

IMITATION CONTROLLED SUBSTANCES

Footnotes

This chapter not enacted as a part of this title; transferred from chapter 204A in Code 1993

124A.1 Title.

This chapter may be cited as the "*Iowa Imitation Controlled Substances Act*".

[82 Acts, ch 1147, § 4]

C83, § 204A.1

C93, § 124A.1

124A.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Controlled substance*" means a controlled substance as defined in section 124.101, subsection 5.
2. "*Deliver*" or "*delivery*" means the actual, constructive, or attempted transfer, distribution, or dispensing to another of an imitation controlled substance.
3. "*Manufacture*" means the production, preparation, compounding, processing, encapsulating, packaging, or labeling of an imitation controlled substance.
4. "*Imitation controlled substance*" means a substance which is not a controlled substance but which by color, shape, size, markings, and other aspects of dosage unit appearance, and packaging or other factors, appears to be or resembles a controlled substance.

The state board of pharmacy examiners may designate a substance as an imitation controlled substance pursuant to the board's rulemaking authority and in accordance with chapter 17A.

[82 Acts, ch 1147, § 5]

C83, § 204A.2

C93, § 124A.2

124A.3 Factors indicating an imitation controlled substance.

When a substance has not been designated as an imitation controlled substance by the state board of pharmacy examiners and when dosage unit appearance alone does not establish that a substance is an imitation controlled substance the following factors may be considered in determining whether the substance is an imitation controlled substance:

1. The person in control of the substance expressly or impliedly represents that the substance has the effect of a controlled substance.
2. The person in control of the substance expressly or impliedly represents that the substance because of its

nature or appearance can be sold or delivered as a controlled substance or as a substitute for a controlled substance.

3. The person in control of the substance either demands or receives money or other property having a value substantially greater than the actual value of the substance as consideration for delivery of the substance.

[82 Acts, ch 1147, § 6]

C83, § 204A.3

C93, § 124A.3

124A.4 Offenses and penalties.

1. It is unlawful for a person to manufacture, deliver, or possess with intent to deliver, an imitation controlled substance. Except as provided in subsection 3, a person who violates this subsection is guilty of an aggravated misdemeanor.

2. It is unlawful for a person to publish or to post or distribute in a public place, an advertisement or solicitation, if the person knows or reasonably should know the advertisement or solicitation is to promote the distribution of imitation controlled substances. A person who violates this subsection is guilty of a serious misdemeanor.

3. A person who is eighteen years of age or older who violates this section by delivering an imitation controlled substance to a person under eighteen years of age who is at least three years younger than the violator is guilty of a class "D" felony.

[82 Acts, ch 1147, § 7]

C83, § 204A.4

C93, § 124A.4

124A.5 Immunity.

It is not unlawful for a person registered under section 124.302, to manufacture, deliver, or possess an imitation controlled substance for use as a placebo by a registered practitioner in the course of professional practice or research.

[82 Acts, ch 1147, § 8]

C83, § 204A.5

C93, § 124A.5