

PHARMACY BOARD[657]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 124.201, the Board of Pharmacy hereby amends Chapter 10, "Controlled Substances," Iowa Administrative Code.

The amendment temporarily classifies as Schedule I controlled substances three synthetic cannabinoids in conformance with recent control of these same substances by the U. S. Department of Justice, Drug Enforcement Administration. The substances, UR-144, XLR11, and AKB48, have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and lack accepted safety for use under medical supervision.

The provisions of this rule are not subject to waiver or variance.

The amendment was approved during the June 26, 2013, meeting of the Board of Pharmacy.

The Board finds, pursuant to Iowa Code section 17A.4(3), that notice and public participation are unnecessary and impracticable due to the immediate need for this amendment in order to avoid an imminent hazard to the public safety. Products laced with these synthetic substances are being abused mainly by smoking for their psychoactive properties. The products are being marketed as "legal" alternatives to marijuana but these synthetic cannabinoids have been shown to display higher potency in scientific studies when compared to THC. Smoking mixtures of these substances for the purpose of achieving intoxication has been identified as a reason for numerous emergency room visits and calls to poison control centers. Abuse of these synthetic cannabinoids and their combination products result in both acute and long term public health and safety issues.

In compliance with 2013 Iowa Acts, House File 586, section 1, the Administrative Rules Review Committee at its July 9, 2013, meeting reviewed the Board's findings and the amendment and approved the Emergency adoption.

The Board finds, pursuant to Iowa Code subsection 17A.5(2)"b"(2), that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment should be made effective upon filing with the Administrative Rules Coordinator on July 9, 2013. This amendment confers a benefit on the public health and safety by removing these substances and the products laced with these substances from the licit marketplace and ensuring the possession, distribution, manufacture, and use of these products and substances are subject to the controls and penalties applicable to Schedule I controlled substances in Iowa.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code subsection 124.201(4) and section 124.301.

This amendment became effective July 9, 2013.

The following amendment is adopted.

Adopt the following **new** subrule 10.38(1):

10.38(1) Amend Iowa Code section 124.204 by adding the following new subsection 9:

9. Temporary listing of substances subject to Schedule I. Any material, compound, mixture, or preparation which contains any quantity of the following substances:

a. (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: UR-144, 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole.

b. [1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: 5-fluoro-UR-144, 5-F-UR-144, XLR11, 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole.

c. N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: APINACA, AKB48.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/7/13.