

FILED MAR 18 1993

*Sen. Bill
1993*

SENATE FILE 361
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 141)

Passed Senate, Date 3/23/93 Passed House, Date _____
Vote: Ayes 50 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to substances regulated under the Iowa uniform
2 controlled substances Act.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 361

1 Section 1. Section 124.101, subsection 18, Code 1993, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 18. "Narcotic drug" means any of the following, whether
5 produced directly or indirectly by extraction from substances
6 of vegetable origin, or independently by means of chemical
7 synthesis, or by a combination of extraction and chemical
8 synthesis:

9 a. Opium, opiates, derivatives of opium and opiates,
10 including their isomers, esters, ethers, salts, and salts of
11 isomers, esters, and ethers whenever the existence of such
12 isomers, esters, ethers, and salts is possible within the
13 specific chemical designation. Such term does not include the
14 isoquinoline alkaloids of opium.

15 b. Poppy straw and concentrate of poppy straw.

16 c. Opium poppy.

17 d. Any compound, mixture, or preparation which contains
18 any quantity of any of the substances referred to in
19 paragraphs "a" through "c".

20 Sec. 2. Section 124.204, subsection 1, Code 1993, is
21 amended to read as follows:

22 1. ~~The controlled substances~~ Schedule I shall consist of
23 the drugs and other substances, by whatever official name,
24 common or usual name, chemical name, or brand name designated,
25 ~~listed in this section are included in schedule I.~~

26 Sec. 3. Section 124.204, subsection 2, Code 1993, is
27 amended by adding the following new paragraphs:

28 NEW PARAGRAPH. au. Acetyl-alpha-methylfentanyl (N-[1-(1-
29 methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).

30 NEW PARAGRAPH. av. Alpha-methylthiofentanyl (N-[1-methyl-
31 2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).

32 NEW PARAGRAPH. aw. Beta-hydroxyfentanyl (N-[1-(2-hydroxy-
33 2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).

34 NEW PARAGRAPH. ax. 3-Methylfentanyl (N-[3-methyl-1-(2-
35 phenylethyl)-4-piperidyl]-N-phenylpropanamide).

1 NEW PARAGRAPH. ay. 3-Methylthiofentanyl (N-[(3-methyl-1-
2 (2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).

3 NEW PARAGRAPH. az. MPPP (1-methyl-4-phenyl-4-propionyxy-
4 piperidine).

5 NEW PARAGRAPH. ba. Para-fluorofentanyl (N-(4-
6 fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]-propanamide).

7 NEW PARAGRAPH. bb. PEPAP (1-(2-phenethyl)-4-phenyl-4-
8 acetoxypiperidine).

9 NEW PARAGRAPH. bc. Thiofentanyl (N-phenyl-N-[1-(2-
10 thienyl)ethyl-4-piperidinyl]-propanamide).

11 Sec. 4. Section 124.204, subsection 4, paragraph y, Code
12 1993, is amended to read as follows:

13 y. ~~1-(1-(2-thienyl)cyclohexyl)-pyrrolidine~~ 1-[1-(2-
14 thienyl)cyclohexyl]pyrrolidine. Some trade-or other names:
15 ~~TPPy~~ TCPy.

16 Sec. 5. Section 124.204, subsection 4, Code 1993, is
17 amended by adding the following new paragraphs:

18 NEW PARAGRAPH. z. 3,4-methylenedioxyamphetamine
19 (MDMA).

20 NEW PARAGRAPH. aa. 3,4-methylenedioxy-N-ethylamphetamine
21 (also known as N-ethyl-alpha-methyl-
22 3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA.

23 NEW PARAGRAPH. ab. N-hydroxy-3,4-
24 methylenedioxyamphetamine (also known as N-hydroxy-alpha-
25 methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA.

26 Sec. 6. Section 124.204, subsection 6, Code 1993, is
27 amended by adding the following new paragraphs:

28 NEW PARAGRAPH. c. (+)-cis-4-methylaminorex ((+)-cis-4,5-
29 dihydro-4-methyl-5-phenyl-2-oxazolamine).

30 NEW PARAGRAPH. d. N,N-dimethylamphetamine (also known as
31 N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-
32 trimethylphenethylamine).

33 Sec. 7. Section 124.204, subsection 9, Code 1993, is
34 amended by striking the subsection and inserting in lieu
35 thereof the following:

1 9. Other materials. Any material, compound, mixture, or
2 preparation which contains any quantity of the following
3 substances:

4 a. N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
5 (denzylfentanyl), its optical isomers, salts and salts of
6 isomers.

7 b. N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
8 (thenylfentanyl), its optical isomers, salts and salts of
9 isomers.

10 c. Methcathinone. Some other names: ephedrone; 2-
11 methylamino-1-phenylpropan-1-one; monomethylpropion; UR 1431,
12 its salts, optical isomers, and salts of optical isomers.

13 d. Aminorex. Some other names: aminoxaphen, 2-amino-5-
14 phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine, its
15 salts, optical isomers, and salts of optical isomers.

16 Sec. 8. Section 124.206, subsection 7, paragraph b, Code
17 1993, is amended to read as follows:

18 b. Dronabinol (synthetic) in sesame oil and encapsulated
19 in a soft gelatin capsule in a United States food and drug
20 administration approved drug product. [Some other names for
21 dronabinol (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-
22 trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta
23 9-(trans)-tetrahydrocannabinol; (6aR-trans)-6a,7,8,10a-
24 tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol,
25 or (-)-delta-9-(trans)-tetrahydrocannabinol.]

