

CHAPTER 148†

UNIFORM CONTROLLED SUBSTANCES*

S. F. 1

AN ACT relating to the regulation and control of certain drugs and other substances affecting the public health, herein designated as controlled substances, and providing procedures for enforcement and penalties.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

1 SECTION 101. **Definitions.** As used in this Act:

2 1. "Administer" means the direct application of a controlled sub-
3 stance, whether by injection, inhalation, ingestion, or any other
4 means, to the body of a patient or research subject by:

5 a. A practitioner, or in his presence, by his authorized agent; or

6 b. The patient or research subject at the direction and in the
7 presence of the practitioner.

8 Nothing contained in this Act shall be construed to prevent a
9 physician, dentist, or veterinarian from delegating the administra-
10 tion of controlled substances under this Act to a nurse or intern,
11 or, as to veterinarians, to an orderly or assistant, under his direc-
12 tion and supervision; all pursuant to rules and regulations adopted
13 by the board.

14 2. "Agent" means an authorized person who acts on behalf of or
15 at the direction of a manufacturer, distributor, or dispenser. It does
16 not include a common or contract carrier, public warehouseman, or
17 employee of the carrier or warehouseman.

18 3. "Bureau" means the bureau of narcotics and dangerous drugs,
19 United States department of justice, or its successor agency.

20 4. "Board" means the state board of pharmacy examiners.

21 5. "Department" means the department of public safety of the
22 state of Iowa.

23 6. "Controlled substance" means a drug, substance, or immediate
24 precursor in schedules I through V of division II of this Act.

25 7. "Counterfeit substance" means a controlled substance which,
26 or the container or labeling of which, without authorization, bears
27 the trademark, trade name, or other identifying mark, imprint,
28 number or device, or any likeness thereof, of a manufacturer, dis-
29 tributor, or dispenser other than the person who in fact manufac-
30 tured, distributed, or dispensed the substance.

31 8. "Deliver" or "delivery" means the actual, constructive, or
32 attempted transfer from one person to another of a controlled sub-
33 stance, whether or not there is an agency relationship.

34 9. "Dispense" means to deliver a controlled substance to an ulti-
35 mate user or research subject by or pursuant to the lawful order of
36 a practitioner, including the prescribing, administering, packaging,
37 labeling, or compounding necessary to prepare the substance for that
38 delivery.

39 10. "Dispenser" means a practitioner who dispenses.

40 11. "Distribute" means to deliver other than by administering or
41 dispensing a controlled substance.

42 12. "Distributor" means a person who distributes.

*Amended by ch. 149.

†See Editor's note, page iii.

43 13. "Drug" means:

44 a. Substances recognized as drugs in the official United States
45 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United
46 States, or official National Formulary, or any supplement to any of
47 them;

48 b. Substances intended for use in the diagnosis, cure, mitigation,
49 treatment, or prevention of disease in man or animals;

50 c. Substances, other than food, intended to affect the structure or
51 any function of the body of man or animals; and

52 d. Substances intended for use as a component of any article
53 specified in paragraphs a, b, or c of this subsection. It does not
54 include devices or their components, parts, or accessories.

55 14. "Immediate precursor" means a substance which the board
56 has found to be and by rule designates as being the principal com-
57 pound commonly used or produced primarily for use, and which is
58 an immediate chemical intermediary used or likely to be used in the
59 manufacture of a controlled substance, the control of which is neces-
60 sary to prevent, curtail, or limit manufacture.

61 15. "Manufacture" means the production, preparation, propaga-
62 tion, compounding, conversion or processing of a controlled sub-
63 stance, either directly or by extraction from substances of natural
64 origin, or independently by means of chemical synthesis, or by a
65 combination of extraction and chemical synthesis, and includes any
66 packaging or repackaging of the substance or labeling or relabeling
67 of its container, except that this term does not include the prepara-
68 tion or compounding of a controlled substance by an individual for
69 his own use, or the preparation, compounding, packaging, or labeling
70 of a controlled substance:

71 a. By a practitioner as an incident to his administering or dis-
72 pensing of a controlled substance in the course of his professional
73 practice, or

74 b. By a practitioner, or by his authorized agent under his super-
75 vision, for the purpose of, or as an incident to, research, teaching,
76 or chemical analysis and not for sale.

77 16. "Marijuana" means all parts of the plant *Cannabis sativa* L.,
78 whether growing or not, its seeds, the resin extracted from any part
79 of the plant, and every compound, manufacture, salt, derivative,
80 mixture, or preparation of the plant, its seeds or resin. It does not
81 include the mature stalks of the plant, fiber produced from the stalks,
82 oil or cake made from the seeds of the plant, any other compound,
83 manufacture, salt, derivative, mixture, or preparation of the mature
84 stalks, except the resin extracted therefrom, fiber, oil, or cake, or
85 the sterilized seed of the plant which is incapable of germination.

86 17. "Narcotic drug" means any of the following, whether produced
87 directly or indirectly by extraction from substances of vegetable
88 origin, or independently by means of chemical synthesis, or by a
89 combination of extraction and chemical synthesis:

90 a. Opium and opiate, and any salt, compound, derivative, or
91 preparation of opium or opiate.

92 b. Any salt, compound, isomer, derivative, or preparation thereof
93 which is chemically equivalent or identical with any of the sub-
94 stances referred to in paragraph a, but not including the isoquinoline
95 alkaloids of opium.

- 96 c. Opium poppy and poppy straw.
 97 d. Coca leaves and any salt, compound, derivative, or preparation
 98 of coca leaves, and any salt, compound, isomer, derivative, or prepara-
 99 tion thereof which is chemically equivalent or identical with any of
 100 these substances, but not including decocainized coca leaves or
 101 extractions of coca leaves which do not contain cocaine or ecgonine.
 102 18. "Opiate" means any substance having an addiction-forming
 103 or addiction-sustaining liability similar to morphine or being capable
 104 of conversion into a drug having addiction-forming or addiction-
 105 sustaining liability. It does not include, unless specifically designated
 106 as controlled under section two hundred one (201) of this Act, the
 107 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
 108 (dextromethorphan). It does include its racemic and levorotatory
 109 forms.
 110 19. "Opium poppy" means the plant of the species *Papaver som-*
 111 *niferum* L., except its seeds.
 112 20. "Person" means individual, corporation, government or gov-
 113 ernmental subdivision or agency, business trust, estate, trust, part-
 114 nership or association, or any other legal entity.
 115 21. "Poppy straw" means all parts, except the seeds, of the opium
 116 poppy, after mowing.
 117 22. "Practitioner" means either:
 118 a. A physician, dentist, veterinarian, scientific investigator, or
 119 other person licensed, registered or otherwise permitted to distribute,
 120 dispense, conduct research with respect to or to administer a con-
 121 trolled substance in the course of professional practice or research
 122 in this state.
 123 b. A pharmacy, hospital or other institution licensed, registered,
 124 or otherwise permitted to distribute, dispense, conduct research with
 125 respect to or to administer a controlled substance in the course of
 126 professional practice or research in this state.
 127 23. "Production" includes the manufacture, planting, cultiva-
 128 tion, growing, or harvesting of a controlled substance.
 129 24. "State," when applied to a part of the United States, includes
 130 any state, district, commonwealth, territory, insular possession, and
 131 any area subject to the legal authority of the United States of
 132 America.
 133 25. "Ultimate user" means a person who lawfully possesses a
 134 controlled substance for his own use or for the use of a member of
 135 his household or for administering to an animal owned by him or
 136 by a member of his household.

DIVISION II

STANDARDS AND SCHEDULES

- 1 **SEC. 201. Duty to recommend changes in schedules.**
 2 1. The board shall administer the regulatory provisions of this
 3 Act. Annually, within thirty days after the convening of each regu-
 4 lar session of the general assembly, the board shall recommend to
 5 the general assembly any deletions from, or revisions in the schedules
 6 of substances, enumerated in sections two hundred four (204), two
 7 hundred six (206), two hundred eight (208), two hundred ten (210),

8 or two hundred twelve (212) of this Act, which it deems necessary
 9 or advisable. In making a recommendation to the general assembly
 10 regarding a substance, the board shall consider the following:

- 11 a. The actual or relative potential for abuse;
- 12 b. The scientific evidence of its pharmacological effect, if known;
- 13 c. State of current scientific knowledge regarding the substance;
- 14 d. The history and current pattern of abuse;
- 15 e. The scope, duration, and significance of abuse;
- 16 f. The risk to the public health;
- 17 g. The potential of the substance to produce psychic or physio-
 18 logical dependence liability; and
- 19 h. Whether the substance is an immediate precursor of a sub-
 20 stance already controlled under this division.

21 2. After considering the above factors, the board shall make a
 22 recommendation to the general assembly, specifying the change
 23 which should be made in existing schedules, if it finds that the
 24 potential for abuse or lack thereof of the substance is not properly
 25 reflected by the existing schedules.

26 3. If the board designates a substance as an immediate precursor,
 27 substances which are precursors of the controlled precursor shall not
 28 be subject to control solely because they are precursors of the con-
 29 trolled precursor. Such designations shall be made pursuant to the
 30 procedures of chapter seventeen A (17A) of the Code.

31 4. If any new substance is designated as a controlled substance
 32 under federal law and notice of the designation is given to the board,
 33 the board shall similarly designate as controlled the new substance
 34 under this Act after the expiration of thirty days from publication
 35 in the Federal Register of a final order designating a new substance
 36 as a controlled substance, unless within that thirty-day period the
 37 board objects to the new designation. In that case the board shall
 38 publish the reasons for objection and afford all interested parties an
 39 opportunity to be heard. At the conclusion of the hearing the board
 40 shall announce its decision which shall be final unless altered by
 41 statute. Upon publication of objection to a new substance being
 42 designated as a controlled substance under this Act by the board,
 43 control under this Act is stayed until the board publishes its deci-
 44 sion. If a substance is designated as controlled by the board under
 45 this paragraph the control shall be temporary and, if within sixty
 46 days after the next regular session of the general assembly convenes
 47 it has not made the corresponding changes in this Act, the temporary
 48 designation of control of the substance by the board shall be nullified.

