

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 22

Introduced by Wayne, 13.

Read first time January 05, 2023

Committee:

1 A BILL FOR AN ACT relating to marijuana; to amend sections 2-505, 2-506,
2 2-509, 28-417, 28-419, 28-439, 77-4301, 77-4302, 77-4303, 77-4304,
3 77-4305, 77-4306, 77-4309, 77-4310.01, and 77-4310.03, Reissue
4 Revised Statutes of Nebraska, and sections 28-401, 28-405, 28-416,
5 28-1354, and 28-1701, Revised Statutes Cumulative Supplement, 2022;
6 to decriminalize use and possession of marijuana; to remove
7 marijuana from the marijuana and controlled substances tax; to
8 rename a fund; to eliminate obsolete provisions; to harmonize
9 provisions; to repeal the original sections; and to outright repeal
10 sections 2-5701, 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and
11 28-469, Reissue Revised Statutes of Nebraska.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-505, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 2-505 (1) Hemp may only be cultivated by a USDA-licensed hemp
4 producer ~~or a person meeting the requirements of section 2-5701~~ or in
5 compliance with this section.

6 (2) Before a person may be licensed to cultivate hemp under the
7 Nebraska Hemp Farming Act, such person shall submit an application on a
8 form prescribed by the department that includes, but is not limited to,
9 the following:

10 (a) If the applicant is an individual, the applicant's full name,
11 birthdate, mailing address, telephone number, and valid email address;

12 (b) If the applicant is an entity and not an individual, (i) the
13 name of the applicant, mailing address, telephone number, and valid email
14 address, (ii) the full name of each officer, director, partner, member,
15 or owner owning in excess of ten percent of equity or stock in such
16 entity, (iii) the full name of each key participant as defined in 7
17 C.F.R. 990.1, and (iv) the birthdate, title, mailing address, telephone
18 number, and valid email address of each such person or key participant;

19 (c) The proposed acreage to be cultivated or the square footage of a
20 greenhouse or other indoor space to be cultivated;

21 (d) The street address, legal description, location ID, and GPS
22 coordinates for each field, greenhouse, building, or other site where
23 hemp will be cultivated. The site information may be verified by the
24 department; and

25 (e) Maps depicting each site where hemp will be cultivated, with
26 appropriate indications for entrances, field boundaries, and specific
27 locations corresponding to the GPS coordinates provided under subdivision
28 (d) of this subsection.

29 (3) Before a person may be licensed to cultivate hemp under the
30 Nebraska Hemp Farming Act, such person shall submit with the application
31 a nonrefundable application fee as set by the department pursuant to

1 section 2-508.

2 (4) Before a person may be licensed to cultivate hemp under the
3 Nebraska Hemp Farming Act, such person shall submit a site registration
4 fee as set by the department pursuant to section 2-508. The site
5 registration fee shall be paid for each separate site where the applicant
6 will cultivate hemp. Subsequent modifications to the sites listed in the
7 application shall be submitted on forms prescribed by the department
8 along with a site modification fee and shall only take effect upon
9 written approval of the department. The applicant must certify that all
10 sites where hemp is to be cultivated are under the control of the
11 applicant and that the department shall have unlimited access to all such
12 sites.

13 (5) After the department receives approval by the United States
14 Secretary of Agriculture for the state plan described in section 2-516,
15 an initial cultivator license application may be submitted at any time,
16 except that the department may set a cutoff date for applications ahead
17 of the growing season. An initial cultivator license issued by the
18 department expires on December 31 in the calendar year for which it was
19 issued.

20 (6) A renewal application for a license to cultivate hemp shall be
21 submitted on forms prescribed by the department. A renewal application is
22 due by December 31 and shall be accompanied by the cultivator license fee
23 and the site registration fee for all sites listed in the renewal
24 application. The renewal cultivator license is valid from January 1 or
25 when the license is granted, whichever is later, through December 31 next
26 following.

27 (7) A cultivator license shall lapse automatically upon a change of
28 ownership or location, and a new license must be obtained. The licensee
29 shall promptly provide notice of change in ownership or location to the
30 department.

31 (8) An application and supporting documents submitted to the

1 department under this section are not public records subject to
2 disclosure pursuant to sections 84-712 to 84-712.09. Such information may
3 be submitted to the United States Department of Agriculture pursuant to
4 the requirements of the federal Agriculture Improvement Act of 2018 or
5 any other federal statute, rule, or regulation, and may be submitted to
6 law enforcement.

7 Sec. 2. Section 2-506, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 2-506 (1) Except for handling by an approved testing facility, a
10 USDA-licensed hemp producer, or a cultivator licensed under section
11 2-505, a person shall not process, handle, or broker hemp plants or plant
12 parts in this state unless the person ~~meets the requirements of section~~
13 ~~2-5701~~ or is in compliance with this section and licensed as a processor-
14 handler or broker under the Nebraska Hemp Farming Act.

15 (2) Before a person may be licensed to process, handle, or broker
16 hemp in this state, such person shall submit an application on a form
17 prescribed by the department that includes, but is not limited to, the
18 following:

19 (a) If the applicant is an individual, the applicant's full name,
20 birthdate, mailing address, telephone number, and valid email address;

21 (b) If the applicant is an entity and not an individual, the name of
22 the applicant, mailing address, telephone number, and valid email
23 address, the full name of each officer and director, partner, member, or
24 owner owning in excess of ten percent of equity or stock in such entity,
25 and the birthdate, title, mailing address, telephone number, and valid
26 email address of each such person;

27 (c) The street address, legal description, location ID, and GPS
28 coordinates for the site where hemp will be processed or handled, if
29 applicable; and

30 (d) Maps depicting the site where hemp will be processed or handled,
31 if applicable, with appropriate indications for entrances and specific

1 locations corresponding to the GPS coordinates provided under subdivision
2 (c) of this subsection.

3 (3) Before a person may be licensed to process, handle, or broker
4 hemp, such person shall submit with the application a nonrefundable
5 application fee as set by the department pursuant to section 2-508.

6 (4) Before a person may be licensed to process or handle hemp, such
7 person shall submit a site registration fee as set by the department
8 pursuant to section 2-508. The site registration fee shall be paid for
9 each separate site where hemp is processed or handled. Subsequent
10 modifications to the sites listed in the application shall be submitted
11 on forms prescribed by the department along with the site modification
12 fee and shall only take effect upon written approval of the department.
13 The applicant must certify that all sites where hemp is to be processed
14 or handled are under the control of the applicant and that the department
15 shall have unlimited access to all such sites.

16 (5) An initial processor-handler or broker license application may
17 be submitted at any time. An initial processor-handler or broker license
18 issued by the department expires on December 31 in the calendar year for
19 which it was issued.

20 (6) A renewal application for a processor-handler or broker license
21 shall be submitted on forms prescribed by the department. A renewal
22 application is due by December 31 and shall be accompanied by the
23 processor-handler or broker license fee and, if applicable, the site
24 registration fee for all sites listed in the renewal application. The
25 renewal processor-handler or broker license is valid from January 1 or
26 when the license is granted, whichever is later, through December 31 next
27 following.

28 (7) A processor-handler or broker license shall lapse automatically
29 upon a change of ownership or location, and a new license must be
30 obtained. The licensee shall promptly provide notice of change in
31 ownership or location to the department.

1 (8) A processor-handler licensee who also brokers hemp shall not be
2 required to also obtain a broker license under this section.

3 (9) An application and supporting documents submitted to the
4 department under this section are not public records subject to
5 disclosure pursuant to sections 84-712 to 84-712.09. Such information may
6 be submitted to the United States Department of Agriculture pursuant to
7 the requirements of the federal Agriculture Improvement Act of 2018 or
8 any other federal statute, rule, or regulation, and may be submitted to
9 law enforcement.

10 Sec. 3. Section 2-509, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 2-509 The Nebraska Hemp Program Fund is established. The fund shall
13 be administered by the department for the purpose of covering the costs
14 of the department in administering sections 2-504 to 2-516 ~~and 2-5701~~.
15 The fund may receive appropriations by the Legislature, gifts, grants,
16 federal funds, and any other funds both public and private. All fees
17 collected by the department under section ~~sections~~ 2-508 ~~and 2-5701~~ shall
18 be remitted to the State Treasurer for credit to the fund. Transfers from
19 the Nebraska Hemp Program Fund to the Noxious Weed Cash Fund may be made
20 as provided in section 2-958. Transfers from the Nebraska Hemp Program
21 Fund to the Fertilizers and Soil Conditioners Administrative Fund may be
22 made as provided in section 81-2,162.27. Any money in the fund available
23 for investment shall be invested by the state investment officer pursuant
24 to the Nebraska Capital Expansion Act and the Nebraska State Funds
25 Investment Act.

26 Sec. 4. Section 28-401, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

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

30 (1) Administer means to directly apply a controlled substance by
31 injection, inhalation, ingestion, or any other means to the body of a

1 patient or research subject;

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

6 (3) Administration means the Drug Enforcement Administration of the
7 United States Department of Justice;

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

15 (5) Counterfeit substance means a controlled substance which, or the
16 container or labeling of which, without authorization, bears the
17 trademark, trade name, or other identifying mark, imprint, number, or
18 device, or any likeness thereof, of a manufacturer, distributor, or
19 dispenser other than the person or persons who in fact manufactured,
20 distributed, or dispensed such substance and which thereby falsely
21 purports or is represented to be the product of, or to have been
22 distributed by, such other manufacturer, distributor, or dispenser;

23 (6) Department means the Department of Health and Human Services;

24 (7) Division of Drug Control means the personnel of the Nebraska
25 State Patrol who are assigned to enforce the Uniform Controlled
26 Substances Act;

27 (8) Dispense means to deliver a controlled substance to an ultimate
28 user or a research subject pursuant to a medical order issued by a
29 practitioner authorized to prescribe, including the packaging, labeling,
30 or compounding necessary to prepare the controlled substance for such
31 delivery;

1 (9) Distribute means to deliver other than by administering or
2 dispensing a controlled substance;

3 (10) Prescribe means to issue a medical order;

4 (11) Drug means (a) articles recognized in the official United
5 States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United
6 States, official National Formulary, or any supplement to any of them,
7 (b) substances intended for use in the diagnosis, cure, mitigation,
8 treatment, or prevention of disease in human beings or animals, and (c)
9 substances intended for use as a component of any article specified in
10 subdivision (a) or (b) of this subdivision, but does not include devices
11 or their components, parts, or accessories;

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

15 (13) Hemp has the same meaning as in section 2-503;

16 (14)(a) Marijuana means all parts of the plant of the genus
17 cannabis, whether growing or not, the seeds thereof, and every compound,
18 manufacture, salt, derivative, mixture, or preparation of such plant or
19 its seeds, including, but not limited to, tetrahydrocannabinols extracted
20 or isolated from the plant or any product or preparation containing such
21 tetrahydrocannabinols, including, but not limited to, edible products,
22 tinctures, and ointments.