26 Sec. 9. Section 124.208, subsection 1, Code 1993, is
27 amended to read as follows:

28 1. The controlled substances Schedule III shall consist of
29 the drugs and other substances, by whatever official name,
30 common or usual name, chemical name, or brand name designated,
31 listed in this section are included in schedule III.

32 Sec. 10. Section 124.208, subsection 3, paragraph k,
33 subparagraphs (2) and (3), Code 1993, are amended to read as
34 follows:

35 (2) Some trade or other names for tiletamine: 2-

1 ~~{ethylamino}-2-(2-thienyl)-cyclohexanone~~ 2-(ethylamino)-2-(2-
2 thienyl)-cyclohexanone.

3 (3) Some trade or other names for zolazepam: 4-{2-
4 fluorophenyl}-6,8-dihydro-1,3,8--trimethylpyraxolo-{3,4-e}
5 {1,4}-diazepin-7(1H)-one-flupyrzapon 4-(2-fluorophenyl)-6,8-
6 dihydro-1,3,8-trimethylpyraxolo-[3,4-e] [1,4]-diazepin-7(1H)-
7 one flupyrzapon.

8 Sec. 11. Section 124.210, subsection 1, Code 1993, is
9 amended to read as follows:

10 1. ~~The controlled substances~~ Schedule IV shall consist of
11 the drugs and other substances, by whatever official name,
12 common or usual name, chemical name, or brand name designated,
13 listed in this section ~~are included in schedule IV.~~

14 Sec. 12. Section 124.212, subsection 1, Code 1993, is
15 amended to read as follows:

16 1. ~~The controlled substances~~ Schedule V shall consist of
17 the drugs and other substances, by whatever official name,
18 common or usual name, chemical name, or brand name designated,
19 listed in this section ~~are included in schedule V.~~

20 Sec. 13. Section 124.212, subsection 4, Code 1993, is
21 amended to read as follows:

22 4. Stimulants. Unless specifically excepted or listed in
23 another schedule, any material, compound, mixture, or
24 preparation which contains any quantity of ~~the following~~
25 ~~substances having a stimulant effect on the central nervous~~
26 system pyrovalerone, including its salts, isomers, and salts
27 of isomers:

28 a. ~~Propylhexedrine.~~

29 b. ~~Pyrovalerone.~~

30 EXPLANATION

31 This bill amends the definition of narcotic drug to expand
32 the description of the types, salts, compounds, derivatives,
33 and preparations of opium and opiates that are included in the
34 definition. Opium poppy is listed separately from poppy straw
35 and its concentrates under the bill. The bill amends

1 introductory paragraphs in four of the sections that contain
2 the lists of controlled substances to make the terminology
3 used in all sections uniform. Some new substances are added
4 to schedule I, and methcathinone and aminorex are placed under
5 schedule I. The designations of certain scheduled substances
6 are changes to correct typographical errors.

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SENATE FILE 361

S-3200

1 Amend the amendment, S-3190, to Senate File 361, as
2 follows:

- 3 1. Page 1, by striking lines 12 through 18.
- 4 2. Page 1, line 34, by striking the word "either"
- 5 and inserting the following: "any".
- 6 3. Page 2, by striking lines 1 through 10 and
- 7 inserting the following:
- 8 "d. The person possessing the marijuana has
- 9 obtained the marijuana from a licensed physician or
- 10 surgeon, osteopath, osteopathic physician or surgeon,
- 11 or pharmacist and the marijuana is dispensed in
- 12 accordance with section 147.107."
- 13 4. By renumbering as necessary.

By LINN FUHRMAN
MERLIN E. BARTZ
AL STURGEON

S-3200 FILED MARCH 23, 1993
ADOPTED

SENATE FILE 361

S-3190

1 Amend Senate File 361 as follows:

2 1. Page 1, by inserting before line 1 the fol-
3 lowing:

4 "Sec. _____. Section 22.7, Code 1993, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 29. Identifying information
7 concerning a patient for whom marijuana is prescribed
8 under the marijuana therapeutic research program in
9 section 124.511."

10 2. Page 4, by inserting after line 29 the fol-
11 lowing:

12 "Sec. _____. Section 124.401, subsection 1, Code
13 1993, is amended by adding the following new
14 paragraph:

15 NEW PARAGRAPH. g. It is lawful for a person to
16 cultivate marijuana if the marijuana is for the
17 person's own use for therapeutic purposes in
18 accordance with the provisions of section 124.401B.

19 Sec. _____. Section 124.401, subsection 3, Code 1993
20 is amended by adding the following new unnumbered
21 paragraph:

22 NEW UNNUMBERED PARAGRAPH. It is lawful for a
23 person to knowingly or intentionally possess marijuana
24 if the possession is in accordance with the provisions
25 of section 124.401B or 124.511.

26 Sec. _____. NEW SECTION. 124.401B MARIJUANA FOR
27 THERAPEUTIC PURPOSES.

28 Notwithstanding other provisions of law to the
29 contrary, the following provisions apply to possession
30 of marijuana for therapeutic purposes in accordance
31 with this section or section 124.511.

32 1. It is lawful for a person who is eighteen years
33 of age or older to knowingly or intentionally possess
34 marijuana if either of the following circumstances
35 exists:

36 a. The person possessing the marijuana was
37 diagnosed by a physician as having glaucoma before the
38 person was alleged to unlawfully possess the
39 marijuana.

