

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 301**

Introduced by Hansen, B., 16.

Read first time January 12, 2021

Committee:

- 1 A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to
- 2 amend sections 28-401, 28-405, and 28-416, Revised Statutes
- 3 Cumulative Supplement, 2020; to redefine terms; to change drug
- 4 schedules and adopt federal drug provisions; to change a penalty
- 5 provision; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-401, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

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

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

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

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

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

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

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

30 (7) Division of Drug Control means the personnel of the Nebraska  
31 State Patrol who are assigned to enforce the Uniform Controlled

1 Substances Act;

2 (8) Dispense means to deliver a controlled substance to an ultimate  
3 user or a research subject pursuant to a medical order issued by a  
4 practitioner authorized to prescribe, including the packaging, labeling,  
5 or compounding necessary to prepare the controlled substance for such  
6 delivery;

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

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

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

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

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

22 (14)(a) Marijuana means all parts of the plant of the genus  
23 cannabis, whether growing or not, the seeds thereof, and every compound,  
24 manufacture, salt, derivative, mixture, or preparation of such plant or  
25 its seeds.

26 (b) Marijuana does not include the mature stalks of such plant,  
27 hashish, tetrahydrocannabinols extracted or isolated from the plant,  
28 fiber produced from such stalks, oil or cake made from the seeds of such  
29 plant, any other compound, manufacture, salt, derivative, mixture, or  
30 preparation of such mature stalks, the sterilized seed of such plant  
31 which is incapable of germination, or cannabidiol contained in a drug

1 product approved by the federal Food and Drug Administration ~~or obtained~~  
2 ~~pursuant to sections 28-463 to 28-468.~~

3 (c) Marijuana does not include hemp.

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

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

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

29 (16) Narcotic drug means any of the following, whether produced  
30 directly or indirectly by extraction from substances of vegetable origin,  
31 independently by means of chemical synthesis, or by a combination of

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

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

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

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

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

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

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

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

8 (24) State means the State of Nebraska;

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

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

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

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

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

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

1 Administration;

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

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

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

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

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

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

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

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

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

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

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



1 expired, or otherwise nonsaleable controlled substances;

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

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

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

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

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

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

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

28 (45) Lookalike substance means a product or substance, not  
29 specifically designated as a controlled substance in section 28-405, that  
30 is either portrayed in such a manner by a person to lead another person  
31 to reasonably believe that it produces effects on the human body that

1 replicate, mimic, or are intended to simulate the effects produced by a  
2 controlled substance or that possesses one or more of the following  
3 indicia or characteristics:

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

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

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

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

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

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

29 (g) The owner or person in control of the product or substance makes  
30 a verbal or written statement to a prospective customer, buyer, or  
31 recipient of the product or substance implying that the product or

1 substance may be resold for profit; or

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

8 Sec. 2. Section 28-405, Revised Statutes Cumulative Supplement,  
9 2020, is amended to read:

10 28-405 The following are the schedules of controlled substances  
11 referred to in the Uniform Controlled Substances Act, unless specifically  
12 contained on the list of exempted products of the Drug Enforcement  
13 Administration of the United States Department of Justice as the list  
14 existed on January 31, 2021 ~~November 9, 2017~~:

15 Schedule I

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

20 (1) Acetylmethadol;

21 (2) Allylprodine;

22 (3) Alphacetylmethadol, except levo-alphacetylmethadol which is also  
23 known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;

24 (4) Alphameprodine;

25 (5) Alphamethadol;

26 (6) Benzethidine;

27 (7) Betacetylmethadol;

28 (8) Betameprodine;

29 (9) Betamethadol;

30 (10) Betaprodine;

31 (11) Clonitazene;

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

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

1 (56) Thiofentanyl, N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-  
2 propanamide, its optical isomers, salts, and salts of isomers;

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

6 (58) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-  
7 methylbenzamide; ~~-~~

8 (59) 4-Fluoroisobutyryl Fentanyl;

9 (60) Acetyl Fentanyl;

10 (61) Acyrloylfentanyl;

11 (62) AH-7921; 3, 4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]  
12 benzamide;

13 (63) Butyryl fentanyl;

14 (64) Cyclopentyl fentanyl;

15 (65) Cyclopropyl fentanyl;

16 (66) Furanyl fentanyl;

17 (67) Isobutyryl fentanyl;

18 (68) Isotonitazene;

19 (69) Methoxyacetyl fentanyl;

20 (70) MT-45; 1-cyclohexenyl-4-(1,2-diphenylethyl) piperazine;

21 (71) Tetrahydrofuranlyl fentanyl;

22 (72) 2-fluorofentanyl; N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-  
23 yl) propionamide;

24 (73) Ocfentanil;

25 (74) ortho-Fluorofentanyl;

26 (75) Para-chloroisobutyryl fentanyl;

27 (76) para-Fluorobutyryl Fentanyl; and

28 (77) Valeryl fentanyl.

