

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1079**

Introduced by Schrock, 38; Chambers, 11; Dierks, 40

Read first time January 7, 2000

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 2-954,  
2 16-230, and 17-563, Reissue Revised Statutes of Nebraska,  
3 section 81-2,147.06, Revised Statutes Supplement, 1998,  
4 and sections 28-401 and 28-405, Revised Statutes  
5 Supplement, 1999; to provide for cultivation of  
6 industrial hemp; to harmonize provisions; and to repeal  
7 the original sections.

8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Industrial hemp (cannabis sativa), having no  
2 more than three-tenths of one percent tetrahydrocannabinol, is  
3 recognized as an oilseed. Upon meeting the requirements of section  
4 2 of this act, any person in this state may plant, grow, harvest,  
5 possess, process, sell, and buy industrial hemp (cannabis sativa)  
6 having no more than three-tenths of one percent  
7 tetrahydrocannabinol.

8           Sec. 2. (1) Any person desiring to grow industrial hemp  
9 for commercial purposes shall apply to the Department of  
10 Agriculture for a license on a form prescribed by the department.  
11 The application for a license must include the name and address of  
12 the applicant and the legal description of the land area to be used  
13 for the production of industrial hemp. Except for employees of the  
14 agricultural experiment station or the Cooperative Extension  
15 Service of the University of Nebraska involved in research and  
16 extension-related activities, each applicant for initial licensure  
17 shall file a set of the applicant's fingerprints and any other  
18 information necessary to complete a check of his or her criminal  
19 history record information maintained by the Identification  
20 Division of the Federal Bureau of Investigation through the  
21 Nebraska State Patrol. All costs associated with such check are  
22 the responsibility of the applicant. Criminal history records  
23 provided to the department under this section are confidential.  
24 The department may use the records only in determining an  
25 applicant's eligibility for licensure under this section. Any  
26 person with a prior criminal conviction is not eligible for  
27 licensure under this section. If the applicant has completed the  
28 application process to the satisfaction of the department, the

1 department shall issue the license, which is valid for a period of  
2 one year. Any person licensed under this section is presumed to be  
3 growing industrial hemp for commercial purposes.

4 (2) Each licensee shall file with the department  
5 documentation indicating that the seeds planted were of a type and  
6 variety certified to have no more than three-tenths of one percent  
7 tetrahydrocannabinol and a copy of any contract to grow industrial  
8 hemp. Each licensee shall notify the department of the sale or  
9 distribution of any industrial hemp grown by the licensee, and the  
10 names of the persons to whom the hemp was sold or distributed.

11 (3) The department shall adopt and promulgate rules and  
12 regulations to allow the industrial hemp to be tested during growth  
13 for tetrahydrocannabinol levels and to allow for supervision of the  
14 industrial hemp during its growth and harvest. To provide  
15 sufficient funds to pay costs associated with monitoring and  
16 testing industrial hemp in the state, the department shall assess  
17 each applicant a fee of five dollars per acre. The minimum fee  
18 assessed shall be one hundred fifty dollars per applicant. Such  
19 fees shall be remitted to the State Treasurer for credit to the  
20 Industrial Hemp Licensure Fund, which is hereby created. Money in  
21 the fund shall be used by the department to carry out and enforce  
22 sections 1 and 2 of this act. Any money in the fund available for  
23 investment shall be invested by the state investment officer  
24 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
25 State Funds Investment Act.

26 Sec. 3. Section 2-954, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

28 2-954. (1)(a) The duty of enforcing and carrying out the

1 Noxious Weed Control Act shall be vested in the director and the  
2 control authorities as designated in the act. The director shall  
3 determine what weeds are noxious for purposes of the act.  
4 Industrial hemp (cannabis sativa) having no more than three-tenths  
5 of one percent tetrahydrocannabinol shall not be designated as a  
6 noxious weed. A list of such noxious weeds shall be included in  
7 the rules and regulations adopted and promulgated by the director.  
8 The director shall prepare, publish, and revise as necessary a list  
9 of noxious weeds. The list shall be distributed to the public by  
10 the director, the Cooperative Extension Service, the control  
11 authorities, and any other body the director deems appropriate.  
12 The director shall, from time to time, adopt and promulgate rules  
13 and regulations on methods for control of noxious weeds and adopt  
14 and promulgate such rules and regulations as are necessary to carry  
15 out the act. Whenever special weed control problems exist in a  
16 county involving weeds not included in the rules and regulations,  
17 the control authority may petition the director to bring such weeds  
18 under the county control program. The petition shall contain the  
19 approval of the county board. Prior to petitioning the director,  
20 the control authority, in cooperation with the county board, shall  
21 hold a public hearing and take testimony upon the petition. Such  
22 hearing and the notice thereof shall be in the manner prescribed by  
23 the Administrative Procedure Act. A copy of the transcript of the  
24 public hearing shall accompany the petition filed with the  
25 director. The director may approve or disapprove the request. If  
26 approval is granted, the control authority may proceed under the  
27 forced control provisions of sections 2-953 to 2-955 and 2-958.

28 (b) The director shall (i) investigate the subject of

1 noxious weeds, (ii) require information and reports from any  
2 control authority as to the presence of noxious weeds and other  
3 information relative to noxious weeds and the control thereof in  
4 localities where such control authority has jurisdiction, (iii)  
5 cooperate with control authorities in carrying out other laws  
6 administered by him or her, (iv) cooperate with agencies of federal  
7 and state governments and other persons in carrying out his or her  
8 duties under the Noxious Weed Control Act, (v) with the consent of  
9 the Governor, conduct investigations outside this state to protect  
10 the interest of the agricultural industry of this state from  
11 noxious weeds not generally distributed therein, (vi) with the  
12 consent of the federal agency involved, control noxious weeds on  
13 federal lands within this state, with reimbursement, when deemed by  
14 the director to be necessary to an effective weed control program,  
15 (vii) advise and confer as to the extent of noxious weed  
16 infestations and the methods determined best suited to the control  
17 thereof, (viii) call and attend meetings and conferences dealing  
18 with the subject of noxious weeds, (ix) disseminate information and  
19 conduct educational campaigns with respect to control of noxious  
20 weeds, (x) procure materials and equipment and employ personnel  
21 necessary to carry out the director's duties and responsibilities,  
22 and (xi) perform such other acts as may be necessary or appropriate  
23 to the administration of the act.

24 (c) When the director determines that a control authority  
25 has substantively failed to carry out its duties and  
26 responsibilities as a control authority or has substantively failed  
27 to implement a county weed control program, he or she shall  
28 instruct the control authority regarding the measures necessary to

1 fulfill such duties and responsibilities. The director shall  
2 establish a reasonable date by which the control authority shall  
3 fulfill such duties and responsibilities. If the control authority  
4 fails or refuses to comply with instructions by such date, the  
5 Attorney General shall file an action as provided by law against  
6 the control authority for such failure or refusal.

7 (2)(a) Each control authority shall carry out the duties  
8 and responsibilities vested in it under the act with respect to  
9 land under its jurisdiction in accordance with rules and  
10 regulations adopted and promulgated by the director. Such duties  
11 shall include the establishment of a coordinated program for  
12 control of noxious weeds within the county.

