxvii) 3,4,5-trimethoxy amphetamine;
- 13 (27) Any material, compound, mixture, or preparation containing any
14 quantity of a substituted tryptamine unless specifically excepted, listed
15 in another schedule, or specifically named in this schedule, that is
16 structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also
17 known as tryptamine, by mono- or di-substitution of the amine nitrogen
18 with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom
19 in a cyclic structure whether or not the compound is further substituted
20 at the alpha position with an alkyl group or whether or not further
21 substituted on the indole ring to any extent with any alkyl, alkoxy,
22 halo, hydroxyl, or acetoxy groups, and including, but not limited to:
- 23 (A) 5-methoxy-N,N-diallyltryptamine, which is also known as 5-MeO-
24 DALT;
- 25 (B) 4-acetoxy-N,N-dimethyltryptamine, which is also known as 4-AcO-
26 DMT or OAcetylpsilocin;
- 27 (C) 4-hydroxy-N-methyl-N-ethyltryptamine, which is also known as 4-
28 HO-MET;
- 29 (D) 4-hydroxy-N,N-diisopropyltryptamine, which is also known as 4-
30 HO-DIPT;
- 31 (E) 5-methoxy-N-methyl-N-isopropyltryptamine, which is also known as

1 5-MeOMiPT;

2 (F) 5-Methoxy-N,N-Dimethyltryptamine, which is also known as 5-MeO-
3 DMT;

4 (G) 5-methoxy-N,N-diisopropyltryptamine, which is also known as 5-
5 MeO-DiPT;

6 (H) Diethyltryptamine, which is also known as N,N-Diethyltryptamine,
7 DET; and

8 (I) Dimethyltryptamine, which is also known as DMT; and

9 (28)(A) Any substance containing any quantity of the following
10 materials, compounds, mixtures, or structures:

11 (i) 3,4-methylenedioxy methcathinone, or bk-MDMA, or methydone;

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

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

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

15 (v) Fluoromethcathinone, or FMC;

16 (vi) Naphthylpyrovalerone, or naphyrone; or

17 (vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or
18 butylone; or

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

25 (i) Substitution in the ring system to any extent with alkyl,
26 alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents,
27 whether or not further substituted in the ring system by one or more
28 other univalent substituents;

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

31 (iii) Substitution at the 2-amino nitrogen atom with alkyl or

1 dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic
2 structure.

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

9 (1) Mecloqualone;

10 (2) Methaqualone; and

11 (3) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-
12 hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium
13 Oxybate; and Sodium Oxybutyrate.

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

19 (1) Fenethylamine;

20 (2) N-ethylamphetamine;

21 (3) Amphetamine; amphetamine; 2-amino-5-phenyl-2-oxazoline; or 4,5-
22 dihydro-5-phenyl-2-oxazoline;

23 (4) Cathinone; 2-amino-1-phenyl-1-propanone; alpha-
24 aminopropiophenone; 2-aminopropiophenone; and norephedrine;

25 (5) Methcathinone, its salts, optical isomers, and salts of optical
26 isomers. Some other names: 2-(methylamino)-propionophenone; alpha-
27 (methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-
28 N-methylaminopropionophenone; methylcathinone; monomethylpropion-
29 ephedrine; N-methylcathinone; AL-464; AL-422; AL-463; and UR1432;

30 (6) (+/-)-cis-4-methylamphetamine; and (+/-)-cis-4,5-dihydro-4-methyl-5-
31 phenyl-2-oxazoline;

1 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine;
2 and N,N-alpha-trimethylphenethylamine; and

3 (8) Benzylpiperazine, 1-benzylpiperazine.

4 (f) Any controlled substance analogue to the extent intended for
5 human consumption.

