

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 481

Introduced by McKinney, 11; Cavanaugh, J., 9; Cavanaugh, M., 6; Hansen, M., 26; Morfeld, 46; Wishart, 27.

Read first time January 15, 2021

Committee:

1 A BILL FOR AN ACT relating to marijuana; to amend sections 28-439,
2 43-292, 77-4301, 77-4302, 77-4303, 77-4304, 77-4305, 77-4306,
3 77-4309, 77-4310.01, and 77-4310.03, Reissue Revised Statutes of
4 Nebraska, and sections 28-401, 28-405, 28-416, 28-1354, 60-6,211.08,
5 and 71-5727, Revised Statutes Cumulative Supplement, 2020; to adopt
6 the Marijuana Conviction Clean Slate Act; to decriminalize
7 possession of marijuana; to change provisions relating to penalties
8 for possession of a synthetic cannabinoid and drug paraphernalia; to
9 define and redefine terms; to change provisions relating to
10 termination of parental rights, visitation, custody, and other
11 parenting matters; to prohibit possession of an open container of
12 marijuana in a motor vehicle; to provide for the applicability of
13 the Nebraska Clean Indoor Air Act; to remove marijuana from the
14 marijuana and controlled substances tax; to rename a fund; to
15 eliminate obsolete provisions; to harmonize provisions; and to
16 repeal the original sections.
17 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 14 of this act shall be known and may be
2 cited as the Marijuana Conviction Clean Slate Act.

3 Sec. 2. For purposes of the Marijuana Conviction Clean Slate Act,
4 the definitions found in the Marijuana Control Act, the Security,
5 Privacy, and Dissemination of Criminal History Information Act, and
6 sections 3 to 6 of this act apply.

7 Sec. 3. The terms conviction and adjudication include a conviction
8 or adjudication following trial or entry of a guilty plea or plea of nolo
9 contendere and include a forfeiture of bail, bond, or other security
10 deposited to secure appearance by a person charged with an offense.

11 Sec. 4. Marijuana has the same meaning as in section 28-401.

12 Sec. 5. Qualified offense means:

13 (1) Any of the following violations of section 28-416, as such
14 section existed prior to the effective date of this act involving
15 marijuana or synthetic marijuana:

16 (a) A violation of subsection (1), (4), or (5) of section 28-416
17 involving possession with intent to commit any act;

18 (b) A violation of subsection (11), (12), or (13) of section 28-416;

19 (c) A violation of subsection (16) or (17) of section 28-416 based
20 upon a violation described in this section; or

21 (d) A violation of section 28-416 or any other criminal statute in
22 Nebraska, as such section or statute existed prior to the effective date
23 of this act, substantially similar to any of the violations described in
24 this subdivision (1).

25 (2) A violation of section 28-441 or 28-442 as such sections existed
26 prior to the effective date of this act involving drug paraphernalia
27 relating to marijuana or synthetic marijuana;

28 (3) Violation of an ordinance substantially similar to an offense
29 described in subsection (1) or (2) of this section; or

30 (4) Attempt, solicitation, aiding or abetting, being an accessory,
31 or conspiracy to commit an offense listed in subdivision (1), (2), or (3)

1 of this section.

2 Sec. 6. Synthetic marijuana means a substance, chemical, or
3 compound described, defined, or delineated in subdivision (c)(24) of
4 Schedule I of section 28-405, as such section existed prior to the
5 effective date of this act.

6 Sec. 7. (1) Beginning June 1, 2023, a person shall automatically be
7 eligible for clean slate relief under sections 10 and 11 of this act for
8 a qualified offense if the person was sentenced for such offense on or
9 after January 1, 1994, and if, as of June 1, 2023, such person has
10 completed the sentence for such offense, including payment of all court-
11 ordered financial obligations related to such offense.

12 (2) Eligibility for relief under this section shall be determined
13 internally and administratively by the State Court Administrator and does
14 not require any involvement by the person in interest.

15 (3) On or before June 1, 2023, the State Court Administrator shall:

16 (a) Identify all persons eligible for relief under subsection (1) of
17 this section; and

18 (b) Notify the court of conviction or adjudication of such
19 determination.

20 (4) Each court of conviction or adjudication shall, on or before
21 August 1, 2023, issue orders for clean slate relief under sections 10 and
22 11 of this act for each person for whom the court received a notification
23 under subsection (3) of this section.

24 (5) The State Court Administrator is not required to proceed under
25 subsection (3) of this section if the State Court Administrator
26 determines that the person in interest is deceased.

27 Sec. 8. (1) Beginning July 1, 2023, a person shall automatically be
28 eligible for clean slate relief under sections 10 and 11 of this act for
29 a qualified offense the person was sentenced for on or after January 1,
30 1994, if such person has completed the sentence for such offense,
31 including payment of all court-ordered financial obligations related to

1 such offense.

2 (2) Eligibility for relief under this section shall be determined
3 internally and administratively by the State Court Administrator and does
4 not require any involvement by the person in interest.

5 (3) Beginning July 1, 2023, the State Court Administrator shall, on
6 a monthly basis:

7 (a) Identify all persons eligible for relief under subsection (1) of
8 this section; and

9 (b) Notify the court of conviction or adjudication of such
10 determination.

11 (4) Each court of conviction or adjudication shall, on a monthly
12 basis, issue orders for clean slate relief under sections 10 and 11 of
13 this act for each person for whom the court received a notification under
14 subsection (3) of this section.

15 (5) The State Court Administrator is not required to proceed under
16 subsection (3) of this section if the State Court Administrator
17 determines that the person in interest is deceased.

18 Sec. 9. (1) A person convicted of, or adjudicated for, a qualified
19 offense, regardless of when the offense was committed, may petition the
20 court for clean slate relief under sections 10 and 11 of this act if such
21 person has completed the sentence for such offense and paid all court-
22 ordered financial obligations related to such offense.

23 (2) This section applies to a qualified offense regardless of when
24 it was committed.

25 (3) The petition shall be filed in the court of conviction or
26 adjudication. There shall be no filing or docketing fee charged by the
27 court for the filing of a petition except for the fee authorized by this
28 subsection. The court may charge a filing fee in an amount set by the
29 State Court Administrator. The fee shall be set at an amount to recoup
30 the costs associated with administering the Marijuana Conviction Clean
31 Slate Act, but shall not exceed forty dollars.

1 (4) The court shall provide notice of the filing of the petition to
2 the appropriate county attorney or city attorney within ten days. Within
3 thirty days after receipt of notice, the county attorney or city attorney
4 may file objections to the petition. If no objection is timely filed, the
5 court shall grant the petition without further hearing if the
6 requirements of this section have been met.

7 (5) If the court determines that the person in interest meets the
8 eligibility requirements of this section, the court shall grant the
9 petition.

10 (6) Upon granting a petition under this section, the court shall
11 issue an order for clean slate relief under sections 10 and 11 of this
12 act.

13 (7) An order granting or denying a petition under this section is a
14 final, appealable order for purposes of section 25-1902.

15 Sec. 10. (1) An order for clean slate relief shall:

16 (a) Nullify the conviction;

17 (b) Remove all civil disabilities and disqualifications imposed as a
18 result of the conviction; and

19 (c) Notify the person in interest that such person should consult
20 with an attorney regarding the effect of the order, if any, on such
21 person's ability to possess a firearm under state or federal law.