29 (b) Any of the following opium derivatives, their salts, isomers,  
30 and salts of isomers, unless specifically excepted, whenever the  
31 existence of such salts, isomers, and salts of isomers is possible within

1 the specific chemical designation:

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

25 (c) Any material, compound, mixture, or preparation which contains  
26 any quantity of the following hallucinogenic substances, their salts,  
27 isomers, and salts of isomers, unless specifically excepted, whenever the  
28 existence of such salts, isomers, and salts of isomers is possible within  
29 the specific chemical designation, and, for purposes of this subdivision  
30 only, isomer shall include the optical, position, and geometric isomers:

- 31 (1) Bufotenine. Trade and other names shall include, but are not

1 limited to: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-  
2 dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-  
3 dimethyltryptamine; and mappine;

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

7 (3) 4-methoxyamphetamine. Trade and other names shall include, but  
8 are not limited to: 4-methoxy-alpha-methylphenethylamine; and  
9 paramethoxyamphetamine, PMA;

10 (4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other names shall  
11 include, but are not limited to: 4-methyl-2,5-dimethoxy-alpha-  
12 methylphenethylamine; DOM; and STP;

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

17 (6) Lysergic acid diethylamide;

18 (7) Marijuana;

19 (8) Mescaline;

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

25 (10) Psilocybin;

26 (11) Psilocyn;

27 (12) Tetrahydrocannabinols, including, but not limited to, synthetic  
28 equivalents of the substances contained in the plant or in the resinous  
29 extractives of cannabis, sp. or synthetic substances, derivatives, and  
30 their isomers with similar chemical structure and pharmacological  
31 activity such as the following: Delta 1 cis or trans tetrahydrocannabinol



1 and their optical isomers, excluding dronabinol in a drug product  
2 approved by the federal Food and Drug Administration; Delta 6 cis or  
3 trans tetrahydrocannabinol and their optical isomers; and Delta 3,4 cis  
4 or trans tetrahydrocannabinol and its optical isomers. Since nomenclature  
5 of these substances is not internationally standardized, compounds of  
6 these structures shall be included regardless of the numerical  
7 designation of atomic positions covered. Tetrahydrocannabinols does not  
8 include cannabidiol contained in a drug product approved by the federal  
9 Food and Drug Administration;

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

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

12 (15) Thiophene analog of phencyclidine. Trade and other names shall  
13 include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-piperidine;  
14 2-thienyl analog of phencyclidine; TCP; and TCP;

15 (16) Hashish or concentrated cannabis;

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

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

23 (19) Pyrrolidine analog of phencyclidine. Trade and other names  
24 shall include, but are not limited to: 1-(1-phenylcyclohexyl)-  
25 pyrrolidine; PCPy; and PHP;

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

29 (21) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

30 (22) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

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

1 (24) Salvia divinorum or Salvinorin A. Salvia divinorum or  
2 Salvinorin A includes all parts of the plant presently classified  
3 botanically as Salvia divinorum, whether growing or not, the seeds  
4 thereof, any extract from any part of such plant, and every compound,  
5 manufacture, derivative, mixture, or preparation of such plant, its  
6 seeds, or its extracts, including salts, isomers, and salts of isomers  
7 whenever the existence of such salts, isomers, and salts of isomers is  
8 possible within the specific chemical designation;

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

21 (A) Tetrahydrocannabinols: Meaning tetrahydrocannabinols naturally  
22 contained in a plant of the genus cannabis (cannabis plant), as well as  
23 synthetic equivalents of the substances contained in the plant, or in the  
24 resinous extractives of cannabis, sp. and/or synthetic substances,  
25 derivatives, and their isomers with similar chemical structure and  
26 pharmacological activity such as the following: Delta 1 cis or trans  
27 tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans  
28 tetrahydrocannabinol, and their optical isomers; Delta 3,4 cis or trans  
29 tetrahydrocannabinol, and its optical isomers. This subdivision does not  
30 include cannabidiol contained in a drug product approved by the federal  
31 Food and Drug Administration;

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

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

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

25 (E) Naphthylideneindenes: Any compound containing a  
26 naphthylideneindene structure with substitution at the 3-position of the  
27 indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,  
28 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,  
29 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-  
30 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or  
31 tetrahydropyranylmethyl group, whether or not further substituted in or

1 on any of the listed ring systems to any extent;

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

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

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

26 (I) Adamantoylindoles: Any compound containing a 3-adamantoylindole  
27 structure with substitution at the nitrogen atom of the indole ring by an  
28 alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl,  
29 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,  
30 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
31 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not

1 further substituted in or on any of the listed ring systems to any  
2 extent;