40 b. The person possessing the marijuana is being
41 treated with chemotherapy or radiation therapy and has
42 suffered from significant nausea or vomiting as a
43 result of the treatment.

44 c. The person possessing the marijuana was
45 diagnosed by a physician as having multiple sclerosis,
46 hyperparathyroidism, nail patella syndrome, or
47 acquired immune deficiency syndrome, and as having
48 symptoms of pain or spasms due to the diagnosed
49 condition, before the person was alleged to unlawfully
50 possess the marijuana.

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Page 2

1 2. It is lawful for a person to grow or cultivate
2 marijuana if the marijuana is for the person's own use
3 and the possession is in accordance with the
4 provisions of subsection 1.

5 3. It is lawful for a person who is less than
6 eighteen years of age to knowingly or intentionally
7 possess, or grow or cultivate marijuana if the
8 possession is in accordance with the provisions of
9 subsection 1 and the person's parent or guardian
10 authorized the possession or growing or cultivating.

11 4. Possession of marijuana in accordance with the
12 provisions of this section is a lawful possession and
13 is an affirmative defense to a prosecution for
14 possession of marijuana.

15 5. Possession of marijuana in accordance with the
16 provisions of this section or section 124.511 is
17 lawful possession and the possessor is not subject to
18 the provisions of chapter 809, relating to seizable
19 and forfeitable property, based upon that possession.

20 Sec. ____ . Section 124.506, subsection 2, Code
21 1993, is amended to read as follows:

22 2. Upon written application by the board, the
23 court by whom the forfeiture of controlled substances
24 has been decreed may order the delivery of any of
25 them, except controlled substances listed in schedule
26 I, to the board for distribution or destruction, as
27 provided by this section or section 124.511.

28 Sec. ____ . NEW SECTION. 124.511 MARIJUANA
29 THERAPEUTIC RESEARCH PROGRAM.

30 1. The general assembly finds that research has
31 indicated that the use of marijuana may alleviate
32 nausea and other side effects of chemotherapy and
33 radiation therapy as well as some symptoms of glaucoma
34 and other conditions with symptoms of pain, stress,
35 spasms, nausea, or loss of appetite. The general
36 assembly finds that further research and strictly
37 controlled experimentation regarding the therapeutic
38 uses of marijuana is necessary and desirable. The
39 purpose of this section is to encourage this research
40 and experimentation.

41 2. As used in this section, unless the context
42 otherwise requires, "program" means the marijuana
43 therapeutic research program established in this
44 section.

45 3. A marijuana therapeutic research program is
46 established under the board. The board shall adopt
47 rules for the proper administration of the program.
48 In adopting rules, the board shall consider pertinent
49 rules adopted by the federal drug enforcement agency,
50 federal food and drug administration, national

S-3190

-2-

S-3190

Page 4

- 1 7. A physician approved by the participation
2 review committee for participation in the program is
3 authorized to prescribe marijuana for a patient under
4 any of the following circumstances:
5 a. The patient is diagnosed as having glaucoma by
6 the physician.
7 b. The patient is being treated with chemotherapy
8 or radiation therapy and has suffered from significant
9 nausea or vomiting as a result of the treatment.
10 c. The patient is diagnosed by a physician as
11 having multiple sclerosis, hyperparathyroidism, nail
12 patella syndrome, acquired immune deficiency syndrome,
13 or other condition with symptoms of pain or spasms.
14 8. A physician approved by the participation
15 review committee for participation in the program is
16 expressly authorized to prescribe marijuana. A
17 patient for whom marijuana is prescribed by a
18 physician approved to participate in the program is
19 expressly authorized to possess marijuana. A
20 registered pharmacist designated by the board under
21 this section is expressly authorized to possess and
22 distribute marijuana under this section.
23 9. Only the following persons shall have access to
24 the name and other identifying characteristics of a
25 patient for whom marijuana is prescribed under this
26 section:
27 a. The board.
28 b. The attorney general or a designee of the
29 attorney general.
30 c. A person directly connected with the program
31 who has a legitimate need for the information.
32 d. A person for whom access has been specifically
33 authorized by that patient.
34 10. The board and the participation review
35 committee shall report annually with findings and
36 recommendations concerning the program to the governor
37 and the general assembly.
38 Sec. ____ . Section 453B.6, Code 1993, is amended by
39 adding the following new unnumbered paragraph:
40 NEW UNNUMBERED PARAGRAPH. A person who is in
41 possession of marijuana for medical purposes in
42 accordance with section 124.401B or 124.511 is in
43 lawful possession of a taxable substance and is not
44 subject to the requirements of this chapter."
45 3. By renumbering as necessary.

By BERL E. PRIEBE
JEAN LLOYD-JONES
MIKE CONNOLLY

RALPH ROSENBERG
JIM KERSTEN
JIM LIND

S-3190 FILED MARCH 23, 1993

ADOPTED

S-3190

Page 3

1 institute on drug abuse, and any other applicable
2 federal agency.

3 4. The board shall contract with the national
4 institute on drug abuse for the receipt of marijuana
5 under pertinent rules adopted by the national
6 institute on drug abuse, the federal food and drug
7 administration, and the federal drug administration.
8 However, if within a reasonable period of time, the
9 board is unable to complete a contract with the
10 national institute on drug abuse, the board shall
11 apply to the court for delivery of marijuana under the
12 provisions of section 124.506. The board may receive
13 the confiscated marijuana and shall distribute it in
14 accordance with this section. Any marijuana received
15 under this subsection shall be made free of impurities
16 and analyzed for potency by the board.