22 (2) An order for clean slate relief shall not:

23 (a) Require the reinstatement of any office, employment, or position
24 which was previously held and lost or forfeited as a result of the
25 conviction; or

26 (b) Affect eligibility for, or obligations relating to, a commercial
27 driver's license.

28 Sec. 11. (1) Following entry of a court order granting a person
29 clean slate relief under section 10 of this act, a criminal justice
30 agency shall respond to a public inquiry in the same manner as if there
31 were no criminal history record information and criminal history record

1 information shall not be disseminated to any person other than a criminal
2 justice agency, except as provided in subsections (4) and (5) of this
3 section.

4 (2) In issuing an order for clean slate relief, the court shall:

5 (a) Order that all records, including any information or other data
6 concerning any proceedings relating to the case, including the arrest,
7 taking into custody, petition, complaint, indictment, information, trial,
8 hearing, adjudication, correctional supervision, dismissal, or other
9 disposition or sentence, are not part of the public record and shall not
10 be disseminated to persons other than criminal justice agencies, except
11 as provided in subsections (4) and (5) of this section;

12 (b) Send notice of the order to (i) the Nebraska Commission on Law
13 Enforcement and Criminal Justice, (ii) the Nebraska State Patrol, and
14 (iii) law enforcement agencies, county attorneys, and city attorneys
15 referenced in the court record;

16 (c) If the order relates to an adjudication, send notice of the
17 order to (i) the Department of Motor Vehicles, if the adjudication
18 included impoundment or prohibition to obtain a license or permit
19 pursuant to section 43-287, and (ii) the Department of Health and Human
20 Services, if the person in interest was a ward of the state at the time
21 the proceeding was initiated or if the department was a party in the
22 proceeding;

23 (d) Order all parties notified under subdivisions (2)(b) and (c) of
24 this section to seal all records pertaining to the case; and

25 (e) If the case was transferred from one court to another, send
26 notice of the order to seal the record to the original, transferring
27 court.

28 (3) In any application for employment, bonding, license, education,
29 or other right or privilege, any appearance as a witness, or any other
30 public inquiry, a person shall not be questioned with respect to any
31 offense for which the record is sealed. If an inquiry is made in

1 violation of this subsection, the person may respond as if the offense
2 never occurred.

3 (4) A criminal justice agency may, with respect to criminal history
4 record information sealed under this section, disclose, disseminate,
5 respond to inquiries regarding, or allow inspection of such criminal
6 history record information:

7 (a) If the person in interest has made a notarized request for the
8 release of information, to the extent authorized in such release;

9 (b) If the person in interest is currently the subject of
10 prosecution or correctional control as the result of a separate arrest;

11 (c) If the person in interest is currently an announced candidate
12 for or holder of public office;

13 (d) If the criminal history record information is kept unidentified,
14 and the record is used for purposes of surveying or summarizing
15 individual or collective law enforcement agency activity or practices, or
16 the dissemination is requested consisting only of release of criminal
17 history record information showing (i) dates of arrests, (ii) reasons for
18 arrests, and (iii) the nature of the dispositions, including, but not
19 limited to, reasons for not prosecuting the case or cases;

20 (e) To individuals and agencies for the express purpose of research,
21 evaluative, or statistical activities pursuant to an agreement with a
22 criminal justice agency that specifically authorizes access to the
23 information, limits the use of the information to research, evaluative,
24 or statistical activities, and ensures the confidentiality and security
25 of the information; and

26 (f) In response to an inquiry for employment, security, or other
27 purposes to the extent disclosure of such criminal history record
28 information is required by:

29 (i) Federal law, including rules and regulations and rules and
30 regulations promulgated by a self-regulatory organization created under
31 federal law; or

1 (ii) State law, including rules or regulations, relating to
2 operation of a motor vehicle or caring for or interacting with children,
3 including, but not limited to, determining whether an application filed
4 or a license issued under sections 71-1901 to 71-1906.01, the Child Care
5 Licensing Act, or the Children's Residential Facilities and Placing
6 Licensure Act or a certificate issued under sections 79-806 to 79-815
7 should be denied, suspended, or revoked.

8 (5) In addition to disclosures authorized under subsection (4) of
9 this section, inspection of criminal history record information relating
10 to an adjudication that has been sealed under this section may be made by
11 the persons and for the purposes authorized in section 43-2,108.05.

12 Sec. 12. An appeal by a person in interest who is denied clean
13 slate relief shall be expedited. If, on appeal, it is determined that the
14 person in interest was wrongfully denied clean slate relief, the state
15 shall pay such person's attorney's fees for the appeal.

16 Sec. 13. (1) Upon petition of the county attorney or city attorney,
17 and with notice to the person in interest and opportunity to be heard,
18 the court shall vacate an order for clean slate relief issued pursuant to
19 section 7 or 8 of this act if the court determines that the order was
20 erroneously entered and not in accordance with the Marijuana Conviction
21 Clean Slate Act.

22 (2) Upon entry of an order under subsection (1) of this section, the
23 court shall send notice of such order as provided in subdivision (2)(b)
24 of section 11 of this act.

25 Sec. 14. The State Court Administrator may adopt and promulgate
26 rules and regulations as necessary to carry out the Marijuana Conviction
27 Clean Slate Act.

28 Sec. 15. Section 28-401, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 28-401 As used in the Uniform Controlled Substances Act, unless the
31 context otherwise requires:

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

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

8 (3) Administration means the Drug Enforcement Administration of the
9 United States Department of Justice;

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

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

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

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

29 (8) Dispense means to deliver a controlled substance to an ultimate
30 user or a research subject pursuant to a medical order issued by a
31 practitioner authorized to prescribe, including the packaging, labeling,

1 or compounding necessary to prepare the controlled substance for such
2 delivery;

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

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

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

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

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

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

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

1 ~~pursuant to sections 28-463 to 28-468.~~

2 (c) Marijuana does not include hemp.

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

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

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

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

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

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

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

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

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

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

31 (22) Production includes the manufacture, planting, cultivation, or

1 harvesting of a controlled substance;

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

7 (24) State means the State of Nebraska;

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

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

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

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

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

29 (29) Exceptionally hazardous drug means (a) a narcotic drug, (b)
30 thiophene analog of phencyclidine, (c) phencyclidine, (d) amobarbital,
31 (e) secobarbital, (f) pentobarbital, (g) amphetamine, or (h)

1 methamphetamine;

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

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

23 (b) Controlled substance analogue does not include (i) a controlled
24 substance, (ii) any substance generally recognized as safe and effective
25 within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
26 301 et seq., as such act existed on January 1, 2014, (iii) any substance
27 for which there is an approved new drug application, or (iv) with respect
28 to a particular person, any substance if an exemption is in effect for
29 investigational use for that person, under section 505 of the Federal
30 Food, Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
31 January 1, 2014, to the extent conduct with respect to such substance is

1 pursuant to such exemption;

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

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

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

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

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

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

29 (38) Signature means the name, word, or mark of a person written in
30 his or her own hand with the intent to authenticate a writing or other
31 form of communication or a digital signature which complies with section

1 86-611 or an electronic signature;

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

6 (40) Electronic signature has the definition found in section
7 86-621;

