

House File 567

H-8290

1 Amend the amendment, H-8289, to the Senate
2 amendment, H-1340, to House File 567, as amended,
3 passed, and reprinted by the House, as follows:

4 1. By striking page 1, line 1, through page 26,
5 line 30, and inserting:

6 <Amend the Senate amendment, H-3140, to House File
7 567, as amended, passed, and reprinted by the House,
8 as follows:

9 1. By striking page 1, line 1, through page 15,
10 line 26, and inserting:

11 <Amend House File 567, as amended, passed, and
12 reprinted by the House, as follows:

13 1. By striking everything after the enacting clause
14 and inserting:

15 <DIVISION I

16 MEDICAL CANNABIDIOL

17 Section 1. Section 124.401, subsection 5,
18 unnumbered paragraph 3, Code 2016, is amended to read
19 as follows:

20 A person may knowingly or intentionally recommend,
21 possess, use, dispense, deliver, transport, or
22 administer cannabidiol if the recommendation,
23 possession, use, dispensing, delivery, transporting,
24 or administering is in accordance with the provisions
25 of [chapter ~~124D~~ 124E](#). For purposes of this paragraph,
26 "*cannabidiol*" means the same as defined in section
27 ~~124D.2~~ [124E.2](#).

28 Sec. 2. NEW SECTION. 124E.1 Short title.

29 This chapter shall be known and may be cited as the
30 "*Medical Cannabidiol Act*".

31 Sec. 3. NEW SECTION. 124E.2 Definitions.

32 As used in this chapter:

33 1. "*Debilitating medical condition*" means any of the
34 following:

35 a. Cancer, if the underlying condition or treatment

1 produces one or more of the following:

2 (1) Severe or chronic pain.

3 (2) Nausea or severe vomiting.

4 (3) Cachexia or severe wasting.

5 *b.* Multiple sclerosis with severe and persistent
6 muscle spasms.

7 *c.* Seizures, including those characteristic of
8 epilepsy.

9 *d.* AIDS or HIV as defined in section 141A.1.

10 *e.* Crohn's disease.

11 *f.* Amyotrophic lateral sclerosis.

12 *g.* Any terminal illness, with a probable life
13 expectancy of under one year, if the illness or its
14 treatment produces one or more of the following:

15 (1) Severe or chronic pain.

16 (2) Nausea or severe vomiting.

17 (3) Cachexia or severe wasting.

18 2. "*Department*" means the department of public
19 health.

20 3. "*Disqualifying felony offense*" means a violation
21 under federal or state law of a felony under federal or
22 state law, which has as an element the possession, use,
23 or distribution of a controlled substance, as defined
24 in 21 U.S.C. §802(6).

25 4. "*Health care practitioner*" means an individual
26 licensed under chapter 148 to practice medicine and
27 surgery or osteopathic medicine and surgery.

28 5. "*Medical cannabidiol*" means a nonpsychoactive
29 cannabinoid found in the plant *Cannabis sativa* L.
30 or, *Cannabis indica* or any other preparation thereof
31 that is essentially free from plant material, and has
32 a tetrahydrocannabinol level of no more than three
33 percent, and that is delivered in any of the following
34 forms:

35 *a.* Liquid, including but not limited to oil.

1 *b.* Pill.

2 *c.* Through a vaporized delivery method with the use
3 of liquid or oil but which does not include the use of
4 dried leaves or plant form.

5 6. "*Primary caregiver*" means a person including but
6 not limited to a parent or legal guardian, at least
7 twenty-one years of age, who has been designated by
8 a patient's health care practitioner as a necessary
9 caretaker taking responsibility for managing the
10 well-being of the patient with respect to the use of
11 medical cannabidiol pursuant to the provisions of this
12 chapter.

13 7. "*Written certification*" means a document signed
14 by a health care practitioner, with whom the patient
15 has established a patient-provider relationship, which
16 states that the patient has a debilitating medical
17 condition and identifies that condition and provides
18 any other relevant information.

19 Sec. 4. NEW SECTION. **124E.3 Health care**
20 **practitioner certification — duties.**

21 1. Prior to a patient's submission of an
22 application for a medical cannabidiol card pursuant to
23 section 124E.4, a health care practitioner shall do all
24 of the following:

25 *a.* Determine, in the health care practitioner's
26 medical judgment, whether the patient whom the health
27 care practitioner has examined and treated suffers from
28 a debilitating medical condition that qualifies for
29 the use of medical cannabidiol under this chapter, and
30 if so determined, provide the patient with a written
31 certification of that diagnosis.

32 *b.* Provide explanatory information as provided by
33 the department to the patient about the therapeutic
34 use of medical cannabidiol and the possible risks,
35 benefits, and side effects of the proposed treatment.

1 2. Subsequently, the health care practitioner shall
2 do the following:

3 a. Determine, on an annual basis, if the patient
4 continues to suffer from a debilitating medical
5 condition and, if so, issue the patient a new
6 certification of that diagnosis.

7 b. Otherwise comply with all requirements
8 established by the department pursuant to rule.

9 3. A health care practitioner may provide, but has
10 no duty to provide, a written certification pursuant
11 to this section.