17 5. The board shall deliver marijuana received
18 under subsection 3 to appropriate licensed pharmacists
19 designated by the board. Any marijuana delivered to a
20 pharmacist shall only be distributed to a patient
21 pursuant to a written prescription of a licensed
22 physician who is approved by the participation review
23 committee established by this section. A pharmacist
24 designated by the board is not liable, except for
25 intentional misconduct or gross negligence, in any
26 civil action related to marijuana distributed to a
27 patient in accordance with this section.

28 6. A participation review committee is established
29 and staffing for the committee shall be provided by
30 the board. The membership of the committee shall
31 consist of three members appointed as follows: a
32 registered pharmacist appointed by the board of
33 pharmacy examiners, a licensed physician who is board
34 certified in ophthalmology or otorhinolaryngology
35 appointed by the board of medical examiners, and a
36 licensed physician who is board certified in internal
37 medicine with a subspecialty certification in medical
38 oncology. Committee members shall serve at the
39 pleasure of the appointing authority and are eligible
40 for payment of per diem and reimbursement of actual
41 and necessary expenses incurred while performing
42 official duties. The committee shall have authority
43 to review and approve physician applications to
44 participate in the program. The committee meetings to
45 review applications shall be closed in the same manner
46 as a meeting to discuss the contents of a licensing
47 examination in accordance with the provisions of
48 section 21.5, subsection 1, paragraph "d". Applicants
49 must submit a twenty-five dollar fee with the
50 application.

S-3190

1 Section 1. Section 22.7, Code 1993, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 29. Identifying information concerning a
4 patient for whom marijuana is prescribed under the marijuana
5 therapeutic research program in section 124.511.

6 Sec. 2. Section 124.101, subsection 18, Code 1993, is
7 amended by striking the subsection and inserting in lieu
8 thereof the following:

9 18. "Narcotic drug" means any of the following, whether
10 produced directly or indirectly by extraction from substances
11 of vegetable origin, or independently by means of chemical
12 synthesis, or by a combination of extraction and chemical
13 synthesis:

14 a. Opium, opiates, derivatives of opium and opiates,
15 including their isomers, esters, ethers, salts, and salts of
16 isomers, esters, and ethers whenever the existence of such
17 isomers, esters, ethers, and salts is possible within the
18 specific chemical designation. Such term does not include the
19 isoquinoline alkaloids of opium.

20 b. Poppy straw and concentrate of poppy straw.

21 c. Opium poppy.

22 d. Any compound, mixture, or preparation which contains
23 any quantity of any of the substances referred to in
24 paragraphs "a" through "c".

25 Sec. 3. Section 124.204, subsection 1, Code 1993, is
26 amended to read as follows:

27 1. ~~The-controlled-substances~~ Schedule I shall consist of
28 the drugs and other substances, by whatever official name,
29 common or usual name, chemical name, or brand name designated,
30 listed in this section ~~are-included-in-schedule-i.~~

31 Sec. 4. Section 124.204, subsection 2, Code 1993, is
32 amended by adding the following new paragraphs:

33 NEW PARAGRAPH. au. Acetyl-alpha-methylfentanyl (N-[1-(1-
34 methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).

35 NEW PARAGRAPH. av. Alpha-methylthiofentanyl (N-[1-methyl-

1 2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).

2 NEW PARAGRAPH. aw. Beta-hydroxyfentanyl (N-[1-(2-hydroxy-
3 2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).

4 NEW PARAGRAPH. ax. 3-Methylfentanyl (N-[3-methyl-1-(2-
5 phenylethyl)-4-piperidyl]-N-phenylpropanamide).

6 NEW PARAGRAPH. ay. 3-Methylthiofentanyl (N-[(3-methyl-1-
7 (2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).

8 NEW PARAGRAPH. az. MPPP (1-methyl-4-phenyl-4-propionoxy-
9 piperidine).

10 NEW PARAGRAPH. ba. Para-fluorofentanyl (N-(4-
11 fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]-propanamide).

12 NEW PARAGRAPH. bb. PEPAP (1-(2-phenethyl)-4-phenyl-4-
13 acetoxypiperidine).

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15 thienyl)ethyl-4-piperidinyl]-propanamide).

16 Sec. 5. Section 124.204, subsection 4, paragraph y, Code
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18 y. ~~1-(1-(2-thienyl)cyclohexyl)pyrrolidine~~ 1-[1-(2-
19 thienyl)cyclohexyl]pyrrolidine. Some trade- or other names:
20 ~~TPy~~ TCPy.

21 Sec. 6. Section 124.204, subsection 4, Code 1993, is
22 amended by adding the following new paragraphs:

23 NEW PARAGRAPH. z. 3,4-methylenedioxyamphetamine
24 (MDMA).

25 NEW PARAGRAPH. aa. 3,4-methylenedioxy-N-ethylamphetamine
26 (also known as N-ethyl-alpha-methyl-
27 3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA.

28 NEW PARAGRAPH. ab. N-hydroxy-3,4-
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31 Sec. 7. Section 124.204, subsection 6, Code 1993, is
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12 b. N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
13 (thenylfentanyl), its optical isomers, salts and salts of
14 isomers.

