

House Amendment 5479

Amendment Text

PAG LIN

1 1 Amend [Senate File 2154](#), as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 1 through 12 and
1 4 inserting the following:
1 5 "Sec. ____ . Section [124.212](#), Code 1995, is amended
1 6 by adding the following new subsection:
1 7 NEW SUBSECTION. 5. Unless specifically excepted
1 8 or listed in another schedule, any material, compound,
1 9 mixture, or preparation which contains any quantity of
1 10 ephedrine, including its salts, optical isomers, or
1 11 salts of optical isomers shall be included in schedule
1 12 V, but natural herbal ephedra products regulated and
1 13 marketed as dietary supplements under the federal
1 14 Dietary Supplement Health and Education Act of 1994,
1 15 21 U.S.C. } 321, 331, 342, 343, 343-2, 350, and 350b,
1 16 and 42 U.S.C. } 281 and 287c-11, shall not be included
1 17 in schedule V. This subsection does not apply to any
1 18 material, compound, mixture, or preparation which is
1 19 specifically exempted or excluded under federal drug
1 20 control law or regulation or by rule of the board. At
1 21 the request of any person, the board may, pursuant to
1 22 657 IAC 10.5, exempt by rule any drug product
1 23 containing ephedrine from being included in this
1 24 subsection."
1 25 #2. Page 1, line 16, by striking the word "and"
1 26 and inserting the following: "or".
1 27 #3. Page 1, line 25, by striking the word "and"
1 28 and inserting the following: "or".
1 29 #4. Page 1, line 25, by striking the word
1 30 "isomers" and inserting the following: "isomers, or
1 31 analogs of methamphetamine,".
1 32 #5. Page 1, line 27, by striking the word "and"
1 33 and inserting the following: "or".
1 34 #6. Page 1, line 27, by striking the words "of
1 35 isomers" and inserting the following: "of isomers, or
1 36 analogs of methamphetamine".
1 37 #7. Page 1, line 32, by striking the word "and"
1 38 and inserting the following: "or".
1 39 #8. Page 1, line 32, by striking the words "of
1 40 isomers" and inserting the following: "of isomers, or
1 41 analogs of methamphetamine,".
1 42 #9. Page 1, line 35, by striking the word "and"
1 43 and inserting the following: "or".
1 44 #10. Page 1, line 35, by striking the words "of
1 45 isomers" and inserting the following: "of isomers, or
1 46 analogs of methamphetamine".
1 47 #11. Page 2, line 4, by striking the word "and"
1 48 and inserting the following: "or".
1 49 #12. Page 2, lines 5 and 6, by striking the words
1 50 "or pseudoephedrine, its salts, optical isomers, and
2 1 salts of optical isomers,".
2 2 #13. Page 2, line 7, by striking the words
2 3 "methamphetamine or" and inserting the following:
2 4 "methamphetamine,".
2 5 #14. Page 2, line 8, by inserting after the word
2 6 "analogs," the following: "or any other controlled
2 7 substance,".

2 8 #15. Page 2, by striking lines 11 through 18 and
2 9 inserting the following:
2 10 "NEW SUBSECTION. 2A. It is unlawful for any
2 11 person to sell, distribute, or make available any
2 12 product containing ephedrine, its salts, optical
2 13 isomers, salts of optical isomers, or analogs of
2 14 ephedrine, or pseudoephedrine, its salts, optical
2 15 isomers, or salts of optical isomers, if the person
2 16 knows, or should know, that the product may be used as
2 17 a precursor to any illegal substance, an intermediary
2 18 to any controlled substance, or for a purpose other
2 19 than a legitimate medicinal use. A person who
2 20 violates this subsection commits a serious
2 21 misdemeanor.

2 22 Sec. _____. Section [124.401A](#), Code 1995, is amended
2 23 to read as follows:

2 24 124.401A ENHANCED PENALTY FOR DISTRIBUTION TO
2 25 PERSONS ON CERTAIN REAL PROPERTY.

2 26 In addition to any other penalties provided in this
2 27 chapter, a person who is eighteen years of age or
2 28 older who unlawfully distributes or possesses with
2 29 intent to distribute a substance or counterfeit
2 30 substance listed in schedule I, II, or III, or a
2 31 simulated controlled substance represented to be a
2 32 controlled substance classified in schedule I, II, or
2 33 III, to another person who is eighteen years of age or
2 34 older in or on, or within one thousand feet of the
2 35 real property comprising a public or private
2 36 elementary or secondary school,

~~or in or on the real~~

2 37

~~property comprising a~~

~~public park, public swimming~~

2 38 pool, public recreation center, or on a marked school
2 39 bus, may

~~, at the judge's discretion,~~

~~be sentenced up~~

2 40 to an additional term of confinement of five years.

2 41 Sec. _____. Section [124.401B](#), Code 1995, is amended
2 42 to read as follows:

2 43 124.401B POSSESSION OF CONTROLLED SUBSTANCES ON
2 44 CERTAIN REAL PROPERTY - ADDITIONAL PENALTY.

2 45 In addition to any other penalties provided in this
2 46 chapter or another chapter, a person who unlawfully
2 47 possesses a substance listed in schedule I, II, or
2 48 III, or a simulated controlled substance represented
2 49 to be a controlled substance classified in schedule I,
2 50 II, or III, in or on, or within one thousand feet of
3 1 the real property comprising a public or private
3 2 elementary or secondary school,

~~or in or on the real~~

3 3

~~property comprising a~~

~~public park, public swimming~~

3 4 pool, public recreation center, or on a marked school
3 5 bus, may be sentenced to one hundred hours of

3 6 community service work for a public agency or a

3 7 nonprofit charitable organization. The court shall

3 8 provide the offender with a written statement of the

3 9 terms and monitoring provisions of the community

3 10 service."
3 11 #16. Page 2, line 23, by striking the words
3 12 "isomers, and" and inserting the following: "isomers,
3 13 or".
3 14 #17. Page 2, line 23, by inserting after the words
3 15 "of isomers," the following: "or analogs of
3 16 methamphetamine,".
3 17 #18. Page 2, by inserting after line 25 the
3 18 following:
3 19 "Sec. _____. Section 124.212, subsection 5, and
3 20 subsection 124.401, subsection 2A, as enacted in this
3 21 Act, shall not take effect until January 1, 1997."
3 22 #19. Title page, line 2, by inserting after the
3 23 word "methamphetamine" the following: "or ephedrine
3 24 and expanding the types of real property within one
3 25 thousand feet of which a person who unlawfully
3 26 possesses a substance is subject to an increased
3 27 penalty".
3 28 #20. By renumbering, relettering, or redesignating
3 29 and correcting internal references as necessary.
3 30
3 31
3 32 _____
3 33 COMMITTEE ON [JUDICIARY](#)
3 34 HURLEY of Fayette, Chairperson
3 35 [SF 2154.508](#) 76
3 36 kah/jw