13 (b) A control authority may cooperate with any person in  
14 carrying out its duties and responsibilities under the act.

15 (3)(a) Each county board shall employ one or more weed  
16 control superintendents. Each such superintendent shall, as a  
17 condition precedent to employment, be certified in writing by the  
18 federal Environmental Protection Agency as a commercial applicator  
19 under the Federal Insecticide, Fungicide, and Rodenticide Act.  
20 Each superintendent shall be bonded for such sum as the county  
21 board shall prescribe. The same person may be a weed control  
22 superintendent for more than one county. Such employment may be  
23 for such tenure and at such rates of compensation and reimbursement  
24 for travel expenses as the county board may prescribe. Such  
25 superintendent shall be reimbursed for mileage at a rate equal to  
26 or greater than the rate provided in section 81-1176.

27 (b) Under the direction of the control authority, it  
28 shall be the duty of every weed control superintendent to examine

1 all land under the jurisdiction of the control authority for the  
2 purpose of determining whether the Noxious Weed Control Act and the  
3 rules and regulations adopted and promulgated by the director have  
4 been complied with. The weed control superintendent shall: (i)  
5 Compile such data on infested areas and controlled areas and such  
6 other reports as the director or the control authority may require;  
7 (ii) consult and advise upon matters pertaining to the best and  
8 most practical methods of noxious weed control and render  
9 assistance and direction for the most effective control; (iii)  
10 investigate or aid in the investigation and prosecution of any  
11 violation of the act; and (iv) perform such other duties as  
12 required by the control authority in the performance of its duties.  
13 Weed control superintendents shall cooperate and assist one another  
14 to the extent practicable and shall supervise the carrying out of  
15 the coordinated control program within the county.

16 (c) In cases involving counties in which municipalities  
17 have ordinances for weed control, the control authority may enter  
18 into agreements with municipal authorities for the enforcement of  
19 local weed ordinances and may follow collection procedures  
20 established by such ordinances. All money received shall be  
21 deposited in the weed control authority fund.

22 Sec. 4. Section 16-230, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 16-230. (1) A city of the first class by ordinance may  
25 require lots or pieces of ground within the city or within two  
26 miles of the corporate limits of the city to be drained or filled  
27 so as to prevent stagnant water or any other nuisance accumulating  
28 thereon. It may require the owner or occupant of all lots and

1 pieces of ground within the city to keep the lots and pieces of  
2 ground and the adjoining streets and alleys free of any growth of  
3 twelve inches or more in height of weeds, grasses, or worthless  
4 vegetation, and it may prohibit and control the throwing,  
5 depositing, or accumulation of litter on any lot or piece of ground  
6 within the city.

7 (2) Any city of the first class may by ordinance declare  
8 it to be a nuisance to permit or maintain any growth of twelve  
9 inches or more in height of weeds, grasses, or worthless vegetation  
10 or to litter or cause litter to be deposited or remain thereon  
11 except in proper receptacles.

12 (3) Any owner or occupant of a lot or piece of ground  
13 shall, upon conviction of violating such ordinance, be guilty of a  
14 Class V misdemeanor.

15 (4) Notice to abate and remove such nuisance shall be  
16 given to each owner or owner's duly authorized agent and to the  
17 occupant, if any, by personal service or certified mail. Within  
18 five days after receipt of such notice, if the owner or occupant of  
19 the lot or piece of ground does not request a hearing with the city  
20 or fails to comply with the order to abate and remove the nuisance,  
21 the city may have such work done. The costs and expenses of any  
22 such work shall be paid by the owner. If unpaid for two months  
23 after such work is done, the city may either (a) levy and assess  
24 the costs and expenses of the work upon the lot or piece of ground  
25 so benefited in the same manner as other special taxes for  
26 improvements are levied and assessed or (b) recover in a civil  
27 action the costs and expenses of the work upon the lot or piece of  
28 ground and the adjoining streets and alleys.



1 (5) For purposes of this section:

2 (a) Litter shall include, but not be limited to: (i)  
 3 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,  
 4 plaster, cement, brick, or stone building rubble; (iii) grass,  
 5 leaves, and worthless vegetation; (iv) offal and dead animals; and  
 6 (v) any machine or machines, vehicle or vehicles, or parts of a  
 7 machine or vehicle which have lost their identity, character,  
 8 utility, or serviceability as such through deterioration,  
 9 dismantling, or the ravages of time, are inoperative or unable to  
 10 perform their intended functions, or are cast off, discarded, or  
 11 thrown away or left as waste, wreckage, or junk; and

12 (b) Weeds shall include, but not be limited to, bindweed  
 13 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy  
 14 spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),  
 15 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*  
 16 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk  
 17 thistle, quack grass (*Agropyron repens*), perennial sow thistle  
 18 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull  
 19 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn),  
 20 hemp plant (*Cannabis sativa*) having more than three-tenths of one  
 21 percent tetrahydrocannabinol, and ragweed (*Ambrosiaceae*).

22 Sec. 5. Section 17-563, Reissue Revised Statutes of  
 23 Nebraska, is amended to read:

24 17-563. (1) Each city of the second class and village by  
 25 ordinance may require lots or pieces of ground within the city or  
 26 village to be drained or filled so as to prevent stagnant water or  
 27 any other nuisance accumulating thereon. It may require the owner  
 28 or occupant of any lot or piece of ground within the city or

1 village to keep the lot or piece of ground and the adjoining  
2 streets and alleys free of any growth of twelve inches or more in  
3 height of weeds, grasses, or worthless vegetation, and it may  
4 prohibit and control the throwing, depositing, or accumulation of  
5 litter on any lot or piece of ground within the city or village.

6 (2) Any city of the second class and village may by  
7 ordinance declare it to be a nuisance to permit or maintain any  
8 growth of twelve inches or more in height of weeds, grasses, or  
9 worthless vegetation or to litter or cause litter to be deposited  
10 or remain thereon except in proper receptacles.

11 (3) Any owner or occupant of a lot or piece of ground  
12 shall, upon conviction of violating such ordinance, be guilty of a  
13 Class V misdemeanor.

14 (4) Notice to abate and remove such nuisance shall be  
15 given to each owner or owner's duly authorized agent and to the  
16 occupant, if any, by personal service or certified mail. Within  
17 five days after receipt of such notice, if the owner or occupant of  
18 the lot or piece of ground does not request a hearing with the city  
19 or village or fails to comply with the order to abate and remove  
20 the nuisance, the city or village may have such work done. The  
21 costs and expenses of any such work shall be paid by the owner. If  
22 unpaid for two months after such work is done, the city or village  
23 may either (a) levy and assess the costs and expenses of the work  
24 upon the lot or piece of ground so benefited in the same manner as  
25 other special taxes for improvements are levied and assessed or (b)  
26 recover in a civil action the costs and expenses of the work upon  
27 the lot or piece of ground and the adjoining streets and alleys.

