

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 amendments temporarily classify as Schedule I controlled substances four synthetic cannabinoids and ten synthetic cathinones in conformance with recent control of these same substances by the U.S. Department of Justice, Drug Enforcement Administration. The substances, commonly known as QUPIC, 5F-PB-22, AB-FUBINACA, ADB-PINACA, 4-MEC, 4-MEPPP, [alpha]-PVP, butylone, pentadron, pentylone, flephedrone, 3-FMC, naphyrone, and [alpha]-PBP, 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 amendments were approved during the March 12, 2014, 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 these amendments in order to avoid an imminent hazard to the public safety. Products laced with these synthetic substances are being abused for their psychoactive properties, by smoking, snorting, or ingesting the synthetic substances or products laced with the synthetic substances. Products are being marketed as "legal" alternatives to marijuana, cocaine, methcathinone, and methamphetamine but these synthetic cannabinoids and synthetic cathinones have been shown to display higher potency in scientific studies when compared to the natural substances and abusers experience greater adverse or toxic effects from use of the synthetic substances. Smoking or ingesting 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 cathinones and their combination products result in both acute and long-term public health and safety issues.

In compliance with Iowa Code section 17A.4(3), the Administrative Rules Review Committee at its March 7, 2014, meeting reviewed the Board's findings and the amendments 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 rule making, 35 days after publication, should be waived and the amendments should be made effective upon filing with the Administrative Rules Coordinator on March 13, 2014. These amendments confer 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.

These amendments are intended to implement Iowa Code subsection 124.201(4) and section 124.301.

These amendments became effective March 13, 2014.

The following amendments are adopted.

ITEM 1. Adopt the following **new** subrule 10.38(2):

10.38(2) Amend Iowa Code subsection 124.204(4) by adding the following new paragraphs:

al. 4-methyl-N-ethylcathinone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: 4-MEC, 2-(ethylamino)-1-(4-methylphenyl)propan-1-one.

am. 4-methyl-alpha-pyrrolidinopropiophenone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: 4-MePPP, MePPP, 4-methyl-[alpha]-pyrrolidinopropiophenone, 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one.

an. Alpha-pyrrolidinopentiophenone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: [alpha]-PVP, [alpha]-pyrrolidinovalerophenone, 1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one.

ao. Butylone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: bk-MBDB, 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one.

ap. Pentedrone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: [alpha]-methylaminovalerophenone, 2-(methylamino)-1-phenylpentan-1-one.

aq. Pentylone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: bk-MBDP, 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one.

ar. 4-fluoro-N-methylcathinone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: 4-FMC, flephedrone, 1-(4-fluorophenyl)-2-(methylamino)propan-1-one.

as. 3-fluoro-N-methylcathinone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: 3-FMC, 1-(3-fluorophenyl)-2-(methylamino)propan-1-one.

at. Naphyrone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: naphthylpyrovalerone, 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one.

au. Alpha-pyrrolidinobutiophenone, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: [alpha]-PBP, 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one.

ITEM 2. Adopt the following **new** subrule 10.38(3):

10.38(3) Amend Iowa Code subsection 124.204(9) by adding the following new paragraphs:

g. Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: PB-22, QUPIC.

h. Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: 5-fluoro-PB-22, 5F-PB-22.

i. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers. Other name: AB-FUBINACA.

j. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers. Other name: ADB-PINACA.

[Filed Emergency 3/13/14, effective 3/13/14]

[Published 4/2/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/14.