6 Schedule II

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

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

16 (A) Raw opium;

17 (B) Opium extracts;

18 (C) Opium fluid;

19 (D) Powdered opium;

20 (E) Granulated opium;

21 (F) Tincture of opium;

22 (G) Codeine;

23 (H) Ethylmorphine;

24 (I) Etorphine hydrochloride;

25 (J) Hydrocodone;

26 (K) Hydromorphone;

27 (L) Metopon;

28 (M) Morphine;

29 (N) Oxycodone;

30 (O) Oxymorphone;

31 (P) Oripavine;

1 (Q) Thebaine; and

2 (R) Dihydroetorphine;

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

7 (3) Opium poppy and poppy straw;

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

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

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

23 (1) Alphaprodine;

24 (2) Anileridine;

25 (3) Bezitramide;

26 (4) Diphenoxylate;

27 (5) Fentanyl;

28 (6) Isomethadone;

29 (7) Levomethorphan;

30 (8) Levorphanol;

31 (9) Metazocine;

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

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

2 (4) Methylphenidate; and

3 (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

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

10 (1) Amobarbital;

11 (2) Secobarbital;

12 (3) Pentobarbital;

13 (4) Phencyclidine; and

14 (5) Glutethimide.

15 (e) Hallucinogenic substances known as:

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

19 (2) Dronabinol in an oral solution in a drug product approved by the
20 federal Food and Drug Administration.

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

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

28 (2) Immediate precursors to phencyclidine, PCP:

29 (A) 1-phenylcyclohexylamine; or

30 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

31 (3) Immediate precursor to fentanyl; 4-anilino-N-phenethyl-4-

1 piperidine (ANNPP).

2 Schedule III

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

10 (1) Benzphetamine;

11 (2) Chlorphentermine;

12 (3) Clortermine; and

13 (4) Phendimetrazine.

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

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

21 (2) Chlorhexadol;

22 (3) Embutramide;

23 (4) Lysergic acid;

24 (5) Lysergic acid amide;

25 (6) Methyprylon;

26 (7) Perampanel;

27 (8) Sulfondiethylmethane;

28 (9) Sulfonethylmethane;

29 (10) Sulfonmethane;

30 (11) Nalorphine;

31 (12) Any compound, mixture, or preparation containing amobarbital,

1 secobarbital, pentobarbital, or any salt thereof and one or more other
2 active medicinal ingredients which are not listed in any schedule;

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

7 (14) Any drug product containing gamma-hydroxybutyric acid,
8 including its salts, isomers, and salts of isomers, for which an
9 application is approved under section 505 of the Federal Food, Drug, and
10 Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2014;

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

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

21 (c) Unless specifically excepted or unless listed in another
22 schedule:

23 (1) Any material, compound, mixture, or preparation containing
24 limited quantities of any of the following narcotic drugs, or any salts
25 calculated as the free anhydrous base or alkaloid, in limited quantities
26 as set forth below:

27 (A) Not more than one and eight-tenths grams of codeine per one
28 hundred milliliters or not more than ninety milligrams per dosage unit,
29 with an equal or greater quantity of an isoquinoline alkaloid of opium;

30 (B) Not more than one and eight-tenths grams of codeine per one
31 hundred milliliters or not more than ninety milligrams per dosage unit,

1 with one or more active, nonnarcotic ingredients in recognized
2 therapeutic amounts;

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

7 (D) Not more than three hundred milligrams of ethylmorphine per one
8 hundred milliliters or not more than fifteen milligrams per dosage unit,
9 with one or more active, nonnarcotic ingredients in recognized
10 therapeutic amounts;

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

15 (F) Not more than fifty milligrams of morphine per one hundred
16 milliliters or per one hundred grams with one or more active, nonnarcotic
17 ingredients in recognized therapeutic amounts; and

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

20 (A) Buprenorphine.