8 (41) Electronic transmission means transmission of information in
9 electronic form. Electronic transmission includes computer-to-computer
10 transmission or computer-to-facsimile transmission;

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

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

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

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

29 (a) The packaging or labeling of the product or substance suggests
30 that the user will achieve euphoria, hallucination, mood enhancement,
31 stimulation, or another effect on the human body that replicates or

1 mimics those produced by a controlled substance;

2 (b) The name or packaging of the product or substance uses images or
3 labels suggesting that it is a controlled substance or produces effects
4 on the human body that replicate or mimic those produced by a controlled
5 substance;

6 (c) The product or substance is marketed or advertised for a
7 particular use or purpose and the cost of the product or substance is
8 disproportionately higher than other products or substances marketed or
9 advertised for the same or similar use or purpose;

10 (d) The packaging or label on the product or substance contains
11 words or markings that state or suggest that the product or substance is
12 in compliance with state and federal laws regulating controlled
13 substances;

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

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

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

27 (h) The product or substance contains a chemical or chemical
28 compound that does not have a legitimate relationship to the use or
29 purpose claimed by the seller, distributor, packer, or manufacturer of
30 the product or substance or indicated by the product name, appearing on
31 the product's packaging or label or depicted in advertisement of the

1 product or substance.

2 Sec. 16. Section 28-405, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 28-405 The following are the schedules of controlled substances
5 referred to in the Uniform Controlled Substances Act, unless specifically
6 contained on the list of exempted products of the Drug Enforcement
7 Administration of the United States Department of Justice as the list
8 existed on November 9, 2017:

9 Schedule I

10 (a) Any of the following opiates, including their isomers, esters,
11 ethers, salts, and salts of isomers, esters, and ethers, unless
12 specifically excepted, whenever the existence of such isomers, esters,
13 ethers, and salts is possible within the specific chemical designation:

14 (1) Acetylmethadol;

15 (2) Allylprodine;

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

18 (4) Alphameprodine;

19 (5) Alphamethadol;

20 (6) Benzethidine;

21 (7) Betacetylmethadol;

22 (8) Betameprodine;

23 (9) Betamethadol;

24 (10) Betaprodine;

25 (11) Clonitazene;

26 (12) Dextromoramide;

27 (13) Difenoxyin;

28 (14) Diampromide;

29 (15) Diethylthiambutene;

30 (16) Dimenoxadol;

31 (17) Dimepheptanol;

- 1 (18) Dimethylthiambutene;
- 2 (19) Dioxaphetyl butyrate;
- 3 (20) Dipipanone;
- 4 (21) Ethylmethylthiambutene;
- 5 (22) Etonitazene;
- 6 (23) Etoxeridine;
- 7 (24) Furethidine;
- 8 (25) Hydroxypethidine;
- 9 (26) Ketobemidone;
- 10 (27) Levomoramide;
- 11 (28) Levophenacymorphan;
- 12 (29) Morpheridine;
- 13 (30) Noracymethadol;
- 14 (31) Norlevorphanol;
- 15 (32) Normethadone;
- 16 (33) Norpipanone;
- 17 (34) Phenadoxone;
- 18 (35) Phenampromide;
- 19 (36) Phenomorphan;
- 20 (37) Phenoperidine;
- 21 (38) Piritramide;
- 22 (39) Proheptazine;
- 23 (40) Properidine;
- 24 (41) Propiram;
- 25 (42) Racemoramide;
- 26 (43) Trimeperidine;
- 27 (44) Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl-4-
- 28 piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)
- 29 piperidine;
- 30 (45) Tilidine;
- 31 (46) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-

1 phenylpropanamide, its optical and geometric isomers, salts, and salts of
2 isomers;

3 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical
4 isomers, salts, and salts of isomers;

5 (48) PEPAP, 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine, its
6 optical isomers, salts, and salts of isomers;

7 (49) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-phenethyl)-4-
8 piperidinyl)-N-phenylacetamide, its optical isomers, salts, and salts of
9 isomers;

10 (50) Alpha-methylthiofentanyl, N-(1-methyl-2-(2-thienyl)ethyl-4-
11 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
12 of isomers;

13 (51) Benzylfentanyl, N-(1-benzyl-4-piperidyl)-N-phenylpropanamide,
14 its optical isomers, salts, and salts of isomers;

15 (52) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-phenethyl)-4-
16 piperidinyl)-N-phenylpropanamide, its optical isomers, salts, and salts
17 of isomers;

18 (53) Beta-hydroxy-3-methylfentanyl, (other name: N-(1-(2-hydroxy-2-
19 phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide), its optical and
20 geometric isomers, salts, and salts of isomers;

21 (54) 3-methylthiofentanyl, N-(3-methyl-1-(2-thienyl)ethyl-4-
22 piperidinyl)-N-phenylpropanamide, its optical and geometric isomers,
23 salts, and salts of isomers;

24 (55) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
25 (thenylfentanyl), its optical isomers, salts, and salts of isomers;

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

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

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

1 methylbenzamide.

2 (b) Any of the following opium derivatives, their salts, isomers,
3 and salts of isomers, unless specifically excepted, whenever the
4 existence of such salts, isomers, and salts of isomers is possible within
5 the specific chemical designation:

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

29 (c) Any material, compound, mixture, or preparation which contains
30 any quantity of the following hallucinogenic substances, their salts,
31 isomers, and salts of isomers, unless specifically excepted, whenever the

1 existence of such salts, isomers, and salts of isomers is possible within
2 the specific chemical designation, and, for purposes of this subdivision
3 only, isomer shall include the optical, position, and geometric isomers:

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

8 (2) 4-bromo-2,5-dimethoxyamphetamine. Trade and other names shall
9 include, but are not limited to: 4-bromo-2,5-dimethoxy-alpha-
10 methylphenethylamine; and 4-bromo-2,5-DMA;

11 (3) 4-methoxyamphetamine. Trade and other names shall include, but
12 are not limited to: 4-methoxy-alpha-methylphenethylamine; and
13 paramethoxyamphetamine, PMA;

14 (4) 4-methyl-2,5-dimethoxyamphetamine. Trade and other names shall
15 include, but are not limited to: 4-methyl-2,5-dimethoxy-alpha-
16 methylphenethylamine; DOM; and STP;

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

21 (6) Lysergic acid diethylamide;

22 (7) Marijuana;

23 (8) Mescaline;

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

29 (10) Psilocybin;

30 (11) Psilocyn;

31 (12) Tetrahydrocannabinols, including, but not limited to, synthetic

1 equivalents of the substances contained in the plant or in the resinous
2 extractives of cannabis, sp. or synthetic substances, derivatives, and
3 their isomers with similar chemical structure and pharmacological
4 activity such as the following: Delta 1 cis or trans tetrahydrocannabinol
5 and their optical isomers, excluding dronabinol in a drug product
6 approved by the federal Food and Drug Administration; Delta 6 cis or
7 trans tetrahydrocannabinol and their optical isomers; and Delta 3,4 cis
8 or trans tetrahydrocannabinol and its optical isomers. Since nomenclature
9 of these substances is not internationally standardized, compounds of
10 these structures shall be included regardless of the numerical
11 designation of atomic positions covered;

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

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

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

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

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

21 (17) ~~(18)~~ Ethylamine analog of phencyclidine. Trade and other names
22 shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine;
23 (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;
24 cyclohexamine; and PCE;

