

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 273**

Introduced by Schrock, 38; Burling, 33; Chambers, 11;  
Cunningham, 18; Dierks, 40; Schimek, 27; Vrtiska, 1

Read first time January 5, 2001

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 and sections 28-401, 28-405, and 81-2,147.06, Revised  
4 Statutes Supplement, 2000; to provide for cultivation of  
5 industrial hemp; to harmonize provisions; and to repeal  
6 the original sections.  
7 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 shall 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 shall be valid for a  
2 period of one year. Any person licensed under this section is  
3 presumed to be growing industrial hemp for commercial purposes.

4       Sec. 3. Each industrial hemp licensee shall file with  
5 the Department of Agriculture documentation indicating that the  
6 industrial seeds planted were of a type and variety certified to  
7 have no more than three-tenths of one percent tetrahydrocannabinol  
8 and a copy of any contract to grow industrial hemp. Each licensee  
9 shall notify the department of the sale or distribution of any  
10 industrial hemp grown by the licensee and the names of the persons  
11 to whom the hemp was sold or distributed.

12       Sec. 4. The Department of Agriculture shall adopt and  
13 promulgate rules and regulations to allow the industrial hemp to be  
14 tested during growth for tetrahydrocannabinol levels and to allow  
15 for supervision of the industrial hemp during its growth and  
16 harvest. To provide sufficient funds to pay costs associated with  
17 monitoring and testing industrial hemp in the state, the department  
18 shall assess each industrial hemp licensee a fee of five dollars  
19 per acre. The minimum fee assessed shall be one hundred fifty  
20 dollars per licensee. Such fees shall be remitted to the State  
21 Treasurer for credit to the Industrial Hemp Licensure Fund, which  
22 is hereby created. Money in the fund shall be used by the  
23 department to carry out and enforce sections 1 to 4 of this act.  
24 Any money in the fund available for investment shall be invested by  
25 the state investment officer pursuant to the Nebraska Capital  
26 Expansion Act and the Nebraska State Funds Investment Act.

27       Sec. 5. Section 2-954, Reissue Revised Statutes of  
28 Nebraska, is amended to read:

1                   2-954. (1)(a) The duty of enforcing and carrying out the  
2 Noxious Weed Control Act shall be vested in the director and the  
3 control authorities as designated in the act. The director shall  
4 determine what weeds are noxious for purposes of the act.  
5 Industrial hemp (cannabis sativa) having no more than three-tenths  
6 of one percent tetrahydrocannabinol shall not be designated as a  
7 noxious weed. A list of such noxious weeds shall be included in  
8 the rules and regulations adopted and promulgated by the director.  
9 The director shall prepare, publish, and revise as necessary a list  
10 of noxious weeds. The list shall be distributed to the public by  
11 the director, the Cooperative Extension Service, the control  
12 authorities, and any other body the director deems appropriate.  
13 The director shall, from time to time, adopt and promulgate rules  
14 and regulations on methods for control of noxious weeds and adopt  
15 and promulgate such rules and regulations as are necessary to carry  
16 out the act. Whenever special weed control problems exist in a  
17 county involving weeds not included in the rules and regulations,  
18 the control authority may petition the director to bring such weeds  
19 under the county control program. The petition shall contain the  
20 approval of the county board. Prior to petitioning the director,  
21 the control authority, in cooperation with the county board, shall  
22 hold a public hearing and take testimony upon the petition. Such  
23 hearing and the notice thereof shall be in the manner prescribed by  
24 the Administrative Procedure Act. A copy of the transcript of the  
25 public hearing shall accompany the petition filed with the  
26 director. The director may approve or disapprove the request. If  
27 approval is granted, the control authority may proceed under the  
28 forced control provisions of sections 2-953 to 2-955 and 2-958.

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

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

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

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

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

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

28 (b) Under the direction of the control authority, it

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

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

23 Sec. 6. Section 16-230, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

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

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

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

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

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



1 ground and the adjoining streets and alleys.