15 c. Methcathinone. Some other names: ephedrone; 2-
16 methylamino-1-phenylpropan-1-one; monomethylpropion; UR 1431,
17 its salts, optical isomers, and salts of optical isomers.

18 d. Aminorex. Some other names: aminoxaphen, 2-amino-5-
19 phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine, its
20 salts, optical isomers, and salts of optical isomers.

21 Sec. 9. Section 124.206, subsection 7, paragraph b, Code
22 1993, is amended to read as follows:

23 b. Dronabinol (synthetic) in sesame oil and encapsulated
24 in a soft gelatin capsule in a United States food and drug
25 administration approved drug product. [Some other names for
26 dronabinol (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-
27 trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol- or (-)-delta
28 9-(trans)-tetrahydrocannabinol: (6aR-trans)-6a,7,8,10a-
29 tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol,
30 or (-)-delta-9-(trans)-tetrahydrocannabinol.]

31 Sec. 10. Section 124.208, subsection 1, Code 1993, is
32 amended to read as follows:

33 1. The controlled substances Schedule III shall consist of
34 the drugs and other substances, by whatever official name,
35 common or usual name, chemical name, or brand name designated,

1 listed in this section ~~are included in schedule III.~~

2 Sec. 11. Section 124.208, subsection 3, paragraph k,
3 subparagraphs (2) and (3), Code 1993, are amended to read as
4 follows:

5 (2) Some trade or other names for tiletamine: 2-
6 ~~{ethylamino}-2-{2-thienyl}-cyclohexanone~~ 2-(ethylamino)-2-(2-
7 thienyl)-cyclohexanone.

8 (3) Some trade or other names for zolazepam: 4-{2-
9 fluorophenyl}-6,8-dihydro-1,3,8--trimethylpyraxolo-[3,4-e]
10 {1,4}-diazepin-7(1H)-one-flupyrzapon 4-(2-fluorophenyl)-6,8-
11 dihydro-1,3,8-trimethylpyraxolo-[3,4-e] [1,4]-diazepin-7(1H)-
12 one flupyrzapon.

13 Sec. 12. Section 124.210, subsection 1, Code 1993, is
14 amended to read as follows:

15 1. ~~The controlled substances~~ Schedule IV shall consist of
16 the drugs and other substances, by whatever official name,
17 common or usual name, chemical name, or brand name designated,
18 listed in this section ~~are included in schedule IV.~~

19 Sec. 13. Section 124.212, subsection 1, Code 1993, is
20 amended to read as follows:

21 1. ~~The controlled substances~~ Schedule V shall consist of
22 the drugs and other substances, by whatever official name,
23 common or usual name, chemical name, or brand name designated,
24 listed in this section ~~are included in schedule V.~~

25 Sec. 14. Section 124.212, subsection 4, Code 1993, is
26 amended to read as follows:

27 4. Stimulants. Unless specifically excepted or listed in
28 another schedule, any material, compound, mixture, or
29 preparation which contains any quantity of ~~the following~~
30 ~~substances having a stimulant effect on the central nervous~~
31 ~~system~~ pyrovalerone, including its salts, isomers, and salts
32 of isomers:.

33 a. ~~Propylhexedrine.~~

34 b. ~~Pyrovalerone.~~

35 Sec. 15. Section 124.401, subsection 3, Code 1993 is

1 amended by adding the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. It is lawful for a person to
3 knowingly or intentionally possess marijuana if the possession
4 is in accordance with the provisions of section 124.401B or
5 124.511.

6 Sec. 16. NEW SECTION. 124.401B MARIJUANA FOR THERAPEUTIC
7 PURPOSES.

8 Notwithstanding other provisions of law to the contrary,
9 the following provisions apply to possession of marijuana for
10 therapeutic purposes in accordance with this section or
11 section 124.511.

12 1. It is lawful for a person who is eighteen years of age
13 or older to knowingly or intentionally possess marijuana if
14 any of the following circumstances exists:

15 a. The person possessing the marijuana was diagnosed by a
16 physician as having glaucoma before the person was alleged to
17 unlawfully possess the marijuana.

18 b. The person possessing the marijuana is being treated
19 with chemotherapy or radiation therapy and has suffered from
20 significant nausea or vomiting as a result of the treatment.

21 c. The person possessing the marijuana was diagnosed by a
22 physician as having multiple sclerosis, hyperparathyroidism,
23 nail patella syndrome, or acquired immune deficiency syndrome,
24 and as having symptoms of pain or spasms due to the diagnosed
25 condition, before the person was alleged to unlawfully possess
26 the marijuana.

27 d. The person possessing the marijuana has obtained the
28 marijuana from a licensed physician or surgeon, osteopath,
29 osteopathic physician or surgeon, or pharmacist and the
30 marijuana is dispensed in accordance with section 147.107.

31 2. Possession of marijuana in accordance with the
32 provisions of this section is a lawful possession and is an
33 affirmative defense to a prosecution for possession of
34 marijuana.

35 3. Possession of marijuana in accordance with the

1 provisions of this section or section 124.511 is lawful
2 possession and the possessor is not subject to the provisions
3 of chapter 809, relating to seizable and forfeitable property,
4 based upon that possession.