25 (18) ~~(19)~~ Pyrrolidine analog of phencyclidine. Trade and other names
26 shall include, but are not limited to: 1-(1-phenylcyclohexyl)-
27 pyrrolidine; PCPy; and PHP;

28 (19) ~~(20)~~ Alpha-ethyltryptamine. Some trade or other names:
29 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
30 indole; alpha-ET; and AET;

31 (20) ~~(21)~~ 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

1 (21) ~~(22)~~ 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

2 (22) ~~(23)~~ Alpha-methyltryptamine, which is also known as AMT;

3 (23) ~~(24)~~ Salvia divinorum or Salvinorin A. Salvia divinorum or
4 Salvinorin A includes all parts of the plant presently classified
5 botanically as Salvia divinorum, whether growing or not, the seeds
6 thereof, any extract from any part of such plant, and every compound,
7 manufacture, derivative, mixture, or preparation of such plant, its
8 seeds, or its extracts, including salts, isomers, and salts of isomers
9 whenever the existence of such salts, isomers, and salts of isomers is
10 possible within the specific chemical designation;

11 (24) ~~(25)~~ Any material, compound, mixture, or preparation containing
12 any quantity of synthetically produced cannabinoids as listed in
13 subdivisions (A) through (L) of this subdivision, including their salts,
14 isomers, salts of isomers, and nitrogen, oxygen, or sulfur-heterocyclic
15 analogs, unless specifically excepted elsewhere in this section. Since
16 nomenclature of these synthetically produced cannabinoids is not
17 internationally standardized and may continually evolve, these structures
18 or compounds of these structures shall be included under this
19 subdivision, regardless of their specific numerical designation of atomic
20 positions covered, so long as it can be determined through a recognized
21 method of scientific testing or analysis that the substance contains
22 properties that fit within one or more of the following categories:

23 (A) Tetrahydrocannabinols: Meaning synthetic equivalents of
24 tetrahydrocannabinols naturally contained in a plant of the genus
25 cannabis (cannabis plant), ~~as well as synthetic equivalents of the~~
26 ~~substances contained in the plant,~~ or in the resinous extractives of
27 cannabis, sp. and/or synthetic substances, derivatives, and their isomers
28 with similar chemical structure and pharmacological activity such as the
29 following: Delta 1 cis or trans tetrahydrocannabinol, and their optical
30 isomers; Delta 6 cis or trans tetrahydrocannabinol, and their optical
31 isomers; Delta 3,4 cis or trans tetrahydrocannabinol, and its optical

1 isomers;

2 (B) Naphthoylindoles: Any compound containing a 3-(1-
3 naphthoyl)indole structure with substitution at the nitrogen atom of the
4 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 (C) Naphthylmethylinindoles: Any compound containing a 1 H-indol-3-
11 yl-(1-naphthyl)methane structure with substitution at the nitrogen atom
12 of the indole 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 further substituted in or
17 on any of the listed ring systems to any extent;

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

26 (E) Naphthylideneindenes: Any compound containing a
27 naphthylideneindene structure with substitution at the 3-position of the
28 indene ring by an alkyl, haloalkyl, alkenyl, halobenzyl, benzyl,
29 cycloalkylmethyl, cycloalkylethyl, 2-(4-morpholinyl)ethyl group,
30 cyanoalkyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(N-methyl-2-
31 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or

1 tetrahydropyranylmethyl group, whether or not further substituted in or
2 on any of the listed ring systems to any extent;

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

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

27 (I) Adamantoylindoles: Any compound containing a 3-adamantoylindole
28 structure with substitution at the nitrogen atom of the indole ring by an
29 alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl, benzyl,
30 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
31 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-

1 morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not
2 further substituted in or on any of the listed ring systems to any
3 extent;

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

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

24 (L) Indole carboxylates: Any compound containing a 1-indole-3-
25 carboxylate structure with substitution at the nitrogen atom of the
26 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, halobenzyl,
27 benzyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
28 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
29 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
30 tetrahydropyranylmethyl group, substitution at the carboxylate group by
31 an alkyl, methoxy, benzyl, propionaldehyde, adamantyl, 1-naphthyl,

1 phenyl, aminoalkyl group, or quinolinyl group, whether or not further
2 substituted in or on any of the listed ring systems to any extent or to
3 the adamantyl, 1-naphthyl, phenyl, aminoalkyl, benzyl, or
4 propionaldehyde groups to any extent; and

5 (M) Any nonnaturally occurring substance, chemical compound,
6 mixture, or preparation, not specifically listed elsewhere in these
7 schedules and which is not approved for human consumption by the federal
8 Food and Drug Administration, containing or constituting a cannabinoid
9 receptor agonist as defined in section 28-401. This subdivision does not
10 apply to any product or preparation containing only naturally occurring
11 tetrahydrocannabinols extracted or derived from marijuana;

12 ~~(25)~~ (26) Any material, compound, mixture, or preparation containing
13 any quantity of a substituted phenethylamine as listed in subdivisions
14 (A) through (C) of this subdivision, unless specifically excepted, listed
15 in another schedule, or specifically named in this schedule, that is
16 structurally derived from phenylethan-2-amine by substitution on the
17 phenyl ring with a fused methylenedioxy ring, fused furan ring, or a
18 fused tetrahydrofuran ring; by substitution with two alkoxy groups; by
19 substitution with one alkoxy and either one fused furan, tetrahydrofuran,
20 or tetrahydropyran ring system; or by substitution with two fused ring
21 systems from any combination of the furan, tetrahydrofuran, or
22 tetrahydropyran ring systems, whether or not the compound is further
23 modified in any of the following ways:

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

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

31 (ii) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine, which is also known

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

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

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

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

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

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

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

8 (i) 3,4-methylenedioxymethcathinone, or bk-MDMA, or methydone;

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

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

11 (iv) 4-methoxymethcathinone, or bk-PMMA, or PPMC, or methedrone;

12 (v) Fluoromethcathinone, or FMC;

13 (vi) Naphthylpyrovalerone, or naphyrone; or

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

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

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

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

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

31 (d) Unless specifically excepted or unless listed in another

1 schedule, any material, compound, mixture, or preparation which contains
2 any quantity of the following substances having a depressant effect on
3 the central nervous system, including its salts, isomers, and salts of
4 isomers whenever the existence of such salts, isomers, and salts of
5 isomers is possible within the specific chemical designation:

6 (1) Mecloqualone;

7 (2) Methaqualone; and

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

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

16 (1) Fenethylline;

17 (2) N-ethylamphetamine;

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

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

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

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

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

7 (1) Amobarbital;

8 (2) Secobarbital;

9 (3) Pentobarbital;

10 (4) Phencyclidine; and

11 (5) Glutethimide.

12 (e) Hallucinogenic substances known as:

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

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

18 (f) 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:

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

25 (2) Immediate precursors to phencyclidine, PCP:

26 (A) 1-phenylcyclohexylamine; or

27 (B) 1-piperidinocyclohexanecarbonitrile, PCC; or

28 (3) Immediate precursor to fentanyl; 4-anilino-N-phenethyl-4-
29 piperidine (ANNPP).