1 **SEC. 202. Controlled substances—listed regardless of name.** The
 2 controlled substances listed in the schedules in sections two hundred
 3 four (204), two hundred six (206), two hundred eight (208), two
 4 hundred ten (210) and two hundred twelve (212) of this Act are
 5 included by whatever official name, common or usual name, chemical
 6 name, or trade name is designated.

1 **SEC. 203. Substances listed in schedule I—criteria.** The board
 2 shall recommend to the general assembly that it place in schedule I
 3 any substance not already included therein if the board finds that the
 4 substance:

- 5 1. Has high potential for abuse; and

- 6 2. Has no accepted medical use in treatment in the United States;
 7 or lacks accepted safety for use in treatment under medical super-
 8 vision.
 9 If the board finds that any substance included in schedule I does
 10 not meet these criteria, it shall recommend that the general assem-
 11 bly place the substance in a different schedule or remove it from the
 12 list of controlled substances, as appropriate.

1 **SEC. 204. Schedule I—substances included.**

- 2 1. The controlled substances listed in this section are included in
 3 schedule I.
 4 2. Any of the following opiates, including their isomers, esters,
 5 ethers, salts, and salts of isomers, esters, and ethers, unless specifi-
 6 cally excepted, whenever the existence of these isomers, esters, ethers
 7 and salts is possible within the specific chemical designation:
 8 a. Acetylmethadol.
 9 b. Allylprodine.
 10 c. Alphacetylmethadol.
 11 d. Alphameprodine.
 12 e. Alphamethadol.
 13 f. Benzethidine.
 14 g. Betacetylmethadol.
 15 h. Betameprodine.
 16 i. Betamethadol.
 17 j. Betaprodine.
 18 k. Clonitazene.
 19 l. Dextromoramide.
 20 m. Dextrorphan.
 21 n. Diampromide.
 22 o. Diethylthiambutene.
 23 p. Dimenoxadol.
 24 q. Dimepheptanol.
 25 r. Dimethylthiambutene.
 26 s. Dioxaphetyl butyrate.
 27 t. Dipipanone.
 28 u. Ethylmethylthiambutene.
 29 v. Etonitazene.
 30 w. Etoxidine.
 31 x. Furethidine.
 32 y. Hydroxypethidine.
 33 z. Ketobemidone.
 34 aa. Levomoramide.
 35 bb. Levophenacymorphan.
 36 cc. Morpheridine.
 37 dd. Noracymethadol.
 38 ee. Norlevorphanol.
 39 ff. Normethadone.
 40 gg. Norpipanone.
 41 hh. Phenadoxone.
 42 ii. Phenampromide.
 43 jj. Phenomorphan.
 44 kk. Phenoperidine.
 45 ll. Piritramide.

- 46 mm. Proheptazine.
 47 nn. Properidine.
 48 oo. Racemoramide.
 49 pp. Trimeperidine.
 50 **3. Any of the following opium derivatives, their salts, isomers and**
 51 **salts of isomers, unless specifically excepted, whenever the existence**
 52 **of these salts, isomers and salts of isomers is possible within the**
 53 **specific chemical designation:**
 54 a. Acetorphine.
 55 b. Acetyldihydrocodeine.
 56 c. Benzylmorphine.
 57 d. Codeine methylbromide.
 58 e. Codeine-N-Oxide.
 59 f. Cyprenorphine.
 60 g. Desomorphine.
 61 h. Dihydromorphine.
 62 i. Etorphine.
 63 j. Heroin.
 64 k. Hydromorphinol.
 65 l. Methyldesorphine.
 66 m. Methyldihydromorphine.
 67 n. Morphine methylbromide.
 68 o. Morphine methylsulfonate.
 69 p. Morphine-N-Oxide.
 70 q. Myrophine.
 71 r. Nicocodeine.
 72 s. Nicomorphine.
 73 t. Normorphine.
 74 u. Pholcodine.*
 75 v. Thebacon.
 76 **4. Any material, compound, mixture or preparation which con-**
 77 **tains any quantity of the following hallucinogenic substances, their**
 78 **salts, isomers and salts of isomers, unless specifically excepted,**
 79 **whenever the existence of these salts, isomers, and salts of isomers**
 80 **is possible within the specific chemical designation:**
 81 a. 3,4-methylenedioxy amphetamine.
 82 b. 5-methoxy-3,4-methylenedioxy amphetamine.
 83 c. 3,4,5-trimethoxy amphetamine.
 84 d. Bufotenine.
 85 e. Diethyltryptamine.
 86 f. Dimethyltryptamine.
 87 g. 4-methyl-2, 5-dimethoxylamphetamine.*
 88 h. Ibogaine.
 89 i. Lysergic acid diethylamide.
 90 j. Marijuana.
 91 k. Mescaline.
 92 l. Peyote, except as otherwise provided in subsection five (5) of
 93 this section.
 94 m. N-ethyl-3-piperidyl benzilate.
 95 n. N-methyl-3-piperidyl benzilate.
 96 o. Psilocybin.
 97 p. Psilocyn.
 98 q. Tetrahydrocannabinols.

*According to enrolled Act.

99 5. Nothing in this Act shall apply to peyote when used in bona
 100 fide religious ceremonies of the Native American Church; however,
 101 persons supplying the product to the church shall register, maintain
 102 appropriate records of receipts and disbursements of peyote, and
 103 otherwise comply with all applicable requirements of this Act and
 104 regulations adopted pursuant thereto.

1 SEC. 205. **Substances listed in schedule II—criteria.** The board
 2 shall recommend to the general assembly that it place in schedule II
 3 any substance not already included therein if the board finds that:

- 4 1. The substance has high potential for abuse;
- 5 2. The substance has currently accepted medical use in treatment
 6 in the United States, or currently accepted medical use with severe
 7 restrictions; and
- 8 3. Abuse of the substance may lead to severe psychic or physical
 9 dependence.

10 If the board finds that any substance included in schedule II does
 11 not meet these criteria, it shall recommend that the general assembly
 12 place the substance in a different schedule or remove it from the list
 13 of controlled substances, as appropriate.

1 SEC. 206. **Schedule II—substances included.**

2 1. The controlled substances listed in this section are included in
 3 schedule II.

4 2. Narcotic drugs as defined in this Act, except those narcotic drugs
 5 listed in other schedules.

6 3. Any of the following opiates, including their isomers, esters,
 7 ethers, salts, and salts of isomers, whenever the existence of these
 8 isomers, esters, ethers and salts is possible within the specific chemical
 9 designation:

- 10 a. Alphaprodine.
- 11 b. Anileridine.
- 12 c. Bezitramide.
- 13 d. Dihydrocodeine.
- 14 e. Diphenoxylate.
- 15 f. Fentanyl.
- 16 g. Isomethadone.
- 17 h. Levomethorphan.
- 18 i. Levorphanol.
- 19 j. Metazocine.
- 20 k. Methadone.
- 21 l. Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphe-
 22 nyl butane.*
- 23 m. Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-
 24 propane-carboxylic acid.
- 25 n. Pethidine.
- 26 o. Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperi-
 27 dine.
- 28 p. Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carbox-
 29 ylate.
- 30 q. Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-car-
 31 boxlic acid.
- 32 r. Phenazocine.
- 33 s. Piminodine.

*According to enrolled Act.

34 t. Racemethorphan.

35 u. Racemorphan.

36 4. Unless specifically excepted or unless listed in another schedule,
37 any injectable liquid which contains any quantity of methampheta-
38 mine, including its salts, isomers, and salts of isomers.

1 SEC. 207. **Substances listed in schedule III—criteria.** The board
2 shall recommend to the general assembly that it place in schedule III
3 any substance not already included therein if the board finds that:

4 1. The substance has a potential for abuse less than the substances
5 listed in schedules I and II;

6 2. The substance has currently accepted medical use in treatment
7 in the United States; and

8 3. Abuse of the substance may lead to moderate or low physical
9 dependence or high psychological dependence.

10 If the board finds that any substance included in schedule III does
11 not meet these criteria, it shall recommend that the general assembly
12 place the substance in a different schedule or remove it from the list
13 of controlled substances, as appropriate.

1 SEC. 208. **Schedule III—substances included.**

2 1. The controlled substances listed in this section are included in
3 schedule III.

4 2. Any material, compound, mixture, or preparation which con-
5 tains any quantity of the following substances having a potential for
6 abuse associated with a stimulant effect on the central nervous
7 system:

8 a. Amphetamine, its salts, optical isomers, and salts of its optical
9 isomers.

10 b. Phenmetrazine and its salts.

11 c. Any substance (except an injectable liquid) which contains any
12 quantity of methamphetamine, including its salts, isomers, and salts
13 of isomers.

14 d. Methylphenidate.

15 3. Unless listed in another schedule, any material, compound,
16 mixture, or preparation which contains any quantity of the follow-
17 ing substances having a potential for abuse associated with a depres-
18 sant effect on the central nervous system:

19 a. Any substance which contains any quantity of a derivative of
20 barbituric acid, or any salt of a derivative of barbituric acid, except
21 those substances which are specifically listed in other schedules.

22 b. Chlorhexadol.*

23 c. Glutethimide.

24 d. Lysergic acid.

25 e. Lysergic acid amide.

26 f. Methyprylon.

27 g. Phencyclidine.

28 h. Sulfondiethylmethane.

29 i. Sulfonethylmethane.

30 j. Sulfonmethane.

31 4. Nalorphine.

32 5. Any material, compound, mixture, or preparation containing
33 limited quantities of any of the following narcotic drugs, or any salts
34 thereof:

*According to enrolled Act.

35 a. Not more than one point eighty grams of codeine, or any of its
36 salts, per one hundred milliliters or not more than ninety milligrams
37 per dosage unit, with an equal or greater quantity of an isoquinoline
38 alkaloid of opium.