23 (b) Marijuana does not include the mature stalks of such plant,
24 ~~hashish, tetrahydrocannabinols extracted or isolated from the plant,~~
25 fiber produced from such stalks, oil or cake made from the seeds of such
26 plant, any other compound, manufacture, salt, derivative, mixture, or
27 preparation of such mature stalks, the sterilized seed of such plant
28 which is incapable of germination, or cannabidiol contained in a drug
29 product approved by the federal Food and Drug Administration.

30 (c) Marijuana does not include hemp or resins extracted from hemp in
31 the possession of a person as authorized under the Nebraska Hemp Farming

1 Act.

2 (d) When the weight of marijuana is referred to in the Uniform
3 Controlled Substances Act, it means its weight at or about the time it is
4 seized or otherwise comes into the possession of law enforcement
5 authorities, whether cured or uncured at that time; -

6 ~~(e) When industrial hemp as defined in section 2-5701 is in the~~
7 ~~possession of a person as authorized under section 2-5701, it is not~~
8 ~~considered marijuana for purposes of the Uniform Controlled Substances~~
9 ~~Act;~~

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

27 (16) Narcotic drug means any of the following, whether produced
28 directly or indirectly by extraction from substances of vegetable origin,
29 independently by means of chemical synthesis, or by a combination of
30 extraction and chemical synthesis: (a) Opium, opium poppy and poppy
31 straw, coca leaves, and opiates; (b) a compound, manufacture, salt,

1 derivative, or preparation of opium, coca leaves, or opiates; or (c) a
2 substance and any compound, manufacture, salt, derivative, or preparation
3 thereof which is chemically equivalent to or identical with any of the
4 substances referred to in subdivisions (a) and (b) of this subdivision,
5 except that the words narcotic drug as used in the Uniform Controlled
6 Substances Act does not include decocainized coca leaves or extracts of
7 coca leaves, which extracts do not contain cocaine or ecgonine, or
8 isoquinoline alkaloids of opium;

9 (17) Opiate means any substance having an addiction-forming or
10 addiction-sustaining liability similar to morphine or being capable of
11 conversion into a drug having such addiction-forming or addiction-
12 sustaining liability. Opiate does not include the dextrorotatory isomer
13 of 3-methoxy-n methylmorphinan and its salts. Opiate includes its racemic
14 and levorotatory forms;

15 (18) Opium poppy means the plant of the species *Papaver somniferum*
16 L., except the seeds thereof;

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

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

21 (21) Practitioner means a physician, a physician assistant, a
22 dentist, a veterinarian, a pharmacist, a podiatrist, an optometrist, a
23 certified nurse midwife, a certified registered nurse anesthetist, a
24 nurse practitioner, a scientific investigator, a pharmacy, a hospital, or
25 any other person licensed, registered, or otherwise permitted to
26 distribute, dispense, prescribe, conduct research with respect to, or
27 administer a controlled substance in the course of practice or research
28 in this state, including an emergency medical service as defined in
29 section 38-1207;

30 (22) Production includes the manufacture, planting, cultivation, or
31 harvesting of a controlled substance;

1 (23) Immediate precursor means a substance which is the principal
2 compound commonly used or produced primarily for use and which is an
3 immediate chemical intermediary used or likely to be used in the
4 manufacture of a controlled substance, the control of which is necessary
5 to prevent, curtail, or limit such manufacture;

6 (24) State means the State of Nebraska;

7 (25) Ultimate user means a person who lawfully possesses a
8 controlled substance for his or her own use, for the use of a member of
9 his or her household, or for administration to an animal owned by him or
10 her or by a member of his or her household;

11 (26) Hospital has the same meaning as in section 71-419;

12 (27) Cooperating individual means any person, other than a
13 commissioned law enforcement officer, who acts on behalf of, at the
14 request of, or as agent for a law enforcement agency for the purpose of
15 gathering or obtaining evidence of offenses punishable under the Uniform
16 Controlled Substances Act;

17 ~~(28)(a) Hashish or concentrated cannabis means (i) the separated~~
18 ~~resin, whether crude or purified, obtained from a plant of the genus~~
19 ~~cannabis or (ii) any material, preparation, mixture, compound, or other~~
20 ~~substance which contains ten percent or more by weight of~~
21 ~~tetrahydrocannabinols.~~

22 ~~(b) When resins extracted from (i) industrial hemp as defined in~~
23 ~~section 2-5701 are in the possession of a person as authorized under~~
24 ~~section 2-5701 or (ii) hemp as defined in section 2-503 are in the~~
25 ~~possession of a person as authorized under the Nebraska Hemp Farming Act,~~
26 ~~they are not considered hashish or concentrated cannabis for purposes of~~
27 ~~the Uniform Controlled Substances Act.~~

28 ~~(c) Hashish or concentrated cannabis does not include cannabidiol~~
29 ~~contained in a drug product approved by the federal Food and Drug~~
30 ~~Administration;~~

31 (28) (29) Exceptionally hazardous drug means (a) a narcotic drug,

1 (b) thiophene analog of phencyclidine, (c) phencyclidine, (d)
2 amobarbital, (e) secobarbital, (f) pentobarbital, (g) amphetamine, or (h)
3 methamphetamine;

4 (29) ~~(30)~~ Imitation controlled substance means a substance which is
5 not a controlled substance or controlled substance analogue but which, by
6 way of express or implied representations and consideration of other
7 relevant factors including those specified in section 28-445, would lead
8 a reasonable person to believe the substance is a controlled substance or
9 controlled substance analogue. A placebo or registered investigational
10 drug manufactured, distributed, possessed, or delivered in the ordinary
11 course of practice or research by a health care professional shall not be
12 deemed to be an imitation controlled substance;

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

25 (b) Controlled substance analogue does not include (i) a controlled
26 substance, (ii) any substance generally recognized as safe and effective
27 within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
28 301 et seq., as such act existed on January 1, 2014, (iii) any substance
29 for which there is an approved new drug application, or (iv) with respect
30 to a particular person, any substance if an exemption is in effect for
31 investigational use for that person, under section 505 of the Federal

1 Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
2 January 1, 2014, to the extent conduct with respect to such substance is
3 pursuant to such exemption;

4 (31) ~~(32)~~ Anabolic steroid means any drug or hormonal substance,
5 chemically and pharmacologically related to testosterone (other than
6 estrogens, progestins, and corticosteroids), that promotes muscle growth
7 and includes any controlled substance in Schedule III(d) of section
8 28-405. Anabolic steroid does not include any anabolic steroid which is
9 expressly intended for administration through implants to cattle or other
10 nonhuman species and has been approved by the Secretary of Health and
11 Human Services for such administration, but if any person prescribes,
12 dispenses, or distributes such a steroid for human use, such person shall
13 be considered to have prescribed, dispensed, or distributed an anabolic
14 steroid within the meaning of this subdivision;

15 (32) ~~(33)~~ Chart order means an order for a controlled substance
16 issued by a practitioner for a patient who is in the hospital where the
17 chart is stored or for a patient receiving detoxification treatment or
18 maintenance treatment pursuant to section 28-412. Chart order does not
19 include a prescription;

20 (33) ~~(34)~~ Medical order means a prescription, a chart order, or an
21 order for pharmaceutical care issued by a practitioner;

22 (34) ~~(35)~~ Prescription means an order for a controlled substance
23 issued by a practitioner. Prescription does not include a chart order;

24 (35) ~~(36)~~ Registrant means any person who has a controlled
25 substances registration issued by the state or the Drug Enforcement
26 Administration of the United States Department of Justice;

27 (36) ~~(37)~~ Reverse distributor means a person whose primary function
28 is to act as an agent for a pharmacy, wholesaler, manufacturer, or other
29 entity by receiving, inventorying, and managing the disposition of
30 outdated, expired, or otherwise nonsaleable controlled substances;

31 (37) ~~(38)~~ Signature means the name, word, or mark of a person

1 written in his or her own hand with the intent to authenticate a writing
2 or other form of communication or a digital signature which complies with
3 section 86-611 or an electronic signature;

4 (38) ~~(39)~~ Facsimile means a copy generated by a system that encodes
5 a document or photograph into electrical signals, transmits those signals
6 over telecommunications lines, and reconstructs the signals to create an
7 exact duplicate of the original document at the receiving end;

8 (39) ~~(40)~~ Electronic signature has the definition found in section
9 86-621;

10 (40) ~~(41)~~ Electronic transmission means transmission of information
11 in electronic form. Electronic transmission includes computer-to-computer
12 transmission or computer-to-facsimile transmission;

13 (41) ~~(42)~~ Long-term care facility means an intermediate care
14 facility, an intermediate care facility for persons with developmental
15 disabilities, a long-term care hospital, a mental health substance use
16 treatment center, a nursing facility, or a skilled nursing facility, as
17 such terms are defined in the Health Care Facility Licensure Act;

18 (42) ~~(43)~~ Compounding has the same meaning as in section 38-2811;

19 (43) ~~(44)~~ Cannabinoid receptor agonist means any chemical compound
20 or substance that, according to scientific or medical research, study,
21 testing, or analysis, demonstrates the presence of binding activity at
22 one or more of the CB1 or CB2 cell membrane receptors located within the
23 human body. Cannabinoid receptor agonist does not include cannabidiol
24 contained in a drug product approved by the federal Food and Drug
25 Administration; and

26 (44) ~~(45)~~ 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. 5. Section 28-405, Revised Statutes Cumulative Supplement,
7 2022, 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 January 31, 2021:

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) Levophenacymorphan;
- 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;
- 4 (58) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-
- 5 methylbenzamide;
- 6 (59) 4-Fluoroisobutyryl Fentanyl;
- 7 (60) Acetyl Fentanyl;
- 8 (61) Acryloylfentanyl;
- 9 (62) AH-7921; 3, 4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]
- 10 benzamide;
- 11 (63) Butyryl fentanyl;
- 12 (64) Cyclopentyl fentanyl;
- 13 (65) Cyclopropyl fentanyl;
- 14 (66) Furanyl fentanyl;
- 15 (67) Isobutyryl fentanyl;
- 16 (68) Isotonitazene;
- 17 (69) Methoxyacetyl fentanyl;
- 18 (70) MT-45; 1-cyclohexyl-4-(1,2-diphenylethyl) piperazine;
- 19 (71) Tetrahydrofuranyl fentanyl;
- 20 (72) 2-fluorofentanyl; N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-
- 21 yl) propionamide;
- 22 (73) Ocfentanil;
- 23 (74) Ortho-Fluorofentanyl;
- 24 (75) Para-chloroisobutyryl fentanyl;
- 25 (76) Para-Fluorobutyryl Fentanyl;
- 26 (77) Valeryl fentanyl;
- 27 (78) Phenyl Fentanyl;
- 28 (79) Para-Methylfentanyl;
- 29 (80) Thiofuranyl Fentanyl;
- 30 (81) Beta-methyl Fentanyl;
- 31 (82) Beta'-Phenyl Fentanyl;