30 Schedule III

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

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

- 7 (1) Benzphetamine;
- 8 (2) Chlorphentermine;
- 9 (3) Clortermine; and
- 10 (4) Phendimetrazine.

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

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

- 18 (2) Chlorhexadol;
- 19 (3) Embutramide;
- 20 (4) Lysergic acid;
- 21 (5) Lysergic acid amide;
- 22 (6) Methyprylon;
- 23 (7) Perampanel;
- 24 (8) Sulfondiethylmethane;
- 25 (9) Sulfonethylmethane;
- 26 (10) Sulfonmethane;
- 27 (11) Nalorphine;

28 (12) Any compound, mixture, or preparation containing amobarbital,
29 secobarbital, pentobarbital, or any salt thereof and one or more other
30 active medicinal ingredients which are not listed in any schedule;

31 (13) Any suppository dosage form containing amobarbital,

1 secobarbital, pentobarbital, or any salt of any of these drugs and
2 approved by the federal Food and Drug Administration for marketing only
3 as a suppository;

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

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

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

18 (c) Unless specifically excepted or unless listed in another
19 schedule:

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

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

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

31 (C) Not more than one and eight-tenths grams of dihydrocodeine per

1 one hundred milliliters or not more than ninety milligrams per dosage
2 unit, with one or more active, nonnarcotic ingredients in recognized
3 therapeutic amounts;

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

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

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

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

17 (A) Buprenorphine.

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

25 (1) 3-beta,17-dihydroxy-5a-androstane;

26 (2) 3-alpha,17-beta-dihydroxy-5a-androstane;

27 (3) 5-alpha-androstan-3,17-dione;

28 (4) 1-androstenediol (3-beta,17-beta-dihydroxy-5-alpha-androst-1-
29 ene);

30 (5) 1-androstenediol (3-alpha,17-beta-dihydroxy-5-alpha-androst-1-
31 ene);

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

- 1 one);
- 2 (28) Mestanolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
- 3 one);
- 4 (29) Mesterolone (17-alpha-methyl-17-beta-hydroxy-5-androstan-3-
- 5 one);
- 6 (30) Methandienone (17-alpha-methyl-17-beta-hydroxyandrost-1,4-
- 7 dien-3-one);
- 8 (31) Methandriol (17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-
- 9 ene);
- 10 (32) Methasterone (2-alpha,17-alpha-dimethyl-5-alpha-androstan-17-
- 11 beta-ol-3-one);
- 12 (33) Methenolone (1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-
- 13 one);
- 14 (34) 17-alpha-methyl-3-beta,17-beta-dihydroxy-5a-androstane;
- 15 (35) 17-alpha-methyl-3-alpha,17-beta-dihydroxy-5a-androstane;
- 16 (36) 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-4-ene;
- 17 (37) 17-alpha-methyl-4-hydroxynandrolone (17-alpha-methyl-4-
- 18 hydroxy-17-beta-hydroxyestr-4-en-3-one);
- 19 (38) Methyldienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9(10)-
- 20 dien-3-one);
- 21 (39) Methyltrienolone (17-alpha-methyl-17-beta-hydroxyestra-4,9,11-
- 22 trien-3-one);
- 23 (40) Methyltestosterone (17-alpha-methyl-17-beta-hydroxyandrost-4-
- 24 en-3-one);
- 25 (41) Mibolerone (7-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-
- 26 en-3-one);
- 27 (42) 17-alpha-methyl-delta-1-dihydrotestosterone (17-beta-
- 28 hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one) (a.k.a. '17-alpha-
- 29 methyl-1-testosterone');
- 30 (43) Nandrolone (17-beta-hydroxyestr-4-en-3-one);
- 31 (44) 19-nor-4-androstenediol (3-beta, 17-beta-dihydroxyestr-4-ene);

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

1 (64) Trenbolone (17-beta-hydroxyestr-4,9,11-trien-3-one); and
2 (65) Any salt, ester, or ether of a drug or substance described or
3 listed in this subdivision if the salt, ester, or ether promotes muscle
4 growth.

5 (e) Hallucinogenic substances known as:

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

11 Schedule IV

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

16 (1) Barbital;

17 (2) Chloral betaine;

18 (3) Chloral hydrate;

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

22 (5) Clonazepam;

23 (6) Clorazepate;

24 (7) Diazepam;

25 (8) Ethchlorvynol;

26 (9) Ethinamate;

27 (10) Flurazepam;

28 (11) Mebutamate;

29 (12) Meprobamate;

30 (13) Methohexital;

31 (14) Methylphenobarbital;

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

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

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

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

- 23 (1) Diethylpropion;
- 24 (2) Phentermine;
- 25 (3) Pemoline, including organometallic complexes and chelates
26 thereof;
- 27 (4) Mazindol;
- 28 (5) Pipradrol;
- 29 (6) SPA, ((-)-1-dimethylamino- 1,2-diphenylethane);
- 30 (7) Cathine. Another name for cathine is ((+)-norpseudoephedrine);
- 31 (8) Fencamfamin;

- 1 (9) Fenproporex;
- 2 (10) Mefenorex;
- 3 (11) Modafinil; and
- 4 (12) Sibutramine.

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

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

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

- 19 (1) Pentazocine; and
- 20 (2) Butorphanol (including its optical isomers).

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

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

29 (2) The following drug products containing ephedrine, its salts,
30 optical isomers, and salts of such optical isomers, are excepted from
31 subdivision (g)(1) of Schedule IV if they (A) are stored behind a

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

- 19 (i) Primatene Tablets; and
20 (ii) Bronkaid Dual Action Caplets.

21 Schedule V

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (d) Cannabidiol in a drug product approved by the federal Food and
28 Drug Administration.

29 Sec. 17. Section 28-416, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 28-416 (1) Except as authorized by the Uniform Controlled Substances

1 Act and except as provided in subsection (18) of this section, it shall
2 be unlawful for any person knowingly or intentionally: (a) To
3 manufacture, distribute, deliver, dispense, or possess with intent to
4 manufacture, distribute, deliver, or dispense a controlled substance; or
5 (b) to create, distribute, or possess with intent to distribute a
6 counterfeit controlled substance.

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

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

26 (4)(a) Except as authorized by the Uniform Controlled Substances Act
27 and except as provided in subsection (18) of this section, any person
28 eighteen years of age or older who knowingly or intentionally
29 manufactures, distributes, delivers, dispenses, or possesses with intent
30 to manufacture, distribute, deliver, or dispense a controlled substance
31 or a counterfeit controlled substance (i) to a person under the age of

1 eighteen years, (ii) in, on, or within one thousand feet of the real
2 property comprising a public or private elementary, vocational, or
3 secondary school, a community college, a public or private college,
4 junior college, or university, or a playground, or (iii) within one
5 hundred feet of a public or private youth center, public swimming pool,
6 or video arcade facility shall be punished by the next higher penalty
7 classification than the penalty prescribed in subsection (2), (7), (8),
8 (9), or (10) of this section, depending upon the controlled substance
9 involved, for the first violation and for a second or subsequent
10 violation shall be punished by the next higher penalty classification
11 than that prescribed for a first violation of this subsection, but in no
12 event shall such person be punished by a penalty greater than a Class IB
13 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 Act
29 and except as provided in subsection (18) of this section, it shall be
30 unlawful for any person eighteen years of age or older to knowingly and
31 intentionally employ, hire, use, cause, persuade, coax, induce, entice,

1 seduce, or coerce any person under the age of eighteen years to:

2 (i) Manufacture manufacture, transport, distribute, carry, deliver,
3 dispense, prepare for delivery, offer for delivery, or possess with
4 intent to do the same a controlled substance or a counterfeit controlled
5 substance; or -

6 ~~(b) Except as authorized by the Uniform Controlled Substances Act,~~
7 ~~it shall be unlawful for any person eighteen years of age or older to~~
8 ~~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 aid~~

11 (ii) Aid and abet any person in the manufacture, transportation,
12 distribution, carrying, delivery, dispensing, preparation for delivery,
13 offering for delivery, or possession with intent to do the same of a
14 controlled substance or a counterfeit controlled substance.