39 b. Not more than one point eighty grams of codeine, or any of its
40 salts, per one hundred milliliters or not more than ninety milligrams
41 per dosage unit, with one or more active, nonnarcotic ingredients in
42 recognized therapeutic amounts.

43 c. Not more than three hundred milligrams of dihydrocodeinone,
44 or any of its salts, per one hundred milliliters or not more than
45 fifteen milligrams per dosage unit, with a fourfold or greater quan-
46 tity of an isoquinoline alkaloid of opium.

47 d. Not more than three hundred milligrams of dihydrocodeinone,
48 or any of its salts, per one hundred milliliters or not more than
49 fifteen milligrams per dosage unit, with one or more active, non-
50 narcotic ingredients in recognized therapeutic amounts.

51 e. Not more than one point eighty grams of dihydrocodeine, or any
52 of its salts, per one hundred milliliters or not more than ninety milli-
53 grams per dosage unit, with one or more active, nonnarcotic ingredi-
54 ents in recognized therapeutic amounts.

55 f. Not more than three hundred milligrams of ethylmorphine, or
56 any of its salts, per one hundred milliliters or not more than fifteen
57 milligrams per dosage unit, with one or more ingredients in recog-
58 nized therapeutic amounts.

59 g. Not more than five hundred milligrams of opium per one hun-
60 dred milliliters or per one hundred grams, or not more than twenty-
61 five milligrams per dosage unit, with one or more active, nonnarcotic
62 ingredients in recognized therapeutic amounts.

63 h. Not more than fifty milligrams of morphine, or any of its salts,
64 per one hundred milliliters or per one hundred grams with one
65 or more active, nonnarcotic ingredients in recognized therapeutic
66 amounts.

67 6. The board by rule may except any compound, mixture, or
68 preparation containing any stimulant or depressant substance listed
69 in subsections two (2) and three (3) of this section from the appli-
70 cation of all or any part of this Act if the compound, mixture, or
71 preparation contains one or more active medicinal ingredients not
72 having a stimulant or depressant effect on the central nervous sys-
73 tem, and if the admixtures are included therein in such combinations,
74 quantity, proportion, or concentration as to vitiate the potential for
75 abuse of the substances which have a stimulant or depressant effect
76 on the central nervous system.

1 SEC. 209. Substances listed in schedule IV—criteria. The board
2 shall recommend to the general assembly that it place in schedule IV
3 any substance not already included therein if the board finds that:

4 1. The substance has a low potential for abuse relative to the sub-
5 stances listed in schedule III;

6 2. The substance has currently accepted medical use in treatment
7 in the United States; and

8 3. Abuse of the substance may lead to limited physical dependence
9 or psychological dependence relative to the substances listed in
10 schedule III.

11 If the board finds that any substance included in schedule IV does
12 not meet these criteria, it shall recommend that the general assembly
13 place the substance in a different schedule or remove it from the list
14 of controlled substances, as appropriate.

1 **SEC. 210. Schedule IV—substances included.**

2 1. The controlled substances listed in this section are included in
3 schedule IV.

4 2. Any compound, mixture, or preparation which contains any
5 quantity of the following substances having a potential for abuse
6 associated with a depressant effect on the central nervous system:

- 7 a. Barbital.
- 8 b. Chloral betaine.
- 9 c. Chloral hydrate.
- 10 d. Ethchlorvynol.
- 11 e. Ethinamate.
- 12 f. Methohexital.
- 13 g. Meproamate.
- 14 h. Methylphenobarbital.
- 15 i. Paraldehyde.
- 16 j. Petrichloral.
- 17 k. Phenobarbital.

18 3. Any compound, mixture, or preparation containing limited
19 quantities of any of the following narcotic drugs, which shall include
20 one or more nonnarcotic active medicinal ingredients in sufficient
21 proportion to confer upon the compound, mixture, or preparation,
22 valuable medicinal qualities other than those possessed by the nar-
23 cotic drug alone:

- 24 a. Not more than one hundred milligrams of dihydrocodeine, or
25 any of its salts, per one hundred milliliters or per one hundred
26 grams;
- 27 b. Not more than one hundred milligrams of ethylmorphine, or any
28 of its salts, per one hundred milliliters or per one hundred grams;
- 29 c. Not more than two point five milligrams of diphenoxylate and
30 not less than twenty-five micrograms of atropine sulfate per dosage
31 unit;
- 32 d. Not more than one hundred milligrams of opium per one hun-
33 dred milliliters or per one hundred grams.

34 4. The board by rule may except any compound, mixture, or
35 preparation containing any depressant substance listed in subsection
36 two (2) from the application of all or any part of this Act if the
37 compound, mixture, or preparation contains one or more active
38 medicinal ingredients not having a depressant effect on the central
39 nervous system and if the admixtures are included therein in com-
40 binations, quantity, proportion, or concentration that vitiate the
41 potential for abuse of the substances which have a depressant effect
42 on the central nervous system.

1 **SEC. 211. Schedule V—criteria.** The board shall recommend to
2 the general assembly that it place in schedule V any substance not
3 already included therein if the board finds that:

- 4 1. The substance has a low potential for abuse relative to the
5 substances listed in schedule IV;
- 6 2. The substance has currently accepted medical use in treatment

7 in the United States; and
 8 3. The substance has limited physical dependence or psychological
 9 dependence liability relative to the controlled substances listed in
 10 schedule IV.
 11 If the board finds that any substance included in schedule V does
 12 not meet these criteria, it shall recommend that the general assembly
 13 place the substance in a different schedule or remove it from the list
 14 of controlled substances, as appropriate.

1 **SEC. 212. Schedule V—substances included.**

2 1. The controlled substances listed in this section are included in
 3 schedule V.
 4 2. Any compound, mixture, or preparation containing limited
 5 quantities of any of the following narcotic drugs, which shall include
 6 one or more nonnarcotic active medicinal ingredients in sufficient
 7 proportion to confer upon the compound, mixture, or preparation,
 8 valuable medicinal qualities other than those possessed by the nar-
 9 cotic drug alone:
 10 a. Not more than two hundred milligrams of codeine, or any of its
 11 salts, per one hundred milliliters or per one hundred grams.

DIVISION III

REGULATION OF MANUFACTURE, DISTRIBUTION
 AND DISPENSING OF CONTROLLED SUBSTANCES

1 **SEC. 301. Rules and regulations.** The board may, subject to
 2 chapter seventeen A (17A) of the Code, promulgate rules and charge
 3 reasonable fees relating to the registration and control of the manu-
 4 facture, distribution, and dispensing of controlled substances within
 5 this state.

1 **SEC. 302. Registration requirements.**

2 1. Every person who manufactures, distributes, or dispenses any
 3 controlled substance within this state or who proposes to engage in
 4 the manufacture, distribution, or dispensing of any controlled sub-
 5 stance within this state, shall obtain annually a registration issued
 6 by the board in accordance with its rules.
 7 2. Persons registered by the board under this Act to manufacture,
 8 distribute, dispense, or conduct research with controlled substances
 9 may possess, manufacture, distribute, dispense, or conduct research
 10 with those substances to the extent authorized by their registration
 11 and in conformity with the other provisions of this division.
 12 3. The following persons need not register and may lawfully pos-
 13 sess controlled substances under this Act:
 14 a. An agent or employee of any registered manufacturer, dis-
 15 tributor, or dispenser of any controlled substance if he is acting in
 16 the usual course of his business or employment.
 17 b. A common or contract carrier or warehouseman, or an employee
 18 thereof, whose possession of any controlled substance is in the usual
 19 course of business or employment.
 20 c. An ultimate user or a person in possession of any controlled
 21 substance pursuant to a lawful order of a practitioner or in posses-
 22 sion of a schedule V substance.
 23 4. A separate registration is required for each principal place of

24 business or professional practice where the applicant manufactures,
25 distributes, or dispenses controlled substances.

26 5. The board may inspect the establishment of a registrant or
27 applicant for registration in accordance with the board's rules.

1 **SEC. 303. Registration.**

2 1. The board shall register an applicant to manufacture or dis-
3 tribute controlled substances included in sections two hundred four
4 (204), two hundred six (206), two hundred eight (208), two hun-
5 dred ten (210), and two hundred twelve (212) of this Act unless it
6 determines that the issuance of that registration would be incon-
7 sistent with the public interest. In determining the public interest,
8 the board shall consider all of the following factors:

9 a. Maintenance of effective controls against diversion of controlled
10 substances into other than legitimate medical, scientific, or industrial
11 channels.

12 b. Compliance with applicable state and local law.

13 c. Any convictions of the applicant under any federal and state
14 laws relating to any controlled substance.

15 d. Past experience in the manufacture or distribution of controlled
16 substances, and the existence in the applicant's establishment of
17 effective controls against diversion.

18 e. Furnishing by the applicant of false or fraudulent material in
19 any application filed under this Act.

20 f. Suspension or revocation of the applicant's federal registration
21 to manufacture, distribute, or dispense controlled substances as
22 authorized by federal law.

23 g. Any other factors relevant to and consistent with the public
24 health and safety.

25 2. Registration under subsection one (1) of this section does not
26 entitle a registrant to manufacture and distribute controlled sub-
27 stances in schedule I or II other than those specified in the regis-
28 tration.

29 3. Practitioners shall be registered to dispense any controlled sub-
30 stances or to conduct research with controlled substances in schedules
31 II through V if they are authorized to dispense or conduct research
32 under the law of this state. The board need not require separate
33 registration under this division for practitioners engaging in re-
34 search with nonnarcotic controlled substances in schedules II through
35 V where the registrant is already registered under this division in
36 another capacity. Practitioners registered under federal law to con-
37 duct research with schedule I substances may conduct research in
38 schedule I substances within this state upon furnishing the board
39 evidence of the federal registration.

40 4. Compliance by manufacturers and distributors with the pro-
41 visions of the federal law respecting registration, excluding fees,
42 entitles them to be registered under this Act.