5 Sec. 17. Section 124.506, subsection 2, Code 1993, is
6 amended to read as follows:

7 2. Upon written application by the board, the court by
8 whom the forfeiture of controlled substances has been decreed
9 may order the delivery of any of them, except controlled
10 substances listed in schedule I, to the board for distribution
11 or destruction, as provided by this section or section
12 124.511.

13 Sec. 18. NEW SECTION. 124.511 MARIJUANA THERAPEUTIC
14 RESEARCH PROGRAM.

15 1. The general assembly finds that research has indicated
16 that the use of marijuana may alleviate nausea and other side
17 effects of chemotherapy and radiation therapy as well as some
18 symptoms of glaucoma and other conditions with symptoms of
19 pain, stress, spasms, nausea, or loss of appetite. The
20 general assembly finds that further research and strictly
21 controlled experimentation regarding the therapeutic uses of
22 marijuana is necessary and desirable. The purpose of this
23 section is to encourage this research and experimentation.

24 2. As used in this section, unless the context otherwise
25 requires, "program" means the marijuana therapeutic research
26 program established in this section.

27 3. A marijuana therapeutic research program is established
28 under the board. The board shall adopt rules for the proper
29 administration of the program. In adopting rules, the board
30 shall consider pertinent rules adopted by the federal drug
31 enforcement agency, federal food and drug administration,
32 national institute on drug abuse, and any other applicable
33 federal agency.

34 4. The board shall contract with the national institute on
35 drug abuse for the receipt of marijuana under pertinent rules

1 adopted by the national institute on drug abuse, the federal
2 food and drug administration, and the federal drug
3 administration. However, if within a reasonable period of
4 time, the board is unable to complete a contract with the
5 national institute on drug abuse, the board shall apply to the
6 court for delivery of marijuana under the provisions of
7 section 124.506. The board may receive the confiscated
8 marijuana and shall distribute it in accordance with this
9 section. Any marijuana received under this subsection shall
10 be made free of impurities and analyzed for potency by the
11 board.

12 5. The board shall deliver marijuana received under
13 subsection 3 to appropriate licensed pharmacists designated by
14 the board. Any marijuana delivered to a pharmacist shall only
15 be distributed to a patient pursuant to a written prescription
16 of a licensed physician who is approved by the participation
17 review committee established by this section. A pharmacist
18 designated by the board is not liable, except for intentional
19 misconduct or gross negligence, in any civil action related to
20 marijuana distributed to a patient in accordance with this
21 section.

22 6. A participation review committee is established and
23 staffing for the committee shall be provided by the board.
24 The membership of the committee shall consist of three members
25 appointed as follows: a registered pharmacist appointed by
26 the board of pharmacy examiners, a licensed physician who is
27 board certified in ophthalmology or otorhinolaryngology
28 appointed by the board of medical examiners, and a licensed
29 physician who is board certified in internal medicine with a
30 subspecialty certification in medical oncology. Committee
31 members shall serve at the pleasure of the appointing
32 authority and are eligible for payment of per diem and
33 reimbursement of actual and necessary expenses incurred while
34 performing official duties. The committee shall have
35 authority to review and approve physician applications to

1 participate in the program. The committee meetings to review
2 applications shall be closed in the same manner as a meeting
3 to discuss the contents of a licensing examination in
4 accordance with the provisions of section 21.5, subsection 1,
5 paragraph "d". Applicants must submit a twenty-five dollar
6 fee with the application.

7 7. A physician approved by the participation review
8 committee for participation in the program is authorized to
9 prescribe marijuana for a patient under any of the following
10 circumstances:

11 a. The patient is diagnosed as having glaucoma by the
12 physician.

13 b. The patient is being treated with chemotherapy or
14 radiation therapy and has suffered from significant nausea or
15 vomiting as a result of the treatment.

16 c. The patient is diagnosed by a physician as having
17 multiple sclerosis, hyperparathyroidism, nail patella
18 syndrome, acquired immune deficiency syndrome, or other
19 condition with symptoms of pain or spasms.

20 8. A physician approved by the participation review
21 committee for participation in the program is expressly
22 authorized to prescribe marijuana. A patient for whom
23 marijuana is prescribed by a physician approved to participate
24 in the program is expressly authorized to possess marijuana.
25 A registered pharmacist designated by the board under this
26 section is expressly authorized to possess and distribute
27 marijuana under this section.

28 9. Only the following persons shall have access to the
29 name and other identifying characteristics of a patient for
30 whom marijuana is prescribed under this section:

31 a. The board.

32 b. The attorney general or a designee of the attorney
33 general.

34 c. A person directly connected with the program who has a
35 legitimate need for the information.

1 d. A person for whom access has been specifically
2 authorized by that patient.

3 10. The board and the participation review committee shall
4 report annually with findings and recommendations concerning
5 the program to the governor and the general assembly.

6 Sec. 19. Section 453B.6, Code 1993, is amended by adding
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. A person who is in possession of
9 marijuana for medical purposes in accordance with section
10 124.401B or 124.511 is in lawful possession of a taxable
11 substance and is not subject to the requirements of this
12 chapter.