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

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

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

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

31 (b) At least twenty-eight grams but less than one hundred forty

1 grams shall be guilty of a Class IC felony; or

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

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

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

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

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

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

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

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

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

22 (10) Any person who violates subsection (1) of this section with
23 respect to amphetamine, its salts, optical isomers, and salts of its
24 isomers, or with respect to methamphetamine, its salts, optical isomers,
25 and salts of its isomers, 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 ~~(11) Any person knowingly or intentionally possessing marijuana~~
2 ~~weighing more than one ounce but not more than one pound shall be guilty~~
3 ~~of a Class III misdemeanor.~~

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

6 (11) ~~(13)~~ Any person knowingly or intentionally possessing marijuana
7 ~~weighing one ounce or less or any substance containing a quantifiable~~
8 amount of the substances, chemicals, or compounds described, defined, or
9 delineated in subdivision (c)(24) ~~(c)(25)~~ of Schedule I of section 28-405
10 shall:

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

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

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

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

27 (13) ~~(15)~~ Any person convicted of violating this section, if
28 sentenced to the Department of Correctional Services, shall attend
29 appropriate treatment and counseling on drug abuse.

30 (14) ~~(16)~~ Any person knowingly or intentionally possessing a firearm
31 while in violation of subsection (1) of this section shall be punished by

1 the next higher penalty classification than the penalty prescribed in
2 subsection (2), (7), (8), (9), or (10) of this section, but in no event
3 shall such person be punished by a penalty greater than a Class IB
4 felony.

5 ~~(15)~~ ~~(17)~~ A person knowingly or intentionally in possession of money
6 used or intended to be used to facilitate a violation of subsection (1)
7 of this section shall be guilty of a Class IV felony.

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

21 ~~(17)~~ ~~(19)~~ In addition to the penalties provided in this section:

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

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

29 (ii) For a second offense, the court may, as a part of the judgment
30 of conviction or adjudication, (A) impound any such licenses or permits
31 for ninety days and (B) require such person to complete no fewer than

1 twenty and no more than forty hours of community service and to attend a
2 drug education class; and

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

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

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

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

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

31 A copy of an abstract of the court's conviction or adjudication

1 shall be transmitted to the Director of Motor Vehicles pursuant to
2 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a
3 juvenile is prohibited from obtaining a license or permit under this
4 subsection.

5 (18)(a) It shall not be an offense for a person to possess
6 marijuana.

7 (b) It shall not be an offense for a person to possess marijuana
8 with intent to manufacture, distribute, deliver, dispense, prepare for
9 delivery, or offer for delivery.

10 Sec. 18. Section 28-439, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 28-439 (1) As used in sections 28-101, 28-431, and 28-439 to
13 28-444, unless the context otherwise requires, drug paraphernalia shall
14 mean all equipment, products, and materials of any kind which are used,
15 intended for use, or designed for use, in manufacturing, injecting,
16 ingesting, inhaling, or otherwise introducing into the human body a
17 controlled substance in violation of sections 28-101, 28-431, and 28-439
18 to 28-444 or the Uniform Controlled Substances Act. It shall include, but
19 not be limited to, the following:

20 (a) (1) Diluents and adulterants, such as quinine hydrochloride,
21 mannitol, mannite, dextrose, and lactose, used, intended for use, or
22 designed for use in cutting controlled substances;

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

26 (b) (3) Hypodermic syringes, needles, and other objects used,
27 intended for use, and designed for use in parenterally injecting
28 controlled substances into the human body; and

29 (c) (4) Objects used, intended for use, or designed for use in
30 ingesting, inhaling, or otherwise introducing ~~marijuana,~~ cocaine,
31 hashish, ~~or hashish oil~~ into the human body. ~~, which shall include but~~

1 not be limited to the following:

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

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

8 ~~(b) Water pipes;~~

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

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

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

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

15 ~~(g) Chamber pipes;~~

16 ~~(h) Carburetor pipes;~~

17 ~~(i) Electric pipes;~~

18 ~~(j) Air-driven pipes;~~

19 ~~(k) Chillums;~~

20 ~~(l) Bongs; and~~

21 ~~(m) Ice pipes or chillers.~~

22 Sec. 19. Section 28-1354, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 28-1354 For purposes of the Public Protection Act:

25 (1) Enterprise means any individual, sole proprietorship,
26 partnership, corporation, trust, association, or any legal entity, union,
27 or group of individuals associated in fact although not a legal entity,
28 and shall include illicit as well as licit enterprises as well as other
29 entities;

30 (2) Pattern of racketeering activity means a cumulative loss for one
31 or more victims or gains for the enterprise of not less than one thousand

1 five hundred dollars resulting from at least two acts of racketeering
2 activity, one of which occurred after August 30, 2009, and the last of
3 which occurred within ten years, excluding any period of imprisonment,
4 after the commission of a prior act of racketeering activity;

5 (3) Until January 1, 2017, person means any individual or entity, as
6 defined in section 21-2014, holding or capable of holding a legal,
7 equitable, or beneficial interest in property. Beginning January 1, 2017,
8 person means any individual or entity, as defined in section 21-214,
9 holding or capable of holding a legal, equitable, or beneficial interest
10 in property;

11 (4) Prosecutor includes the Attorney General of the State of
12 Nebraska, the deputy attorney general, assistant attorneys general, a
13 county attorney, a deputy county attorney, or any person so designated by
14 the Attorney General, a county attorney, or a court of the state to carry
15 out the powers conferred by the act;

16 (5) Racketeering activity includes the commission of, criminal
17 attempt to commit, conspiracy to commit, aiding and abetting in the
18 commission of, aiding in the consummation of, acting as an accessory to
19 the commission of, or the solicitation, coercion, or intimidation of
20 another to commit or aid in the commission of any of the following:

21 (a) Offenses against the person which include: Murder in the first
22 degree under section 28-303; murder in the second degree under section
23 28-304; manslaughter under section 28-305; assault in the first degree
24 under section 28-308; assault in the second degree under section 28-309;
25 assault in the third degree under section 28-310; terroristic threats
26 under section 28-311.01; kidnapping under section 28-313; false
27 imprisonment in the first degree under section 28-314; false imprisonment
28 in the second degree under section 28-315; sexual assault in the first
29 degree under section 28-319; and robbery under section 28-324;

30 (b) Offenses relating to controlled substances which include: To
31 unlawfully manufacture, distribute, deliver, dispense, or possess with

