

~~shall be transferred~~ The treasurer of state shall transfer from the motor fuel tax fund to the marine fuel tax fund ~~a created in section 324.79 that portion of moneys collected under this chapter which is attributable to motor fuel used in watercraft which portion shall be computed~~ as follows:

1. Determine monthly the total amount of motor fuel tax collected under this chapter and multiply ~~sueh~~ the amount by nine-tenths of one percent.

2. Subtract from the figure computed pursuant to subsection 1 of this section three percent of ~~sueh~~ the figure for administrative costs and further subtract from ~~sueh~~ the figure the amounts refunded to commercial fishermen pursuant to subsection 14 of section 324.17. All moneys remaining after ~~all~~ claims for refund and the cost of administration have been made shall be transferred to the marine fuel tax fund.

Sec. 2. Section 324.83, Code 1983, is repealed.

Approved March 6, 1984

CHAPTER 1013

CONTROLLED SUBSTANCES SCHEDULES AND DEFINITIONS

H.F. 2229

AN ACT modifying the definitions and schedules of controlled substances and providing a penalty.

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

Section 1. Section 204.101, Code 1983, is amended by adding the following new subsection as subsection 15, and renumbering the subsequent subsections:

NEW SUBSECTION. 15. "Isomer" means, except as otherwise designated, the optical isomer.

Sec. 2. Section 204.101, subsection 16, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

16. "Marijuana" means all parts of the plants of the genus cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

Sec. 3. Section 204.101, subsection 17, paragraph d, Code 1983, is amended by striking the paragraph.

Sec. 4. Section 204.204, subsection 2, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Any OPIATES. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Sec. 5. Section 204.204, subsection 3, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Any OPIUM DERIVATIVES. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Sec. 6. Section 204.204, subsection 3, paragraph i, Code 1983, is amended to read as follows:

i. Etorphine (except hydrochloride salt).

Sec. 7. Section 204.204, subsection 4, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

4. HALLUCINOGENIC SUBSTANCES. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

a. 4-bromo-2,5-dimethoxy-amphetamine. Some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA.

b. 2,5-dimethoxyamphetamine. Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA.

c. 4-methoxyamphetamine. Some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine, PMA.

d. 5-methoxy-3,4-methylenedioxy-amphetamine.

e. 4-methyl-2,5-dimethoxy-amphetamine. Some trade or other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and "STP".

f. 3,4-methylenedioxy amphetamine, also known as MDA.

g. 3,4,5-trimethoxy amphetamine.

h. Bufotenine. Some trade or other names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.

i. Diethyltryptamine. Some trade and other names: N, N-Diethyltryptamine; DET.

j. Dimethyltryptamine. Some trade or other names: DMT.

k. Ibogaine. Some trade or other names: 7-Ethyl-6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido (1', 2':1,2) azepino (5,4-b) indole; Tabernanthe iboga.

l. Lysergic acid diethylamide.

m. Marijuana, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes.

n. Mescaline.

o. Parahexyl. Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo (b,d) pyran; synhexyl.

p. Peyote, except as otherwise provided in subsection 8. Meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparations of such plant, its seeds or extracts.

- q. N-ethyl-3-piperidyl benzilate.
- r. N-methyl-3-piperidyl benzilate.
- s. Psilocybin.
- t. Psilocyn.

u. Tetrahydrocannabinols, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes. Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: $\Delta 1$ cis or trans tetrahydrocannabinol, and their optical isomers $\Delta 6$ cis or trans tetrahydrocannabinol, and their optical isomers $\Delta 3,4$ cis or trans tetrahydrocannabinol, and their optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

v. Ethylamine analog of phencyclidine. Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE.

w. Pyrrolidine analog of phencyclidine. Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.

x. Thiophene analog of phencyclidine. Some trade or other names: 1-(1-(2-thienyl)cyclohexyl)-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP.

Sec. 8. Section 204.204, subsection 6, Code 1983, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. b. N-ethylamphetamine.

Sec. 9. Section 204.206, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

204.206 SCHEDULE II—SUBSTANCES INCLUDED.

1. Schedule II consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

2. SUBSTANCES, VEGETABLE ORIGIN OR CHEMICAL SYNTHESIS. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

a. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrophan, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:

- (1) Raw opium.
- (2) Opium extracts.
- (3) Opium fluid extracts.
- (4) Powdered opium.
- (5) Granulated opium.
- (6) Tincture of opium.
- (7) Codeine.
- (8) Ethylmorphine.