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

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

23 (L) Indole carboxylates: Any compound containing a 1-indole-3-  
24 carboxylate structure with substitution at the nitrogen atom of the  
25 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,  
26 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
27 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-  
28 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or  
29 tetrahydropyranylmethyl group, substitution at the carboxylate group by  
30 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,  
31 phenyl, aminooxoalkyl group, or quinolinyl group, whether or not further

1 substituted in or on any of the listed ring systems to any extent or to  
2 the adamantyl, 1-maphthyl, phenyl, aminooxoalkyl, benzyl, or  
3 propionaldehyde groups to any extent; and

4 (M) Any nonnaturally occurring substance, chemical compound,  
5 mixture, or preparation, not specifically listed elsewhere in these  
6 schedules and which is not approved for human consumption by the federal  
7 Food and Drug Administration, containing or constituting a cannabinoid  
8 receptor agonist as defined in section 28-401;

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

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

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

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

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

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

- 1 (xviii) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-  
2 methoxyphenyl)methyl]ethanamine, which is also known as 2C-C-NBOMe; or  
3 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine;
- 4 (xix) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine,  
5 which is also known as 2CB-5-hemiFLY;
- 6 (xx) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-  
7 yl)ethanamine, which is also known as 2C-B-FLY;
- 8 (xxi) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-  
9 yl)ethanamine, which is also known as 2C-B-butterFLY;
- 10 (xxii) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7- tetrahydrobenzo[1,2-  
11 b:4,5-b']difuran-4-yl)-2-aminoethane, which is also known as 2C-B-FLY-  
12 NBOMe;
- 13 (xxiii) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine,  
14 which is also known as bromo-benzodifuranylisopropylamine or bromo-  
15 dragonFLY;
- 16 (xxiv) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine, which  
17 is also known as 2C-INBOH or 25I-NBOH;
- 18 (xxv) 5-(2-Aminopropyl)benzofuran, which is also known as 5-APB;
- 19 (xxvi) 6-(2-Aminopropyl)benzofuran, which is also known as 6-APB;
- 20 (xxvii) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also known  
21 as 5-APDB;
- 22 (xxviii) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, which is also  
23 known as 6-APDB;
- 24 (xxix) 2,5-dimethoxy-amphetamine, which is also known as 2, 5-  
25 dimethoxy-a-methylphenethylamine; 2, 5-DMA;
- 26 (xxx) 2,5-dimethoxy-4-ethylamphetamine, which is also known as DOET;
- 27 (xxxii) 2,5-dimethoxy-4-(n)-propylthiophenethylamine, which is also  
28 known as 2C-T-7;
- 29 (xxxiii) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 30 (xxxiiii) 4-methyl-2,5-dimethoxy-amphetamine, which is also known as  
31 4-methyl-2,5-dimethoxy-amethylphenethylamine; DOM and STP;



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

1 MeO-DiPT;

2 (H) Diethyltryptamine, which is also known as N,N-Diethyltryptamine,  
3 DET; and

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

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

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

8 (ii) 3,4-methylenedioxypyrovalerone, or MDPV;

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

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

11 (v) Fluoromethcathinone, or FMC;

12 (vi) Naphthylpyrovalerone, or naphyrone; or

13 (vii) Beta-keto-N-methylbenzodioxolylpropylamine or bk-MBDB or  
14 butylone; or

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

21 (i) Substitution in the ring system to any extent with alkyl,  
22 alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents,  
23 whether or not further substituted in the ring system by one or more  
24 other univalent substituents;

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

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

30 (d) Unless specifically excepted or unless listed in another  
31 schedule, any material, compound, mixture, or preparation which contains

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

5 (1) Mecloqualone;

6 (2) Methaqualone; and

7 (3) Gamma-Hydroxybutyric Acid. Some other names include: GHB; Gamma-  
8 hydroxybutyrate; 4-Hydroxybutyrate; 4-Hydroxybutanoic Acid; Sodium  
9 Oxybate; and Sodium Oxybutyrate.

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

15 (1) Fenethylline;

16 (2) N-ethylamphetamine;

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

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

21 (5) Methcathinone, its salts, optical isomers, and salts of optical  
22 isomers. Some other names: 2-(methylamino)-propiofenone; alpha-  
23 (methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-  
24 N-methylaminopropiophenone; methylcathinone; monomethylpropion;  
25 ephedrone; N-methylcathinone; AL-464; AL-422; AL-463; ~~and UR1432;~~ and 4-  
26 MEC;

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

29 (7) N,N-dimethylamphetamine; N,N-alpha-trimethyl-benzeneethanamine;  
30 and N,N-alpha-trimethylphenethylamine; and

31 (8) Benzylpiperazine, 1-benzylpiperazine.

1 (f) Any controlled substance analogue to the extent intended for  
2 human consumption.

