

## CHAPTER 124A

## IMITATION CONTROLLED SUBSTANCES

Referred to in [§124.401](#), [§124.502](#), [§155A.6](#), [§155A.6A](#), [§155A.6B](#), [§155A.13A](#), [§155A.17](#), [§155A.42](#)

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

124A.1	Title.	124A.4	Offenses and penalties.
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**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 board of pharmacy 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

2007 Acts, ch 10, §14

**124A.3 Factors indicating an imitation controlled substance.**

When a substance has not been designated as an imitation controlled substance by the board of pharmacy 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

2007 Acts, ch 10, §15

**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