28 (5) For purposes of this section:

1           (a) Litter shall include, but not be limited to: (i)  
 2 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,  
 3 plaster, cement, brick, or stone building rubble; (iii) grass,  
 4 leaves, and worthless vegetation; (iv) offal and dead animals; and  
 5 (v) any machine or machines, vehicle or vehicles, or parts of a  
 6 machine or vehicle which have lost their identity, character,  
 7 utility, or serviceability as such through deterioration,  
 8 dismantling, or the ravages of time, are inoperative or unable to  
 9 perform their intended functions, or are cast off, discarded, or  
 10 thrown away or left as waste, wreckage, or junk; and

11           (b) Weeds shall include, but not be limited to, bindweed  
 12 (Convolvulus arvensis), puncture vine (Tribulus terrestris), leafy  
 13 spurge (Euphorbia esula), Canada thistle (Cirsium arvense),  
 14 perennial peppergrass (Lepidium draba), Russian knapweed (Centaurea  
 15 picris), Johnson grass (Sorghum halepense), nodding or musk  
 16 thistle, quack grass (Agropyron repens), perennial sow thistle  
 17 (Sonchus arvensis), horse nettle (Solanum carolinense), bull  
 18 thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.) (toun),  
 19 hemp plant (Cannabis sativa) having more than three-tenths of one  
 20 percent tetrahydrocannabinol, and ragweed (Ambrosiaceae).

21           Sec. 6. Section 28-401, Revised Statutes Supplement,  
 22 1999, is amended to read:

23           28-401. As used in the Uniform Controlled Substances  
 24 Act, unless the context otherwise requires:

25           (1) Administer shall mean the direct application of a  
 26 controlled substance, whether by injection, inhalation, ingestion,  
 27 or any other means, to the body of a patient or research subject  
 28 by: (a) A practitioner or, in his or her presence, by his or her

1 authorized agent; or (b) the patient or research subject at the  
2 direction and in the presence of the practitioner;

3 (2) Agent shall mean an authorized person who acts on  
4 behalf of or at the direction of a manufacturer, distributor, or  
5 dispenser. Agent shall not include a common or contract carrier,  
6 public warehouse keeper, or employee of the carrier or warehouse  
7 keeper;

8 (3) Administration shall mean the Drug Enforcement  
9 Administration, United States Department of Justice;

10 (4) Controlled substance shall mean a drug, substance, or  
11 immediate precursor in Schedules I to V of section 28-405.  
12 Controlled substance shall not include distilled spirits, wine,  
13 malt beverages, tobacco, or any nonnarcotic substance if such  
14 substance may, under the Federal Food, Drug, and Cosmetic Act and  
15 the law of this state, be lawfully sold over the counter without a  
16 prescription;

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

26 (6) Department shall mean the Department of Health and  
27 Human Services Regulation and Licensure personnel who are  
28 responsible for the enforcement of the Uniform Controlled

1 Substances Act in the areas assigned to it by the act;

2 (7) Division of Drug Control shall mean the personnel of  
3 the Nebraska State Patrol who are assigned to enforce the Uniform  
4 Controlled Substances Act;

5 (8) Dispense shall mean to deliver a controlled substance  
6 to an ultimate user or a research subject pursuant to the lawful  
7 order or prescription of a physician, physician assistant, dentist,  
8 veterinarian, or other medical practitioner licensed under the laws  
9 of this state to prescribe drugs, including the packaging,  
10 labeling, or compounding necessary to prepare the substance for  
11 such delivery. Dispenser shall mean the apothecary, pharmacist, or  
12 other practitioner, duly licensed, who dispenses a controlled  
13 substance to an ultimate user or a research subject;

14 (9) Distribute shall mean to deliver other than by  
15 administering or dispensing a controlled substance. Distributor  
16 shall mean a person who so distributes a controlled substance;

17 (10) Prescribe shall mean the act of a physician,  
18 physician assistant, surgeon, dentist, veterinarian, or other  
19 medical practitioner licensed under the laws of this state in  
20 issuing an order, prescription, or direction to a pharmacist or  
21 pharmacy to dispense a drug as required by the laws of this state;

22 (11) Drug shall mean (a) articles recognized in the  
23 official United States Pharmacopoeia, official Homeopathic  
24 Pharmacopoeia of the United States, official National Formulary, or  
25 any supplement to any of them, (b) substances intended for use in  
26 the diagnosis, cure, mitigation, treatment, or prevention of  
27 disease in human beings or animals, and (c) substances intended for  
28 use as a component of any article specified in subdivision (a) or

1 (b) of this subdivision, but shall not include devices or their  
2 components, parts, or accessories;

3 (12) Deliver or delivery shall mean the actual,  
4 constructive, or attempted transfer from one person to another of a  
5 controlled substance, whether or not there is an agency  
6 relationship;

7 (13) Marijuana shall mean all parts of the plant of the  
8 genus cannabis having more than three-tenths of one percent  
9 tetrahydrocannabinol, whether growing or not, the seeds thereof,  
10 and every compound, manufacture, salt, derivative, mixture, or  
11 preparation of such plant or its seeds, but shall not include the  
12 mature stalks of such plant, hashish, tetrahydrocannabinols  
13 extracted or isolated from the plant, fiber produced from such  
14 stalks, oil or cake made from the seeds of such plant, any other  
15 compound, manufacture, salt, derivative, mixture, or preparation of  
16 such mature stalks, or the sterilized seed of such plant which is  
17 incapable of germination. When the weight of marijuana is referred  
18 to in the Uniform Controlled Substances Act, it shall mean its  
19 weight at or about the time it is seized or otherwise comes into  
20 the possession of law enforcement authorities, whether cured or  
21 uncured at that time;

22 (14) Manufacture shall mean the production, preparation,  
23 propagation, compounding, or processing of a controlled substance,  
24 either directly or indirectly by extraction from substances of  
25 natural origin, independently by means of chemical synthesis, or by  
26 a combination of extraction and chemical synthesis, and shall  
27 include any packaging or repackaging of the substance or labeling  
28 or relabeling of its container, except that manufacture shall not

1 include the preparation or compounding of a controlled substance by  
2 an individual for his or her own use or the preparation,  
3 compounding, packaging, or labeling of a controlled substance: (a)  
4 By a practitioner as an incident to his or her prescribing,  
5 administering, or dispensing of a controlled substance in the  
6 course of his or her professional practice; or (b) by a  
7 practitioner, or by his or her authorized agent under his or her  
8 supervision, for the purpose of, or as an incident to, research,  
9 teaching, or chemical analysis and not for sale;

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

24 (16) Opiate shall mean any substance having an  
25 addiction-forming or addiction-sustaining liability similar to  
26 morphine or being capable of conversion into a drug having such  
27 addiction-forming or addiction-sustaining liability. Opiate shall  
28 not include the dextrorotatory isomer of 3-methoxy-n

1 methylmorphinan and its salts. Opiate shall include its racemic  
2 and levorotatory forms;

3 (17) Opium poppy shall mean the plant of the species  
4 *Papaver somniferum* L., except the seeds thereof;

5 (18) Poppy straw shall mean all parts, except the seeds,  
6 of the opium poppy after mowing;

7 (19) Person shall mean any corporation, association,  
8 partnership, limited liability company, or one or more individuals;