- (9) Etorphine hydrochloride.
- (10) Hydrocodone, also known as dihydrocodeinone.
- (11) Hydromorphone, also known as dihydromorphinone.
- (12) Metopon.
- (13) Morphine.
- (14) Oxycodone.
- (15) Oxymorphone.
- (16) Thebaine.

b. Any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph "a", subparagraph (1), except that these substances shall not include the isoquinoline alkaloids* of opium.

c. Opium poppy and poppy straw.

d. Coca leaves and any salt, compound, derivative or preparation of coca leaves. Decocainized coca leaves or extractions which do not contain cocaine or ecgonine are excluded from this paragraph. The following substances and their salts, isomers and salts of isomers, if salts, isomers or salts of isomers exist under the specific chemical designation, are included in this paragraph:

- (1) Cocaine.
- (2) Ecgonine.

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

3. OPIATES. Unless specifically excepted or unless listed in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

- a. Alphaprodine.
 - b. Anileridine.
 - c. Bezitramide.
 - d. Bulk dextropropoxyphene (nondosage forms).
 - e. Dihydrocodeine.
 - f. Diphenoxylate.
 - g. Fentanyl.
 - h. Isomethadone.
 - i. Levomethorphan.
 - j. Levorphanol.
 - k. Metazocine.
 - l. Methadone.
 - m. Methadone — intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.
 - n. Moramide — intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid.
 - o. Pethidine (meperidine).
 - p. Pethidine intermediate A,* 4-cyano-1-methyl-4-phenylpiperidine.
 - q. Pethidine — intermediate-B, ethyl-4-phenylpiperidine-4- carboxylate.
 - r. Pethidine — intermediate-C, 1-methyl-4-phenylpiperidine-4- carboxylic acid.
 - s. Phenazocine.
 - t. Piminodine.
 - u. Racemethorphan.
 - v. Racemorphan.
4. STIMULANTS. Unless specifically excepted or unless listed in another schedule, any

*According to enrolled Act

material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- a. Amphetamine, its salts, isomers, and salts of its isomers.
- b. Methamphetamine, its salts, isomers, and salts of its isomers.
- c. Phenmetrazine and its salts.
- d. Methylphenidate and its salts.

5. **DEPRESSANTS.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- a. Amobarbital.
- b. Methaqualone.
- c. Pentobarbital.
- d. Phencyclidine.
- e. Secobarbital.

6. **IMMEDIATE PRECURSORS.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

- a. Immediate precursor to amphetamine and methamphetamine:
 - (1) Phenylacetone. Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.
- b. Immediate precursors to phencyclidine (PCP):
 - (1) 1-phenylcyclohexylamine.
 - (2) 1-piperidinocyclohexanecarbonitrile (PCC).

7. Marijuana, tetrahydrocannabinol and chemical derivatives of tetrahydrocannabinol shall be deemed to be schedule II substances, but only when used for medicinal purposes pursuant to rules of the board of pharmacy examiners.

Sec. 10. Section 204.208, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

204.208 SCHEDULE III—SUBSTANCES INCLUDED.

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

2. **STIMULANTS.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- a. Benzphetamine.
- b. Chlorphentermine.
- c. Clortermine.
- d. Phendimetrazine.

3. **DEPRESSANTS.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- a. Any compound, mixture or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedules.

b. Any suppository dosage form containing amobarbital, secobarbital, pentobarbital or any salt of any of these drugs and approved by the federal food and drug administration for marketing only as a suppository.

c. Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof.

d. Chlorhexadol.

e. Glutethimide.

f. Lysergic acid.

g. Lysergic acid amide.

h. Methyprylon.

i. Sulfondiethylmethane.

j. Sulfonethylmethane.

k. Sulfonmethane.

4. NALORPHINE.

5. NARCOTIC DRUGS. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

a. Not more than one point eight grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

b. Not more than one point eight grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

c. Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

d. Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

e. Not more than one point eight grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

f. Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

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

h. Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

6. The board by rule may except any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections 2 and 3 of this section from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

Sec. 11. Section 204.210, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

204.210 SCHEDULE IV—SUBSTANCES INCLUDED.

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

2. **NARCOTIC DRUGS.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

a. Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

b. Dextropropoxyphene (alpha-(+)-4-dimethylamino-1-2-diphenyl-3-methyl-2-propionoxybutane).

3. **DEPRESSANTS.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- a. Alprazolam.
- b. Barbital.
- c. Chloral betaine.
- d. Chloral hydrate.
- e. Chlordiazepoxide.
- f. Clonazepam.
- g. Clorazepate.
- h. Diazepam.
- i. Ethchlorvynol.
- j. Ethinamate.
- k. Flurazepam.
- l. Halazepam.
- m. Lorazepam.
- n. Mebutamate.
- o. Meprobamate.
- p. Methohexital.
- q. Methylphenobarbital (mephobarbital).
- r. Oxazepam.
- s. Paraldehyde.
- t. Petrichloral.
- u. Phenobarbital.
- v. Prazepam.
- w. Temazepam.
- x. Triazolam.