- 1 (83) Crotonyl Fentanyl;
 - 2 (84) 2'-Fluoro Ortho-Fluorofentanyl;
 - 3 (85) 4'-Methyl Acetyl Fentanyl;
 - 4 (86) Ortho-Fluorobutyryl Fentanyl;
 - 5 (87) Ortho-Methyl Acetylfentanyl;
 - 6 (88) Ortho-Methyl Methoxyacetyl Fentanyl;
 - 7 (89) Ortho-Fluoroacryl Fentanyl;
 - 8 (90) Fentanyl Carbamate;
 - 9 (91) Ortho-Fluoroisobutyryl Fentanyl;
 - 10 (92) Para-Fluoro Furanyl Fentanyl;
 - 11 (93) Para-Methoxybutyryl Fentanyl; and
 - 12 (94) Brorphine (other name: 1-(1-(1-(4-bromophenyl) ethyl)
 - 13 piperidin-4-yl-1,3-dihydro-2H-benzo[D]imidazole-2-one).
- 14 (b) Any of the following opium derivatives, their salts, isomers,
15 and salts of isomers, unless specifically excepted, whenever the
16 existence of such salts, isomers, and salts of isomers is possible within
17 the specific chemical designation:
- 18 (1) Acetorphine;
 - 19 (2) Acetyldihydrocodeine;
 - 20 (3) Benzylmorphine;
 - 21 (4) Codeine methylbromide;
 - 22 (5) Codeine-N-Oxide;
 - 23 (6) Cyprenorphine;
 - 24 (7) Desomorphine;
 - 25 (8) Dihydromorphine;
 - 26 (9) Drotebanol;
 - 27 (10) Etorphine, except hydrochloride salt;
 - 28 (11) Heroin;
 - 29 (12) Hydromorphinol;
 - 30 (13) Methyldesorphine;
 - 31 (14) Methyldihydromorphine;

- 1 (15) Morphine methylbromide;
- 2 (16) Morphine methylsulfonate;
- 3 (17) Morphine-N-Oxide;
- 4 (18) Myrophine;
- 5 (19) Nicocodeine;
- 6 (20) Nicomorphine;
- 7 (21) Normorphine;
- 8 (22) Pholcodine; and
- 9 (23) Thebacon.

10 (c) Any material, compound, mixture, or preparation which contains
11 any quantity of the following hallucinogenic substances, their salts,
12 isomers, and salts of isomers, unless specifically excepted, whenever the
13 existence of such salts, isomers, and salts of isomers is possible within
14 the specific chemical designation, and, for purposes of this subdivision
15 only, isomer shall include the optical, position, and geometric isomers:

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

20 (2) 4-bromo-2,5-dimethoxyamphetamine. Trade and other names shall
21 include, but are not limited to: 4-bromo-2,5-dimethoxy-alpha-
22 methylphenethylamine; and 4-bromo-2,5-DMA;

23 (3) 4-methoxyamphetamine. Trade and other names shall include, but
24 are not limited to: 4-methoxy-alpha-methylphenethylamine; and
25 paramethoxyamphetamine, PMA;

26 (4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other names shall
27 include, but are not limited to: 4-methyl-2,5-dimethoxy-alpha-
28 methylphenethylamine; DOM; and STP;

29 (5) Para-methoxymethamphetamine. Trade and other names shall
30 include, but are not limited to: 1-(4-Methoxyphenyl)-N-methylpropan-2-
31 amine, PMMA, and 4-MMA;

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

5 (7) Lysergic acid diethylamide;

6 (8) Marijuana;

7 (9) Mescaline;

8 (10) Peyote. Peyote shall mean all parts of the plant presently
9 classified botanically as *Lophophora williamsii* Lemaire, whether growing
10 or not, the seeds thereof, any extract from any part of such plant, and
11 every compound, manufacture, salts, derivative, mixture, or preparation
12 of such plant or its seeds or extracts;

13 (11) Psilocybin;

14 (12) Psilocyn;

15 (13) Synthetic tetrahydrocannabinols ~~Tetrahydrocannabinols~~,
16 including, but not limited to, synthetic equivalents of the substances
17 contained in the plant or in the resinous extractives of cannabis, sp. or
18 synthetic substances, derivatives, and their isomers with similar
19 chemical structure and pharmacological activity such as the following:
20 Delta 1 cis or trans tetrahydrocannabinol and their optical isomers,
21 excluding dronabinol in a drug product approved by the federal Food and
22 Drug Administration; Delta 6 cis or trans tetrahydrocannabinol and their
23 optical isomers; and Delta 3,4 cis or trans tetrahydrocannabinol and its
24 optical isomers. Since nomenclature of these substances is not
25 internationally standardized, compounds of these structures shall be
26 included regardless of the numerical designation of atomic positions
27 covered. Tetrahydrocannabinols does not include cannabidiol contained in
28 a drug product approved by the federal Food and Drug Administration or
29 naturally occurring tetrahydrocannabinols extracted or derived from
30 marijuana;

31 (14) N-ethyl-3-piperidyl benzilate;

1 (15) N-methyl-3-piperidyl benzilate;

2 (16) Thiophene analog of phencyclidine. Trade and other names shall
3 include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
4 2-thienyl analog of phencyclidine; TPCP; and TCP;

5 ~~(17) Hashish or concentrated cannabis;~~

6 (17) ~~(18)~~ Parahexyl. Trade and other names shall include, but are
7 not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
8 dibenzo(b,d)pyran; and Synhexyl;

9 (18) ~~(19)~~ Ethylamine analog of phencyclidine. Trade and other names
10 shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine;
11 (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
12 cyclohexamine; and PCE;

13 (19) ~~(20)~~ Pyrrolidine analog of phencyclidine. Trade and other names
14 shall include, but are not limited to: 1-(1-phenylcyclohexyl)-
15 pyrrolidine; PCPy; and PHP;

16 (20) ~~(21)~~ Alpha-ethyltryptamine. Some trade or other names:
17 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
18 indole; alpha-ET; and AET;

19 (21) ~~(22)~~ 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

20 (22) ~~(23)~~ 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

21 (23) ~~(24)~~ Alpha-methyltryptamine, which is also known as AMT;

22 (24) ~~(25)~~ Salvia divinorum or Salvinorin A. Salvia divinorum or
23 Salvinorin A includes all parts of the plant presently classified
24 botanically as Salvia divinorum, whether growing or not, the seeds
25 thereof, any extract from any part of such plant, and every compound,
26 manufacture, derivative, mixture, or preparation of such plant, its
27 seeds, or its extracts, including salts, isomers, and salts of isomers
28 whenever the existence of such salts, isomers, and salts of isomers is
29 possible within the specific chemical designation;

30 (25) ~~(26)~~ Any material, compound, mixture, or preparation containing
31 any quantity of synthetically produced cannabinoids as listed in

1 subdivisions (A) through (L) of this subdivision, including their salts,
2 isomers, salts of isomers, and nitrogen, oxygen, or sulfur-heterocyclic
3 analogs, unless specifically excepted elsewhere in this section. Since
4 nomenclature of these synthetically produced cannabinoids is not
5 internationally standardized and may continually evolve, these structures
6 or compounds of these structures shall be included under this
7 subdivision, regardless of their specific numerical designation of atomic
8 positions covered, so long as it can be determined through a recognized
9 method of scientific testing or analysis that the substance contains
10 properties that fit within one or more of the following categories:

11 (A) Tetrahydrocannabinols: Meaning synthetic equivalents of
12 tetrahydrocannabinols naturally contained in a plant of the genus
13 cannabis (cannabis plant), as well as synthetic equivalents of the
14 substances contained in the plant, or in the resinous extractives of
15 cannabis, sp. and/or synthetic substances, derivatives, and their isomers
16 with similar chemical structure and pharmacological activity such as the
17 following: Delta 1 cis or trans tetrahydrocannabinol, and their optical
18 isomers; Delta 6 cis or trans tetrahydrocannabinol, and their optical
19 isomers; Delta 3,4 cis or trans tetrahydrocannabinol, and its optical
20 isomers. This subdivision does not include cannabidiol contained in a
21 drug product approved by the federal Food and Drug Administration;

22 (B) Naphthoylindoles: Any compound containing a 3-(1-
23 naphthoyl)indole structure with substitution at the nitrogen atom of the
24 indole 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 (C) Naphthylmethylindoles: Any compound containing a 1 H-indol-3-
31 yl-(1-naphthyl)methane structure with substitution at the nitrogen atom

1 of the indole 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 (D) Naphthoylpyrroles: Any compound containing a 3-(1-
8 naphthoyl)pyrrole structure with substitution at the nitrogen atom of the
9 pyrrole 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 (E) Naphthylideneindenes: Any compound containing a
16 naphthylideneindene structure with substitution at the 3-position of the
17 indene 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 further substituted in or
22 on any of the listed ring systems to any extent;

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

31 (G) Cyclohexylphenols: Any compound containing a 2-(3-

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

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

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

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

1 (K) Indole carboxamides: Any compound containing a 1-indole-3-
2 carboxamide structure with substitution at the nitrogen atom of the
3 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
4 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
5 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
6 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
7 tetrahydropyranylmethyl group, substitution at the carboxamide group by
8 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,
9 phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further
10 substituted in or on any of the listed ring systems to any extent or to
11 the adamantyl, 1-mapthyl, phenyl, aminooxoalkyl, benzyl, or
12 propionaldehyde groups to any extent;

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

25 (M) Any nonnaturally occurring substance, chemical compound,
26 mixture, or preparation, not specifically listed elsewhere in these
27 schedules and which is not approved for human consumption by the federal
28 Food and Drug Administration, containing or constituting a cannabinoid
29 receptor agonist as defined in section 28-401. This subdivision (M) does
30 not apply to any product or preparation containing solely
31 tetrahydrocannabinols which are naturally occurring and extracted or

1 derived from marijuana;