3 Schedule II

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

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

13 (A) Raw opium;

14 (B) Opium extracts;

15 (C) Opium fluid;

16 (D) Powdered opium;

17 (E) Granulated opium;

18 (F) Tincture of opium;

19 (G) Codeine;

20 (H) Ethylmorphine;

21 (I) Etorphine hydrochloride;

22 (J) Hydrocodone;

23 (K) Hydromorphone;

24 (L) Metopon;

25 (M) Morphine;

26 (N) Oxycodone;

27 (O) Oxymorphone;

28 (P) Oripavine;

29 (Q) Thebaine; and

30 (R) Dihydroetorphine;

31 (2) Any salt, compound, derivative, or preparation thereof which is

1 chemically equivalent to or identical with any of the substances referred  
2 to in subdivision (1) of this subdivision, except that these substances  
3 shall not include the isoquinoline alkaloids of opium;

4 (3) Opium poppy and poppy straw;

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

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

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

20 (1) Alphaprodine;

21 (2) Anileridine;

22 (3) Bezitramide;

23 (4) Diphenoxylate;

24 (5) Fentanyl;

25 (6) Isomethadone;

26 (7) Levomethorphan;

27 (8) Levorphanol;

28 (9) Metazocine;

29 (10) Methadone;

30 (11) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl  
31 butane;

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

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

2 (4) Methylphenidate; and

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

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

10 (1) Amobarbital;

11 (2) Secobarbital;

12 (3) Pentobarbital;

13 (4) Phencyclidine; and

14 (5) Glutethimide.

15 (e) Hallucinogenic substances known as:

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

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

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

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

28 (2) Immediate precursors to phencyclidine, PCP:

29 (A) 1-phenylcyclohexylamine; or

30 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

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

1 ~~(ANPP) 4-anilino-N-phenethyl-4-piperidine (ANNPP).~~

2 Schedule III

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

- 10 (1) Benzphetamine;  
11 (2) Chlorphentermine;  
12 (3) Clortermine; and  
13 (4) Phendimetrazine.

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

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

- 21 (2) Aprobarbital;  
22 (3) Butabarbital;  
23 (4) Butalbital;  
24 (5) Butethal;  
25 (6) Butobarbital;  
26 (7) (2) Chlorhexadol;  
27 (8) (3) Embutramide;  
28 (9) (4) Lysergic acid;  
29 (10) (5) Lysergic acid amide;  
30 (11) (6) Methyprylon;  
31 (12) (7) Perampanel;



- 1            (13) Secbutabarbital;
- 2            (14) ~~(8)~~ Sulfondiethylmethane;
- 3            (15) ~~(9)~~ Sulfonethylmethane;
- 4            (16) ~~(10)~~ Sulfonmethane;
- 5            (17) ~~(11)~~ Nalorphine;
- 6            (18) Talbutal;
- 7            (19) Thiamylal;
- 8            (20) Thiopental;
- 9            (21) Vinbarbital;
- 10           (22) ~~(12)~~ Any compound, mixture, or preparation containing  
11 amobarbital, secobarbital, pentobarbital, or any salt thereof and one or  
12 more other active medicinal ingredients which are not listed in any  
13 schedule;
- 14           (23) ~~(13)~~ Any suppository dosage form containing amobarbital,  
15 secobarbital, pentobarbital, or any salt of any of these drugs and  
16 approved by the federal Food and Drug Administration for marketing only  
17 as a suppository;
- 18           (24) ~~(14)~~ Any drug product containing gamma-hydroxybutyric acid,  
19 including its salts, isomers, and salts of isomers, for which an  
20 application is approved under section 505 of the Federal Food, Drug, and  
21 Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1, 2014;
- 22           (25) ~~(15)~~ Ketamine, its salts, isomers, and salts of isomers. Some  
23 other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-  
24 cyclohexanone; and
- 25           (26) ~~(16)~~ Tiletamine and zolazepam or any salt thereof. Trade or  
26 other names for a tiletamine-zolazepam combination product shall include,  
27 but are not limited to: telazol. Trade or other names for tiletamine  
28 shall include, but are not limited to: 2-(ethylamino)-2-(2-thienyl)-  
29 cyclohexanone. Trade or other names for zolazepam shall include, but are  
30 not limited to: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-  
31 trimethylpyrazolo-(3,4-e) (1,4)-diazepin-7(1H)-one, and flupyrazapon.

1 (c) Unless specifically excepted or unless listed in another  
2 schedule:

3 (1) Any material, compound, mixture, or preparation containing  
4 limited quantities of any of the following narcotic drugs, or any salts  
5 calculated as the free anhydrous base or alkaloid, in limited quantities  
6 as set forth below:

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

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

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

18 (D) Not more than three hundred milligrams of ethylmorphine per one  
19 hundred milliliters or not more than fifteen milligrams per dosage unit,  
20 with one or more active, nonnarcotic ingredients in recognized  
21 therapeutic amounts;

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

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

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

31 (A) Buprenorphine.