2 (5) For purposes of this section:

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

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

23 Sec. 7. Section 17-563, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

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

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

7 (2) Any city of the second class and village may by  
8 ordinance declare it to be a nuisance to permit or maintain any  
9 growth of twelve inches or more in height of weeds, grasses, or  
10 worthless vegetation or to litter or cause litter to be deposited  
11 or remain thereon 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 village or fails to comply with the order to abate and remove  
21 the nuisance, the city or village may have such work done. The  
22 costs and expenses of any such work shall be paid by the owner. If  
23 unpaid for two months after such work is done, the city or village  
24 may either (a) levy and assess the costs and expenses of the work  
25 upon the lot or piece of ground so benefited in the same manner as  
26 other special taxes for improvements are levied and assessed or (b)  
27 recover in a civil action the costs and expenses of the work upon  
28 the lot or piece of 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. 8. Section 28-401, Revised Statutes Supplement,  
23 2000, is amended to read:

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

26 (1) Administer shall mean the direct application of a  
27 controlled substance, whether by injection, inhalation, ingestion,  
28 or any other means, to the body of a patient or research subject

1 by: (a) A practitioner or, in his or her presence, by his or her  
2 authorized agent; or (b) the patient or research subject at the  
3 direction and in the presence of the practitioner;

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

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

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

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

27 (6) Department shall mean the Department of Health and  
28 Human Services Regulation and Licensure personnel who are

1 responsible for the enforcement of the Uniform Controlled  
2 Substances Act in the areas assigned to it by the act;

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

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

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

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

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

1 use as a component of any article specified in subdivision (a) or  
2 (b) of this subdivision, but shall not include devices or their  
3 components, parts, or accessories;

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

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

23 (14) Manufacture shall mean the production, preparation,  
24 propagation, compounding, or processing of a controlled substance,  
25 either directly or indirectly by extraction from substances of  
26 natural origin, independently by means of chemical synthesis, or by  
27 a combination of extraction and chemical synthesis, and shall  
28 include any packaging or repackaging of the substance or labeling

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

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

25 (16) Opiate shall mean any substance having an  
26 addiction-forming or addiction-sustaining liability similar to  
27 morphine or being capable of conversion into a drug having such  
28 addiction-forming or addiction-sustaining liability. Opiate shall

1 not include the dextrorotatory isomer of 3-methoxy-n  
2 methylmorphinan and its salts. Opiate shall include its racemic  
3 and levorotatory forms;

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

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

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

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

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

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

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



1           (24) Ultimate user shall mean a person who lawfully  
2 possesses a controlled substance for his or her own use, for the  
3 use of a member of his or her household, or for administration to  
4 an animal owned by him or her or by a member of his or her  
5 household;

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

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

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

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

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

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

27           (31) Nothing in the Uniform Controlled Substances Act  
28 shall be construed as authority for a practitioner to perform an

1 act for which he or she is not authorized by the laws of this  
2 state;

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

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

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

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

27 (36) Controlled substance analogue shall mean a substance  
28 (a) the chemical structure of which is substantially similar to the

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

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

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

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

8 Sec. 9. Section 28-405, Revised Statutes Supplement,  
 9 2000, is amended to read:

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

12 Schedule I

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

1 morpheridine; (30) noracymethadol; (31) norlevorphanol; (32)  
 2 normethadone; (33) norpipanone; (34) phenadoxone; (35)  
 3 phenampromide; (36) phenomorphan; (37) phenoperidine; (38)  
 4 piritramide; (39) proheptazine; (40) properidine; (41) propiram;  
 5 (42) racemoramide; (43) trimeperidine; (44) alpha-methylfentanyl,  
 6 N-(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl) propionanilide,  
 7 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine; (45)  
 8 tilidine; (46) 3-Methylfentanyl,  
 9 N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N- phenylpropanamide,  
 10 its optical and geometric isomers, salts, and salts of isomers;  
 11 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical  
 12 isomers, salts, and salts of isomers; (48)  
 13 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its  
 14 optical isomers, salts, and salts of isomers; (49)  
 15 N-(1-(1-methyl-2-phenyl)ethyl-4-piperidyl)-N- phenylacetamide  
 16 (acetyl-alpha-methylfentanyl), its optical isomers, salts, and  
 17 salts of isomers; (50)  
 18 N-(1-(1-methyl-2-(2-thienyl)ethyl-4-piperidyl)-N- phenylpropanamide  
 19 (alpha-methylthiofentanyl), its optical isomers, salts, and salts  
 20 of isomers; (51) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide  
 21 (benzylfentanyl), its optical isomers, salts, and salts of isomers;  
 22 (52) N-(1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-  
 23 phenylpropanamide (beta-hydroxyfentanyl), its optical isomers,  
 24 salts, and salts of isomers; (53)  
 25 N-(3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-  
 26 phenylpropanamide (beta-hydroxy-3-methylfentanyl), its optical and  
 27 geometric isomers, salts, and salts of isomers; (54)  
 28 N-(3-methyl-1-(2-(2-thienyl)ethyl-4-piperidyl)-N- phenylpropanamide

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

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

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

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

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



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

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

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

24 (f) Gamma hydroxy butyrate (GHB).