4. **FENFLURAMINE.** Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- a. Fenfluramine.

5. **STIMULANTS.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- a. Diethylpropion.
 - b. Mazindol.
 - c. Pemoline (including organometallic complexes and chelates thereof).
 - d. Phentermine.
 - e. Pipradrol.
 - f. SPA ((-)-1-dimethylamino-1,2-diphenylethane).
6. OTHER SUBSTANCES. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

- a. Pentazocine.

Sec. 12. Section 204.212, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

204.212 SCHEDULE V—SUBSTANCES INCLUDED.

1. The controlled substances listed in this section are included in schedule V.
2. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:
 - a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams.
 - b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams.
 - c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams.
 - d. Not more than two point five milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit.
 - e. Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams.
 - f. Not more than point five milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

Sec. 13. Section 204.401, subsection 1, paragraph a, Code 1983, is amended to read as follows:

- a. A substance classified in schedule I or II which is a narcotic drug or cocaine, is guilty of a class "C" felony.

Sec. 14. Section 204.401, subsection 2, paragraph a, Code 1983, is amended to read as follows:

- a. A counterfeit substance classified in schedule I or II which is a narcotic drug or cocaine, or a simulated controlled substance represented to be a narcotic drug or cocaine classified in schedule I or II, is guilty of a class "C" felony.

Sec. 15. Section 204.406, Code 1983, is amended to read as follows:

204.406 DISTRIBUTION TO PERSON UNDER AGE EIGHTEEN.

1. A person who is eighteen years of age or over who violates section 204.401, subsection 1, by distributing a substance listed in schedule I or II, which is a narcotic drug or cocaine, to a person under eighteen years of age, is guilty of a class "B" felony; however the minimum time to be served before parole may be granted is five years. A person who is eighteen years of age or over who violates section 204.401, subsection 1, by distributing any other controlled

substance listed in schedule I, II, or III to a person under eighteen years of age who is at least three years younger than the violator is guilty of a class "C" felony. A person who is eighteen years of age or over who violates section 204.401, subsection 1 by distributing a controlled substance listed in schedule IV or V to a person under eighteen years of age who is at least three years younger than the violator is guilty of an aggravated misdemeanor.

2. A person who is eighteen years of age or over who violates section 204.401, subsection 2 by distributing a counterfeit substance listed in schedule I or II which is a narcotic drug or cocaine, or a simulated controlled substance represented to be a narcotic drug or cocaine classified in schedule I or II, to a person under eighteen years of age is guilty of a class "B" felony. A person who is eighteen years of age or over who violates section 204.401, subsection 2, by distributing any other counterfeit substance listed in schedule I, II, or III or a simulated controlled substance represented to be any substance listed in schedule I, II, or III, to a person under eighteen years of age who is at least three years younger than the violator is guilty of a class "C" felony. A person who is eighteen years of age or over who violates section 204.401, subsection 2, by distributing a counterfeit substance listed in schedule IV or V or a simulated controlled substance represented to be a substance listed in schedule IV or V to a person under eighteen years of age who is at least three years younger than the violator is guilty of an aggravated misdemeanor.

Sec. 16. Section 204.409, subsection 1, Code 1983, is amended to read as follows:

1. Whenever ~~any~~ a person who has not previously been convicted of ~~any~~ an offense under this chapter or ~~any~~ an offense under ~~any~~ a state or federal statute relating to narcotic drugs or cocaine, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under section 204.401, subsection 3, or is sentenced pursuant to section 204.410, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place ~~him~~ the accused on probation upon terms and conditions as it requires. When a person is placed on probation under this subsection, ~~his~~ the person's appearance bond may be discharged at the discretion of the court. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against ~~him~~ the person. Discharge and dismissal under this section shall be without court adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under section 204.410. Discharge and dismissal under this section may occur only once with respect to any person.

Sec. 17. Section 204.411, subsection 2, Code 1983, is amended to read as follows:

2. For purposes of this section, an offense is considered a second or subsequent offense, if, prior to ~~his~~ the person's having been convicted of the offense, the offender has ever been convicted under this chapter or under any state or federal statute relating to narcotic drugs or cocaine, marijuana, depressant, stimulant, or hallucinogenic drugs.

Approved March 6, 1984