1 (d) Unless contained on the list of exempt anabolic steroids of the  
2 Drug Enforcement Administration of the United States Department of  
3 Justice as the list existed on January 31, 2021 ~~November 9, 2017~~, any  
4 anabolic steroid, which shall include any material, compound, mixture, or  
5 preparation containing any quantity of the following substances,  
6 including its salts, isomers, and salts of isomers whenever the existence  
7 of such salts of isomers is possible within the specific chemical  
8 designation:

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

- 1 (18) Delta-1-Dihydrotestosterone (a.k.a. '1-testosterone')(17-beta-  
2 hydroxy-5-alpha-androst-1-en-3-one);
- 3 (19) 4-Dihydrotestosterone (17-beta-hydroxy-androstan-3-one);
- 4 (20) Drostanolone (17-beta-hydroxy-2-alpha-methyl-5-alpha-  
5 androstan-3-one);
- 6 (21) Ethylestrenol (17-alpha-ethyl-17-beta-hydroxyestr-4-ene);
- 7 (22) Fluoxymesterone (9-fluoro-17-alpha-methyl-11-beta,17-beta-  
8 dihydroxyandrost-4-en-3-one);
- 9 (23) Formebolone (formebolone); (2-formyl-17-alpha-methyl-11-  
10 alpha,17-beta-dihydroxyandrost-1,4-dien-3-one);
- 11 (24) Furazabol (17-alpha-methyl-17-beta-hydroxyandrostan[2,3-c]-  
12 furazan);
- 13 (25) 13-beta-ethyl-17-beta-hydroxygon-4-en-3-one;
- 14 (26) 4-hydroxytestosterone (4,17-beta-dihydroxy-androst-4-en-3-one);
- 15 (27) 4-hydroxy-19-nortestosterone (4,17-beta-dihydroxy-estr-4-en-3-  
16 one);
- 17 (28) Mestanolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-  
18 one);
- 19 (29) Mesterolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-  
20 one);
- 21 (30) Methandienone (17-alpha-methyl-17-beta-hydroxyandrost-1,4-  
22 dien-3-one);
- 23 (31) Methandriol (17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-  
24 ene);
- 25 (32) Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-  
26 beta-ol-3-one);
- 27 (33) Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-  
28 one);
- 29 (34) 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;
- 30 (35) 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;
- 31 (36) 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;

- 1 (37) 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-  
2 hydroxy-17-beta-hydroxyestr-4-en-3-one);
- 3 (38) Methyldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-  
4 dien-3-one);
- 5 (39) Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-  
6 trien-3-one);
- 7 (40) Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-  
8 en-3-one);
- 9 (41) Mibolerone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-  
10 en-3-one);
- 11 (42) 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-  
12 hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-  
13 methyl-1-testosterone');
- 14 (43) Nandrolone (17-beta-hydroxyestr-4-en-3-one);
- 15 (44) 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);
- 16 (45) 19-nor-4-androstenediol (3-alpha, 17-beta-dihydroxyestr-4-ene);
- 17 (46) 19-nor-5-androstenediol (3-beta, 17-beta-dihydroxyestr-5-ene);
- 18 (47) 19-nor-5-androstenediol (3-alpha, 17-beta-dihydroxyestr-5-ene);
- 19 (48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-  
20 dione);
- 21 (49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 22 (50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 23 (51) Norbolethone (13-beta, 17-alpha-diethyl-17-beta-hydroxygon-4-  
24 en-3-one);
- 25 (52) Norclostebol (4-chloro-17-beta-hydroxyestr-4-en-3-one);
- 26 (53) Norethandrolone (17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-  
27 one);
- 28 (54) Normethandrolone (17-alpha-methyl-17-beta-hydroxyestr-4-en-3-  
29 one);
- 30 (55) Oxandrolone (17-alpha-methyl-17-beta-hydroxy-2-oxa-[5-alpha]-  
31 androstan-3-one);