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

27 Schedule II

28 (a) Any of the following substances except those narcotic

1 drugs listed in other schedules whether produced directly or  
2 indirectly by extraction from substances of vegetable origin,  
3 independently by means of chemical synthesis, or by combination of  
4 extraction and chemical synthesis:

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

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

20 (3) Opium poppy and poppy straw;

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

28 (5) Concentrate of poppy straw, the crude extract of

1 poppy straw in either liquid, solid, or powder form which contains  
2 the phenanthrine alkaloids of the opium poppy.

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

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

1 its salts; (3) methamphetamine, its salts, isomers, and salts of  
2 its isomers; and (4) methylphenidate.

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

11 (e) Hallucinogenic substances known as: (1) Nabilone.  
12 Another name for nabilone is  
13 (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-  
14 hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one.

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

24 Schedule III

25 (a) Any material, compound, mixture, or preparation which  
26 contains any quantity of the following substances having a  
27 potential for abuse associated with a stimulant effect on the  
28 central nervous system, including their salts, isomers, whether

1 optical, position, or geometric, and salts of such isomers whenever  
2 the existence of such salts, isomers, and salts of isomers is  
3 possible within the specific chemical designation: (1)  
4 Benzphetamine; (2) chlorphentermine; (3) chlortermine; and (4)  
5 phendimetrazine.

6 (b) Any material, compound, mixture, or preparation which  
7 contains any quantity of the following substances having a  
8 potential for abuse associated with a depressant effect on the  
9 central nervous system: (1) Any substance which contains any  
10 quantity of a derivative of barbituric acid or any salt of a  
11 derivative of barbituric acid, except those substances which are  
12 specifically listed in other schedules of this section; (2)  
13 chlorhexadol; (3) lysergic acid; (4) lysergic acid amide; (5)  
14 methyprylon; (6) sulfondiethylmethane; (7) sulfonethylmethane; (8)  
15 sulfonmethane; (9) nalorphine; (10) any compound, mixture, or  
16 preparation containing amobarbital, secobarbital, pentobarbital, or  
17 any salt thereof and one or more other active medicinal ingredients  
18 which are not listed in any schedule; (11) any suppository dosage  
19 form containing amobarbital, secobarbital, pentobarbital, or any  
20 salt of any of these drugs and approved by the Food and Drug  
21 Administration for marketing only as a suppository; and (12)  
22 tiletamine and zolazepam or any salt thereof. Trade or other names  
23 for a tiletamine-zolazepam combination product shall include, but  
24 not be limited to: telazol. Trade or other names for tiletamine  
25 shall include, but not be limited to:  
26 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Trade or other names  
27 for zolazepam shall include, but not be limited to:  
28 4-(2-fluorophenyl)-6, 8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e)

1 (1,4)-diazepin-7(1H)-one, and flupyrzapon.

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

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

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

14 (3) Not more than three hundred milligrams of  
15 dihydrocodeinone which is also known as hydrocodone per one hundred  
16 milliliters or not more than fifteen milligrams per dosage unit,  
17 with a fourfold or greater quantity of an isoquinoline alkaloid of  
18 opium;

19 (4) 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 one or more active, nonnarcotic ingredients in recognized  
23 therapeutic amounts;

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

28 (6) Not more than three hundred milligrams of

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

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

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

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

28 (e) Hallucinogenic substances known as: (1) Dronabinol,

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

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

10 Schedule IV

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



1 (42) pinazepam; (43) temazepam; (44) tetrazepam; (45) triazolam;  
2 (46) midazolam; (47) quazepam; and (48) zolpidem.

3 (b) Any material, compound, mixture, or preparation which  
4 contains any quantity of the following substance, including its  
5 salts, isomers, whether optical, position, or geometric, and salts  
6 of such isomers, whenever the existence of such salts, isomers, and  
7 salts of isomers is possible: Fenfluramine.