21 (d) Unless contained on the list of exempt anabolic steroids of the
22 Drug Enforcement Administration of the United States Department of
23 Justice as the list existed on November 9, 2017, any anabolic steroid,
24 which shall include any material, compound, mixture, or preparation
25 containing any quantity of the following substances, including its salts,
26 isomers, and salts of isomers whenever the existence of such salts of
27 isomers is possible within the specific chemical designation:

28 (1) 3-beta,17-dihydroxy-5a-androstane;

29 (2) 3-alpha,17-beta-dihydroxy-5a-androstane;

30 (3) 5-alpha-androstan-3,17-dione;

31 (4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-

- 1 ene);
- 2 (5) 1-androstenediol (3-alpha,17-beta-dihydroxy-5-alpha-androst-1-
- 3 ene);
- 4 (6) 4-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);
- 5 (7) 5-androstenediol (3-beta,17-beta-dihydroxy-androst-5-ene);
- 6 (8) 1-androstenedione ([5-alpha]-androst-1-en-3,17-dione);
- 7 (9) 4-androstenedione (androst-4-en-3,17-dione);
- 8 (10) 5-androstenedione (androst-5-en-3,17-dione);
- 9 (11) Bolasterone (7-alpha,17-alpha-dimethyl-17-beta-
- 10 hydroxyandrost-4-en-3-one);
- 11 (12) Boldenone (17-beta-hydroxyandrost-1,4-diene-3-one);
- 12 (13) Boldione (androsta-1,4-diene-3,17-3-one);
- 13 (14) Calusterone (7-beta,17-alpha-dimethyl-17-beta-hydroxyandrost-4-
- 14 en-3-one);
- 15 (15) Clostebol (4-chloro-17-beta-hydroxyandrost-4-en-3-one);
- 16 (16) Dehydrochloromethyltestosterone (4-chloro-17-beta-hydroxy-17-
- 17 alpha-methyl-androst-1,4-dien-3-one);
- 18 (17) Desoxymethyltestosterone (17-alpha-methyl-5-alpha-androst-2-
- 19 en-17-beta-ol) (a.k.a. 'madol');
- 20 (18) Delta-1-Dihydrotestosterone (a.k.a. '1-testosterone')(17-beta-
- 21 hydroxy-5-alpha-androst-1-en-3-one);
- 22 (19) 4-Dihydrotestosterone (17-beta-hydroxy-androstan-3-one);
- 23 (20) Drostanolone (17-beta-hydroxy-2-alpha-methyl-5-alpha-
- 24 androstan-3-one);
- 25 (21) Ethylestrenol (17-alpha-ethyl-17-beta-hydroxyestr-4-ene);
- 26 (22) Fluoxymesterone (9-fluoro-17-alpha-methyl-11-beta,17-beta-
- 27 dihydroxyandrost-4-en-3-one);
- 28 (23) Formebolone (formebolone); (2-formyl-17-alpha-methyl-11-
- 29 alpha,17-beta-dihydroxyandrost-1,4-dien-3-one);
- 30 (24) Furazabol (17-alpha-methyl-17-beta-hydroxyandrostan[2,3-c]-
- 31 furazan);

- 1 (25) 13-beta-ethyl-17-beta-hydroxygon-4-en-3-one;
- 2 (26) 4-hydroxytestosterone (4,17-beta-dihydroxy-androst-4-en-3-one);
- 3 (27) 4-hydroxy-19-nortestosterone (4,17-beta-dihydroxy-estr-4-en-3-
- 4 one);
- 5 (28) Mestanolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
- 6 one);
- 7 (29) Mesterolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
- 8 one);
- 9 (30) Methandienone (17-alpha-methyl-17-beta-hydroxyandrost-1,4-
- 10 dien-3-one);
- 11 (31) Methandriol (17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-
- 12 ene);
- 13 (32) Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-
- 14 beta-ol-3-one);
- 15 (33) Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-
- 16 one);
- 17 (34) 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;
- 18 (35) 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;
- 19 (36) 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;
- 20 (37) 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-
- 21 hydroxy-17-beta-hydroxyestr-4-en-3-one);
- 22 (38) Methyldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-
- 23 dien-3-one);
- 24 (39) Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-
- 25 trien-3-one);
- 26 (40) Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-
- 27 en-3-one);
- 28 (41) Mibolerone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-
- 29 en-3-one);
- 30 (42) 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-
- 31 hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-