1 **SEC. 304. Revocation and suspension of registration.**

2 1. A registration under section three hundred three (303) of this
3 Act to manufacture, distribute, or dispense a controlled substance
4 may be suspended or revoked by the board upon a finding that the
5 registrant:

6 a. Has furnished false or fraudulent material information in any

7 application filed under this Act;

8 b. Has had his federal registration suspended or revoked to manu-
9 facture, distribute, or dispense controlled substances; or

10 c. Has been convicted of a public offense under any state or fed-
11 eral law relating to any controlled substance. For the purpose of
12 this section only, a conviction shall include a plea of guilty, a for-
13 feiture of bail or collateral deposited to secure a defendant's appear-
14 ance in court which forfeiture has not been vacated, or a finding of
15 guilt in a criminal action even though the entry of the judgment or
16 sentence has been withheld and the individual placed on probation.

17 2. The board may limit revocation or suspension of a registration
18 to the particular controlled substance with respect to which grounds
19 for revocation or suspension exist.

20 3. If the board suspends or revokes a registration, all controlled
21 substances owned or possessed by the registrant at the time of sus-
22 pension or the effective date of the revocation order may be placed
23 under seal. No disposition may be made of substances under seal
24 until the time for taking an appeal has elapsed or until all appeals
25 have been concluded unless a court, upon application, orders the sale
26 of perishable substances and the deposit of the proceeds of the sale
27 with the court. Upon a revocation order becoming final, all such
28 controlled substances may be forfeited to the state.

29 4. The board shall promptly notify the bureau and the department
30 of all orders suspending or revoking registration and all forfeitures
31 of controlled substances.

1 **SEC. 305. Order to show cause.**

2 1. Before denying, suspending or revoking a registration, or re-
3 fusing a renewal of registration, the board shall serve upon the
4 applicant or registrant an order to show cause why registration
5 should not be denied, revoked, or suspended, or why the renewal
6 should not be refused. The order to show cause shall contain a
7 statement of the basis therefor and shall call upon the applicant or
8 registrant to appear before the board at a time and place not less
9 than thirty days after the date of service of the order, but in the
10 case of a denial or renewal of registration the show cause order shall
11 be served not later than thirty days before the expiration of the
12 registration. These proceedings shall be conducted without regard
13 to any criminal prosecution or other proceeding. Proceedings to
14 refuse renewal of registration shall not abate the existing registra-
15 tion which shall remain in effect pending the outcome of the admin-
16 istrative hearing.

17 2. The board, without an order to show cause, may suspend any
18 registration simultaneously with the institution of proceedings under
19 section three hundred four (304) of this Act, or where renewal of
20 registration is refused, if it finds that there is an imminent danger
21 to the public health or safety which warrants this action. The sus-
22 pension shall continue in effect until the conclusion of the proceed-
23 ings, including judicial review thereof, unless sooner withdrawn by
24 the board or dissolved by the district or supreme court.

1 **SEC. 306. Records of registrants.** Persons registered to manu-
2 facture, distribute, dispense, or administer controlled substances
3 under this Act shall keep records and maintain inventories in con-

4 formance with the record keeping and inventory requirements of
 5 federal law and with such additional rules as may be issued by the
 6 board. A practitioner who engages in dispensing any controlled
 7 substance to his patients shall keep records of receipt and disburse-
 8 ments of such drugs, including dispensing or other disposition, and
 9 information as to controlled substances stolen, lost, or destroyed.
 10 In every such case the records of controlled substance received shall
 11 show the date of receipt, the name and address of the person from
 12 whom received, and the kind and quantity of drugs received. The
 13 record of all controlled substances dispensed or otherwise disposed
 14 of, shall show the date of dispensing, the name and address of the
 15 person to whom or for whose use, or the owner and species of animal
 16 for which the drugs were dispensed and the kind and quantity of
 17 drugs.

18 Every such record shall be kept for a period of two years from the
 19 date of the transaction recorded. Records of controlled substances
 20 lost, destroyed or stolen, shall contain a detailed list of the kind and
 21 quantity of such drugs and the date of the discovery of such loss,
 22 destruction, or theft.

1 **SEC. 307. Order forms.** Controlled substances in schedules I and
 2 II shall be distributed by a registrant to another registrant only
 3 pursuant to an order form. Compliance with the provisions of
 4 federal law respecting order forms shall be deemed compliance with
 5 this section.

1 **SEC. 308. Prescriptions.**

2 1. Except when dispensed directly by a practitioner, other than a
 3 pharmacy, to an ultimate user, no controlled substance in schedule
 4 II may be dispensed without the written prescription of a practi-
 5 tioner.

6 2. In emergency situations, as defined by rule of the board,
 7 schedule II drugs may be dispensed upon oral prescription of a
 8 practitioner, reduced promptly to writing and filed by the pharmacy.
 9 Prescriptions shall be retained in conformity with the requirements
 10 of section three hundred six (306) of this Act. No prescription for
 11 a schedule II substance may be refilled.

12 3. Except when dispensed directly by a practitioner, other than a
 13 pharmacy, to an ultimate user, a controlled substance included in
 14 schedule III or IV, which is a prescription drug as determined under
 15 section one hundred fifty-five point three (155.3), subsections nine
 16 (9) and ten (10) of the Code, shall not be dispensed without a writ-
 17 ten or oral prescription of a practitioner. The prescription may not
 18 be filled or refilled more than six months after the date thereof or
 19 be refilled more than five times, unless renewed by the practitioner.

20 4. A controlled substance included in schedule V shall not be dis-
 21 tributed or dispensed other than for a medical purpose.

DIVISION IV

OFFENSES AND PENALTIES

1 **SEC. 401. Prohibited acts—manufacturers—possessors—counter-**
 2 **feit substances—penalties.**

3 1. Except as authorized by this Act, it is unlawful for any person
 4 to manufacture, deliver, or possess with intent to manufacture or

5 deliver, a controlled substance, or to act with, enter into a common
 6 scheme or design with, or conspire with one or more other persons
 7 to manufacture, deliver, or possess with intent to manufacture or
 8 deliver, a controlled substance.

9 a. Any person who violates this subsection with respect to:

10 (1) A substance classified in schedule I or II which is a narcotic
 11 drug, is guilty of a public offense and upon conviction shall be pun-
 12 ished by imprisonment in the penitentiary for not to exceed ten
 13 years and by a fine of not more than two thousand dollars.

14 (2) Any other controlled substance classified in schedules I, II,
 15 or III, is guilty of a public offense and upon conviction shall be pun-
 16 ished by imprisonment in the penitentiary for not to exceed five
 17 years and by a fine of not more than one thousand dollars.

18 (3) A substance classified in schedule IV, is guilty of a public
 19 offense and upon conviction shall be punished by imprisonment in
 20 the county jail for not to exceed one year or by a fine of not more
 21 than five hundred dollars, or by both such imprisonment and fine.

22 (4) A substance classified in schedule V, is guilty of a public
 23 offense and upon conviction shall be punished by imprisonment in
 24 the county jail for not to exceed six months or by a fine of not more
 25 than two hundred fifty dollars, or both such imprisonment and fine.

26 2. Except as authorized by this Act, it is unlawful for any person
 27 to create, deliver, or possess with intent to deliver, a counterfeit
 28 substance, or to act with, enter into a common scheme or design with,
 29 or conspire with one or more other persons to create, deliver, or
 30 possess with intent to deliver, a counterfeit substance.

31 a. Any person who violates this subsection with respect to:

32 (1) A counterfeit substance classified in schedule I or II which is
 33 a narcotic drug, is guilty of a public offense and upon conviction shall
 34 be punished by imprisonment in the penitentiary for not to exceed
 35 ten years, and by a fine of not more than two thousand dollars.

36 (2) Any other counterfeit substance classified in schedules I, II,
 37 or III, is guilty of a public offense and upon conviction shall be pun-
 38 ished by imprisonment in the penitentiary for not to exceed five
 39 years and by a fine of not more than one thousand dollars.

40 (3) A counterfeit substance classified in schedule IV, is guilty of
 41 a public offense and upon conviction shall be punished by imprison-
 42 ment in the county jail for not to exceed one year or by a fine of not
 43 more than five hundred dollars, or by both such imprisonment and
 44 fine.

45 (4) A counterfeit substance classified in schedule V, is guilty of
 46 a public offense and upon conviction shall be punished by imprison-
 47 ment in the county jail for not to exceed six months or by a fine of
 48 not more than two hundred fifty dollars, or by both such imprison-
 49 ment and fine.

50 3. It is unlawful for any person knowingly or intentionally to
 51 possess a controlled substance unless such substance was obtained
 52 directly from, or pursuant to, a valid prescription or order of a
 53 practitioner while acting in the course of his professional practice,
 54 or except as otherwise authorized by this Act. Any person who vio-
 55 lates this subsection with respect to:

56 a. A substance classified in schedule I or II which is a narcotic
 57 drug, is guilty of a public offense and upon conviction shall be pun-

58 ished by imprisonment in the penitentiary for not to exceed five
 59 years or in the county jail for not to exceed one year, or by a fine of
 60 not more than one thousand dollars, or by both such imprisonment
 61 and fine.

62 *is guilty of a misdemeanor, and upon conviction shall be punished
 63 by imprisonment in the county jail for not to exceed one year, or by
 64 a fine of not more than one thousand dollars, or both such imprison-
 65 ment and fine. If the controlled substance is marijuana, the punish-
 66 ment shall be by imprisonment in the county jail for not more than
 67 six (6) months or by a fine of not more than one thousand dollars
 68 (\$1,000), or by both such fine and imprisonment. All or any part
 69 of a sentence imposed pursuant to this section may be suspended and
 70 the person placed upon probation upon such terms and conditions as
 71 the court may impose including the active participation by such
 72 person in a drug treatment, rehabilitation or education program
 73 approved by the court.

