

CHAPTER 124A

IMITATION CONTROLLED SUBSTANCES

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

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

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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