2 (26) ~~(27)~~ Any material, compound, mixture, or preparation containing
3 any quantity of a substituted phenethylamine as listed in subdivisions
4 (A) through (C) of this subdivision, unless specifically excepted, listed
5 in another schedule, or specifically named in this schedule, that is
6 structurally derived from phenylethan-2-amine by substitution on the
7 phenyl ring with a fused methylenedioxy ring, fused furan ring, or a
8 fused tetrahydrofuran ring; by substitution with two alkoxy groups; by
9 substitution with one alkoxy and either one fused furan, tetrahydrofuran,
10 or tetrahydropyran ring system; or by substitution with two fused ring
11 systems from any combination of the furan, tetrahydrofuran, or
12 tetrahydropyran ring systems, whether or not the compound is further
13 modified in any of the following ways:

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

19 (i) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine, which is also known
20 as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine;

21 (ii) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine, which is also known
22 as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine;

23 (iii) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine, which is also known
24 as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine;

25 (iv) 2-(2,5-Dimethoxyphenyl)ethanamine, which is also known as 2C-H
26 or 2,5-Dimethoxyphenethylamine;

27 (v) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine, which is also known as
28 2C-I or 2,5-Dimethoxy-4-iodophenethylamine;

29 (vi) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine, which is also known
30 as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine;

31 (vii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine, which is also

- 1 known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine;
- 2 (viii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine, which is
3 also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine;
- 4 (ix) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine, which is
5 also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine;
- 6 (x) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine, which is also known
7 as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine;
- 8 (xi) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine, which is also
9 known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine;
- 10 (xii) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine, which is also
11 known as DOI or 2,5-Dimethoxy-4-iodoamphetamine;
- 12 (xiii) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane, which is also
13 known as DOB or 2,5-Dimethoxy-4-bromoamphetamine;
- 14 (xiv) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine, which is also
15 known as DOC or 2,5-Dimethoxy-4-chloroamphetamine;
- 16 (xv) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
17 methoxyphenyl)methyl]ethanamine, which is also known as 2C-B-NBOMe; 25B-
18 NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine;
- 19 (xvi) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-
20 methoxyphenyl)methyl]ethanamine, which is also known as 2C-I-NBOMe; 25I-
21 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine;
- 22 (xvii) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine,
23 which is also known as Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-
24 methoxybenzyl)phenethylamine;
- 25 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
26 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or
27 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;
- 28 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine,
29 which is also known as 2CB-5-hemiFLY;
- 30 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-
31 yl)ethanamine, which is also known as 2C-B-FLY;

- 1 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
2 yl)ethanamine, which is also known as 2C-B-butterFLY;
- 3 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-
4 b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-
5 NBOMe;
- 6 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine,
7 which is also known as bromo-benzodifuranylisopropylamine or bromo-
8 dragonFLY;
- 9 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which
10 is also known as 2C-INBOH or 25I-NBOH;
- 11 (xxv) 5-(2-Aminopropyl)benzofuran, which is also known as 5-APB;
- 12 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;
- 13 (xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known
14 as 5-APDB;
- 15 (xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also
16 known as 6-APDB;
- 17 (xxix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-
18 dimethoxy-a-methylphenethylamine; 2, 5-DMA;
- 19 (xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;
- 20 (xxxi) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also
21 known as 2C-T-7;
- 22 (xxxii) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 23 (xxxiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as
24 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and STP;
- 25 (xxxiv) 3,4-methylenedioxy amphetamine, which is also known as MDA;
- 26 (xxxv) 3,4-methylenedioxymethamphetamine, which is also known as
27 MDMA;
- 28 (xxxvi) 3,4-methylenedioxy-N-ethylamphetamine, which is also known
29 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA;
- 30 (xxxvii) 3,4,5-trimethoxy amphetamine; and
- 31 (xxxviii) n-hydroxy-3.4-Methylenedioxy-N-Hydroxyamphetamine, which

1 is also known as N-hydroxyMDA;

2 ~~(27)~~ ~~(28)~~ Any material, compound, mixture, or preparation containing
3 any quantity of a substituted tryptamine unless specifically excepted,
4 listed in another schedule, or specifically named in this schedule, that
5 is structurally derived from 2-(1H-indol-3-yl)ethanamine, which is also
6 known as tryptamine, by mono- or di-substitution of the amine nitrogen
7 with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom
8 in a cyclic structure whether or not the compound is further substituted
9 at the alpha position with an alkyl group or whether or not further
10 substituted on the indole ring to any extent with any alkyl, alkoxy,
11 halo, hydroxyl, or acetoxy groups, and including, but not limited to:

12 (A) 5-methoxy-N,N-diallyltryptamine, which is also known as 5-MeO-
13 DALT;

14 (B) 4-acetoxy-N,N-dimethyltryptamine, which is also known as 4-AcO-
15 DMT or OAcetylpsilocin;

16 (C) 4-hydroxy-N-methyl-N-ethyltryptamine, which is also known as 4-
17 HO-MET;

18 (D) 4-hydroxy-N,N-diisopropyltryptamine, which is also known as 4-
19 HO-DIPT;

20 (E) 5-methoxy-N-methyl-N-isopropyltryptamine, which is also known as
21 5-MeOMiPT;

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

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

26 (H) Diethyltryptamine, which is also known as N,N-Diethyltryptamine,
27 DET; and

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

29 ~~(28)(A)~~ ~~(29)(A)~~ Any substance containing any quantity of the
30 following materials, compounds, mixtures, or structures:

31 (i) 3,4-methylenedioxymethcathinone, or bk-MDMA, or methylone;

- 1 (ii) 3,4-methylenedioxypropylvalerone, or MDPV;
- 2 (iii) 4-methylmethcathinone, or 4-MMC, or mephedrone;
- 3 (iv) 4-methoxymethcathinone, or bk-PMMA, or PMMC, or methedrone;
- 4 (v) Fluoromethcathinone, or FMC;
- 5 (vi) Naphthylpyrovalerone, or naphyrone; or
- 6 (vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or
- 7 butylone; or

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

14 (i) Substitution in the ring system to any extent with alkyl,
15 alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents,
16 whether or not further substituted in the ring system by one or more
17 other univalent substituents;

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

20 (iii) Substitution at the 2-amino nitrogen atom with alkyl or
21 dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic
22 structure.

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

- 29 (1) Mecloqualone;
- 30 (2) Methaqualone; and
- 31 (3) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-

1 hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium
2 Oxybate; and Sodium Oxybutyrate.

3 (e) 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 stimulant effect on the
6 central nervous system, including its salts, isomers, and salts of
7 isomers:

8 (1) Fenethylamine;

9 (2) N-ethylamphetamine;

10 (3) Amphetamine; amphetamine; 2-amino-5-phenyl-2-oxazoline; or 4,5-
11 dihydro-5-phenyl-2-oxazolamine;

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

14 (5) Methcathinone, its salts, optical isomers, and salts of optical
15 isomers. Some other names: 2-(methylamino)-propionophenone; alpha-
16 (methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-
17 N-methylaminopropionophenone; methylcathinone; monomethylpropion-
18 ephedrine; N-methylcathinone; AL-464; AL-422; AL-463; UR1432; and 4-MEC;

19 (6) (+/-)-cis-4-methylamphetamine; and (+/-)-cis-4,5-dihydro-4-methyl-5-
20 phenyl-2-oxazolamine;

21 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine;
22 and N,N-alpha-trimethylphenethylamine;

23 (8) Benzylpiperazine, 1-benzylpiperazine; and

24 (9) 4,4'-dimethylamphetamine (other names: 4,4'-DMAR, 4,5-dihydro-4-
25 methyl-5-(4-methylphenyl)-2-oxazolamine).

26 (f) Any controlled substance analogue to the extent intended for
27 human consumption.

28 Schedule II

29 (a) Any of the following substances except those narcotic drugs
30 listed in other schedules whether produced directly or indirectly by
31 extraction from substances of vegetable origin, independently by means of

1 chemical synthesis, or by combination of extraction and chemical
2 synthesis:

3 (1) Opium and opiate, and any salt, compound, derivative, or
4 preparation of opium or opiate, excluding apomorphine, buprenorphine,
5 thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmeferene,
6 naloxone, and naltrexone and their salts, but including the following:

- 7 (A) Raw opium;
- 8 (B) Opium extracts;
- 9 (C) Opium fluid;
- 10 (D) Powdered opium;
- 11 (E) Granulated opium;
- 12 (F) Tincture of opium;
- 13 (G) Codeine;
- 14 (H) Ethylmorphine;
- 15 (I) Etorphine hydrochloride;
- 16 (J) Hydrocodone;
- 17 (K) Hydromorphone;
- 18 (L) Metopon;
- 19 (M) Morphine;
- 20 (N) Oxycodone;
- 21 (O) Oxymorphone;
- 22 (P) Oripavine;
- 23 (Q) Thebaine; and
- 24 (R) Dihydroetorphine;

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

29 (3) Opium poppy and poppy straw;

30 (4) Coca leaves and any salt, compound, derivative, or preparation
31 of coca leaves, and any salt, compound, derivative, or preparation

1 thereof which is chemically equivalent to or identical with any of these
2 substances, including cocaine or ecgonine and its salts, optical isomers,
3 and salts of optical isomers, except that the substances shall not
4 include decocainized coca leaves or extractions which do not contain
5 cocaine or ecgonine; and

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

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

14 (1) Alphaprodine;

15 (2) Anileridine;

16 (3) Bezitramide;

17 (4) Diphenoxylate;

18 (5) Fentanyl;

19 (6) Isomethadone;

20 (7) Levomethorphan;

21 (8) Levorphanol;

22 (9) Metazocine;

23 (10) Methadone;

24 (11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl
25 butane;

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

28 (13) Norfentanyl (N-phenyl-N-piperidin-4-yl) propionamide;

29 (14) Oliceridine;

30 (15) Pethidine or meperidine;

31 (16) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

1 (17) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
2 carboxylate;

3 (18) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
4 carboxylic acid;

5 (19) Phenazocine;

6 (20) Piminodine;

7 (21) Racemethorphan;

8 (22) Racemorphan;

9 (23) Dihydrocodeine;

10 (24) Bulk Propoxyphene in nondosage forms;

11 (25) Sufentanil;

12 (26) Alfentanil;

13 (27) Levo-alphaacetylmethadol which is also known as levo-alpha-
14 acetylmethadol, levomethadyl acetate, and LAAM;

15 (28) Carfentanil;

16 (29) Remifentanil;

17 (30) Tapentadol; and

18 (31) Thiafentanil.

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

22 (1) Amphetamine, its salts, optical isomers, and salts of its
23 optical isomers;

24 (2) Phenmetrazine and its salts;

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

26 (4) Methylphenidate; and

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

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

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

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

8 (e) Hallucinogenic substances known as:

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

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

14 (f) 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:

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

21 (2) Immediate precursors to phencyclidine, PCP:

22 (A) 1-phenylcyclohexylamine; or

23 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

24 (3) Immediate precursor to fentanyl; 4-anilino-N-phenethylpiperidine
25 (ANPP).

