

124.401D Conspiracy to manufacture for delivery or delivery or intent or conspiracy to deliver to a minor.

1. a. It is unlawful for a person eighteen years of age or older to act with, or enter into a common scheme or design with, or conspire with one or more persons to manufacture for delivery to a person under eighteen years of age a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of [section 124.401, subsection 1](#), paragraph “a”, “b”, or “c”.

b. A person violating [this subsection](#) shall be sentenced to two times the term otherwise imposed under [section 124.401, subsection 1](#), and no such judgment, sentence, or part thereof shall be deferred or suspended.

c. A second or subsequent violation of [this subsection](#) is a class “A” felony.

2. a. It is unlawful for a person eighteen years of age or older to deliver, or possess with the intent to deliver to a person under eighteen years of age, a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of [section 124.401, subsection 1](#), paragraph “a”, “b”, or “c”, or to act with, or enter into a common scheme or design with, or conspire with one or more persons to deliver or possess with the intent to deliver to a person under eighteen years of age a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of [section 124.401, subsection 1](#), paragraph “a”, “b”, or “c”.

b. A person violating [this subsection](#) shall be sentenced to two times the term otherwise imposed under [section 124.401, subsection 1](#), and no such judgment, sentence, or part thereof shall be deferred or suspended.

c. A second or subsequent violation of [this subsection](#) is a class “A” felony.

3. Delivery to a minor or possession with intent to deliver to a minor a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of [section 124.401, subsection 1](#), paragraph “a”, “b”, or “c”, shall include the following products if the person knew or had reasonable cause to believe the controlled, counterfeit, simulated, or imitation controlled substance would be delivered to a person under eighteen years of age:

a. Combining a controlled substance listed in [section 124.401, subsection 1](#), paragraph “a”, “b”, or “c”, with a food or beverage product.

b. Marketing or packaging a controlled substance listed in [section 124.401, subsection 1](#), paragraph “a”, “b”, or “c”, to appear similar to a food or beverage product.

c. Modifying the flavor or color of a controlled substance listed in [section 124.401, subsection 1](#), paragraph “a”, “b”, or “c”, to appear similar to a food or beverage product.

99 Acts, ch 12, §4; 2000 Acts, ch 1144, §2; 2009 Acts, ch 41, §181; 2013 Acts, ch 30, §239, 240; 2023 Acts, ch 86, §7

Referred to in §901.10, 902.8A

Section amended