

PHARMACY BOARD[657]

Notice of Intended Action

**Proposing rule making related to controlled and precursor substances
and providing an opportunity for public comment**

The Board of Pharmacy hereby proposes to amend Chapter 10, “Controlled Substances,” and Chapter 12, “Precursor Substances,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 124.201 and 124B.2(2).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 124.201 and 124B.2(2).

Purpose and Summary

This proposed rule making temporarily adds four substances (three stimulants and one opiate) to Schedule I, excludes one substance from Schedule II, and adds one substance as a precursor substance to the Iowa Controlled Substances Act in response to similar action taken by the federal Drug Enforcement Administration.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on February 28, 2023. Comments should be directed to:

Sue Mears
Board of Pharmacy
400 S.W. 8th Street, Suite E
Des Moines, Iowa 50309
Email: sue.mears@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 10.39(7) as follows:

10.39(7) Amend Iowa Code section 124.204(6) by adding the following new ~~paragraph~~ paragraphs:

- i.* ~~4,4'-Dimethylaminorex. Other names: 4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine.~~
- j.* Amineptine (7-[(10,11-dihydro-5H-dibenzo[alpha,delta]cyclohepten-5-yl)amino]heptanoic acid).
- k.* Mesocarb (N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate).
- l.* Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2-amine).

ITEM 2. Adopt the following **new** subrule 10.39(9):

10.39(9) Amend Iowa Code section 124.206(2) "d" by adding the following new subparagraph:

(3) [18\F]FP-CIT.

ITEM 3. Adopt the following **new** subrule 10.39(10):

10.39(10) Amend Iowa Code section 124.204(2) by adding the following new paragraph:

cn. 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol. Other name: Zipeprol.

ITEM 4. Amend subrule 12.1(1) as follows:

12.1(1) Amend Iowa Code section 124B.2(1) by adding the following new paragraphs:

- ae.* ~~3,4-MDP-2-P-methyl-glycidate (PMK-glycidate) and its optical and geometric isomers.~~
- af.* ~~3,4-MDP-2-P-methyl-glycidic acid (PMK-glycidic acid) and its salts, optical and geometric isomers, and salts of isomers.~~
- ag.* ~~Alpha-phenylacetamide (APAA) and its optical isomers.~~
- ah.* No change.
- ai.* 1-boc-4-AP (tert-butyl 4-(phenylamino)piperidine-1-carboxylate) and its salts.