26 Schedule III

27 (a) Any material, compound, mixture, or preparation which contains
28 any quantity of the following substances having a potential for abuse
29 associated with a stimulant effect on the central nervous system,
30 including their salts, isomers, whether optical, position, or geometric,
31 and salts of such isomers whenever the existence of such salts, isomers,

1 and salts of isomers is possible within the specific chemical
2 designation:

- 3 (1) Benzphetamine;
- 4 (2) Chlorphentermine;
- 5 (3) Clortermine; and
- 6 (4) Phendimetrazine.

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

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

- 14 (2) Aprobarbital;
- 15 (3) Butabarbital;
- 16 (4) Butalbital;
- 17 (5) Butethal;
- 18 (6) Butobarbital;
- 19 (7) Chlorhexadol;
- 20 (8) Embutramide;
- 21 (9) Lysergic acid;
- 22 (10) Lysergic acid amide;
- 23 (11) Methyprylon;
- 24 (12) Perampanel;
- 25 (13) Secbutabarbital;
- 26 (14) Sulfondiethylmethane;
- 27 (15) Sulfonethylmethane;
- 28 (16) Sulfonmethane;
- 29 (17) Nalorphine;
- 30 (18) Talbutal;
- 31 (19) Thiamylal;

1 (20) Thiopental;

2 (21) Vinbarbital;

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

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

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

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

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

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

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

30 (A) 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 an equal or greater quantity of an isoquinoline alkaloid of opium;

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

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

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

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

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

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

23 (A) Buprenorphine.

24 (d) Unless contained on the list of exempt anabolic steroids of the
25 Drug Enforcement Administration of the United States Department of
26 Justice as the list existed on January 31, 2021, any anabolic steroid,
27 which shall include any material, compound, mixture, or preparation
28 containing any quantity of the following substances, including its salts,
29 isomers, and salts of isomers whenever the existence of such salts of
30 isomers is possible within the specific chemical designation:

31 (1) 3-beta,17-dihydroxy-5a-androstane;

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

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

- 1 en-3-one);
- 2 (42) 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-
3 hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-
4 methyl-1-testosterone');
- 5 (43) Nandrolone (17-beta-hydroxyestr-4-en-3-one);
- 6 (44) 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);
- 7 (45) 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);
- 8 (46) 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);
- 9 (47) 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);
- 10 (48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-
11 dione);
- 12 (49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 13 (50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 14 (51) Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-
15 en-3-one);
- 16 (52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);
- 17 (53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-
18 one);
- 19 (54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-
20 one);
- 21 (55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-
22 androstan-3-one);
- 23 (56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrost-4-
24 en-3-one);
- 25 (57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-
26 hydroxy-[5-alpha]-androstan-3-one);
- 27 (58) Prostanazol (17-beta-hydroxy-5-alpha-androstano[3,2-
28 c]pyrazole);
- 29 (59) Stanozolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-
30 androst-2-eno[3,2-c]-pyrazole);
- 31 (60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-

- 1 one);
- 2 (61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-
- 3 oic acid lactone);
- 4 (62) Testosterone (17-beta-hydroxyandrost-4-en-3-one);
- 5 (63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-
- 6 hydroxygon-4,9,11-trien-3-one);
- 7 (64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one);
- 8 (65) [3,2-c]-furazan-5 alpha-androstane-17 beta-ol;
- 9 (66) [3,2-c]pyrazole-androst-4-en-17 beta-ol;
- 10 (67) 17 alpha-methyl-androst-ene-3,17 beta-diol;
- 11 (68) 17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
- 12 (69) 17 alpha-methyl-androstan-3-hydroxyimine-17 beta-ol;
- 13 (70) 17 beta-hydroxy-androstano[2,3-d]isoxazole;
- 14 (71) 17 beta-hydroxy-androstano[3,2-c]isoxazole;
- 15 (72) 18a-homo-3-hydroxy-estra-2,5(10)-dien-17-one;
- 16 (73) 2 alpha, 3 alpha-epithio-17 alpha-methyl-5 alpha-androstan-17
- 17 beta-ol;
- 18 (74) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3-one;
- 19 (75) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3,11-
- 20 dione;
- 21 (76) 4-chloro-17 alpha-methyl-androst-4-ene-3 beta,17 beta-diol;
- 22 (77) 4-chloro-17 alpha-methyl-androsta-1,4,diene-3,17 beta-diol;
- 23 (78) 4-hydroxy-androst-4-ene-3,17-dione;
- 24 (79) 5 alpha-Androstan-3,6,17-trione;
- 25 (80) 6-bromo-androst-1,4-diene-3,17-dione;
- 26 (81) 6-bromo-androstan-3,17-dione;
- 27 (82) 6 alpha-methyl-androst-4-ene-3,17-dione;
- 28 (83) Delta 1-dihydrotestosterone;
- 29 (84) Estra-4,9,11-triene-3,17-dione; and
- 30 (85) Any salt, ester, or ether of a drug or substance described or
- 31 listed in this subdivision if the salt, ester, or ether promotes muscle

1 growth.

2 (e) Hallucinogenic substances known as:

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

8 Schedule IV

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

13 (1) Barbital;

14 (2) Chloral betaine;

15 (3) Chloral hydrate;

16 (4) Chlordiazepoxide, but not including librax (chlordiazepoxide
17 hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and
18 water soluble esterified estrogens);

19 (5) Clonazepam;

20 (6) Clorazepate;

21 (7) Diazepam;

22 (8) Ethchlorvynol;

23 (9) Ethinamate;

24 (10) Flurazepam;

25 (11) Mebutamate;

26 (12) Meprobamate;

27 (13) Methohexital;

28 (14) Methylphenobarbital;

29 (15) Oxazepam;

30 (16) Paraldehyde;

31 (17) Petrichloral;

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

- 1 (49) Dichloralphenazone;
- 2 (50) Zaleplon;
- 3 (51) Zopiclone;
- 4 (52) Fospropofol;
- 5 (53) Alfaxalone;
- 6 (54) Suvorexant;
- 7 (55) Carisoprodol;
- 8 (56) Brexanolone; 3 alpha-hydroxy-5 alpha-pregnan-20-one;
- 9 (57) Lemborexant;
- 10 (58) Solriamfetol; 2-amino-3-phenylpropyl carbamate;
- 11 (59) Remimazolam; and
- 12 (60) Serdexmethylphenidate.

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

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

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

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

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

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

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

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

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

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

31 (2) The following drug products containing ephedrine, its salts,

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

- 21 (i) Primatene Tablets; and
- 22 (ii) Bronkaid Dual Action Caplets.

23 Schedule V

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

- 30 (1) Not more than two hundred milligrams of codeine per one hundred
31 milliliters or per one hundred grams;

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

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

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

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

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

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

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

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

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

25 (3) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid);

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

29 (5) Cenobamate; and

30 (6) Lasmiditan.

31 Sec. 6. Section 28-416, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 28-416 (1) Except as authorized by the Uniform Controlled Substances
3 Act, it shall be unlawful for any person knowingly or intentionally: (a)
4 To manufacture, distribute, deliver, dispense, or possess with intent to
5 manufacture, distribute, deliver, or dispense a controlled substance; or
6 (b) to create, distribute, or possess with intent to distribute a
7 counterfeit controlled substance.

8 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
9 (10) of this section, any person who violates subsection (1) of this
10 section with respect to: (a) A controlled substance classified in
11 Schedule I, II, or III of section 28-405 which is an exceptionally
12 hazardous drug shall be guilty of a Class II felony; (b) any other
13 controlled substance classified in Schedule I, II, or III of section
14 28-405 shall be guilty of a Class IIA felony; or (c) a controlled
15 substance classified in Schedule IV or V of section 28-405 shall be
16 guilty of a Class IIIA felony.

17 (3) A person knowingly or intentionally possessing a controlled
18 substance, except marijuana or any substance containing a quantifiable
19 amount of the substances, chemicals, or compounds described, defined, or
20 delineated in subdivision (c)(25) ~~(e)(26)~~ of Schedule I of section
21 28-405, unless such substance was obtained directly or pursuant to a
22 medical order issued by a practitioner authorized to prescribe while
23 acting in the course of his or her professional practice, or except as
24 otherwise authorized by the act, shall be guilty of a Class IV felony. A
25 person shall not be in violation of this subsection if section 28-472 or
26 28-1701 applies.

27 (4)(a) Except as authorized by the Uniform Controlled Substances
28 Act, any person eighteen years of age or older who knowingly or
29 intentionally manufactures, distributes, delivers, dispenses, or
30 possesses with intent to manufacture, distribute, deliver, or dispense a
31 controlled substance or a counterfeit controlled substance (i) to a

1 person under the age of eighteen years, (ii) in, on, or within one
2 thousand feet of the real property comprising a public or private
3 elementary, vocational, or secondary school, a community college, a
4 public or private college, junior college, or university, or a
5 playground, or (iii) within one hundred feet of a public or private youth
6 center, public swimming pool, or video arcade facility shall be punished
7 by the next higher penalty classification than the penalty prescribed in
8 subsection (2), (7), (8), (9), or (10) of this section, depending upon
9 the controlled substance involved, for the first violation and for a
10 second or subsequent violation shall be punished by the next higher
11 penalty classification than that prescribed for a first violation of this
12 subsection, but in no event shall such person be punished by a penalty
13 greater than a Class IB felony.

14 (b) For purposes of this subsection:

15 (i) Playground means any outdoor facility, including any parking lot
16 appurtenant to the facility, intended for recreation, open to the public,
17 and with any portion containing three or more apparatus intended for the
18 recreation of children, including sliding boards, swingsets, and
19 teeterboards;

20 (ii) Video arcade facility means any facility legally accessible to
21 persons under eighteen years of age, intended primarily for the use of
22 pinball and video machines for amusement, and containing a minimum of ten
23 pinball or video machines; and

24 (iii) Youth center means any recreational facility or gymnasium,
25 including any parking lot appurtenant to the facility or gymnasium,
26 intended primarily for use by persons under eighteen years of age which
27 regularly provides athletic, civic, or cultural activities.

28 (5)(a) Except as authorized by the Uniform Controlled Substances
29 Act, it shall be unlawful for any person eighteen years of age or older
30 to knowingly and intentionally employ, hire, use, cause, persuade, coax,
31 induce, entice, seduce, or coerce any person under the age of eighteen

1 years to manufacture, transport, distribute, carry, deliver, dispense,
2 prepare for delivery, offer for delivery, or possess with intent to do
3 the same a controlled substance or a counterfeit controlled substance.