1 intent to manufacture, distribute, deliver, or dispense a controlled
2 substance under subsection (1) of section 28-416; ~~possession of marijuana~~
3 ~~weighing more than one pound under subsection (12) of section 28-416;~~
4 possession of money used or intended to be used to facilitate a violation
5 of subsection (1) of section 28-416 prohibited under subsection (15) ~~(17)~~
6 of section 28-416; any violation of section 28-418; to unlawfully
7 manufacture, distribute, deliver, or possess with intent to distribute or
8 deliver an imitation controlled substance under section 28-445;
9 possession of anhydrous ammonia with the intent to manufacture
10 methamphetamine under section 28-451; and possession of ephedrine,
11 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
12 methamphetamine under section 28-452;

13 (c) Offenses against property which include: Arson in the first
14 degree under section 28-502; arson in the second degree under section
15 28-503; arson in the third degree under section 28-504; burglary under
16 section 28-507; theft by unlawful taking or disposition under section
17 28-511; theft by shoplifting under section 28-511.01; theft by deception
18 under section 28-512; theft by extortion under section 28-513; theft of
19 services under section 28-515; theft by receiving stolen property under
20 section 28-517; criminal mischief under section 28-519; and unlawfully
21 depriving or obtaining property or services using a computer under
22 section 28-1344;

23 (d) Offenses involving fraud which include: Burning to defraud an
24 insurer under section 28-505; forgery in the first degree under section
25 28-602; forgery in the second degree under section 28-603; criminal
26 possession of a forged instrument under section 28-604; criminal
27 possession of written instrument forgery devices under section 28-605;
28 criminal impersonation under section 28-638; identity theft under section
29 28-639; identity fraud under section 28-640; false statement or book
30 entry under section 28-612; tampering with a publicly exhibited contest
31 under section 28-614; issuing a false financial statement for purposes of

1 obtaining a financial transaction device under section 28-619;
2 unauthorized use of a financial transaction device under section 28-620;
3 criminal possession of a financial transaction device under section
4 28-621; unlawful circulation of a financial transaction device in the
5 first degree under section 28-622; unlawful circulation of a financial
6 transaction device in the second degree under section 28-623; criminal
7 possession of a blank financial transaction device under section 28-624;
8 criminal sale of a blank financial transaction device under section
9 28-625; criminal possession of a financial transaction forgery device
10 under section 28-626; unlawful manufacture of a financial transaction
11 device under section 28-627; laundering of sales forms under section
12 28-628; unlawful acquisition of sales form processing services under
13 section 28-629; unlawful factoring of a financial transaction device
14 under section 28-630; and fraudulent insurance acts under section 28-631;
15 (e) Offenses involving governmental operations which include: Abuse
16 of public records under section 28-911; perjury or subornation of perjury
17 under section 28-915; bribery under section 28-917; bribery of a witness
18 under section 28-918; tampering with a witness or informant or jury
19 tampering under section 28-919; bribery of a juror under section 28-920;
20 assault on an officer, an emergency responder, a state correctional
21 employee, a Department of Health and Human Services employee, or a health
22 care professional in the first degree under section 28-929; assault on an
23 officer, an emergency responder, a state correctional employee, a
24 Department of Health and Human Services employee, or a health care
25 professional in the second degree under section 28-930; assault on an
26 officer, an emergency responder, a state correctional employee, a
27 Department of Health and Human Services employee, or a health care
28 professional in the third degree under section 28-931; and assault on an
29 officer, an emergency responder, a state correctional employee, a
30 Department of Health and Human Services employee, or a health care
31 professional using a motor vehicle under section 28-931.01;

1 (f) Offenses involving gambling which include: Promoting gambling in
2 the first degree under section 28-1102; possession of gambling records
3 under section 28-1105; gambling debt collection under section 28-1105.01;
4 and possession of a gambling device under section 28-1107;

5 (g) Offenses relating to firearms, weapons, and explosives which
6 include: Carrying a concealed weapon under section 28-1202;
7 transportation or possession of machine guns, short rifles, or short
8 shotguns under section 28-1203; unlawful possession of a handgun under
9 section 28-1204; unlawful transfer of a firearm to a juvenile under
10 section 28-1204.01; possession of a firearm by a prohibited juvenile
11 offender under section 28-1204.05; using a deadly weapon to commit a
12 felony or possession of a deadly weapon during the commission of a felony
13 under section 28-1205; possession of a deadly weapon by a prohibited
14 person under section 28-1206; possession of a defaced firearm under
15 section 28-1207; defacing a firearm under section 28-1208; unlawful
16 discharge of a firearm under section 28-1212.02; possession, receipt,
17 retention, or disposition of a stolen firearm under section 28-1212.03;
18 unlawful possession of explosive materials in the first degree under
19 section 28-1215; unlawful possession of explosive materials in the second
20 degree under section 28-1216; unlawful sale of explosives under section
21 28-1217; use of explosives without a permit under section 28-1218;
22 obtaining an explosives permit through false representations under
23 section 28-1219; possession of a destructive device under section
24 28-1220; threatening the use of explosives or placing a false bomb under
25 section 28-1221; using explosives to commit a felony under section
26 28-1222; using explosives to damage or destroy property under section
27 28-1223; and using explosives to kill or injure any person under section
28 28-1224;

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

31 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to

1 section 77-2713;

2 (j) Offenses relating to public health and morals which include:
3 Prostitution under section 28-801; pandering under section 28-802;
4 keeping a place of prostitution under section 28-804; labor trafficking,
5 sex trafficking, labor trafficking of a minor, or sex trafficking of a
6 minor under section 28-831; a violation of section 28-1005; and any act
7 relating to the visual depiction of sexually explicit conduct prohibited
8 in the Child Pornography Prevention Act; and

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

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

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

14 (a) Incurred or contracted in gambling activity which was in
15 violation of federal law or the law of the state or which is
16 unenforceable under state or federal law in whole or in part as to
17 principal or interest because of the laws relating to usury; or

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

22 Sec. 20. Section 43-292, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-292 The court may terminate all parental rights between the
25 parents or the mother of a juvenile born out of wedlock and such juvenile
26 when the court finds such action to be in the best interests of the
27 juvenile and it appears by the evidence that one or more of the following
28 conditions exist:

29 (1) The parents have abandoned the juvenile for six months or more
30 immediately prior to the filing of the petition;

31 (2) The parents have substantially and continuously or repeatedly

1 neglected and refused to give the juvenile or a sibling of the juvenile
2 necessary parental care and protection;

3 (3) The parents, being financially able, have willfully neglected to
4 provide the juvenile with the necessary subsistence, education, or other
5 care necessary for his or her health, morals, or welfare or have
6 neglected to pay for such subsistence, education, or other care when
7 legal custody of the juvenile is lodged with others and such payment
8 ordered by the court;

9 (4) The parents are unfit by reason of debauchery, habitual use of
10 intoxicating liquor or narcotic drugs, or repeated lewd and lascivious
11 behavior, which conduct is found by the court to be seriously detrimental
12 to the health, morals, or well-being of the juvenile. A person's parental
13 rights shall not be terminated for use or possession of marijuana as
14 defined in section 28-401 absent clear, convincing, and articulable
15 evidence that such actions have created an unreasonable danger to the
16 safety of a minor child;