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SENATE FILE 361

H-3783

- 1 Amend Senate File 361, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 16, by inserting after the word
4 "physician" the following: "or a therapeutically
5 certified optometrist under section 154.1".
- 6 2. Page 5, line 29, by inserting after the word
7 "surgeon," the following: "therapeutically certified
8 optometrist under section 154.1,".
- 9 3. Page 7, line 16, by inserting after the word
10 "physician" the following: "or a therapeutically
11 certified optometrist under section 154.1".
- 12 4. Page 7, line 24, by striking the word "three"
13 and inserting the following: "four".
- 14 5. Page 7, line 28, by inserting after the word
15 "examiners," the following: "a therapeutically
16 certified optometrist under section 154.1,".
- 17 6. Page 7, line 35, by inserting after the word
18 "applications" the following: "or applications by
19 therapeutically certified optometrists under section
20 154.1".
- 21 7. Page 8, line 7, by inserting after the word
22 "physician" the following: "or a therapeutically
23 certified optometrist who is".
- 24 8. Page 8, line 12 by inserting after the word
25 "physician" the following: "or the therapeutically
26 certified optometrist".
- 27 9. Page 8, line 20, by inserting after the word
28 "physician" the following: "or a therapeutically
29 certified optometrist who is".
- 30 10. Page 8, line 23, by inserting after the word
31 "physician" the following: "or a therapeutically
32 certified optometrist who is".

By MERTZ of Kossuth

H-3783 FILED APRIL 7, 1993

SENATE FILE 361

H-3723

1 Amend Senate File 361, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 27, by striking the word "MDEA"
4 and inserting the following: "MDEA)".
5 2. Page 2, line 30, by striking the word "MDA"
6 and inserting the following: "MDA)".

By MILLER of Cherokee

H-3723 FILED APRIL 5, 1993

SENATE FILE 361

H-3733

1 Amend Senate File 361, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, line 13, by striking the figure "3"
4 and inserting the following: "4".

By MILLER of Cherokee

H-3733 FILED APRIL 6, 1993

STURGEON, CH.
LLOYD-JONES
BARTZ

SSB 141
HUMAN RESOURCES

SENATE/HOUSE FILE 361
BY (PROPOSED BOARD OF
PHARMACY EXAMINERS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to substances regulated under the Iowa uniform
2 controlled substances Act.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 124.101, subsection 18, Code 1993, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 18. "Narcotic drug" means any of the following, whether
5 produced directly or indirectly by extraction from substances
6 of vegetable origin, or independently by means of chemical
7 synthesis, or by a combination of extraction and chemical
8 synthesis:

9 a. Opium, opiates, derivatives of opium and opiates,
10 including their isomers, esters, ethers, salts, and salts of
11 isomers, esters, and ethers whenever the existence of such
12 isomers, esters, ethers, and salts is possible within the
13 specific chemical designation. Such term does not include the
14 isoquinoline alkaloids of opium.

15 b. Poppy straw and concentrate of poppy straw.

16 c. Opium poppy.

17 d. Any compound, mixture, or preparation which contains
18 any quantity of any of the substances referred to in
19 paragraphs "a" through "c".

20 Sec. 2. Section 124.204, subsection 1, Code 1993, is
21 amended to read as follows:

22 1. ~~The controlled substances~~ Schedule I shall consist of
23 the drugs and other substances, by whatever official name,
24 common or usual name, chemical name, or brand name designated,
25 listed in this section ~~are included in schedule I.~~

26 Sec. 3. Section 124.204, subsection 2, Code 1993, is
27 amended by adding the following new paragraphs:

28 NEW PARAGRAPH. au. Acetyl-alpha-methylfentanyl (N-[1-(1-
29 methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).

30 NEW PARAGRAPH. av. Alpha-methylthiofentanyl (N-[1-methyl-
31 2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).

32 NEW PARAGRAPH. aw. Beta-hydroxyfentanyl (N-[1-(2-hydroxy-
33 2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).

34 NEW PARAGRAPH. ax. 3-Methylfentanyl (N-[3-methyl-1-(2-
35 phenylethyl)-4-piperidyl]-N-phenylpropanamide).

1 NEW PARAGRAPH. ay. 3-Methylthiofentanyl (N-[(3-methyl-1-
2 (2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).

3 NEW PARAGRAPH. az. MPPP (1-methyl-4-phenyl-4-propionyxy-
4 piperidine).

5 NEW PARAGRAPH. ba. Para-fluorofentanyl (N-(4-
6 fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]-propanamide).

7 NEW PARAGRAPH. bb. PEPAP (1-(-2-phenethyl)-4-phenyl-4-
8 acetoxypiperidine).

9 NEW PARAGRAPH. bc. Thiofentanyl (N-phenyl-N-[1-(2-
10 thienyl)ethyl-4-piperidinyl]-propanamide).

11 Sec. 4. Section 124.204, subsection 4, paragraph y, Code
12 1993, is amended to read as follows:

13 y. ±-[±-(2-thienyl)cyclohexyl]-pyrrolidine 1-[1-(2-
14 thienyl)cyclohexyl]pyrrolidine. Some trade-or other names:

15 TKPy TCPy.

16 Sec. 5. Section 124.204, subsection 4, Code 1993, is
17 amended by adding the following new paragraphs:

18 NEW PARAGRAPH. z. 3,4-methylenedioxymethamphetamine
19 (MDMA).

20 NEW PARAGRAPH. aa. 3,4-methylenedioxy-N-ethylamphetamine
21 (also known as N-ethyl-alpha-methyl-

22 3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA.

23 NEW PARAGRAPH. ab. N-hydroxy-3,4-
24 methylenedioxyamphetamine (also known as N-hydroxy-alpha-
25 methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA.