4 (b) Except as authorized by the Uniform Controlled Substances Act,
5 it shall be unlawful for any person eighteen years of age or older to
6 knowingly and intentionally employ, hire, use, cause, persuade, coax,
7 induce, entice, seduce, or coerce any person under the age of eighteen
8 years to aid and abet any person in the manufacture, transportation,
9 distribution, carrying, delivery, dispensing, preparation for delivery,
10 offering for delivery, or possession with intent to do the same of a
11 controlled substance or a counterfeit controlled substance.

12 (c) Any person who violates subdivision (a) or (b) of this
13 subsection shall be punished by the next higher penalty classification
14 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of
15 this section, depending upon the controlled substance involved, for the
16 first violation and for a second or subsequent violation shall be
17 punished by the next higher penalty classification than that prescribed
18 for a first violation of this subsection, but in no event shall such
19 person be punished by a penalty greater than a Class IB felony.

20 (6) It shall not be a defense to prosecution for violation of
21 subsection (4) or (5) of this section that the defendant did not know the
22 age of the person through whom the defendant violated such subsection.

23 (7) Any person who violates subsection (1) of this section with
24 respect to cocaine or any mixture or substance containing a detectable
25 amount of cocaine in a quantity of:

26 (a) One hundred forty grams or more shall be guilty of a Class IB
27 felony;

28 (b) At least twenty-eight grams but less than one hundred forty
29 grams shall be guilty of a Class IC felony; or

30 (c) At least ten grams but less than twenty-eight grams shall be
31 guilty of a Class ID felony.

1 (8) Any person who violates subsection (1) of this section with
2 respect to base cocaine (crack) or any mixture or substance containing a
3 detectable amount of base cocaine in a quantity of:

4 (a) One hundred forty grams or more shall be guilty of a Class IB
5 felony;

6 (b) At least twenty-eight grams but less than one hundred forty
7 grams shall be guilty of a Class IC felony; or

8 (c) At least ten grams but less than twenty-eight grams shall be
9 guilty of a Class ID felony.

10 (9) Any person who violates subsection (1) of this section with
11 respect to heroin or any mixture or substance containing a detectable
12 amount of heroin in a quantity of:

13 (a) One hundred forty grams or more shall be guilty of a Class IB
14 felony;

15 (b) At least twenty-eight grams but less than one hundred forty
16 grams shall be guilty of a Class IC felony; or

17 (c) At least ten grams but less than twenty-eight grams shall be
18 guilty of a Class ID felony.

19 (10) Any person who violates subsection (1) of this section with
20 respect to amphetamine, its salts, optical isomers, and salts of its
21 isomers, or with respect to methamphetamine, its salts, optical isomers,
22 and salts of its isomers, in a quantity of:

23 (a) One hundred forty grams or more shall be guilty of a Class IB
24 felony;

25 (b) At least twenty-eight grams but less than one hundred forty
26 grams shall be guilty of a Class IC felony; or

27 (c) At least ten grams but less than twenty-eight grams shall be
28 guilty of a Class ID felony.

29 ~~(11) Any person knowingly or intentionally possessing marijuana~~
30 ~~weighing more than one ounce but not more than one pound shall be guilty~~
31 ~~of a Class III misdemeanor.~~

1 ~~(12) Any person knowingly or intentionally possessing marijuana~~
2 ~~weighing more than one pound shall be guilty of a Class IV felony.~~

3 (11) ~~(13)~~ Except as provided in section 28-1701, any person
4 knowingly or intentionally possessing ~~marijuana weighing one ounce or~~
5 ~~less or~~ any substance containing a quantifiable amount of the substances,
6 chemicals, or compounds described, defined, or delineated in subdivision
7 (c)(25) ~~(e)(26)~~ of Schedule I of section 28-405 shall:

8 (a) For the first offense, be guilty of an infraction, receive a
9 citation, be fined three hundred dollars, and be assigned to attend a
10 course as prescribed in section 29-433 if the judge determines that
11 attending such course is in the best interest of the individual
12 defendant;

13 (b) For the second offense, be guilty of a Class IV misdemeanor,
14 receive a citation, and be fined four hundred dollars and may be
15 imprisoned not to exceed five days; and

16 (c) For the third and all subsequent offenses, be guilty of a Class
17 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and
18 be imprisoned not to exceed seven days.

19 (12) ~~(14)~~ Any person convicted of violating this section, if placed
20 on probation, shall, as a condition of probation, satisfactorily attend
21 and complete appropriate treatment and counseling on drug abuse provided
22 by a program authorized under the Nebraska Behavioral Health Services Act
23 or other licensed drug treatment facility.

24 (13) ~~(15)~~ Any person convicted of violating this section, if
25 sentenced to the Department of Correctional Services, shall attend
26 appropriate treatment and counseling on drug abuse.

27 (14) ~~(16)~~ Any person knowingly or intentionally possessing a firearm
28 while in violation of subsection (1) of this section shall be punished by
29 the next higher penalty classification than the penalty prescribed in
30 subsection (2), (7), (8), (9), or (10) of this section, but in no event
31 shall such person be punished by a penalty greater than a Class IB

1 felony.

2 ~~(15)~~ ~~(17)~~ A person knowingly or intentionally in possession of money
3 used or intended to be used to facilitate a violation of subsection (1)
4 of this section shall be guilty of a Class IV felony.

5 ~~(16)~~ ~~(18)~~ In addition to the existing penalties available for a
6 violation of subsection (1) of this section, including any criminal
7 attempt or conspiracy to violate subsection (1) of this section, a
8 sentencing court may order that any money, securities, negotiable
9 instruments, firearms, conveyances, or electronic communication devices
10 as defined in section 28-833 or any equipment, components, peripherals,
11 software, hardware, or accessories related to electronic communication
12 devices be forfeited as a part of the sentence imposed if it finds by
13 clear and convincing evidence adduced at a separate hearing in the same
14 prosecution, following conviction for a violation of subsection (1) of
15 this section, and conducted pursuant to section 28-1601, that any or all
16 such property was derived from, used, or intended to be used to
17 facilitate a violation of subsection (1) of this section.

18 ~~(17)~~ ~~(19)~~ In addition to the penalties provided in this section:

19 (a) If the person convicted or adjudicated of violating this section
20 is eighteen years of age or younger and has one or more licenses or
21 permits issued under the Motor Vehicle Operator's License Act:

22 (i) For the first offense, the court may, as a part of the judgment
23 of conviction or adjudication, (A) impound any such licenses or permits
24 for thirty days and (B) require such person to attend a drug education
25 class;

26 (ii) For a second offense, the court may, as a part of the judgment
27 of conviction or adjudication, (A) impound any such licenses or permits
28 for ninety days and (B) require such person to complete no fewer than
29 twenty and no more than forty hours of community service and to attend a
30 drug education class; and

31 (iii) For a third or subsequent offense, the court may, as a part of

1 the judgment of conviction or adjudication, (A) impound any such licenses
2 or permits for twelve months and (B) require such person to complete no
3 fewer than sixty hours of community service, to attend a drug education
4 class, and to submit to a drug assessment by a licensed alcohol and drug
5 counselor; and

6 (b) If the person convicted or adjudicated of violating this section
7 is eighteen years of age or younger and does not have a permit or license
8 issued under the Motor Vehicle Operator's License Act:

9 (i) For the first offense, the court may, as part of the judgment of
10 conviction or adjudication, (A) prohibit such person from obtaining any
11 permit or any license pursuant to the act for which such person would
12 otherwise be eligible until thirty days after the date of such order and
13 (B) require such person to attend a drug education class;

14 (ii) For a second offense, the court may, as part of the judgment of
15 conviction or adjudication, (A) prohibit such person from obtaining any
16 permit or any license pursuant to the act for which such person would
17 otherwise be eligible until ninety days after the date of such order and
18 (B) require such person to complete no fewer than twenty hours and no
19 more than forty hours of community service and to attend a drug education
20 class; and

21 (iii) For a third or subsequent offense, the court may, as part of
22 the judgment of conviction or adjudication, (A) prohibit such person from
23 obtaining any permit or any license pursuant to the act for which such
24 person would otherwise be eligible until twelve months after the date of
25 such order and (B) require such person to complete no fewer than sixty
26 hours of community service, to attend a drug education class, and to
27 submit to a drug assessment by a licensed alcohol and drug counselor.

28 A copy of an abstract of the court's conviction or adjudication
29 shall be transmitted to the Director of Motor Vehicles pursuant to
30 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a
31 juvenile is prohibited from obtaining a license or permit under this

1 subsection.

2 (18) It shall not be an offense for a person to use or possess
3 marijuana.

4 Sec. 7. Section 28-417, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 28-417 (1) It shall be unlawful for any person:

7 (a) To omit, remove, alter, or obliterate a symbol required by the
8 federal Controlled Substances Act, 21 U.S.C. 801 et seq., as the act
9 existed on September 1, 2001, or required by the laws of this state;

10 (b) To alter, deface, or remove any label affixed to a package of
11 narcotic drugs;

12 (c) To refuse or fail to make, keep, or furnish any record,
13 notification, order form, statement, invoice, or information required
14 under the Uniform Controlled Substances Act;

15 (d) To refuse any entry into any premises for inspection authorized
16 by the act;

17 (e) To keep or maintain any store, shop, warehouse, dwelling house,
18 building, vehicle, boat, aircraft, or place whatever which such person
19 knows or should know is resorted to by persons using controlled
20 substances in violation of the Uniform Controlled Substances Act for the
21 purpose of using such substances or which is used for the keeping or
22 selling of the same in violation of the act;

23 (f) To whom or for whose use any controlled substance has been
24 prescribed, sold, or dispensed by a practitioner or the owner of any
25 animal for which any such substance has been prescribed, sold, or
26 dispensed by a veterinarian to possess it in a container other than which
27 it was delivered to him or her by the practitioner; or

28 (g) To be under the influence of any controlled substance, other
29 than marijuana, for a purpose other than the treatment of a sickness or
30 injury as prescribed or administered by a practitioner. In a prosecution
31 under this subdivision, it shall not be necessary for the state to prove

1 that the accused was under the influence of any specific controlled
2 substance, but it shall be sufficient for a conviction under this
3 subdivision for the state to prove that the accused was under the
4 influence of some controlled substance by proving that the accused did
5 manifest physical and physiological symptoms or reactions caused by the
6 use of any controlled substance.

7 (2) Any person who violates this section shall be guilty of a Class
8 III misdemeanor.