1 **SEC. 402. Prohibited acts—distributors—registrants—proprietors**
 2 **—penalties.**

3 1. It is unlawful for any person:

4 a. Who is subject to division III to distribute or dispense a
 5 controlled substance in violation of section three hundred eight
 6 (308) of this Act;

7 b. Who is a registrant, to manufacture a controlled substance not
 8 authorized by his registration, or to distribute or dispense a con-
 9 trolled substance not authorized by his registration to another
 10 registrant or other authorized person;

11 c. To refuse or fail to make, keep or furnish any record, notifica-
 12 tion, order form, statement, invoice or information required under
 13 this Act;

14 d. To refuse an entry into any premises during reasonable busi-
 15 ness hours for any inspection authorized by this Act; or

16 e. Knowingly to keep or permit the keeping or to maintain any
 17 premises, store, shop, warehouse, dwelling, temporary, or permanent
 18 building, vehicle, boat, aircraft, or other temporary or permanent
 19 structure or place, which is resorted to by persons using controlled
 20 substances in violation of this Act for the purpose of using these
 21 substances, or which is used for keeping, possessing or selling them
 22 in violation of this Act.

23 2. Any person who violates subsection one (1) of this section, or
 24 who acts with, enters into a common scheme or design with, or con-
 25 spires with one or more other persons to violate subsection one (1)
 26 of this section, is guilty of a public offense and upon conviction:

27 a. Of a violation of paragraphs a, b, d, or e shall be punished by
 28 imprisonment in the penitentiary for not to exceed one year, or by
 29 a fine of not more than one thousand dollars, or both such imprison-
 30 ment and fine.

31 b. Of a violation of paragraph c shall be punished by a fine of not
 32 more than five hundred dollars if the conviction is the defendant's
 33 first under this Act or under any state or federal statute relating to
 34 narcotic drugs, marijuana, or stimulant, depressant, or hallucino-
 35 genic drugs, and by imprisonment in the penitentiary for not to

*According to enrolled Act.
 See ch. 149, §19

36 exceed one year, or by a fine of not more than one thousand dollars,
37 or both such imprisonment and fine if the defendant has previously
38 been so convicted.

1 **SEC. 403. Prohibited acts—controlled substances, distribution,**
2 **use, possession—records and information—penalties.**

3 1. It is unlawful for any person knowingly or intentionally:

4 a. To distribute as a registrant a controlled substance classified in
5 schedules I or II, except pursuant to an order form as required by
6 section three hundred seven (307) of this Act;

7 b. To use in the course of the manufacture or distribution of a
8 controlled substance a registration number which is fictitious, re-
9 voked, suspended, or issued to another person;

10 c. To acquire or obtain possession of a controlled substance by
11 misrepresentation, fraud, forgery, deception or subterfuge;

12 d. To furnish false or fraudulent material information in, or omit
13 any material information from, any application, report, or other
14 document required to be kept or filed under this Act, or any record
15 required to be kept by this Act; or

16 e. To make, distribute, or possess any punch, die, plate, stone, or
17 other thing designed to print, imprint, or reproduce the trademark,
18 trade name, or other identifying mark, imprint, or device of another
19 or any likeness of any of the foregoing upon any drug or container
20 or labeling thereof so as to render the drug a counterfeit substance.

21 2. Any person who violates this section, or who acts with, enters
22 into a common scheme or design with, or conspires with one or more
23 other persons to violate this section, is guilty of a public offense and
24 upon conviction shall be punished by imprisonment in the peniten-
25 tiary for not to exceed one year and by a fine of not more than one
26 thousand dollars.

1 **SEC. 404. Penalties under other laws.** Any penalty imposed for
2 violation of this division shall be in addition to, and not in lieu of,
3 any civil or administrative penalty or sanction otherwise authorized
4 by law.

1 **SEC. 405. Bar to prosecution.** If a violation of this Act is a vio-
2 lation of a federal law or the law of another state, the conviction or
3 acquittal under federal law or the law of another state for the same
4 act is a bar to prosecution in this state.

1 **SEC. 406. Distribution to persons under age eighteen.** Any per-
2 son who is eighteen years of age or over who violates section four
3 hundred one (401), subsection one (1) of this Act, by distributing
4 a substance listed in schedule I or II, which is a narcotic drug, to a
5 person under eighteen years of age, shall be punished by a fine and
6 by a term of imprisonment not to exceed twice that authorized by
7 section four hundred one (401), subsection one (1), paragraph a,
8 subparagraph one (1) of this Act. Any person who is eighteen years
9 of age or over who violates section four hundred one (401), subsec-
10 tion one (1) of this Act, by distributing any other controlled sub-
11 stance listed in schedules I, II, III, IV, or V to a person under
12 eighteen years of age who is at least three years his junior shall be
13 punished by a fine not to exceed that authorized by section four hun-
14 dred one (401), subsection one (1), paragraph a, subparagraphs
15 two (2) or three (3) of this Act, or by a term of imprisonment not

16 to exceed one and one-half times that authorized by section four
17 hundred one (401), subsection one (1), paragraph a, subparagraphs
18 two (2) or three (3) of this Act, or by both such fine and imprison-
19 ment.

1 **SEC. 407. Gatherings where controlled substances unlawfully used**
2 **—penalties.** It is unlawful for any person to sponsor, promote,
3 or aid, or assist in the sponsoring or promoting of a meeting, gath-
4 ering, or assemblage with the knowledge or intent that a controlled
5 substance be there distributed, used or possessed, in violation of this
6 Act.

7 Court appointed attorney fees incurred in the defense of any
8 person charged with a felony under this section shall be taxed as
9 part of the costs against the defendants who are found guilty. If
10 the defendant does not discharge such costs within ninety days, the
11 county paying such costs may seek indemnification therefor from
12 the Iowa general assembly. A county may also seek indemnification
13 from the general assembly of court appointed attorney fees incurred
14 in the defense of any person charged with a felony under this section
15 who was found not guilty.

16 Any person who violates this section, and where the controlled
17 substance is marijuana only, is guilty of a public offense and upon
18 conviction shall be punished by imprisonment in the county jail for
19 not to exceed one year or by a fine of not to exceed one thousand
20 dollars or by both such fine and imprisonment.

21 The district court shall grant an injunction barring a meeting,
22 gathering, or assemblage if upon hearing the court finds that the
23 sponsors or promoters of the meeting, gathering, or assemblage have
24 not taken reasonable means to prevent the unlawful distribution,
25 use or possession of a controlled substance. Further injunctive relief
26 may be granted against all persons furnishing goods or services to
27 such meeting, gathering, or assemblage.

28 The district court may, upon application and a showing of one or
29 more of the grounds provided in section 639.3 of the Code, grant to
30 the state or governmental subdivision thereof a writ of attachment,
31 ex parte, without bond, in an amount necessary to secure the pay-
32 ment of any fine that may be imposed and the payment of costs.
33 The reasonable expense to the state and governmental subdivisions
34 thereof to provide the necessary law enforcement resulting from a
35 meeting, gathering or assemblage held in violation of this section
36 may be taxed as costs in the criminal action.

37 Court costs and court-appointed attorney fees incurred in the
38 prosecution of any person charged with violation of this Act shall
39 be taxed against the defendants who are found guilty of violating
40 this section. If no defendant is found guilty of violating this section,
41 or if the court costs and court-appointed attorney fees are not satis-
42 fied by the defendants, the court costs and court-appointed attorney
43 fees shall be paid by the state of Iowa.

1 **SEC. 408. Joint criminal trials.** Information, indictments, trial,
2 and sentencing for violations of this Act may allege any number of
3 violations of their provisions against one person and join one or
4 more persons as defendants who it is alleged violated the same pro-
5 visions in the same transaction or series of transactions and which

6 involve common questions of law and fact. The several charges shall
7 be set out in separate counts and each accused person shall be con-
8 victed or acquitted upon each count by separate verdict. Each
9 accused person shall thereafter be sentenced upon each verdict of
10 guilty. The court may consider such separate verdicts of guilty
11 returned at the same time as one offense for the purpose of sentenc-
12 ing as provided in this chapter. The court may grant a severance
13 and separate trial to any accused person jointly charged or indicted
14 if it appears that substantial injustice would result to such accused
15 person unless a separate trial was granted.

1 **SEC. 409. Conditional discharge, commitment for treatment, pro-**
2 **bation, parole.**

3 1. Whenever any person who has not previously been convicted of
4 any offense under this Act or any offense under any state or federal
5 statute relating to narcotic drugs, marijuana, or stimulant, depres-
6 sant, or hallucinogenic drugs, pleads guilty to or is found guilty of
7 possession of a controlled substance under section four hundred one
8 (401), subsection three (3) of this Act, or is sentenced pursuant to
9 section four hundred ten (410) of this Act, the court, without enter-
10 ing a judgment of guilt and with the consent of the accused, may
11 defer further proceedings and place him on probation upon terms
12 and conditions as it requires. When a person is placed on probation
13 under this subsection, his appearance bond may be discharged at the
14 discretion of the court. Upon violation of a term or condition, the
15 court may enter an adjudication of guilt and proceed as otherwise
16 provided. Upon fulfillment of the terms and conditions, the court
17 shall discharge the person and dismiss the proceedings against him.
18 Discharge and dismissal under this section shall be without court
19 adjudication of guilt and is not a conviction for purposes of this
20 section or for purposes of disqualifications or disabilities imposed by
21 law upon conviction of a crime, including the additional penalties
22 imposed for second or subsequent convictions under section four
23 hundred ten (410) of this Act. Discharge and dismissal under this
24 section may occur only once with respect to any person.