17 (5) The parents are unable to discharge parental responsibilities
18 because of mental illness or mental deficiency and there are reasonable
19 grounds to believe that such condition will continue for a prolonged
20 indeterminate period;

21 (6) Following a determination that the juvenile is one as described
22 in subdivision (3)(a) of section 43-247, reasonable efforts to preserve
23 and reunify the family if required under section 43-283.01, under the
24 direction of the court, have failed to correct the conditions leading to
25 the determination;

26 (7) The juvenile has been in an out-of-home placement for fifteen or
27 more months of the most recent twenty-two months;

28 (8) The parent has inflicted upon the juvenile, by other than
29 accidental means, serious bodily injury;

30 (9) The parent of the juvenile has subjected the juvenile or another
31 minor child to aggravated circumstances, including, but not limited to,

1 abandonment, torture, chronic abuse, or sexual abuse;

2 (10) The parent has (a) committed murder of another child of the
3 parent, (b) committed voluntary manslaughter of another child of the
4 parent, (c) aided or abetted, attempted, conspired, or solicited to
5 commit murder, or aided or abetted voluntary manslaughter of the juvenile
6 or another child of the parent, or (d) committed a felony assault that
7 resulted in serious bodily injury to the juvenile or another minor child
8 of the parent; or

9 (11) One parent has been convicted of felony sexual assault of the
10 other parent under section 28-319.01 or 28-320.01 or a comparable crime
11 in another state.

12 Sec. 21. A person shall not be denied custody, visitation, or
13 parenting time based solely on the fact that such person uses or
14 possesses marijuana as defined in section 28-401, unless such conduct
15 creates an unreasonable danger to the child or is otherwise contrary to
16 the best interests of the child.

17 Sec. 22. Section 60-6,211.08, Revised Statutes Cumulative
18 Supplement, 2020, is amended to read:

19 60-6,211.08 (1) For purposes of this section:

20 (a) Alcoholic beverage means (i) beer, ale porter, stout, and other
21 similar fermented beverages, including sake or similar products, of any
22 name or description containing one-half of one percent or more of alcohol
23 by volume, brewed or produced from malt, wholly or in part, or from any
24 substitute therefor, (ii) wine of not less than one-half of one percent
25 of alcohol by volume, or (iii) distilled spirits which is that substance
26 known as ethyl alcohol, ethanol, or spirits of wine in any form,
27 including all dilutions and mixtures thereof from whatever source or by
28 whatever process produced. Alcoholic beverage does not include trace
29 amounts not readily consumable as a beverage;

30 (b) Marijuana has the same meaning as in section 28-401 of this act;

31 (c) ~~(b)~~ Highway means a road or street including the entire area

1 within the right-of-way;

2 (d) ~~(e)~~ Limousine means a luxury vehicle used to provide prearranged
3 passenger transportation on a dedicated basis at a premium fare that has
4 a seating capacity of at least five and no more than fourteen persons
5 behind the driver with a physical partition separating the driver seat
6 from the passenger compartment. Limousine does not include taxicabs,
7 hotel or airport buses or shuttles, or buses;

8 (e) ~~(d)~~ Open ~~alcoholic beverage~~ container, except as provided in
9 subsection (3) of section 53-123.04 and subdivision (1)(c) of section
10 53-123.11, means any bottle, can, or other receptacle:

11 (i) That contains any amount of alcoholic beverage or marijuana; and

12 (ii)(A) That is open or has a broken seal or (B) the contents of
13 which are partially removed; and

14 (f) ~~(e)~~ Passenger area means the area designed to seat the driver
15 and passengers while the motor vehicle is in operation and any area that
16 is readily accessible to the driver or a passenger while in their seating
17 positions, including any compartments in such area. Passenger area does
18 not include the area behind the last upright seat of such motor vehicle
19 if the area is not normally occupied by the driver or a passenger and the
20 motor vehicle is not equipped with a trunk.

21 (2) Except as otherwise provided in this section, it is unlawful for
22 any person in the passenger area of a motor vehicle to possess an open
23 ~~alcoholic beverage~~ container while the motor vehicle is located in a
24 public parking area or on any highway in this state.

25 (3) Except as provided in section 53-186 or subsection (4) of this
26 section, it is unlawful for any person to consume an alcoholic beverage
27 or marijuana (a) in a public parking area or on any highway in this state
28 or (b) inside a motor vehicle while in a public parking area or on any
29 highway in this state.

30 (4) This section does not apply to possession or consumption of
31 alcoholic beverages by persons who are passengers of, but not drivers of,

1 a limousine or bus being used in a charter or special party service as
2 defined by rules and regulations adopted and promulgated by the Public
3 Service Commission and subject to Chapter 75, article 3. Such passengers
4 may possess open containers of alcoholic beverages ~~beverage containers~~
5 and may consume alcoholic beverages while such limousine or bus is in a
6 public parking area or on any highway in this state if (a) the driver of
7 the limousine or bus is prohibited from consuming alcoholic liquor and
8 (b) alcoholic liquor is not present in any area that is readily
9 accessible to the driver while in the driver's seat, including any
10 compartments in such area.

11 Sec. 23. Section 71-5727, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 71-5727 Smoke or smoking means inhaling, exhaling, burning, or
14 carrying any lighted or heated cigar, cigarette, pipe, hookah, or any
15 other lighted or heated tobacco, marijuana, or plant product intended for
16 inhalation, whether natural or synthetic, in any manner or in any form.
17 The term includes the use of an electronic smoking device or similar
18 device for marijuana which creates an aerosol or vapor, in any manner or
19 in any form.

20 Sec. 24. Section 77-4301, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 77-4301 For purposes of sections 77-4301 to 77-4316:

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

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

1 by weight;

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

4 (4) Marijuana ~~has shall~~ have the same meaning as ~~provided~~ in section
5 28-401.

6 Sec. 25. Section 77-4302, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

12 Sec. 26. Section 77-4303, Reissue Revised Statutes of Nebraska, is
13 amended to read:

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

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

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

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

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

1 (3) The tax shall not be imposed upon a person registered or
2 otherwise lawfully in possession of ~~marijuana~~ or a controlled substance
3 pursuant to Chapter 28, article 4.

4 Sec. 27. Section 77-4304, Reissue Revised Statutes of Nebraska, is
5 amended to read:

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

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

18 Sec. 28. Section 77-4305, Reissue Revised Statutes of Nebraska, is
19 amended to read:

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

24 Sec. 29. Section 77-4306, Reissue Revised Statutes of Nebraska, is
25 amended to read:

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

1 indicium may be used only once.

2 Sec. 30. Section 77-4309, Reissue Revised Statutes of Nebraska, is
3 amended to read:

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

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

15 Sec. 31. Section 77-4310.01, Reissue Revised Statutes of Nebraska,
16 is amended to read:

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

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

21 (2) Of the remaining proceeds:

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

1 dealer resides; and

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

5 Sec. 32. Section 77-4310.03, Reissue Revised Statutes of Nebraska,
6 is amended to read:

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

16 Sec. 33. Original sections 28-439, 43-292, 77-4301, 77-4302,
17 77-4303, 77-4304, 77-4305, 77-4306, 77-4309, 77-4310.01, and 77-4310.03,
18 Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405,
19 28-416, 28-1354, 60-6,211.08, and 71-5727, Revised Statutes Cumulative
20 Supplement, 2020, are repealed.