- 1 methyl-1-testosterone');
2 (43) Nandrolone (17-beta-hydroxyestr-4-en-3-one);
3 (44) 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);
4 (45) 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);
5 (46) 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);
6 (47) 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);
7 (48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-
8 dione);
9 (49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
10 (50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
11 (51) Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-
12 en-3-one);
13 (52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);
14 (53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-
15 one);
16 (54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-
17 one);
18 (55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-
19 androstan-3-one);
20 (56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrost-4-
21 en-3-one);
22 (57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-
23 hydroxy-[5-alpha]-androstan-3-one);
24 (58) Prostanazol (17-beta-hydroxy-5-alpha-androstano[3,2-
25 c]pyrazole);
26 (59) Stanozolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-
27 androst-2-eno[3,2-c]-pyrazole);
28 (60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-
29 one);
30 (61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-
31 oic acid lactone);

1 (62) Testosterone (17-beta-hydroxyandrost-4-en-3-one);

2 (63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-
3 hydroxygon-4,9,11-trien-3-one);

4 (64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one); and

5 (65) Any salt, ester, or ether of a drug or substance described or
6 listed in this subdivision if the salt, ester, or ether promotes muscle
7 growth.

8 (e) Hallucinogenic substances known as:

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

14 Schedule IV

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

19 (1) Barbital;

20 (2) Chloral betaine;

21 (3) Chloral hydrate;

22 (4) Chlordiazepoxide, but not including librax (chlordiazepoxide
23 hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and
24 water soluble esterified estrogens);

25 (5) Clonazepam;

26 (6) Clorazepate;

27 (7) Diazepam;

28 (8) Ethchlorvynol;

29 (9) Ethinamate;

30 (10) Flurazepam;

31 (11) Mebutamate;

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

- 1 (43) Temazepam;
- 2 (44) Tetrazepam;
- 3 (45) Triazolam;
- 4 (46) Midazolam;
- 5 (47) Quazepam;
- 6 (48) Zolpidem;
- 7 (49) Dichloralphenazone;
- 8 (50) Zaleplon;
- 9 (51) Zopiclone;
- 10 (52) Fospropofol;
- 11 (53) Alfaxalone;
- 12 (54) Suvorexant; and
- 13 (55) Carisoprodol.

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

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

- 26 (1) Diethylpropion;
- 27 (2) Phentermine;
- 28 (3) Pemoline, including organometallic complexes and chelates
29 thereof;
- 30 (4) Mazindol;
- 31 (5) Pipradrol;

- 1 (6) SPA, ((-)-1-dimethylamino- 1,2-diphenylethane);
- 2 (7) Cathine. Another name for cathine is ((+)-norpseudoephedrine);
- 3 (8) Fencamfamin;
- 4 (9) Fenproporex;
- 5 (10) Mefenorex;
- 6 (11) Modafinil; and
- 7 (12) Sibutramine.

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

- 13 (1) Propoxyphene in manufactured dosage forms;
- 14 (2) Not more than one milligram of difenoxin and not less than
15 twenty-five micrograms of atropine sulfate per dosage unit; and
- 16 (3) 2-[[dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its
17 salts, optical and geometric isomers, and salts of these isomers to
18 include: Tramadol.

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

- 22 (1) Pentazocine; and
- 23 (2) Butorphanol (including its optical isomers).

24 (f) Any material, compound, mixture, or preparation which contains
25 any quantity of the following substances, including its salts, isomers,
26 and salts of such isomers, whenever the existence of such salts, isomers,
27 and salts of isomers is possible: Lorcaserin.