9 (20) Practitioner shall mean a physician, physician  
10 assistant, dentist, veterinarian, pharmacist, scientific  
11 investigator, pharmacy, or hospital, licensed, registered, or  
12 otherwise permitted to distribute, dispense, prescribe, conduct  
13 research with respect to, or administer a controlled substance in  
14 the course of professional practice or research in this state, or  
15 other person licensed, registered, or otherwise permitted to  
16 distribute, dispense, conduct research with respect to, or  
17 administer a controlled substance in the course of professional  
18 practice or research in this state;

19 (21) Production shall include the manufacture, planting,  
20 cultivation, or harvesting of a controlled substance;

21 (22) Immediate precursor shall mean a substance which is  
22 the principal compound commonly used or produced primarily for use  
23 and which is an immediate chemical intermediary used or likely to  
24 be used in the manufacture of a controlled substance, the control  
25 of which is necessary to prevent, curtail, or limit such  
26 manufacture;

27 (23) State shall mean the State of Nebraska;

28 (24) Ultimate user shall mean a person who lawfully



1 possesses a controlled substance for his or her own use, for the  
2 use of a member of his or her household, or for administration to  
3 an animal owned by him or her or by a member of his or her  
4 household;

5 (25) Physician shall mean a person authorized by law to  
6 practice medicine in this state and any other person authorized by  
7 law to treat sick and injured human beings in this state;

8 (26) Dentist shall mean a person authorized by law to  
9 practice dentistry in this state;

10 (27) Veterinarian shall mean a person authorized by law  
11 to practice veterinary medicine in this state;

12 (28) Hospital shall mean an institution for the care and  
13 treatment of sick and injured human beings and approved by the  
14 department;

15 (29) Podiatrist shall mean a person authorized by law to  
16 practice podiatry and who has graduated from an accredited school  
17 of podiatry in or since 1935;

18 (30) Apothecary shall mean a licensed pharmacist as  
19 defined by the laws of this state and, when the context so  
20 requires, the owner of the store or other place of business where  
21 drugs are compounded or dispensed by a licensed pharmacist, but  
22 nothing in this subdivision shall be construed as conferring on a  
23 person who is not registered nor licensed as a pharmacist any  
24 authority, right, or privilege that is not granted to him or her by  
25 the pharmacy laws of this state;

26 (31) Nothing in the Uniform Controlled Substances Act  
27 shall be construed as authority for a practitioner to perform an  
28 act for which he or she is not authorized by the laws of this

1 state;

2 (32) Cooperating individual shall mean any person, other  
3 than a commissioned law enforcement officer, who acts on behalf of,  
4 at the request of, or as agent for a law enforcement agency for the  
5 purpose of gathering or obtaining evidence of offenses punishable  
6 under the Uniform Controlled Substances Act;

7 (33) Hashish or concentrated cannabis shall mean: (a)  
8 The separated resin, whether crude or purified, obtained from a  
9 plant of the genus cannabis having more than three-tenths of one  
10 percent tetrahydrocannabinol; or (b) any material, preparation,  
11 mixture, compound, or other substance which contains ten percent or  
12 more by weight of tetrahydrocannabinols;

13 (34) Exceptionally hazardous drug shall mean (a) a  
14 narcotic drug, (b) thiophene analog of phencyclidine, (c)  
15 phencyclidine, (d) amobarbital, (e) secobarbital, or (f)  
16 pentobarbital;

17 (35) Imitation controlled substance shall mean a  
18 substance which is not a controlled substance but which, by way of  
19 express or implied representations and consideration of other  
20 relevant factors including those specified in section 28-445, would  
21 lead a reasonable person to believe the substance is a controlled  
22 substance. A placebo or registered investigational drug  
23 manufactured, distributed, possessed, or delivered in the ordinary  
24 course of practice or research by a health care professional shall  
25 not be deemed to be an imitation controlled substance;

26 (36) Controlled substance analogue shall mean a substance  
27 (a) the chemical structure of which is substantially similar to the  
28 chemical structure of a Schedule I or Schedule II controlled

1 substance as provided in section 28-405 or (b) which has a  
2 stimulant, depressant, analgesic, or hallucinogenic effect on the  
3 central nervous system that is substantially similar to or greater  
4 than the stimulant, depressant, analgesic, or hallucinogenic effect  
5 on the central nervous system of a Schedule I or Schedule II  
6 controlled substance as provided in section 28-405. A controlled  
7 substance analogue shall, to the extent intended for human  
8 consumption, be treated as a controlled substance under Schedule I  
9 of section 28-405 for purposes of the Uniform Controlled Substances  
10 Act. Controlled substance analogue shall not include (i) a  
11 controlled substance, (ii) any substance generally recognized as  
12 safe and effective within the meaning of the Federal Food, Drug,  
13 and Cosmetic Act, 21 U.S.C. 301 et seq., (iii) any substance for  
14 which there is an approved new drug application, or (iv) with  
15 respect to a particular person, any substance if an exemption is in  
16 effect for investigational use for that person, under section 505  
17 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355, to the  
18 extent conduct with respect to such substance is pursuant to such  
19 exemption;

20 (37) Anabolic steroid shall mean any drug or hormonal  
21 substance, chemically and pharmacologically related to  
22 testosterone, (other than estrogens, progestins, and  
23 corticosteroids) that promotes muscle growth and includes any  
24 controlled substance in Schedule III(d) of section 28-405.  
25 Anabolic steroid shall not include any anabolic steroid which is  
26 expressly intended for administration through implants to cattle or  
27 other nonhuman species and has been approved by the Secretary of  
28 Health and Human Services for such administration, but if any

1 person prescribes, dispenses, or distributes such a steroid for  
2 human use, such person shall be considered to have prescribed,  
3 dispensed, or distributed an anabolic steroid within the meaning of  
4 this subdivision; and

5 (38) Physician assistant shall mean an individual  
6 licensed in accordance with sections 71-1,107.15 to 71-1,107.30.

7 Sec. 7. Section 28-405, Revised Statutes Supplement,  
8 1999, is amended to read:

9 28-405. The following are the schedules of controlled  
10 substances referred to in the Uniform Controlled Substances Act:

11 Schedule I

12 (a) Any of the following opiates, including their  
13 isomers, esters, ethers, salts, and salts of isomers, esters, and  
14 ethers, unless specifically excepted, whenever the existence of  
15 such isomers, esters, ethers, and salts is possible within the  
16 specific chemical designation: (1) Acetylmethadol; (2)  
17 allylprodine; (3) alphacetylmethadol, except  
18 levo-alphacetylmethadol which is also known as  
19 levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM; (4)  
20 alphameprodine; (5) alphasmethadol; (6) benzethidine; (7)  
21 betacetylmethadol; (8) betameprodine; (9) betamethadol; (10)  
22 betaprodine; (11) clonitazene; (12) dextromoramide; (13) difenoxin;  
23 (14) diampromide; (15) diethylthiambutene; (16) dimenoxadol; (17)  
24 dimepheptanol; (18) dimethylthiambutene; (19) dioxaphetyl butyrate;  
25 (20) dipipanone; (21) ethylmethylthiambutene; (22) etonitazene;  
26 (23) etoxeridine; (24) furethidine; (25) hydroxypethidine; (26)  
27 ketobemidone; (27) levomoramide; (28) levophenacylmorphane; (29)  
28 morpheridine; (30) noracetylmethadol; (31) norlevorphanol; (32)