25 2. Whenever the court finds that a person who is charged with a
26 violation of section four hundred one (401) of this Act and who
27 consents thereto, or who has entered a plea of guilty to or been
28 found guilty of a violation of section four hundred one (401) of this
29 Act, and who is addicted to, dependent upon, or a chronic abuser of
30 any controlled substance and that such person will be aided by
31 proper medical treatment and rehabilitative services, it may order
32 that he be committed as an in-patient or out-patient to a facility
33 approved by the state department of health for such medical treat-
34 ment and rehabilitative services. A person committed under this
35 subsection who is not possessed of sufficient income or estate to
36 enable him to make payment of the costs of such treatment in whole
37 or in part shall be considered a state patient. The determination of
38 ability to pay shall be made by the court. The court shall require
39 the patient, or his parent, guardian, or custodian to complete under
40 oath a detailed financial statement. The court may enter appropriate
41 orders requiring the patient or those legally liable for his support to
42 reimburse the state with the costs, or any part thereof. In order to

43 obtain the most effective results from such medical treatment and
44 rehabilitative services, the court may commit such person to the
45 custody of a public or private agency or any other responsible person
46 and impose such other conditions upon such commitment as is neces-
47 sary to insure compliance with the court's order and to insure that
48 such person will not, during such period of treatment and rehabili-
49 tation, again violate any provisions of this Act. If it is established
50 thereafter to the satisfaction of the court that the person has again
51 violated any provision of this Act, he may be returned to custody or
52 sentenced upon his conviction as provided by law. The public or
53 private agency or responsible person to whom the accused person
54 was committed by the court shall immediately report to the court
55 when the person has received maximum benefit from the program
56 or has recovered from his addiction, dependency, or tendency to
57 chronically abuse any controlled substance. The person shall then
58 be returned to the court for disposition of his case. If the person
59 has been charged or indicted, but not convicted, such charge shall
60 proceed to trial or final disposition. If the person has been convicted
61 or is thereafter convicted, the court shall sentence him as provided
62 by law but may remit all or any part of such sentence and place the
63 person on probation upon such terms and conditions as the court
64 may prescribe.

1 **SEC. 410. Reduced sentence for accommodation offenses.** Any
2 person who enters a plea of guilty to or is found guilty of a violation
3 of section four hundred one (401), subsections one (1) or two (2),
4 of this Act may move for and the court shall grant a further hear-
5 ing at which evidence may be presented by the person, and by the
6 prosecution if it so desires, relating to the nature of the act or acts
7 on the basis of which the person has been convicted. If the convicted
8 person establishes by clear and convincing evidence that he delivered
9 or possessed with intent to deliver a controlled substance only as an
10 accommodation to another individual and not with intent to profit
11 thereby nor to induce the recipient or intended recipient of the con-
12 trolled or counterfeit substance to become addicted to or dependent
13 upon the substance, the court shall sentence the person as if he had
14 been convicted of a violation of section four hundred one (401), sub-
15 section three (3) of this Act.

1 **SEC. 411. Second or subsequent offenses.**

2 1. Any person convicted of a second or subsequent offense under
3 this Act, may be punished by imprisonment for a period not to
4 exceed three times the term otherwise authorized, or fined not more
5 than three times the amount otherwise authorized, or punished by
6 both such imprisonment and fine.

7 2. For purposes of this section, an offense is considered a second
8 or subsequent offense, if, prior to his having been convicted of the
9 offense, the offender has ever been convicted under this Act or under
10 any state or federal statute relating to narcotic drugs, marijuana,
11 depressant, stimulant, or hallucinogenic drugs.

12 3. This section does not apply to offenses under section four hun-
13 dred one (401), subsection three (3) of this Act.

1 **SEC. 412. Notice of conviction.** Whenever any person enters a
2 plea of guilty to, or forfeits bail or collateral deposited to secure his
3 appearance in court, and such forfeiture is not vacated, or is found
4 guilty upon an indictment or information alleging a violation of this
5 Act, a copy of the minutes attached to the indictment returned by the
6 grand jury, or to the county attorney's information, a copy of the
7 judgment and sentence, and a copy of the opinion of the judge if one
8 is filed, shall be sent by the clerk of the court or the judge to any
9 state board or officer by whom the convicted person has been licensed
10 or registered to practice his profession or carry on his business.
11 On the conviction of any such person, the court may, in its considered
12 judgment, suspend or revoke the license or registration of the con-
13 victed defendant to practice his profession or carry on his business.
14 On the application of any person whose license or registration has
15 been suspended or revoked, and upon proper showing and for good
16 cause, said board or officer may reinstate such license or registration.

DIVISION V

ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

1 **SEC. 501. Responsibility for enforcement.** The department shall
2 be primarily responsible for the enforcement of all provisions of this
3 Act, and all other laws and regulations of this state, relating to con-
4 trolled or counterfeit substances, except that the board shall be pri-
5 marily responsible for making accountability audits of the supply
6 and inventory of controlled substances in the possession of pharma-
7 cists, doctors, hospitals, and health care facilities as defined in section
8 one hundred thirty-five C point one (135C.1), subsection eight (8) of
9 the Code, as well as in the possession of any and all other individuals
10 or institutions authorized to have possession of any controlled sub-
11 stances, and shall also be primarily responsible for such other duties
12 in respect to controlled substances as shall be specifically delegated
13 to the board by law. Any officer or employee of the board may, when
14 so directed or authorized by the board:

- 15 1. Execute and serve search warrants, administrative inspection
16 warrants, subpoenas, and summonses issued under the authority of
17 this state.
- 18 2. Make seizures of property pursuant to the provisions of this Act.

1 **SEC. 502. Administrative inspections and warrants.**

- 2 1. Issuance and execution of administrative inspection warrants
3 shall be as follows:
 - 4 a. A district or municipal court judge, within his jurisdiction, and
5 upon proper oath or affirmation showing probable cause, may issue
6 warrants for the purpose of conducting administrative inspections
7 authorized by this Act or rule thereunder, and seizures of property
8 appropriate to such inspections. For purposes of the issuance of
9 administrative inspection warrants, probable cause exists upon show-
10 ing a valid public interest in the effective enforcement of the Act
11 or rules promulgated thereunder, sufficient to justify administrative
12 inspection of the area, premises, building or conveyance in the cir-
13 cumstances specified in the application for the warrant.
 - 14 b. A warrant shall issue only upon sworn testimony of an officer or

15 employee of the board duly designated and having knowledge of the
16 facts alleged, before the district or municipal court judge, establishing
17 the grounds for issuing the warrant. If the judge is satisfied that
18 grounds for the application exist or that there is probable cause to
19 believe they exist, he shall issue a warrant identifying the area,
20 premises, building, or conveyance to be inspected, the purpose of the
21 inspection, and, if appropriate, the type of property to be inspected,
22 if any.

23 The warrant shall:

24 (1) State the grounds for its issuance and the name of each per-
25 son whose testimony has been taken in support thereof.

26 (2) Be directed to a person authorized by section five hundred one
27 (501) of this Act to execute it.

28 (3) Command the person to whom it is directed to inspect the area,
29 premises, building, or conveyance identified for the purpose speci-
30 fied and, if appropriate, direct the seizure of the property specified.

31 (4) Identify the item or types of property to be seized, if any.

32 (5) Direct that it be served during normal business hours, if
33 appropriate, and designate the judge to whom it shall be returned.

34 c. A warrant issued pursuant to this section must be executed and
35 returned within ten days after its date unless, upon a showing of a
36 need for additional time, the court so instructs otherwise in the war-
37 rant. If property is seized pursuant to a warrant, the person execut-
38 ing the warrant shall give to the person from whom the property is
39 seized, or the person in charge of the premises from which the prop-
40 erty is seized, a copy of the warrant and a receipt for the property
41 seized or shall leave the copy and receipt at the place from which
42 the property is seized. The return of the warrant shall be made
43 promptly and shall be accompanied by a written inventory of any
44 property seized. The inventory shall be made in the presence of the
45 person executing the warrant and of the person from whose posses-
46 sion or premises the property was seized, if they are present, or in the
47 presence of at least one credible person other than the person execut-
48 ing the warrant. A copy of the inventory shall be delivered to the
49 person from whom or from whose premises the property was seized
50 and to the applicant for the warrant.

51 d. The judge who has issued a warrant under this section shall
52 require that there be attached to the warrant a copy of the return,
53 and of all papers filed in connection with the return, and shall file
54 them with the clerk of the district or municipal court for the district
55 in which the inspection was made.

56 2. The department may make administrative inspections of con-
57 trolled premises in accordance with the following provisions:

58 a. For purposes of this section only, "controlled premises" means:

59 (1) Places where persons registered or exempted from registra-
60 tion requirements under this Act are required to keep records; and

61 (2) Places including factories, warehouse establishments, and
62 conveyances where persons registered or exempted from registration
63 requirements under this Act are permitted to hold, manufacture,
64 compound, process, sell, deliver, or otherwise dispose of any con-
65 trolled substance.

66 b. Whenever authorized by an administrative inspection warrant
67 issued pursuant to subsection one (1) of this section an officer or

68 employee of the board, upon presenting the warrant and appropriate
69 credentials to the owner, operator, or agent in charge, has the right
70 to enter controlled premises for the purpose of conducting an admin-
71 istrative inspection.

72 c. Whenever authorized by an administrative inspection warrant,
73 an officer or employee of the board has the right:

74 (1) To inspect and copy records required by this Act to be kept;

75 (2) To inspect, within reasonable limits and in a reasonable man-
76 ner, controlled premises and all pertinent equipment, finished and
77 unfinished material, containers and labeling found therein, and, ex-
78 cept as provided in paragraph e of this subsection, all other things
79 therein, including records, files, papers, processes, controls, and fa-
80 cilities bearing on violation of this Act; and

81 (3) To inventory any stock of any controlled substance therein
82 and obtain samples of any such substance.