- 1 (56) Oxymesterone (17-alpha-methyl-4,17-beta-dihydroxyandrost-4-  
2 en-3-one);
- 3 (57) Oxymetholone (17-alpha-methyl-2-hydroxymethylene-17-beta-  
4 hydroxy-[5-alpha]-androstano-3-one);
- 5 (58) Prostanazol (17-beta-hydroxy-5-alpha-androstano[3,2-  
6 c]pyrazole);
- 7 (59) Stanazolol (17-alpha-methyl-17-beta-hydroxy-[5-alpha]-  
8 androst-2-eno[3,2-c]-pyrazole);
- 9 (60) Stenbolone (17-beta-hydroxy-2-methyl-[5-alpha]-androst-1-en-3-  
10 one);
- 11 (61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-  
12 oic acid lactone);
- 13 (62) Testosterone (17-beta-hydroxyandrost-4-en-3-one);
- 14 (63) Tetrahydrogestrinone (13-beta, 17-alpha-diethyl-17-beta-  
15 hydroxygon-4,9,11-trien-3-one);
- 16 (64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one);~~and~~
- 17 (65) [3,2-c]-furazan-5 alpha-androstane-17 beta-ol;
- 18 (66) [3,2-c]pyrazole-androst-4-en-17 beta-ol;
- 19 (67) 17 alpha-methyl-androst-ene-3,17 beta-diol;
- 20 (68) 17 alpha-methyl-androsta-1,4-diene-3,17 beta-diol;
- 21 (69) 17 alpha-methyl-androstan-3-hydroxyimine-17 beta-ol;
- 22 (70) 17 beta-hydroxy-androstano[2,3-d]isoxazole;
- 23 (71) 17 beta-hydroxy-androstano[3,2-c]isoxazole;
- 24 (72) 18a-homo-3-hydroxy-estra-2,5(10)-dien-17-one;
- 25 (73) 2 alpha, 3 alpha-epithio-17 alpha-methyl-5 alpha-androstan-17  
26 beta-ol;
- 27 (74) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3-one;
- 28 (75) 4-chloro-17 alpha-methyl-17 beta-hydroxy-androst-4-en-3,11-  
29 dione;
- 30 (76) 4-chloro-17 alpha-methyl-androst-4-ene-3 beta,17 beta-diol;
- 31 (77) 4-chloro-17 alpha-methyl-androsta-1,4,diene-3,17 beta-diol;

1           (78) 4-hydroxy-androst-4-ene-3,17-dione;

2           (79) 5 alpha-Androstan-3,6,17-trione;

3           (80) 6-bromo-androst-1,4-diene-3,17-dione;

4           (81) 6-bromo-androstan-3,17-dione;

5           (82) 6 alpha-methyl-androst-4-ene-3,17-dione;

6           (83) Delta 1-dihydrotestosterone;

7           (84) Estra-4,9,11-triene-3,17-dione; and

8           (85) ~~(65)~~ Any salt, ester, or ether of a drug or substance described  
9 or listed in this subdivision if the salt, ester, or ether promotes  
10 muscle growth.

11           (e) Hallucinogenic substances known as:

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

17           Schedule IV

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

22           (1) Barbital;

23           (2) Chloral betaine;

24           (3) Chloral hydrate;

25           (4) Chlordiazepoxide, but not including librax (chlordiazepoxide  
26 hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and  
27 water soluble esterified estrogens);

28           (5) Clonazepam;

29           (6) Clorazepate;

30           (7) Diazepam;

31           (8) Ethchlorvynol;

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



- 1 (40) Nordiazepam;
- 2 (41) Oxazolam;
- 3 (42) Pinazepam;
- 4 (43) Temazepam;
- 5 (44) Tetrazepam;
- 6 (45) Triazolam;
- 7 (46) Midazolam;
- 8 (47) Quazepam;
- 9 (48) Zolpidem;
- 10 (49) Dichloralphenazone;
- 11 (50) Zaleplon;
- 12 (51) Zopiclone;
- 13 (52) Fospropofol;
- 14 (53) Alfaxalone;
- 15 (54) Suvorexant; ~~and~~
- 16 (55) Carisoprodol; ~~+~~
- 17 (56) Brexanolone; 3 alpha-hydroxy-5 alpha-pregnan-20-one;
- 18 (57) Lemborexant;
- 19 (58) Solriamfetol; 2-amino-3-phenylpropyl carbamate; and
- 20 (59) Remimazolam.

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

26 (c) Unless specifically excepted or unless listed in another  
27 schedule, any material, compound, mixture, or preparation which contains  
28 any quantity of the following substances having a stimulant effect on the  
29 central nervous system, including their salts, isomers, whether optical,  
30 position, or geometric, and salts of such isomers whenever the existence  
31 of such salts, isomers, and salts of isomers is possible within the

1 specific chemical designation:

2 (1) Diethylpropion;

3 (2) Phentermine;

4 (3) Pemoline, including organometallic complexes and chelates

5 thereof;

6 (4) Mazindol;

7 (5) Pipradrol;

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

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

10 (8) Fencamfamin;

11 (9) Fenproporex;

12 (10) Mefenorex;

13 (11) Modafinil; and

14 (12) Sibutramine.

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

20 (1) Propoxyphene in manufactured dosage forms;

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

23 (3) 2-[[dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its  
24 salts, optical and geometric isomers, and salts of these isomers to  
25 include: Tramadol.

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

29 (1) Pentazocine; and

30 (2) Butorphanol (including its optical isomers).

31 (f) Any material, compound, mixture, or preparation which contains

1 any quantity of the following substances, including its salts, isomers,  
2 and salts of such isomers, whenever the existence of such salts, isomers,  
3 and salts of isomers is possible: Lorcaserin.