1 normethadone; (33) norpipanone; (34) phenadoxone; (35)  
2 phenampromide; (36) phenomorphan; (37) phenoperidine; (38)  
3 piritramide; (39) proheptazine; (40) properidine; (41) propiram;  
4 (42) racemoramide; (43) trimeperidine; (44) alpha-methylfentanyl,  
5 N-(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl) propionanilide,  
6 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine; (45)  
7 tilidine; (46) 3-Methylfentanyl,  
8 N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N- phenylpropanamide,  
9 its optical and geometric isomers, salts, and salts of isomers;  
10 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical  
11 isomers, salts, and salts of isomers; (48)  
12 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its  
13 optical isomers, salts, and salts of isomers; (49)  
14 N-(1-(1-methyl-2-phenyl)ethyl-4-piperidyl)-N- phenylacetamide  
15 (acetyl-alpha-methylfentanyl), its optical isomers, salts, and  
16 salts of isomers; (50)  
17 N-(1-(1-methyl-2-(2-thienyl)ethyl-4-piperidyl)-N- phenylpropanamide  
18 (alpha-methylthiofentanyl), its optical isomers, salts, and salts  
19 of isomers; (51) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide  
20 (benzylfentanyl), its optical isomers, salts, and salts of isomers;  
21 (52) N-(1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-  
22 phenylpropanamide (beta-hydroxyfentanyl), its optical isomers,  
23 salts, and salts of isomers; (53)  
24 N-(3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-  
25 phenylpropanamide (beta-hydroxy-3-methylfentanyl), its optical and  
26 geometric isomers, salts, and salts of isomers; (54)  
27 N-(3-methyl-1-(2-(2-thienyl)ethyl-4-piperidyl)-N- phenylpropanamide  
28 (3-methylthiofentanyl), its optical and geometric isomers, salts,

1 and salts of isomers; (55) N-(1-(2-thienyl)methyl-4-piperidyl)-N-  
2 phenylpropanamide (thenylfentanyl), its optical isomers, salts, and  
3 salts of isomers; (56) N-(1-(2-(2-thienyl)ethyl-4-piperidyl)-N-  
4 phenylpropanamide (thiofentanyl), its optical isomers, salts, and  
5 salts of isomers; and (57) N-(1-(2-phenylethyl)  
6 -4-piperidyl)-N-(4-fluorophenyl)-propanamide (para-fluorofentanyl),  
7 its optical isomers, salts, and salts of isomers.

8 (b) Any of the following opium derivatives, their salts,  
9 isomers, and salts of isomers, unless specifically excepted,  
10 whenever the existence of such salts, isomers, and salts of isomers  
11 is possible within the specific chemical designation: (1)  
12 Acetorphine; (2) acetyldihydrocodeine; (3) benzylmorphine; (4)  
13 codeine methylbromide; (5) codeine-N-Oxide; (6) cyprenorphine; (7)  
14 desomorphine; (8) dihydromorphine; (9) drotebanol; (10) etorphine,  
15 except hydrochloride salt; (11) heroin; (12) hydromorphanol; (13)  
16 methyldesorphine; (14) methyldihydromorphine; (15) morphine  
17 methylbromide; (16) morphine methylsulfonate; (17)  
18 morphine-N-Oxide; (18) myrophine; (19) nicocodeine; (20)  
19 nicomorphine; (21) normorphine; (22) pholcodine; and (23) thebacon.

20 (c) Any material, compound, mixture, or preparation which  
21 contains any quantity of the following hallucinogenic substances,  
22 their salts, isomers, and salts of isomers, unless specifically  
23 excepted, whenever the existence of such salts, isomers, and salts  
24 of isomers is possible within the specific chemical designation,  
25 and, for purposes of this subdivision only, isomer shall include  
26 the optical, position, and geometric isomers: (1) Bufotenine.  
27 Trade and other names shall include, but are not limited to:  
28 3-(B-Dimethylaminoethyl)-5-hydroxyindole;

1 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin;  
2 5-hydroxy-N, N-dimethyltryptamine; and mappine; (2)  
3 diethyltryptamine. Trade and other names shall include, but are  
4 not limited to: N, N-diethyltryptamine; and DET; (3)  
5 dimethyltryptamine. Trade and other names shall include, but are  
6 not limited to: DMT; (4) 4-bromo-2, 5-dimethoxyamphetamine. Trade  
7 and other names shall include, but are not limited to: 4-bromo-2,  
8 5-dimethoxy-a-methylphenethylamine; and 4-bromo-2, 5-DMA; (5)  
9 4-methoxyamphetamine. Trade and other names shall include, but are  
10 not limited to: 4-methoxy-a-methyl-phenethylamine; and  
11 paramethoxyamphetamine, PMA; (6) 4-methyl-2,  
12 5-dimethoxyamphetamine. Trade and other names shall include, but  
13 are not limited to: 4-methyl-2, 5-dimethoxy-a-methylphenethylamine;  
14 DOM; and STP; (7) 5-methoxy-N-N, dimethyltryptamine; (8) ibogaine.  
15 Trade and other names shall include, but are not limited to:  
16 7-ethyl-6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,  
17 9-methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole; and  
18 tabernanthe iboga; (9) lysergic acid diethylamide; (10) marijuana  
19 having more than three-tenths of one percent tetrahydrocannabinol;  
20 (11) mescaline; (12) peyote. Peyote shall mean all parts of the  
21 plant presently classified botanically as *Lophophora williamsii*  
22 Lemaire, whether growing or not, the seeds thereof, any extract  
23 from any part of such plant, and every compound, manufacture,  
24 salts, derivative, mixture, or preparation of such plant or its  
25 seeds or extracts; (13) psilocybin; (14) psilocyn; (15)  
26 tetrahydrocannabinols of more than three-tenths of one percent,  
27 including, but not limited to, synthetic equivalents of the  
28 substances contained in the plant or in the resinous extractives of

1 cannabis, sp. or synthetic substances, derivatives, and their  
2 isomers with similar chemical structure and pharmacological  
3 activity such as the following: Delta 1 cis or trans  
4 tetrahydrocannabinol and their optical isomers, excluding  
5 dronabinol in sesame oil and encapsulated in a soft gelatin capsule  
6 in a drug product approved by the federal Food and Drug  
7 Administration; Delta 6 cis or trans tetrahydrocannabinol and their  
8 optical isomers; and Delta 3,4 cis or trans tetrahydrocannabinol  
9 and its optical isomers. Since nomenclature of these substances is  
10 not internationally standardized, compounds of these structures  
11 shall be included regardless of the numerical designation of atomic  
12 positions covered; (16) 3,4-methylenedioxy amphetamine; (17)  
13 5-methoxy-3, 4-methylenedioxy amphetamine; (18) 3,4,5-trimethoxy  
14 amphetamine; (19) N-ethyl-3-piperidyl benzilate; (20)  
15 N-methyl-3-peperidyl benzilate; (21) thiophene analog of  
16 phencyclidine. Trade and other names shall include, but are not  
17 limited to: 1-(1-(2-thienyl)-cyclohexyl)-piperidine;  
18 2-thienylanalog of phencyclidine; TPCP; and TCP; (22)  
19 2,5-dimethoxyamphetamine. Trade and other names shall include, but  
20 are not limited to: 2,5-dimethoxy-a-methylphenethylamine; and  
21 2,5-DMA; (23) hashish or concentrated cannabis having more than  
22 three-tenths of one percent of tetrahydrocannabinol; (24)  
23 Parahexyl. Trade and other names shall include, but are not  
24 limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,  
25 9-trimethyl-6H-dibenzo(b,d)pyran; and synhexyl; (25) Ethylamine  
26 analog of phencyclidine. Trade and other names shall include, but  
27 are not limited to: N-ethyl-1-phenylcyclohexylamine;  
28 (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;



