

PHARMACY BOARD[657]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 124.301, the Board of Pharmacy hereby amends Chapter 10, “Controlled Substances,” Iowa Administrative Code.

The amendment rescinds current rule 657—10.38(124) and adopts new rule 657—10.38(124) in lieu thereof. The new rule places four synthetic cannabinoids into Schedule I of the Iowa Uniform Controlled Substances Act (CSA). Substances classified into Schedule I of the CSA have been determined to have a high potential for abuse and have no accepted medical use in the United States.

These synthetic cannabinoids are similar to the tetrahydrocannabinol (THC) from marijuana in their hallucinogenic and addictive effects. However, these substances are from 5 to 800 times more potent than the THC from marijuana. A person can become so intoxicated from smoking or ingesting products treated with these substances that the person ends up in the emergency room with seizures, tremors, acute anxiety, panic, elevated blood pressure, vomiting, hallucinations, rapid heart rate, or rapid respiration, including a loss of consciousness. In recent months, numerous deaths have been related to smoking or other consumption of products containing or treated with one or more of these synthetic cannabinoids. There is currently no accepted urine drug test for the presence of these substances, making it difficult for medical professionals to diagnose and treat a person suffering from the effects of these substances.

Products treated with one or more of these substances are currently available over the counter, marketed as incense in convenience stores, smoke shops, and other retailers, and over the Internet. A few of the currently marketed products, including K2, Spice, and Red Dragon Smoke, consist of mixtures of dried herbs that are sprayed with one or more of these synthetic cannabinoids. Although product packaging cautions that the products are not for human consumption, these products are being abused by adults and minors. Due to the inability to detect these substances in standard urine tests, these products are very attractive to individuals such as criminal offenders, addiction treatment clients, commercial driver licensees, and others with safety-sensitive jobs who are routinely subject to urine drug tests.

Waiver or variance of this rule will not be considered.

The amendment was approved during the July 20, 2010, 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 ensure the safety and health of the public.

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 21, 2010. This amendment confers a benefit on the public by removing potentially dangerous products from the retail market.

This amendment became effective July 21, 2010.

This amendment is intended to implement Iowa Code section 124.201.

The following amendment is adopted.

Rescind rule 657—10.38(124) and adopt the following new rule in lieu thereof:

657—10.38(124) Temporary designation of controlled substances.

10.38(1) Amend Iowa Code subsection 124.204(4) by adding the following new paragraphs:

ai. Dexanabinol, (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-211.

aj. 1-butyl-3-(1-naphthoyl) indole, also known as JWH-073.

ak. 1-pentyl-3-(1-naphthoyl) indole, also known as JWH-018.

al. Phenol, CP 47, 497 and homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4, 6, or 7.

10.38(2) Reserved.

[Filed Emergency 7/21/10, effective 7/21/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/11/10.