83 d. This section shall not be construed to prevent the inspection
84 without a warrant of books and records pursuant to a subpoena
85 issued in accordance with section six hundred twenty-two point
86 sixty-five (622.65) of the Code, nor shall this section be construed
87 to prevent entries and administrative inspections, including seizures
88 of property, without a warrant:

89 (1) With the consent of the owner, operator, or agent in charge
90 of the controlled premises;

91 (2) In situations presenting imminent danger to health or safety;

92 (3) In situations involving inspection of conveyances where there
93 is reasonable cause to believe that the mobility of the conveyance
94 makes it impracticable to obtain a warrant;

95 (4) In any other exceptional or emergency circumstance where
96 time or opportunity to apply for a warrant is lacking; and

97 (5) In all other situations where a warrant is not constitutionally
98 required.

99 e. Except when the owner, operator, or agent in charge of the con-
100 trolled premises so consents in writing, no inspection authorized by
101 this section shall extend to financial data; sales data, other than
102 shipment data; or pricing data.

1 SEC. 503. Injunctions.

2 1. The district court may exercise jurisdiction to enjoin violations
3 of this Act.

4 2. In case of an alleged violation of an injunction or restraining
5 order issued under this section, upon demand of the defendant, trial
6 shall be by a jury.

1 SEC. 504. Cooperative arrangements and confidentiality.

2 1. The department and board, subject to approval and direction of
3 the governor, shall cooperate with federal and other state agencies
4 in discharging its responsibilities concerning traffic in controlled
5 substances and in suppressing the abuse of controlled substances.
6 To this end, they may jointly:

7 a. Arrange for the exchange of information between governmental
8 officials concerning the use and abuse of controlled substances.

9 b. Coordinate and cooperate in training programs on controlled
10 substance law enforcement at the local and state levels.

11 c. Cooperate with the bureau by establishing a centralized unit

12 which will accept, catalogue, file, and collect statistics, including rec-
 13 ords of drug dependent persons and other controlled substance law
 14 offenders within the state, and make such information available for
 15 federal, state and local law enforcement purposes; except that they
 16 shall not furnish the name or identity of a patient or research subject
 17 whose identity could not be obtained under subsection three (3).

18 d. Conduct programs of eradication aimed at destroying wild or
 19 illicit growth of plant species from which controlled substances may
 20 be extracted.

21 2. Results, information, and evidence received from the bureau
 22 relating to the regulatory functions of this Act, including results of
 23 inspections conducted by that agency may be relied upon and acted
 24 upon by the board or the department in the exercise of their regula-
 25 tory functions under this Act.

26 3. A practitioner engaged in medical practice or research shall not
 27 be required to furnish the name or identity of a patient or research
 28 subject to the board or the department, nor shall the practitioner be
 29 compelled in any state or local civil, criminal, administrative, legisla-
 30 tive or other proceedings to furnish the name or identity of an indi-
 31 vidual that the practitioner is obligated to keep confidential.

1 **SEC. 505. Forfeitures.**

2 1. The following are subject to forfeiture:

3 a. All controlled substances which have been manufactured, dis-
 4 tributed, dispensed or acquired in violation of this Act;

5 b. All raw materials, products and equipment of any kind which
 6 are used, or intended for use, in manufacturing, compounding, proc-
 7 essing, delivering, importing, or exporting any controlled substance in
 8 violation of this Act;

9 c. All property which is used, or intended for use, as a container
 10 for property described in paragraphs a or b;

11 d. All books, records, and research products and materials, includ-
 12 ing formulas, microfilm, tapes, and data which are used, or intended
 13 for use, in violation of this Act.

14 2. Property subject to forfeiture under this Act may be seized by
 15 the board or department when:

16 a. The seizure is incident to an arrest or a search under a search
 17 warrant or an inspection under an administrative inspection war-
 18 rant;

19 b. The property subject to seizure has been the subject of a prior
 20 judgment in favor of the state in a criminal injunction or forfeiture
 21 proceeding based upon this Act;

22 c. The department has probable cause to believe that the property
 23 is directly or indirectly dangerous to health or safety; or

24 d. The department has probable cause to believe that the property
 25 was used or is intended to be used in violation of this Act.

26 3. In the event of seizure pursuant to subsection two (2), proceed-
 27 ings under subsection four (4) shall be instituted promptly.

28 4. Property taken, detained, or forfeited under this Act shall be
 29 disposed of in the manner provided in chapter seven hundred fifty-
 30 one (751) of the Code for property seized pursuant to a search war-
 31 rant, except that controlled substances so taken, detained, or forfeited
 32 shall be disposed of as provided by section five hundred six (506) of

33 this Act. Such property shall not be subject to replevin.

34 5. Controlled substances classified in schedule I that are possessed,
35 transferred, sold, or offered for sale in violation of this Act are con-
36 traband and when seized shall be summarily forfeited to the state.
37 Controlled substances listed in schedule I, which are seized or come
38 into the possession of the state, the owners of which are unknown,
39 are contraband and shall be summarily forfeited to the state.

40 6. Species of plants from which controlled substances classified in
41 schedules I and II may be derived which have been planted or culti-
42 vated in violation of this Act, or of which the owners or cultivators
43 are unknown, or which are wild growths, may be seized and sum-
44 marily forfeited to the state.

45 7. The failure, upon demand by the board or department, or its
46 duly authorized agent, of the person in occupancy or in control of
47 land or premises upon which such species of plants are growing or
48 being stored, to produce an appropriate registration, or proof that
49 he is the holder thereof, shall constitute authority for the seizure
50 and forfeiture of the plants.

51 8. Chapter one hundred twenty-seven (127) of the Code shall be
52 applicable to conveyances used to transport or hold any controlled
53 substance listed in schedules I, II, III, or IV of this Act.

1 **SEC. 506. Controlled substances — disposal.** All controlled sub-
2 stances, the lawful possession of which is not established or the title
3 to which cannot be ascertained, or excess or undesired controlled sub-
4 stances, which have come into the custody of the board, the depart-
5 ment, or any peace officer, shall be disposed of as follows:

6 1. Except as otherwise provided in this section, the court having
7 jurisdiction shall order such controlled substances forfeited and de-
8 stroyed. A record of the place where the controlled substances were
9 seized, of the kinds and quantities of controlled substances so de-
10 stroyed, and of the time, place, and manner of destruction, shall be
11 kept, and a return under oath, reporting said destruction, shall be
12 made to the court and to the bureau by the officer who destroys
13 them.

14 2. Upon written application by the board, the court by whom the
15 forfeiture of controlled substances has been decreed may order the
16 delivery of any of them, except controlled substances listed in sched-
17 ular I, to the board for distribution or destruction, as provided by this
18 section.

19 3. Upon application by any hospital within this state, not operated
20 for private gain, the board may in its discretion deliver any con-
21 trolled substances that have come into its custody by authority of
22 this section to the applicant for medicinal use. The board may from
23 time to time deliver excess stocks of controlled substances to the
24 bureau for disposition, or may destroy the excess controlled sub-
25 stances.

26 4. The board shall keep a full and complete record of all controlled
27 substances received and disposed of, showing the exact kinds, quanti-
28 ties, and forms of controlled substances, the persons from whom
29 received and to whom delivered, by whose authority received, de-
30 livered, and destroyed and the dates of the receipt, disposal, or de-
31 struction, which record shall be open to inspection by all federal or

32 state officers charged with the enforcement of federal and state laws
33 relating to any controlled substance.

1 **SEC. 507. Burden of proof; liabilities.**

2 1. It is not necessary for the state to negate any exemption or
3 exception set forth in this Act in any complaint, information, indict-
4 ment or other pleading or in any trial, hearing, or other proceeding
5 under this Act. The proof of entitlement to any exemption or excep-
6 tion by the person claiming its benefit shall be a valid defense.

7 2. The absence of proof that a person is the duly authorized holder
8 of an appropriate registration or order form issued under this Act
9 creates a rebuttable presumption that he is not the holder of such
10 registration or form.

11 3. No liability shall be imposed by virtue of this Act upon any
12 authorized state, county or municipal officer, engaged in the lawful
13 performance of his duties.

1 **SEC. 508. Judicial review.** All final determinations, findings and
2 conclusions of the board or department under this Act shall be final
3 and conclusive decisions of the matters involved, except that any per-
4 son aggrieved by the decision may obtain review of the decision in the
5 district court. Findings of fact by the board or department, if sup-
6 ported by substantial evidence, are conclusive.

1 **SEC. 509. Education and research.**

2 1. The board and the department, subject to approval and direc-
3 tion of the governor, shall carry out educational programs designed
4 to prevent and deter misuse and abuse of controlled substances. They
5 shall consult with each other and coordinate their programs so as to
6 avoid duplication of effort. In connection with these programs they
7 may:

8 a. Promote better recognition of the problems of misuse and
9 abuse of controlled substances within the regulated industry and
10 among interested groups and organizations;

11 b. Assist the regulated industry and interested groups and organi-
12 zations in contributing to the reduction of misuse and abuse of con-
13 trolled substances;

14 c. Consult with interested groups and organizations to aid them
15 in solving administrative and organizational problems;

16 d. Evaluate procedures, projects, techniques, and controls conduct-
17 ed or proposed as part of educational programs on misuse and abuse
18 of controlled substances;

19 e. Disseminate the results of research on misuse and abuse of
20 controlled substances to promote a better public understanding of
21 what problems exist and what can be done to combat them; and,

22 f. Assist in the education and training of state and local law en-
23 forcement officials in their efforts to control misuse and abuse of
24 controlled substances.