1 cyclohexamine; and PCE; (26) Pyrrolidine analog of phencyclidine.  
2 Trade and other names shall include, but are not limited to:  
3 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; and PHP; (27)  
4 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional,  
5 and geometric isomers, salts, and salts of isomers; and (28)  
6 Phenethylamine. Trade and other names shall include, but are not  
7 limited to: 4-bromo-2,5-dimethoxyphenethylamine; 2-CB; Venus;  
8 Bromo; Erox; and Nexus.

9 (d) Unless specifically excepted or unless listed in  
10 another schedule, any material, compound, mixture, or preparation  
11 which contains any quantity of the following substances having a  
12 depressant effect on the central nervous system, including its  
13 salts, isomers, and salts of isomers whenever the existence of such  
14 salts, isomers, and salts of isomers is possible within the  
15 specific chemical designation: (1) Mecloqualone; and (2)  
16 methaqualone.

17 (e) Unless specifically excepted or unless listed in  
18 another schedule, any material, compound, mixture, or preparation  
19 which contains any quantity of the following substances having a  
20 stimulant effect on the central nervous system, including its  
21 salts, isomers, and salts of isomers: (1) Fenethylamine; and (2)  
22 N-ethylamphetamine.

23 (f) Gamma hydroxy butyrate (GHB).

24 (g) Any controlled substance analogue to the extent  
25 intended for human consumption.

26 Schedule II

27 (a) Any of the following substances except those narcotic  
28 drugs listed in other schedules whether produced directly or

1 indirectly by extraction from substances of vegetable origin,  
2 independently by means of chemical synthesis, or by combination of  
3 extraction and chemical synthesis:

4 (1) Opium and opiate, and any salt, compound, derivative,  
5 or preparation of opium or opiate, excluding apomorphine,  
6 buprenorphine, nalbuphine, nalmefene, naloxone, and naltrexone and  
7 their salts, but including the following: (i) Raw opium; (ii) opium  
8 extracts; (iii) opium fluid extracts; (iv) powdered opium; (v)  
9 granulated opium; (vi) tincture of opium; (vii) codeine; (viii)  
10 ethylmorphine; (ix) etorphine hydrochloride; (x) dihydrocodeinone  
11 which is also known as hydrocodone; (xi) hydromorphone; (xii)  
12 metopon; (xiii) morphine; (xiv) oxycodone; (xv) oxymorphone; and  
13 (xvi) thebaine;

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

19 (3) Opium poppy and poppy straw;

20 (4) Coca leaves and any salt, compound, derivative, or  
21 preparation of coca leaves, and any salt, compound, derivative, or  
22 preparation thereof which is chemically equivalent to or identical  
23 with any of these substances, including cocaine and its salts,  
24 optical isomers, and salts of optical isomers, except that the  
25 substances shall not include decocainized coca leaves or  
26 extractions which do not contain cocaine or ecgonine; and

27 (5) Concentrate of poppy straw, the crude extract of  
28 poppy straw in either liquid, solid, or powder form which contains

1 the phenanthrine alkaloids of the opium poppy.

2 (b) Unless specifically excepted or unless in another  
 3 schedule any of the following opiates, including their isomers,  
 4 esters, ethers, salts, and salts of their isomers, esters, and  
 5 ethers whenever the existence of such isomers, esters, ethers, and  
 6 salts is possible within the specific chemical designation,  
 7 dextrorphan and levopropoxyphene excepted: (1) Alphaprodine; (2)  
 8 anileridine; (3) bezitramide; (4) diphenoxylate; (5) fentanyl; (6)  
 9 isomethadone; (7) levomethorphan; (8) levorphanol; (9) metazocine;  
 10 (10) methadone; (11) methadone-Intermediate,  
 11 4-cyano-2-dimethylamino-4, 4-diphenyl butane; (12)  
 12 moramide-Intermediate, 2-methyl-3-morpholino-1,  
 13 1-diphenyl-propane-carboxylic acid; (13) pethidine or meperidine;  
 14 (14) pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;  
 15 (15) pethidine-Intermediate-B,  
 16 ethyl-4-phenylpiperidine-4-carboxylate; (16)  
 17 pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic  
 18 acid; (17) phenazocine; (18) piminodine; (19) racemethorphan; (20)  
 19 racemorphan; (21) dihydrocodeine; (22) bulk dextropropoxyphene in  
 20 nondosage forms; (23) sufentanil; (24) alfentanil; and (25)  
 21 levo-alpha-acetylmethadol which is also known as  
 22 levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM.

23 (c) Any material, compound, mixture, or preparation which  
 24 contains any quantity of the following substances having a  
 25 potential for abuse associated with a stimulant effect on the  
 26 central nervous system: (1) Amphetamine, its salts, optical  
 27 isomers, and salts of its optical isomers; (2) phenmetrazine and  
 28 its salts; (3) methamphetamine, its salts, isomers, and salts of

1 its isomers; and (4) methylphenidate.

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

10 (e) Hallucinogenic substances known as: (1) Dronabinol,  
11 synthetic, in sesame oil and encapsulated in a soft gelatin capsule  
12 in a Food and Drug Administration approved drug product. Some  
13 other names for dronabinol are  
14 (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-  
15 3-pentyl-6H-dibenzo(b,d)pyran-1-ol or  
16 (-)-delta-9-(trans)-tetrahydrocannabinol; and (2) nabilone.  
17 Another name for nabilone is  
18 (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-  
19 hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one.

20 (f) Unless specifically excepted or unless listed in  
21 another schedule, any material, compound, mixture, or preparation  
22 which contains any quantity of the following substances: (1)  
23 Immediate precursor to amphetamine and methamphetamine:  
24 Phenylacetone. Trade and other names shall include, but are not  
25 limited to: Phenyl-2-propanone; P2P; benzyl methyl ketone; and  
26 methyl benzyl ketone; or (2) immediate precursors to phencyclidine,  
27 PCP: (i) 1-phenylcyclohexylamine; or (ii)  
28 1-piperidinocyclohexanecarbonitrile, PCC.

1

## Schedule III

2

(a) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including their salts, isomers, whether optical, position, or geometric, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: (1) Benzphetamine; (2) chlorphentermine; (3) chlortermine; and (4) phendimetrazine.