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

1 (2) The following drug products containing ephedrine, its salts,
2 optical isomers, and salts of such optical isomers, are excepted from
3 subdivision (g)(1) of Schedule IV if they (A) are stored behind a
4 counter, in an area not accessible to customers, or in a locked case so
5 that a customer needs assistance from an employee to access the drug
6 product; (B) are sold by a person, eighteen years of age or older, in the
7 course of his or her employment to a customer eighteen years of age or
8 older with the following restrictions: No customer shall be allowed to
9 purchase, receive, or otherwise acquire more than three and six-tenths
10 grams of ephedrine base during a twenty-four-hour period; no customer
11 shall purchase, receive, or otherwise acquire more than nine grams of
12 ephedrine base during a thirty-day period; and the customer shall display
13 a valid driver's or operator's license, a Nebraska state identification
14 card, a military identification card, an alien registration card, or a
15 passport as proof of identification; (C) are labeled and marketed in a
16 manner consistent with the pertinent OTC Tentative Final or Final
17 Monograph; (D) are manufactured and distributed for legitimate medicinal
18 use in a manner that reduces or eliminates the likelihood of abuse; and
19 (E) are not marketed, advertised, or represented in any manner for the
20 indication of stimulation, mental alertness, euphoria, ecstasy, a buzz or
21 high, heightened sexual performance, or increased muscle mass:

22 (i) Primatene Tablets; and

23 (ii) Bronkaid Dual Action Caplets.

24 Schedule V

25 (a) Any compound, mixture, or preparation containing any of the
26 following limited quantities of narcotic drugs or salts calculated as the
27 free anhydrous base or alkaloid, which shall include one or more
28 nonnarcotic active medicinal ingredients in sufficient proportion to
29 confer upon the compound, mixture, or preparation valuable medicinal
30 qualities other than those possessed by the narcotic drug alone:

31 (1) Not more than two hundred milligrams of codeine per one hundred

1 milliliters or per one hundred grams;

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

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

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

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

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

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

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

23 (1) Ezogabine (N-(2-amino-4-(4-fluorobenzylamino)-phenyl)-carbamic
24 acid ethyl ester);

25 (2) Lacosamide ((R)-2-acetoamido-N-benzyl-3-methoxy-propionamide);

26 (3) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid); and

27 (4) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]
28 butanamide) (also referred to as BRV; UCB-34714; Briviact), including its
29 salts.

30 ~~(d) Cannabidiol in a drug product approved by the federal Food and~~
31 ~~Drug Administration.~~

1 Sec. 3. Section 28-467, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-467 ~~(1) In a prosecution for the unlawful possession of~~
4 ~~marijuana under the Uniform Controlled Substances Act, it is an~~
5 ~~affirmative and complete defense to prosecution that:~~

6 ~~(a) The defendant suffered from intractable seizures and the use or~~
7 ~~possession of cannabidiol was pursuant to the order of a physician~~
8 ~~designated as a medical provider under section 28-465; or~~

9 ~~(b) The defendant is the parent or legal guardian of an individual~~
10 ~~who suffers from intractable seizures and the use or possession of~~
11 ~~cannabidiol was pursuant to the order of a physician designated as a~~
12 ~~medical provider under section 28-465.~~

13 ~~(1) (2) An agency of this state or a political subdivision thereof,~~
14 ~~including any law enforcement agency, may not initiate proceedings to~~
15 ~~remove a child from a home based solely upon the possession or use of~~
16 ~~cannabidiol by the child or possession of cannabidiol by a parent or~~
17 ~~legal guardian for use by the child as authorized under sections 28-463~~
18 ~~to 28-468.~~

19 ~~(2) (3) An employee of the state or any division, agency, or~~
20 ~~institution thereof or any employee of Nebraska Medicine involved in the~~
21 ~~research, ordering, dispensing, and administration of cannabidiol under~~
22 ~~sections 28-463 to 28-468, including its cultivation and processing,~~
23 ~~shall not be subject to prosecution for unlawful possession, use,~~
24 ~~distribution, or dispensing of marijuana under the Uniform Controlled~~
25 ~~Substances Act for activities arising from or related to the use of~~
26 ~~cannabidiol in the treatment of individuals diagnosed with intractable~~
27 ~~seizures or treatment resistant seizures.~~

28 Sec. 4. Original section 28-467, Reissue Revised Statutes of
29 Nebraska, and sections 28-401 and 28-405, Revised Statutes Cumulative
30 Supplement, 2018, are repealed.