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

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

1           (e) Unless specifically excepted or unless listed in  
2 another schedule, any material, compound, mixture, or preparation  
3 which contains any quantity of the following substance, including  
4 its salts: Pentazocine.

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

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

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

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

28           (i) Not less than one hundred milligrams nor more than

1 one hundred thirty milligrams of theophylline and not less than  
2 twelve and five-tenths milligrams nor more than twenty-four  
3 milligrams of ephedrine;

4 (ii) Not less than sixty milligrams nor more than one  
5 hundred milligrams of theophylline, not less than twelve and  
6 five-tenths milligrams nor more than twenty-four milligrams of  
7 ephedrine, and not less than two hundred milligrams nor more than  
8 four hundred milligrams of guaifenesin;

9 (iii) Not less than twelve and five-tenths milligrams nor  
10 more than twenty-five milligrams of ephedrine and not less than two  
11 hundred milligrams nor more than four hundred milligrams of  
12 guaifenesin; and

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

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

18 (i) Not more than forty-five milligrams of theophylline,  
19 not more than thirty-six milligrams of ephedrine, not more than one  
20 hundred milligrams of guaifenesin, and not more than twelve  
21 milligrams of phenobarbital; and

22 (ii) Not more than five milligrams of phenylephrine, not  
23 more than five milligrams of ephedrine, not more than two  
24 milligrams of chlorpheniramine, not more than ten milligrams of  
25 dextromethorphan, not more than forty milligrams of ammonium  
26 chloride, and not more than five one-thousandths of a milligram of  
27 ipecac fluid extract; and

28 (C) Anorectal preparations containing less than five

1 percent ephedrine.

2 Schedule V

3 (a) Unless specifically excepted or unless listed in  
4 another schedule, any material, compound, mixture, or preparation  
5 containing any of the following narcotic drug and its salts: (1)  
6 Buprenorphine.

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

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

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

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

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

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

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

1           Sec. 10.       Section 81-2,147.06, Revised Statutes  
2 Supplement, 2000, is amended to read:

3           81-2,147.06. (1) The duty of enforcing the Nebraska Seed  
4 Law and carrying out such law and requirements shall be vested in  
5 the director. It shall be the duty of the director:

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

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

22           (c) To adopt and promulgate rules and regulations in  
23 compliance with the Administrative Procedure Act adding to or  
24 subtracting from the primary noxious weed seeds list, the  
25 prohibited noxious weed seeds list, and the restricted noxious weed  
26 seeds list, as defined in section 81-2,147.01, whenever the  
27 director finds that a noxious weed seed should or should not be  
28 within one of these lists. Industrial hemp (cannabis sativa)

1 having no more than three-tenths of one percent  
2 tetrahydrocannabinol shall not be designated as a noxious weed  
3 seed;

4 (d) To adopt and promulgate rules and regulations in  
5 compliance with the Administrative Procedure Act establishing  
6 reasonable standards of germination for agricultural, vegetable,  
7 and flower seed; and

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

14 (2) For the purpose of carrying out the law, the director  
15 may:

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

22 (b) Issue and enforce a written or printed stop-sale  
23 order to the owner or custodian of any lot of agricultural,  
24 vegetable, or flower seed which the director finds is in violation  
25 of any of the provisions of the law or rules and regulations  
26 adopted and promulgated under such law, which order shall prohibit  
27 further sale, conditioning, and movement of such seed, except on  
28 approval of the enforcing officer, until such officer has evidence

1 that the law has been complied with and he or she has issued a  
2 release from the stop-sale order of such seed. With respect to  
3 seed which has been denied sale, conditioning, or movement as  
4 provided in this subdivision, the owner or custodian of such seed  
5 shall have the right to appeal from such order in accordance with  
6 the Administrative Procedure Act, praying for a judgment as to the  
7 justification of such order and for the discharge of such seed from  
8 the order prohibiting the sale, conditioning, or movement in  
9 accordance with the findings of the court. This subdivision shall  
10 not be construed as limiting the right of the director to proceed  
11 as authorized by other sections of the law;

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

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

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

28 (f) Cooperate and enter into agreements with any person

1 necessary to carry out the purpose of the law.

2           Sec. 11.    Original sections 2-954, 16-230, and 17-563,  
3 Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405,  
4 and 81-2,147.06, Revised Statutes Supplement, 2000, are repealed.