25 2. The board and the department, subject to approval and direc-
26 tion of the governor, shall encourage research on misuse and abuse
27 of controlled substances. In connection with such research, and in
28 furtherance of the enforcement of this Act, they may in such manner
29 as will best insure coordination and avoid duplication of effort:

30 a. Establish methods to assess accurately the effects of controlled
31 substances and identify and characterize those with potential for
32 abuse;

- 33 b. Make studies and undertake programs of research to:
 34 (1) Develop new or improved approaches, techniques, systems,
 35 equipment and devices to strengthen the enforcement of this Act;
 36 (2) Determine patterns of misuse and abuse of controlled sub-
 37 stances and the social effects thereof; and,
 38 (3) Improve methods for preventing, predicting, understanding
 39 and dealing with the misuse and abuse of controlled substances; and,
 40 c. Enter into contracts with public agencies, institutions of higher
 41 education, and private organizations or individuals for the purpose
 42 of conducting research, demonstrations, or special projects which
 43 bear directly on misuse and abuse of controlled substances.
- 44 3. The board or department, subject to approval and direction of
 45 the governor, may enter into contracts for educational and research
 46 activities without performance bonds.
- 47 4. The board and department, subject to approval and direction of
 48 the governor, may jointly authorize persons engaged in research on
 49 the use and effects of controlled substances to withhold the names
 50 and other identifying characteristics of individuals who are the sub-
 51 jects of the research. Persons who obtain this authorization shall
 52 not be compelled in any civil, criminal, administrative, legislative, or
 53 other proceeding to identify the individuals who are the subjects of
 54 research for which the authorization was obtained.
- 55 5. The board and department, subject to approval and direction of
 56 the governor, may jointly authorize the possession and distribution
 57 of controlled substances by persons engaged in research. Persons
 58 who obtain this authorization are exempt from state prosecution for
 59 possession and distribution of controlled substances to the extent of
 60 the authorization.

1 SEC. 510. Any peace officer who arrests for any crime, any known
 2 unlawful user of the drugs described in Schedule I, II, III, IV, or who
 3 arrests any person for a violation of this Act, or charges any person
 4 with a violation of this Act subsequent to the person's arrest, shall
 5 within five days after the arrest or the filing of the charge, whichever
 6 is later, report the arrest and the charge filed to the department. The
 7 peace officer or any other peace officer or law-enforcement agency
 8 which makes or obtains any quantitative or qualitative analysis of
 9 any substance seized in connection with the arrest of the person
 10 charged, shall report to the department the results of the analysis
 11 at the time the arrest is reported or at such later time as the results
 12 of the analysis become available.

13 This information is for the exclusive use of the division of nar-
 14 cotic and drug enforcement, in the department of public safety, and
 15 shall not be a matter of public record.

DIVISION VI

MISCELLANEOUS

1 SEC. 601. Pending proceedings.

2 1. Prosecution for any violation of law occurring prior to the
 3 effective date of this Act is not affected or abated by the passage of
 4 this Act. If the offense being prosecuted is similar to one set out in

5 division IV of this Act then the penalties under division IV shall
6 apply if they are less than those under prior law.

7 2. Civil seizures or forfeitures and injunctive proceedings com-
8 menced prior to the effective date of this Act are not affected or
9 abated by the passage of this Act.

10 3. All administrative proceedings pending under prior laws of this
11 state which are superseded by this Act and are pending on the effec-
12 tive date of this Act shall be continued and brought to a final deter-
13 mination in accord with the laws and rules in effect prior to the
14 effective date of the Act. Any substance controlled under prior law
15 which is not listed within schedules I through V, is automatically
16 controlled without further proceedings and shall be listed in the
17 appropriate schedule.

18 4. The board shall initially permit persons to register who own or
19 operate any establishment engaged in the manufacture, distribution,
20 or dispensing of any controlled substance prior to the effective date
21 of this Act and who are registered or licensed by the state.

22 5. This Act applies to violations of law, seizures and forfeiture,
23 injunctive proceedings, administrative proceedings and investiga-
24 tions which occur following its effective date.

1 SEC. 602. **Continuation of rules.** Any orders and rules which
2 have been promulgated under any law affected by this Act and which
3 are in effect on the effective date of this Act and not in conflict with
4 the provisions of this Act continue in effect until modified, super-
5 seded or repealed by the board or the department, as the case may be.

1 SEC. 603. **Uniformity of interpretation.** This Act shall be so
2 construed as to effectuate its general purpose to make uniform the
3 law of those states which enact it.

1 SEC. 604. **Short title.** This Act may be cited as the Uniform Con-
2 trolled Substances Act.

1 SEC. 605. **Repealers.** The laws specified below are repealed ex-
2 cept with respect to rights and duties which matured, penalties
3 which were incurred and proceedings which were begun before the
4 effective date of this Act:

- 5 1. Chapter two hundred four (204), Code 1971.
- 6 2. Chapter two hundred four A (204A), Code 1971.

1 SEC. 606. Section eighty point twenty-seven (80.27), Code 1971,
2 is amended as follows:

3 **80.27 Drug law enforcement by department.** The state depart-
4 ment of public safety shall be primarily responsible for the enforce-
5 ment of all laws and regulations relating to any controlled substance
6 or counterfeit substance, except for making accountability audits of
7 the supply and inventory of controlled substances in the possession
8 of pharmacists, doctors, hospitals, homes, and health care facilities
9 as defined in section 135C.1, subsection 8 of the Code, as well as in
10 the possession of any and all other individuals or institutions author-
11 ized to have possession of any controlled substances.

12 As used in this chapter, the terms "controlled substances" and
13 "counterfeit substances" shall be the same as defined in section 101,
14 subsections 6 and 7, respectively, of this Act.

1 SEC. 607. Section eighty point twenty-eight (80.28), Code 1971,
2 is amended as follows:

3 **80.28 Agents transferred from pharmacy board.** All agents of
4 the board of pharmacy examiners who, on May 8, 1970, are either
5 engaged in the enforcement of laws or regulations relating to con-
6 trolled or counterfeit substances, except whose primary responsibil-
7 ity is making accountability audits, are hereby transferred to and
8 shall be considered part of the department of public safety. Salary
9 and expenses for such transferred agents included in the budget of
10 the board of pharmacy examiners shall be transferred to the depart-
11 ment of public safety by the state comptroller upon the effective date
12 of the transfer.

1 SEC. 608. Section eighty point thirty (80.30), Code 1971, is
2 amended as follows:

3 **80.30 Additional employees.** Except as provided in this section,
4 from and after May 8, 1970, any additional individuals hired by the
5 state department of public safety for the purpose of enforcement of
6 laws relating to controlled or counterfeit substances shall be subject
7 to the provisions of section 80.15 and such individuals shall be cover-
8 ed by the provisions of chapter 97A. They shall be entitled to
9 receive the benefits provided in chapter 97A, and will be required to
10 make such contributions and payments into the system as are re-
11 quired by such chapter. However, if there is an individual who is
12 not able to meet the qualifications established by section 80.15 or
13 chapter 97A and he otherwise possesses experience and training
14 which qualifies him as a person capable of enforcing laws relating
15 to controlled or counterfeit substances, he may be hired by the com-
16 missioner of public safety notwithstanding.

1 SEC. 609. Section eighty point thirty-two (80.32), Code 1971,
2 is amended as follows:

3 **80.32 Division of drug law enforcement.** The commissioner of
4 public safety shall establish a division of drug law enforcement and
5 assign all enforcement functions and personnel therefor to the divi-
6 sion of drug law enforcement. The commissioner shall assign other
7 members of the department of public safety to the division of drug
8 law enforcement on a temporary basis or for the purpose of special
9 assignment. The division of drug law enforcement and any other
10 division of the department of public safety may co-operate and co-
11 ordinate their efforts in enforcing laws relating to controlled or
12 counterfeit substances and other laws which the department is
13 charged with enforcing.

1 SEC. 610. Section eighty point thirty-three (80.33), Code 1971,
2 is amended as follows:

3 **80.33 Access to drug records by agents.** Every person required
4 by law to keep records, and any carrier maintaining records with
5 respect to any shipment containing any controlled or counterfeit
6 substances shall, upon request of an authorized agent of the de-
7 partment of public safety, designated by the commissioner of public
8 safety, permit such agent at reasonable times to have access to
9 and copy such records. For the purpose of examining and veri-
10 fying such records authorized agents of the department of public

11 safety, designated by the commissioner of public safety, may enter
 12 at reasonable times any place or vehicle in which any controlled or
 13 counterfeit substance is held, manufactured, dispensed, compounded,
 14 processed, sold, delivered, or otherwise disposed of and inspect such
 15 place or vehicle, and the contents thereof. For the purpose of en-
 16 forcing laws relating to controlled or counterfeit substances, and
 17 upon good cause shown, personnel of the division of drug law en-
 18 forcement in the department of public safety shall be allowed to
 19 inspect audits and records in the possession of the state board of
 20 pharmacy examiners.

1 SEC. 611. Section eighty point thirty-four (80.34), Code 1971, is
 2 amended as follows:

3 **80.34 Powers of peace officers.** Any authorized agent of the
 4 department of public safety designated to conduct examinations,
 5 investigations, or inspections and enforce the laws relating to con-
 6 trolled or counterfeit substances shall have all the powers of other
 7 peace officers and may arrest without warrant for offenses under
 8 this chapter committed in his presence or, in the case of a felony,
 9 if he has probable cause to believe that the person arrested has
 10 committed or is committing such offense. Such officers shall have
 11 the same powers as other peace officers to seize controlled substances
 12 or articles used in the manufacture or sale of controlled substances
 13 which they have reasonable grounds to believe are in violation of law.
 14 Such controlled substances or articles shall be subject to condemna-
 15 tion.

1 SEC. 612. If any phrase, clause, subsection or section of this Act
 2 shall be declared unconstitutional or invalid by any court of compe-
 3 tent jurisdiction, it shall be conclusively presumed that the legisla-
 4 ture would have enacted this Act without the phrase, clause, sub-
 5 section or section so held unconstitutional or invalid; and the remain-
 6 der of this Act shall not be affected as a result of such part being held
 7 unconstitutional or invalid.

Approved March 5, 1971.

CHAPTER 149

DRUG CONTROL

S. F. 468

AN ACT relating to the regulation and control of certain drugs and providing proce-
 dures for enforcement and penalties and making additional amendments to the
 Code in conformity with Senate File one (1),* Acts of the Sixty-fourth General
 Assembly, First Session.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one hundred fifty-five point three (155.3), sub-
 2 section one (1), Code 1971, is amended as follows:

3 1. "Drugs and medicines" shall include all medicinal substances

*Ch. 148.