9 Sec. 8. Section 28-419, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 28-419 (1) No person shall breathe, inhale, or drink any compound,
12 liquid, or chemical containing acetate, acetone, benzene, butyl alcohol,
13 cyclohexanone, ethyl acetate, ethyl alcohol, ethylene dichloride,
14 ethylene trichloride, hexane, isopropanol, isopropyl alcohol, methyl
15 alcohol, methyl cellosolve acetate, methyl ethyl ketone, methyl isobutyl
16 ketone, pentachlorophenol, petroleum ether, toluene, toluol,
17 trichloroathane, trichloroethylene, or any other substance for the
18 purpose of inducing a condition of intoxication, stupefaction,
19 depression, giddiness, paralysis, inebriation, excitement, or irrational
20 behavior, or in any manner changing, distorting, or disturbing the
21 auditory, visual, mental, or nervous processes. For the purposes of
22 sections 28-419 to 28-424, any such condition so induced shall be deemed
23 an intoxicated condition.

24 (2) This section does not apply to the use of marijuana.

25 Sec. 9. Section 28-439, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 28-439 (1) As used in sections 28-101, 28-431, and 28-439 to
28 28-444, unless the context otherwise requires, drug paraphernalia shall
29 mean all equipment, products, and materials of any kind which are used,
30 intended for use, or designed for use, in manufacturing, injecting,
31 ingesting, inhaling, or otherwise introducing into the human body a

1 controlled substance in violation of sections 28-101, 28-431, and 28-439
2 to 28-444 or the Uniform Controlled Substances Act. It shall include, but
3 not be limited to, the following:

4 (a) ~~(1)~~ Diluents and adulterants, such as quinine hydrochloride,
5 mannitol, mannite, dextrose, and lactose, used, intended for use, or
6 designed for use in cutting controlled substances;

7 ~~(2)~~ Separation gins and sifters used, intended for use, or designed
8 for use in removing twigs and seeds from, or in otherwise cleaning or
9 refining, marijuana;

10 (b) ~~(3)~~ Hypodermic syringes, needles, and other objects used,
11 intended for use, and designed for use in parenterally injecting
12 controlled substances into the human body; and

13 (c) ~~(4)~~ Objects used, intended for use, or designed for use in
14 ingesting, inhaling, or otherwise introducing marijuana, cocaine,
15 hashish, or hashish oil into the human body, which shall include but
16 not be limited to the following:

17 (2) Items used or intended for use in the consumption, manufacture,
18 cultivation, or processing of marijuana shall not be considered drug
19 paraphernalia.

20 ~~(a)~~ Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
21 with or without screens, permanent screens, hashish heads, or punctured
22 metal bowls;

23 ~~(b)~~ Water pipes;

24 ~~(c)~~ Carburetion tubes and devices;

25 ~~(d)~~ Smoking and carburetion masks;

26 ~~(e)~~ Roach clips, meaning objects used to hold burning material, such
27 as a marijuana cigarette, which has become too small or too short to be
28 held in the hand;

29 ~~(f)~~ Miniature cocaine spoons, and cocaine vials;

30 ~~(g)~~ Chamber pipes;

31 ~~(h)~~ Carburetor pipes;

- 1 ~~(i) Electric pipes;~~
- 2 ~~(j) Air driven pipes;~~
- 3 ~~(k) Chillums;~~
- 4 ~~(l) Bongs; and~~
- 5 ~~(m) Ice pipes or chillers.~~

6 Sec. 10. Section 28-1354, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 28-1354 For purposes of the Public Protection Act:

9 (1) Enterprise means any individual, sole proprietorship,
10 partnership, corporation, trust, association, or any legal entity, union,
11 or group of individuals associated in fact although not a legal entity,
12 and shall include illicit as well as licit enterprises as well as other
13 entities;

14 (2) Pattern of racketeering activity means a cumulative loss for one
15 or more victims or gains for the enterprise of not less than one thousand
16 five hundred dollars resulting from at least two acts of racketeering
17 activity, one of which occurred after August 30, 2009, and the last of
18 which occurred within ten years, excluding any period of imprisonment,
19 after the commission of a prior act of racketeering activity;

20 (3) Until January 1, 2017, person means any individual or entity, as
21 defined in section 21-2014, holding or capable of holding a legal,
22 equitable, or beneficial interest in property. Beginning January 1, 2017,
23 person means any individual or entity, as defined in section 21-214,
24 holding or capable of holding a legal, equitable, or beneficial interest
25 in property;

26 (4) Prosecutor includes the Attorney General of the State of
27 Nebraska, the deputy attorney general, assistant attorneys general, a
28 county attorney, a deputy county attorney, or any person so designated by
29 the Attorney General, a county attorney, or a court of the state to carry
30 out the powers conferred by the act;

31 (5) Racketeering activity includes the commission of, criminal

1 attempt to commit, conspiracy to commit, aiding and abetting in the
2 commission of, aiding in the consummation of, acting as an accessory to
3 the commission of, or the solicitation, coercion, or intimidation of
4 another to commit or aid in the commission of any of the following:

5 (a) Offenses against the person which include: Murder in the first
6 degree under section 28-303; murder in the second degree under section
7 28-304; manslaughter under section 28-305; assault in the first degree
8 under section 28-308; assault in the second degree under section 28-309;
9 assault in the third degree under section 28-310; terroristic threats
10 under section 28-311.01; kidnapping under section 28-313; false
11 imprisonment in the first degree under section 28-314; false imprisonment
12 in the second degree under section 28-315; sexual assault in the first
13 degree under section 28-319; and robbery under section 28-324;

14 (b) Offenses relating to controlled substances which include: To
15 unlawfully manufacture, distribute, deliver, dispense, or possess with
16 intent to manufacture, distribute, deliver, or dispense a controlled
17 substance under subsection (1) of section 28-416; ~~possession of marijuana~~
18 ~~weighing more than one pound under subsection (12) of section 28-416;~~
19 possession of money used or intended to be used to facilitate a violation
20 of subsection (1) of section 28-416 prohibited under subsection ~~(15)~~ (17)
21 of section 28-416; any violation of section 28-418; to unlawfully
22 manufacture, distribute, deliver, or possess with intent to distribute or
23 deliver an imitation controlled substance under section 28-445;
24 possession of anhydrous ammonia with the intent to manufacture
25 methamphetamine under section 28-451; and possession of ephedrine,
26 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
27 methamphetamine under section 28-452;

28 (c) Offenses against property which include: Arson in the first
29 degree under section 28-502; arson in the second degree under section
30 28-503; arson in the third degree under section 28-504; burglary under
31 section 28-507; theft by unlawful taking or disposition under section

1 28-511; theft by shoplifting under section 28-511.01; theft by deception
2 under section 28-512; theft by extortion under section 28-513; theft of
3 services under section 28-515; theft by receiving stolen property under
4 section 28-517; criminal mischief under section 28-519; and unlawfully
5 depriving or obtaining property or services using a computer under
6 section 28-1344;

7 (d) Offenses involving fraud which include: Burning to defraud an
8 insurer under section 28-505; forgery in the first degree under section
9 28-602; forgery in the second degree under section 28-603; criminal
10 possession of a forged instrument under section 28-604; criminal
11 possession of written instrument forgery devices under section 28-605;
12 criminal impersonation under section 28-638; identity theft under section
13 28-639; identity fraud under section 28-640; false statement or book
14 entry under section 28-612; tampering with a publicly exhibited contest
15 under section 28-614; issuing a false financial statement for purposes of
16 obtaining a financial transaction device under section 28-619;
17 unauthorized use of a financial transaction device under section 28-620;
18 criminal possession of a financial transaction device under section
19 28-621; unlawful circulation of a financial transaction device in the
20 first degree under section 28-622; unlawful circulation of a financial
21 transaction device in the second degree under section 28-623; criminal
22 possession of a blank financial transaction device under section 28-624;
23 criminal sale of a blank financial transaction device under section
24 28-625; criminal possession of a financial transaction forgery device
25 under section 28-626; unlawful manufacture of a financial transaction
26 device under section 28-627; laundering of sales forms under section
27 28-628; unlawful acquisition of sales form processing services under
28 section 28-629; unlawful factoring of a financial transaction device
29 under section 28-630; and fraudulent insurance acts under section 28-631;

30 (e) Offenses involving governmental operations which include: Abuse
31 of public records under section 28-911; perjury or subornation of perjury

1 under section 28-915; bribery under section 28-917; bribery of a witness
2 under section 28-918; tampering with a witness or informant or jury
3 tampering under section 28-919; bribery of a juror under section 28-920;
4 assault on an officer, an emergency responder, a state correctional
5 employee, a Department of Health and Human Services employee, or a health
6 care professional in the first degree under section 28-929; assault on an
7 officer, an emergency responder, a state correctional employee, a
8 Department of Health and Human Services employee, or a health care
9 professional in the second degree under section 28-930; assault on an
10 officer, an emergency responder, a state correctional employee, a
11 Department of Health and Human Services employee, or a health care
12 professional in the third degree under section 28-931; and assault on an
13 officer, an emergency responder, a state correctional employee, a
14 Department of Health and Human Services employee, or a health care
15 professional using a motor vehicle under section 28-931.01;

16 (f) Offenses involving gambling which include: Promoting gambling in
17 the first degree under section 28-1102; possession of gambling records
18 under section 28-1105; gambling debt collection under section 28-1105.01;
19 and possession of a gambling device under section 28-1107;

20 (g) Offenses relating to firearms, weapons, and explosives which
21 include: Carrying a concealed weapon under section 28-1202;
22 transportation or possession of machine guns, short rifles, or short
23 shotguns under section 28-1203; unlawful possession of a handgun under
24 section 28-1204; unlawful transfer of a firearm to a juvenile under
25 section 28-1204.01; possession of a firearm by a prohibited juvenile
26 offender under section 28-1204.05; using a deadly weapon to commit a
27 felony or possession of a deadly weapon during the commission of a felony
28 under section 28-1205; possession of a deadly weapon by a prohibited
29 person under section 28-1206; possession of a defaced firearm under
30 section 28-1207; defacing a firearm under section 28-1208; unlawful
31 discharge of a firearm under section 28-1212.02; possession, receipt,

1 retention, or disposition of a stolen firearm under section 28-1212.03;
2 unlawful possession of explosive materials in the first degree under
3 section 28-1215; unlawful possession of explosive materials in the second
4 degree under section 28-1216; unlawful sale of explosives under section
5 28-1217; use of explosives without a permit under section 28-1218;
6 obtaining an explosives permit through false representations under
7 section 28-1219; possession of a destructive device under section
8 28-1220; threatening the use of explosives or placing a false bomb under
9 section 28-1221; using explosives to commit a felony under section
10 28-1222; using explosives to damage or destroy property under section
11 28-1223; and using explosives to kill or injure any person under section
12 28-1224;

13 (h) Any violation of the Securities Act of Nebraska pursuant to
14 section 8-1117;

15 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
16 section 77-2713;

17 (j) Offenses relating to public health and morals which include:
18 Prostitution under section 28-801; pandering under section 28-802;
19 keeping a place of prostitution under section 28-804; labor trafficking,
20 sex trafficking, labor trafficking of a minor, or sex trafficking of a
21 minor under section 28-831; a violation of section 28-1005; and any act
22 relating to the visual depiction of sexually explicit conduct prohibited
23 in the Child Pornography Prevention Act; and

24 (k) A violation of the Computer Crimes Act;

25 (6) State means the State of Nebraska or any political subdivision
26 or any department, agency, or instrumentality thereof; and

27 (7) Unlawful debt means a debt of at least one thousand five hundred
28 dollars:

29 (a) Incurred or contracted in gambling activity which was in
30 violation of federal law or the law of the state or which is
31 unenforceable under state or federal law in whole or in part as to

1 principal or interest because of the laws relating to usury; or

2 (b) Which was incurred in connection with the business of gambling
3 in violation of federal law or the law of the state or the business of
4 lending money or a thing of value at a rate usurious under state law if
5 the usurious rate is at least twice the enforceable rate.