11

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system: (1) Any substance which contains any quantity of a derivative of barbituric acid or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules of this section; (2) chlorhexadol; (3) lysergic acid; (4) lysergic acid amide; (5) methyprylon; (6) sulfondiethylmethane; (7) sulfonethylmethane; (8) sulfonmethane; (9) nalorphine; (10) any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule; (11) any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository; and (12) tiletamine and zolazepam or any salt thereof. Trade or other names for a tiletamine-zolazepam combination product shall include, but

1 not be limited to: telazol. Trade or other names for tiletamine  
2 shall include, but not be limited to:  
3 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Trade or other names  
4 for zolazepam shall include, but not be limited to:  
5 4-(2-fluorophenyl)-6, 8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e)  
6 (1,4)-diazepin-7(1H)-one, and flupyrzapon.

7 (c) Any material, compound, mixture, or preparation  
8 containing limited quantities of any of the following narcotic  
9 drugs, or any salts calculated as the free anhydrous base or  
10 alkaloid, in limited quantities as set forth below:

11 (1) Not more than one and eight-tenths grams of codeine  
12 per one hundred milliliters or not more than ninety milligrams per  
13 dosage unit, with an equal or greater quantity of an isoquinoline  
14 alkaloid of opium;

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

19 (3) Not more than three hundred milligrams of  
20 dihydrocodeinone which is also known as hydrocodone per one hundred  
21 milliliters or not more than fifteen milligrams per dosage unit,  
22 with a fourfold or greater quantity of an isoquinoline alkaloid of  
23 opium;

24 (4) Not more than three hundred milligrams of  
25 dihydrocodeinone which is also known as hydrocodone per one hundred  
26 milliliters or not more than fifteen milligrams per dosage unit,  
27 with one or more active, nonnarcotic ingredients in recognized  
28 therapeutic amounts;

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

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

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

13           (8) Not more than fifty milligrams of morphine per one  
14 hundred milliliters or per one hundred grams with one or more  
15 active, nonnarcotic ingredients in recognized therapeutic amounts.

16           (d) Any anabolic steroid, which shall include any  
17 material, compound, mixture, or preparation containing any quantity  
18 of the following substances, including its salts, isomers, and  
19 salts of isomers whenever the existence of such salts of isomers is  
20 possible within the specific chemical designation: (1) Boldenone;  
21 (2) chlorotestosterone (4-chlortestosterone); (3) clostebol; (4)  
22 dehydrochlormethyltestosterone; (5) dihydrotestosterone  
23 (4-dihydrotestosterone); (6) drostanolone; (7) ethylestrenol; (8)  
24 fluoxymesterone; (9) formebolone (formebolone); (10) mesterolone;  
25 (11) methandienone; (12) methandranone; (13) methandriol; (14)  
26 methandrostenolone; (15) methenolone; (16) methyltestosterone; (17)  
27 mibolerone; (18) nandrolone; (19) norethandrolone; (20)  
28 oxandrolone; (21) oxymesterone; (22) oxymetholone; (23) stanolone;

1 (24) stanozolol; (25) testolactone; (26) testosterone; (27)  
2 trenbolone; and (28) any salt, ester, or isomer of a drug or  
3 substance described or listed in this subdivision if the salt,  
4 ester, or isomer promotes muscle growth.

5 Schedule IV

6 (a) Any material, compound, mixture, or preparation which  
7 contains any quantity of the following substances, including their  
8 salts, isomers, and salts of isomers whenever the existence of such  
9 salts, isomers, and salts of isomers is possible within the  
10 specific chemical designation: (1) Barbital; (2) chloral betaine;  
11 (3) chloral hydrate; (4) chlordiazepoxide, but not including librax  
12 (chlordiazepoxide hydrochloride and clindinium bromide) or menrium  
13 (chlordiazepoxide and water soluble esterified estrogens); (5)  
14 clonazepam; (6) clorazepate; (7) diazepam; (8) ethchlorvynol; (9)  
15 ethinamate; (10) flurazepam; (11) mebutamate; (12) meprobamate;  
16 (13) methohexital; (14) methylphenobarbital; (15) oxazepam; (16)  
17 paraldehyde; (17) petrichloral; (18) phenobarbital; (19) prazepam;  
18 (20) alprazolam; (21) bromazepam; (22) camazepam; (23) clobazam;  
19 (24) clotiazepam; (25) cloxazolam; (26) delorazepam; (27)  
20 estazolam; (28) ethyl loflazepate; (29) fludiazepam; (30)  
21 flunitrazepam; (31) halazepam; (32) haloxazolam; (33) ketazolam;  
22 (34) loprazolam; (35) lorazepam; (36) lormetazepam; (37) medazepam;  
23 (38) nimetazepam; (39) nitrazepam; (40) nordiazepam; (41) oxazolam;  
24 (42) pinazepam; (43) temazepam; (44) tetrazepam; (45) triazolam;  
25 (46) midazolam; (47) quazepam; and (48) zolpidem.

26 (b) Any material, compound, mixture, or preparation which  
27 contains any quantity of the following substance, including its  
28 salts, isomers, whether optical, position, or geometric, and salts



1 of such isomers, whenever the existence of such salts, isomers, and  
2 salts of isomers is possible: Fenfluramine.

3 (c) Unless specifically excepted or unless listed in  
4 another schedule, any material, compound, mixture, or preparation  
5 which contains any quantity of the following substances having a  
6 stimulant effect on the central nervous system, including their  
7 salts, isomers, whether optical, position, or geometric, and salts  
8 of such isomers whenever the existence of such salts, isomers, and  
9 salts of isomers is possible within the specific chemical  
10 designation: (1) Diethylpropion; (2) phentermine; (3) pemoline,  
11 including organometallic complexes and chelates thereof; (4)  
12 mazindol; (5) pipradrol; (6)  
13 SPA,((-)-1-dimethylamino-1,2-diphenylethane); (7) cathine. Another  
14 name for cathine is ((+)-norpseudoephedrine); (8) fencamfamin; (9)  
15 fenproporex; and (10) mefenorex.

16 (d) Unless specifically excepted or unless listed in  
17 another schedule, any material, compound, mixture, or preparation  
18 which contains any quantity of the following narcotic drugs, or  
19 their salts or isomers calculated as the free anhydrous base or  
20 alkaloid, in limited quantities as set forth below: (1)  
21 Propoxyphene; and (2) not more than one milligram of difenoxin and  
22 not less than twenty-five micrograms of atropine sulfate per dosage  
23 unit.

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

28 (f) Unless specifically excepted or unless listed in

1 another schedule, any material, compound, mixture, or preparation  
2 which contains any quantity of the following substance, including  
3 its salts, isomers, and salts of such isomers: Butorphanol.