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

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

29 (i) Primatene Tablets; and

30 (ii) Bronkaid Dual Action Caplets.

31 Schedule V

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

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

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

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

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

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

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

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

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

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

- 1 (2) Lacosamide ((R)-2-acetoamido-N-benzyl-3-methoxy-propionamide);
- 2 (3) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid);~~and~~
- 3 (4) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]
- 4 butanamide) (also referred to as BRV; UCB-34714; Briviact), including its
- 5 salts; ~~-~~
- 6 (5) Cenobamate; and
- 7 (6) Lasmiditan.
- 8 ~~(d) Cannabidiol in a drug product approved by the federal Food and~~
- 9 ~~Drug Administration.~~

10 Sec. 3. Section 28-416, Revised Statutes Cumulative Supplement,  
11 2020, is amended to read:

12 28-416 (1) Except as authorized by the Uniform Controlled Substances  
13 Act, it shall be unlawful for any person knowingly or intentionally: (a)  
14 To manufacture, distribute, deliver, dispense, or possess with intent to  
15 manufacture, distribute, deliver, or dispense a controlled substance; or  
16 (b) to create, distribute, or possess with intent to distribute a  
17 counterfeit controlled substance.

18 (2) Except as provided in subsections (4), (5), (7), (8), (9), and  
19 (10) of this section, any person who violates subsection (1) of this  
20 section with respect to: (a) A controlled substance classified in  
21 Schedule I, II, or III of section 28-405 which is an exceptionally  
22 hazardous drug shall be guilty of a Class II felony; (b) any other  
23 controlled substance classified in Schedule I, II, or III of section  
24 28-405 shall be guilty of a Class IIA felony; or (c) a controlled  
25 substance classified in Schedule IV or V of section 28-405 shall be  
26 guilty of a Class IIIA felony.

27 (3) A person knowingly or intentionally possessing a controlled  
28 substance, except marijuana or any substance containing a quantifiable  
29 amount of the substances, chemicals, or compounds described, defined, or  
30 delineated in subdivision (c)(25) of Schedule I of section 28-405, unless  
31 such substance was obtained directly or pursuant to a medical order

1 issued by a practitioner authorized to prescribe while acting in the  
2 course of his or her professional practice, or except as otherwise  
3 authorized by the act, shall be guilty of a Class IV felony. A person  
4 shall not be in violation of this subsection if section 28-472 applies.

5 (4)(a) Except as authorized by the Uniform Controlled Substances  
6 Act, any person eighteen years of age or older who knowingly or  
7 intentionally manufactures, distributes, delivers, dispenses, or  
8 possesses with intent to manufacture, distribute, deliver, or dispense a  
9 controlled substance or a counterfeit controlled substance (i) to a  
10 person under the age of eighteen years, (ii) in, on, or within one  
11 thousand feet of the real property comprising a public or private  
12 elementary, vocational, or secondary school, a community college, a  
13 public or private college, junior college, or university, or a  
14 playground, or (iii) within one hundred feet of a public or private youth  
15 center, public swimming pool, or video arcade facility shall be punished  
16 by the next higher penalty classification than the penalty prescribed in  
17 subsection (2), (7), (8), (9), or (10) of this section, depending upon  
18 the controlled substance involved, for the first violation and for a  
19 second or subsequent violation shall be punished by the next higher  
20 penalty classification than that prescribed for a first violation of this  
21 subsection, but in no event shall such person be punished by a penalty  
22 greater than a Class IB felony.

23 (b) For purposes of this subsection:

24 (i) Playground means any outdoor facility, including any parking lot  
25 appurtenant to the facility, intended for recreation, open to the public,  
26 and with any portion containing three or more apparatus intended for the  
27 recreation of children, including sliding boards, swingsets, and  
28 teeterboards;

29 (ii) Video arcade facility means any facility legally accessible to  
30 persons under eighteen years of age, intended primarily for the use of  
31 pinball and video machines for amusement, and containing a minimum of ten

1 pinball or video machines; and

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

6 (5)(a) Except as authorized by the Uniform Controlled Substances  
7 Act, it shall be unlawful for any person eighteen years of age or older  
8 to knowingly and intentionally employ, hire, use, cause, persuade, coax,  
9 induce, entice, seduce, or coerce any person under the age of eighteen  
10 years to manufacture, transport, distribute, carry, deliver, dispense,  
11 prepare for delivery, offer for delivery, or possess with intent to do  
12 the same a controlled substance or a counterfeit controlled substance.