6 Sec. 11. Section 28-1701, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 28-1701 (1) A person shall not be arrested or prosecuted for an
9 eligible alcohol or drug offense if such person witnessed or was the
10 victim of a sexual assault and such person:

11 (a) Either:

12 (i) In good faith, reported such sexual assault to law enforcement;
13 or

14 (ii) Requested emergency medical assistance for the victim of the
15 sexual assault; and

16 (b) Evidence supporting the arrest or prosecution of the eligible
17 alcohol or drug offense was obtained or discovered as a result of such
18 person reporting such sexual assault to law enforcement or requesting
19 emergency medical assistance.

20 (2) A person shall not be arrested or prosecuted for an eligible
21 alcohol or drug offense if:

22 (a) Evidence supporting the arrest or prosecution of the person for
23 the offense was obtained or discovered as a result of the investigation
24 or prosecution of a sexual assault; and

25 (b) Such person cooperates with law enforcement in the investigation
26 or prosecution of the sexual assault.

27 (3) For purposes of this section:

28 (a) Eligible alcohol or drug offense means:

29 (i) A violation of subsection (3) or (11) ~~(13)~~ of section 28-416 or
30 of section 28-441;

31 (ii) A violation of section 53-180.02 committed by a person older

1 than eighteen years of age and under the age of twenty-one years, as
2 described in subdivision (4)(a) of section 53-180.05;

3 (iii) A violation of a city or village ordinance similar to
4 subdivision (3)(a)(i) or (ii) of this section; or

5 (iv) Attempt, conspiracy, solicitation, being an accessory to,
6 aiding and abetting, aiding the consummation of, or compounding a felony
7 with any of the offenses in subdivision (3)(a)(i), (ii), or (iii) of this
8 section as the underlying offense; and

9 (b) Sexual assault means:

10 (i) A violation of section 28-316.01, 28-319, 28-319.01, 28-320,
11 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04,
12 28-322.05, 28-703, or 28-1463.03, sex trafficking or sex trafficking of a
13 minor under section 28-831, or subdivision (1)(c) or (g) of section
14 28-386 or subdivision (1)(d), (e), or (f) of section 28-707; or

15 (ii) Attempt, conspiracy, solicitation, being an accessory to,
16 aiding and abetting, aiding the consummation of, or compounding a felony
17 with any of the offenses listed in subdivision (3)(b)(i) of this section
18 as the underlying offense.

19 Sec. 12. Section 77-4301, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 77-4301 For purposes of sections 77-4301 to 77-4316:

22 (1) Controlled substance means ~~shall mean~~ any drug or substance,
23 including an imitation controlled substance, that is held, possessed,
24 transported, transferred, sold, or offered to be sold in violation of
25 Nebraska law. Controlled substance does ~~shall~~ not include marijuana;

26 (2) Dealer means ~~shall mean~~ a person who, in violation of Nebraska
27 law, manufactures, produces, ships, transports, or imports into Nebraska
28 or in any manner acquires or possesses ~~six or more ounces of marijuana,~~
29 seven or more grams of any controlled substance which is sold by weight,
30 or ten or more dosage units of any controlled substance which is not sold
31 by weight;

1 (3) Imitation controlled substance ~~has shall~~ have the meaning as
2 provided in section 28-401; and

3 (4) Marijuana ~~has shall~~ have the meaning as provided in section
4 28-401.

5 Sec. 13. Section 77-4302, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 77-4302 No dealer may possess ~~marijuana~~ or controlled substances
8 upon which a tax is imposed by section 77-4303 unless the tax has been
9 paid on the ~~marijuana~~ or controlled substance as evidenced by an official
10 stamp, label, or other indicium.

11 Sec. 14. Section 77-4303, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 77-4303 (1) A tax is hereby imposed on ~~marijuana~~ and controlled
14 substances at the following rates:

15 ~~(a) On each ounce of marijuana or each portion of an ounce, one~~
16 ~~hundred dollars;~~

17 (a) ~~(b)~~ On each gram or portion of a gram of a controlled substance
18 that is customarily sold by weight or volume, one hundred fifty dollars;
19 or

20 (b) ~~(c)~~ On each fifty dosage units or portion thereof of a
21 controlled substance that is not customarily sold by weight, five hundred
22 dollars.

23 (2) For purposes of calculating the tax under this section,
24 ~~marijuana~~ or any controlled substance that is customarily sold by weight
25 or volume shall be measured by the weight of the substance in the
26 dealer's possession. The weight shall be the actual weight, if known, or
27 the estimated weight as determined by the Nebraska State Patrol or other
28 law enforcement agency. Such determination shall be presumed to be the
29 weight of such ~~marijuana~~ or controlled substances for purposes of
30 sections 77-4301 to 77-4316.

31 (3) The tax shall not be imposed upon a person registered or

1 otherwise lawfully in possession of ~~marijuana~~ or a controlled substance
2 pursuant to Chapter 28, article 4.

3 Sec. 15. Section 77-4304, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-4304 (1) Subject to the rules and regulations of the Tax
6 Commissioner, official stamps, labels, or other indicia to be affixed to
7 all ~~marijuana~~ and controlled substances shall be purchased from the
8 Department of Revenue. The purchaser shall pay one hundred percent of
9 face value for each official stamp, label, or other indicium purchased
10 and shall not be required to give his or her name, address, social
11 security number, or other identifying information.

12 (2) The Tax Commissioner shall adopt a uniform system of providing,
13 affixing, and displaying an official stamp, label, or other indicium for
14 ~~marijuana~~ and controlled substances on which a tax is imposed. Official
15 stamps, labels, or other indicia shall expire six months from the date of
16 issuance.

17 Sec. 16. Section 77-4305, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 77-4305 The tax imposed upon ~~marijuana~~ and controlled substances by
20 section 77-4303 shall be due and payable immediately upon acquisition or
21 possession of ~~marijuana~~ and controlled substances in this state by a
22 dealer.

23 Sec. 17. Section 77-4306, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 77-4306 If a dealer acquires or ships, transports, or imports into
26 this state ~~marijuana~~ or a controlled substance and if the official stamp,
27 label, or indicium evidencing the payment of the tax has not already been
28 affixed, the dealer shall have it permanently affixed on the ~~marijuana~~ or
29 controlled substance immediately upon acquisition or possession of the
30 ~~marijuana~~ or controlled substance. Each official stamp, label, or other
31 indicium may be used only once.

1 Sec. 18. Section 77-4309, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 77-4309 Any dealer violating sections 77-4301 to 77-4316 shall be
4 subject to a penalty of one hundred percent of the tax in addition to the
5 tax imposed by section 77-4303. The penalty shall be collected as part of
6 the tax.

7 A dealer distributing or possessing ~~marijuana~~ or a controlled
8 substance without affixing the official stamp, label, or other indicium
9 shall be guilty of a Class IV felony. Notwithstanding any other provision
10 of the criminal laws of this state, an indictment may be found and filed
11 or an information or complaint filed upon any criminal offense specified
12 in this section in the proper court within six years after the commission
13 of such offense.

14 Sec. 19. Section 77-4310.01, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 77-4310.01 Proceeds of the tax imposed by section 77-4303 shall be
17 remitted to the State Treasurer for credit as follows:

18 (1) Five percent of such proceeds shall be credited to the ~~Marijuana~~
19 ~~and~~ Controlled Substances Tax Administration Cash Fund; and

20 (2) Of the remaining proceeds:

21 (a) Fifty percent shall be remitted to the respective counties from
22 which the proceeds originated for credit to the County Drug Law
23 Enforcement and Education Fund of each such county. Money remitted to a
24 county pursuant to this subdivision shall be remitted to the county
25 treasurer of such county for credit to such fund. For purposes of this
26 subdivision, county from which the proceeds originated shall mean: (i) If
27 the proceeds result from seizure under the Uniform State Tax Lien
28 Registration and Enforcement Act of property located in a county other
29 than the county in which the dealer resides, the county in which the
30 seizure was made; and (ii) in all other cases, the county in which the
31 dealer resides; and

1 (b) All remaining funds, including those which did not originate in
2 a county, shall be credited to the Nebraska State Patrol Drug Control and
3 Education Cash Fund.

4 Sec. 20. Section 77-4310.03, Reissue Revised Statutes of Nebraska,
5 is amended to read:

6 77-4310.03 There is hereby created the ~~Marijuana~~ and Controlled
7 Substances Tax Administration Cash Fund. Money in the fund shall be used
8 by the Tax Commissioner for the purposes of administering, collecting,
9 and enforcing the tax imposed by section 77-4303, except that transfers
10 may be made from the fund to the General Fund at the direction of the
11 Legislature. Any money in the ~~Marijuana~~ and Controlled Substances Tax
12 Administration Cash Fund available for investment shall be invested by
13 the state investment officer pursuant to the Nebraska Capital Expansion
14 Act and the Nebraska State Funds Investment Act.

15 Sec. 21. Original sections 2-505, 2-506, 2-509, 28-417, 28-419,
16 28-439, 77-4301, 77-4302, 77-4303, 77-4304, 77-4305, 77-4306, 77-4309,
17 77-4310.01, and 77-4310.03, Reissue Revised Statutes of Nebraska, and
18 sections 28-401, 28-405, 28-416, 28-1354, and 28-1701, Revised Statutes
19 Cumulative Supplement, 2022, are repealed.

20 Sec. 22. The following sections are outright repealed: Sections
21 2-5701, 28-463, 28-464, 28-465, 28-466, 28-467, 28-468, and 28-469,
22 Reissue Revised Statutes of Nebraska.