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

9 (2) The following drug products containing ephedrine, its  
10 salts, optical isomers, and salts of such optical isomers are  
11 excepted from subdivision (g)(1) of Schedule IV if they may  
12 lawfully be sold over the counter without a prescription under the  
13 Federal Food, Drug, and Cosmetic Act; are labeled and marketed in a  
14 manner consistent with the pertinent OTC Tentative Final or Final  
15 Monograph; are manufactured and distributed for legitimate  
16 medicinal use in a manner that reduces or eliminates the likelihood  
17 of abuse; and are not marketed, advertised, or labeled for the  
18 indication of stimulation, mental alertness, weight loss, muscle  
19 enhancement, appetite control, or energy:

20 (A) Solid oral dosage forms, including soft gelatin  
21 capsules, that combine active ingredients in the following ranges  
22 for each dosage unit:

23 (i) Not less than one hundred milligrams nor more than  
24 one hundred thirty milligrams of theophylline and not less than  
25 twelve and five-tenths milligrams nor more than twenty-four  
26 milligrams of ephedrine;

27 (ii) Not less than sixty milligrams nor more than one  
28 hundred milligrams of theophylline, not less than twelve and

1 five-tenths milligrams nor more than twenty-four milligrams of  
2 ephedrine, and not less than two hundred milligrams nor more than  
3 four hundred milligrams of guaifenesin;

4 (iii) Not less than twelve and five-tenths milligrams nor  
5 more than twenty-five milligrams of ephedrine and not less than two  
6 hundred milligrams nor more than four hundred milligrams of  
7 guaifenesin; and

8 (iv) Not more than eight milligrams of phenobarbital in  
9 combination with the ingredients of subdivision (g)(2)(A)(i) or  
10 (g)(2)(A)(ii) of Schedule IV;

11 (B) Liquid oral dosage forms that combine active  
12 ingredients in the following ranges for each five-milliliter dose:

13 (i) Not more than forty-five milligrams of theophylline,  
14 not more than thirty-six milligrams of ephedrine, not more than one  
15 hundred milligrams of guaifenesin, and not more than twelve  
16 milligrams of phenobarbital; and

17 (ii) Not more than five milligrams of phenylephrine, not  
18 more than five milligrams of ephedrine, not more than two  
19 milligrams of chlorpheniramine, not more than ten milligrams of  
20 dextromethorphan, not more than forty milligrams of ammonium  
21 chloride, and not more than five one-thousandths of a milligram of  
22 ipecac fluid extract; and

23 (C) Anorectal preparations containing less than five  
24 percent ephedrine.

25 Schedule V

26 (a) Unless specifically excepted or unless listed in  
27 another schedule, any material, compound, mixture, or preparation  
28 containing any of the following narcotic drug and its salts: (1)

1 Buprenorphine.

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

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

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

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

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

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

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

24 Sec. 8. Section 81-2,147.06, Revised Statutes  
25 Supplement, 1998, is amended to read:

26 81-2,147.06. (1) The duty of enforcing the Nebraska Seed  
27 Law and carrying out such law and requirements shall be vested in  
28 the director. It shall be the duty of the director:

1           (a) To sample, inspect, make analysis of, and test  
2 agricultural, vegetable, and flower seed sold within this state for  
3 sowing purposes at such time and place and to such extent as he or  
4 she may deem necessary to determine whether such agricultural,  
5 vegetable, or flower seed is in compliance with the Nebraska Seed  
6 Law and to notify promptly the persons who sold the seed of any  
7 violation;

8           (b) To adopt and promulgate rules and regulations in  
9 compliance with the Administrative Procedure Act as are  
10 specifically authorized in the Nebraska Seed Law governing the  
11 method of sampling, inspecting, analyzing, testing, and examining  
12 agricultural, vegetable, and flower seed and the tolerances to be  
13 followed in the administration of the law, which shall be in  
14 general accord with officially prescribed practice in interstate  
15 commerce, and such other rules and regulations as may be necessary  
16 to secure the efficient enforcement and full intent of such law;

17           (c) To adopt and promulgate rules and regulations in  
18 compliance with the Administrative Procedure Act adding to or  
19 subtracting from the primary noxious weed seeds list, the  
20 prohibited noxious weed seeds list, and the restricted noxious weed  
21 seeds list, as defined in section 81-2,147.01, whenever the  
22 director finds that a noxious weed seed should or should not be  
23 within one of these lists. Industrial hemp (cannabis sativa)  
24 having no more than three-tenths of one percent  
25 tetrahydrocannabinol shall not be designated as a noxious weed  
26 seed;

27           (d) To adopt and promulgate rules and regulations in  
28 compliance with the Administrative Procedure Act establishing

1 reasonable standards of germination for agricultural, vegetable,  
2 and flower seed; and

3 (e) To adopt and promulgate rules and regulations in  
4 compliance with the Administrative Procedure Act to establish, add  
5 to, or subtract from the seeds listed in subdivision (2)(i) of  
6 section 81-2,147.02 and for which the tetrazolium (TZ) test may be  
7 employed as the official test to indicate the potential viability  
8 of the seed.

9 (2) For the purpose of carrying out the law, the director  
10 may:

11 (a) Enter upon any public or private premises during  
12 regular business hours in order to have access to seeds and the  
13 records connected with such seeds subject to the law and the rules  
14 and regulations adopted and promulgated under such law and enter  
15 any truck or other conveyer by land, water, or air at any time when  
16 the conveyer is accessible for the same purpose;

17 (b) Issue and enforce a written or printed stop-sale  
18 order to the owner or custodian of any lot of agricultural,  
19 vegetable, or flower seed which the director finds is in violation  
20 of any of the provisions of the law or rules and regulations  
21 adopted and promulgated under such law, which order shall prohibit  
22 further sale, conditioning, and movement of such seed, except on  
23 approval of the enforcing officer, until such officer has evidence  
24 that the law has been complied with and he or she has issued a  
25 release from the stop-sale order of such seed. With respect to  
26 seed which has been denied sale, conditioning, or movement as  
27 provided in this subdivision, the owner or custodian of such seed  
28 shall have the right to appeal from such order in accordance with

1 the Administrative Procedure Act, praying for a judgment as to the  
2 justification of such order and for the discharge of such seed from  
3 the order prohibiting the sale, conditioning, or movement in  
4 accordance with the findings of the court. This subdivision shall  
5 not be construed as limiting the right of the director to proceed  
6 as authorized by other sections of the law;

7 (c) Establish and maintain or make provision for  
8 seed-testing facilities, employ qualified persons, and incur such  
9 expenses as may be necessary to comply with the law or rules and  
10 regulations adopted and promulgated under the law;

11 (d) Make or provide for making purity, weed seed,  
12 tetrazolium (TZ), germination, and other tests of seed as  
13 established in rules and regulations and recommended by rule of the  
14 Association of Official Seed Analysts for persons on request, adopt  
15 and promulgate rules and regulations in compliance with the  
16 Administrative Procedure Act governing such testing, and fix and  
17 collect charges for the tests made, which charges shall not exceed  
18 the cost of such tests. All fees shall be remitted to the state  
19 treasury and by the State Treasurer placed in the Nebraska Seed  
20 Administrative Cash Fund;

21 (e) Cooperate with the United States Department of  
22 Agriculture and other agencies in seed law enforcement; and

23 (f) Cooperate and enter into agreements with any person  
24 necessary to carry out the purpose of the law.

25 Sec. 9. Original sections 2-954, 16-230, and 17-563,  
26 Reissue Revised Statutes of Nebraska, section 81-2,147.06, Revised  
27 Statutes Supplement, 1998, and sections 28-401 and 28-405, Revised  
28 Statutes Supplement, 1999, are repealed.