13 (b) Except as authorized by the Uniform Controlled Substances Act,  
14 it shall be unlawful for any person eighteen years of age or older to  
15 knowingly and intentionally employ, hire, use, cause, persuade, coax,  
16 induce, entice, seduce, or coerce any person under the age of eighteen  
17 years to aid and abet any person in the manufacture, transportation,  
18 distribution, carrying, delivery, dispensing, preparation for delivery,  
19 offering for delivery, or possession with intent to do the same of a  
20 controlled substance or a counterfeit controlled substance.

21 (c) Any person who violates subdivision (a) or (b) of this  
22 subsection shall be punished by the next higher penalty classification  
23 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of  
24 this section, depending upon the controlled substance involved, for the  
25 first violation and for a second or subsequent violation shall be  
26 punished by the next higher penalty classification than that prescribed  
27 for a first violation of this subsection, but in no event shall such  
28 person be punished by a penalty greater than a Class IB felony.

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

1 (7) Any person who violates subsection (1) of this section with  
2 respect to cocaine or any mixture or substance containing a detectable  
3 amount of 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 (8) Any person who violates subsection (1) of this section with  
11 respect to base cocaine (crack) or any mixture or substance containing a  
12 detectable amount of base cocaine 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 (9) Any person who violates subsection (1) of this section with  
20 respect to heroin or any mixture or substance containing a detectable  
21 amount of heroin in a quantity of:

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

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

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

28 (10) Any person who violates subsection (1) of this section with  
29 respect to amphetamine or any mixture or substance containing a  
30 detectable amount of amphetamine, its salts, optical isomers, and salts  
31 of its isomers, or with respect to methamphetamine or any mixture or



1 substance containing a detectable amount of methamphetamine, its salts,  
2 optical isomers, and salts of its isomers, in a quantity of:

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

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

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

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

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

14 (13) Any person knowingly or intentionally possessing marijuana  
15 weighing one ounce or less or any substance containing a quantifiable  
16 amount of the substances, chemicals, or compounds described, defined, or  
17 delineated in subdivision (c)(25) of Schedule I of section 28-405 shall:

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

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

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

29 (14) Any person convicted of violating this section, if placed on  
30 probation, shall, as a condition of probation, satisfactorily attend and  
31 complete appropriate treatment and counseling on drug abuse provided by a

1 program authorized under the Nebraska Behavioral Health Services Act or  
2 other licensed drug treatment facility.

3 (15) Any person convicted of violating this section, if sentenced to  
4 the Department of Correctional Services, shall attend appropriate  
5 treatment and counseling on drug abuse.

6 (16) Any person knowingly or intentionally possessing a firearm  
7 while in violation of subsection (1) of this section shall be punished by  
8 the next higher penalty classification than the penalty prescribed in  
9 subsection (2), (7), (8), (9), or (10) of this section, but in no event  
10 shall such person be punished by a penalty greater than a Class IB  
11 felony.

12 (17) A person knowingly or intentionally in possession of money used  
13 or intended to be used to facilitate a violation of subsection (1) of  
14 this section shall be guilty of a Class IV felony.

15 (18) In addition to the existing penalties available for a violation  
16 of subsection (1) of this section, including any criminal attempt or  
17 conspiracy to violate subsection (1) of this section, a sentencing court  
18 may order that any money, securities, negotiable instruments, firearms,  
19 conveyances, or electronic communication devices as defined in section  
20 28-833 or any equipment, components, peripherals, software, hardware, or  
21 accessories related to electronic communication devices be forfeited as a  
22 part of the sentence imposed if it finds by clear and convincing evidence  
23 adduced at a separate hearing in the same prosecution, following  
24 conviction for a violation of subsection (1) of this section, and  
25 conducted pursuant to section 28-1601, that any or all such property was  
26 derived from, used, or intended to be used to facilitate a violation of  
27 subsection (1) of this section.

28 (19) In addition to the penalties provided in this section:

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

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

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

10 (iii) For a third or subsequent offense, the court may, as a part of  
11 the judgment of conviction or adjudication, (A) impound any such licenses  
12 or permits for twelve months and (B) require such person to complete no  
13 fewer than sixty hours of community service, to attend a drug education  
14 class, and to submit to a drug assessment by a licensed alcohol and drug  
15 counselor; and

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

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

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

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

1 the judgment of conviction or adjudication, (A) prohibit such person from  
2 obtaining any permit or any license pursuant to the act for which such  
3 person would otherwise be eligible until twelve months after the date of  
4 such order and (B) require such person to complete no fewer than sixty  
5 hours of community service, to attend a drug education class, and to  
6 submit to a drug assessment by a licensed alcohol and drug counselor.

7 A copy of an abstract of the court's conviction or adjudication  
8 shall be transmitted to the Director of Motor Vehicles pursuant to  
9 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a  
10 juvenile is prohibited from obtaining a license or permit under this  
11 subsection.

12 Sec. 4. Original sections 28-401, 28-405, and 28-416, Revised  
13 Statutes Cumulative Supplement, 2020, are repealed.