26 Sec. 6. Section 124.204, subsection 6, Code 1993, is
27 amended by adding the following new paragraphs:

28 NEW PARAGRAPH. c. (+-)cis-4-methylaminorex ((+)-cis-4,5-
29 dihydro-4-methyl-5-phenyl-2-oxazolamine).

30 NEW PARAGRAPH. d. N,N-dimethylamphetamine (also known as
31 N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-
32 trimethylphenethylamine).

33 Sec. 7. Section 124.204, subsection 9, Code 1993, is
34 amended by striking the subsection and inserting in lieu
35 thereof the following:

1 9. Other materials. Any material, compound, mixture, or
2 preparation which contains any quantity of the following
3 substances:

4 a. N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
5 (denzylfentanyl), its optical isomers, salts and salts of
6 isomers.

7 b. N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
8 (thenylfentanyl), its optical isomers, salts and salts of
9 isomers.

10 c. Methcathinone. Some other names: ephedrone; 2-
11 methylamino-1-phenylpropan-1-one; monomethylpropion; UR 1431,
12 its salts, optical isomers, and salts of optical isomers.

13 d. Aminorex. Some other names: aminoxaphen, 2-amino-5-
14 phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine, its
15 salts, optical isomers, and salts of optical isomers.

16 Sec. 8. Section 124.206, subsection 7, paragraph b, Code
17 1993, is amended to read as follows:

18 b. Dronabinol (synthetic) in sesame oil and encapsulated
19 in a soft gelatin capsule in a United States food and drug
20 administration approved drug product. [Some other names for
21 dronabinol (6aR-trans)-6a₇-7₇-8₇-10a-tetrahydro-6₇-6₇-9-
22 trimethyl-3-pentyl-6H-dibenzo-[b,d]-pyran-1-ol-~~1~~-or-(~~-~~)-delta
23 9-(trans)-tetrahydrocannabinol: (6aR-trans)-6a,7,8,10a-
24 tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol,
25 or (-)-delta-9-(trans)-tetrahydrocannabinol.]

26 Sec. 9. Section 124.208, subsection 1, Code 1993, is
27 amended to read as follows:

28 1. ~~The controlled substances~~ Schedule III shall consist of
29 the drugs and other substances, by whatever official name,
30 common or usual name, chemical name, or brand name designated,
31 ~~listed in this section are included in schedule III.~~

32 Sec. 10. Section 124.208, subsection 3, paragraph k,
33 subparagraphs (2) and (3), Code 1993, are amended to read as
34 follows:

35 (2) Some trade or other names for tiletamine: 2-

1 ~~1-(ethylamino)-2-(2-thienyl)-cyclohexanone~~ 2-(ethylamino)-2-(2-
 2 thienyl)-cyclohexanone.

3 (3) Some trade or other names for zolazepam: ~~4-(2-~~
 4 ~~fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e]~~
 5 ~~[1,4]-diazepin-7(1H)-one-flupyrzapon~~ 4-(2-fluorophenyl)-6,8-
 6 dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-
 7 one flupyrzapon.

8 Sec. 11. Section 124.210, subsection 1, Code 1993, is
 9 amended to read as follows:

10 1. ~~The controlled substances~~ Schedule IV shall consist of
 11 the drugs and other substances, by whatever official name,
 12 common or usual name, chemical name, or brand name designated,
 13 listed in this section are included in schedule IV.

14 Sec. 12. Section 124.212, subsection 1, Code 1993, is
 15 amended to read as follows:

16 1. ~~The controlled substances~~ Schedule V shall consist of
 17 the drugs and other substances, by whatever official name,
 18 common or usual name, chemical name, or brand name designated,
 19 listed in this section are included in schedule V.

20 Sec. 13. Section 124.212, subsection 4, Code 1993, is
 21 amended to read as follows:

22 4. Stimulants. Unless specifically excepted or listed in
 23 another schedule, any material, compound, mixture, or
 24 preparation which contains any quantity of the following,
 25 ~~substances having a stimulant effect on the central nervous~~
 26 system pyrovalerone, including its salts, isomers, and salts
 27 of isomers.

28 a. Propylhexedrine.

29 b. Pyrovalerone.

30

EXPLANATION

31 This bill amends the definition of narcotic drug to expand
 32 the description of the types, salts, compounds, derivatives,
 33 and preparations of opium and opiates that are included in the
 34 definition. Opium poppy is listed separately from poppy straw
 35 and its concentrates under the bill. The bill amends

1 introductory paragraphs in four of the sections that contain
2 the lists of controlled substances to make the terminology
3 used in all sections uniform. Some new substances are added
4 to schedule I, and methcathinone and aminorex are placed under
5 schedule I. The designations of certain scheduled substances
6 are changes to correct typographical errors.

7 BACKGROUND STATEMENT

8 SUBMITTED BY THE AGENCY

9 This bill is needed so that the provisions of the Iowa
10 uniform controlled substances Act, contained in Iowa Code
11 chapter 124, and the federal Uniform Controlled Substances Act
12 are similar as possible, in order to achieve effective
13 regulation and enforcement.

14 The purpose of the bill is to ensure uniformity between the
15 Iowa uniform controlled substances Act and the federal Uniform
16 Controlled Substances Act.

17 The intent of the bill is to amend chapter 124 to include
18 recent amendments to the federal Uniform Controlled Substances
19 Act.

20 The bill is intended to prevent general problems which may
21 occur when state and federal laws conflict. The bill does not
22 address any specific problems.

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