12 Sec. 5. NEW SECTION. 124E.4 **Medical cannabidiol**
13 **registration card.**

14 1. *Issuance to patient.* Subject to subsection 7,
15 the department may approve the issuance of a medical
16 cannabidiol registration card by the department of
17 transportation to a patient who:

18 a. Is at least eighteen years of age.

19 b. Is a permanent resident of this state.

20 c. Submits a written certification to the
21 department signed by the patient's health care
22 practitioner that the patient is suffering from a
23 debilitating medical condition.

24 d. Submits an application to the department, on a
25 form created by the department, in consultation with
26 the department of transportation, that contains all of
27 the following:

28 (1) The patient's full name, Iowa residence
29 address, date of birth, and telephone number.

30 (2) A copy of the patient's valid photograph
31 identification.

32 (3) Full name, address, and telephone number of the
33 patient's health care practitioner.

34 (4) Full name, residence address, date of birth,
35 and telephone number of each primary caregiver of the

1 patient, if any.

2 (5) Any other information required by rule.

3 e. Has not been convicted of a disqualifying felony
4 offense.

5 2. *Patient card contents.* A medical cannabidiol
6 registration card issued to a patient by the department
7 of transportation pursuant to subsection 1 shall
8 contain, at a minimum, all of the following:

9 a. The patient's full name, Iowa residence address,
10 and date of birth.

11 b. The patient's photograph.

12 c. The date of issuance and expiration date of the
13 registration card.

14 d. Any other information required by rule.

15 3. *Issuance to primary caregiver.* For a patient in
16 a primary caregiver's care, subject to subsection 7,
17 the department may approve the issuance of a medical
18 cannabidiol registration card by the department of
19 transportation to the primary caregiver who:

20 a. Is at least twenty-one years of age.

21 b. Submits a written certification to the
22 department signed by the patient's health care
23 practitioner that the patient in the primary
24 caregiver's care is suffering from a debilitating
25 medical condition.

26 c. Submits an application to the department, on a
27 form created by the department, in consultation with
28 the department of transportation, that contains all of
29 the following:

30 (1) The primary caregiver's full name, residence
31 address, date of birth, and telephone number.

32 (2) The patient's full name.

33 (3) A copy of the primary caregiver's valid
34 photograph identification.

35 (4) Full name, address, and telephone number of the

1 patient's health care practitioner.

2 (5) Any other information required by rule.

3 *d.* Has not been convicted of a disqualifying felony
4 offense.

5 4. *Primary caregiver card contents.* A medical
6 cannabidiol registration card issued by the department
7 of transportation to a primary caregiver pursuant to
8 subsection 3 shall contain, at a minimum, all of the
9 following:

10 *a.* The primary caregiver's full name, residence
11 address, and date of birth.

12 *b.* The primary caregiver's photograph.

13 *c.* The date of issuance and expiration date of the
14 registration card.

15 *d.* The registration card number of each patient
16 in the primary caregiver's care. If the patient
17 in the primary caregiver's care is under the age of
18 eighteen, the full name of the patient's parent or
19 legal guardian.

20 *e.* Any other information required by rule.

21 5. *Expiration date of card.* A medical cannabidiol
22 registration card issued pursuant to this section shall
23 expire one year after the date of issuance and may be
24 renewed.

25 6. *Card issuance — department of*
26 *transportation.* The department may enter into
27 a chapter 28E agreement with the department of
28 transportation to facilitate the issuance of medical
29 cannabidiol registration cards pursuant to subsections
30 1 and 3.

31 7. *Federally approved clinical trials.* The
32 department shall not approve the issuance of a medical
33 cannabidiol card pursuant to this section for a patient
34 who is enrolled in a federally approved clinical trial
35 for the treatment of a debilitating medical condition

1 with medical cannabidiol.

2 Sec. 6. NEW SECTION. 124E.5 Department duties —
3 rules.

4 1. a. The department shall maintain a confidential
5 file of the names of each patient to or for whom the
6 department issues a medical cannabidiol registration
7 card and the name of each primary caregiver to whom the
8 department issues a medical cannabidiol registration
9 card under section 124E.4.

10 b. Individual names contained in the file shall be
11 confidential and shall not be subject to disclosure,
12 except as provided in subparagraph (1).

13 (1) Information in the confidential file maintained
14 pursuant to paragraph "a" may be released on an
15 individual basis to the following persons under the
16 following circumstances:

17 (a) To authorized employees or agents of the
18 department and the department of transportation as
19 necessary to perform the duties of the department and
20 the department of transportation pursuant to this
21 chapter.

22 (b) To authorized employees of law enforcement
23 agencies of a state or political subdivision thereof,
24 but only for the purpose of verifying that a person
25 is lawfully in possession of a medical cannabidiol
26 registration card issued pursuant to this chapter.

27 (c) To any other authorized persons recognized by
28 the department by rule, but only for the purpose of
29 verifying that a person is lawfully in possession of a
30 medical cannabidiol registration card issued pursuant
31 to this chapter.

32 (2) Release of information pursuant to subparagraph
33 (1) shall be consistent with the federal Health
34 Insurance Portability and Accountability Act of 1996,
35 Pub. L. No. 104-191.

1 2. The department shall adopt rules pursuant to
2 chapter 17A to administer **this chapter** which shall
3 include but not be limited to rules to do all of the
4 following:

5 a. Govern the manner in which the department shall
6 consider applications for new and renewal medical
7 cannabidiol registration cards.

8 b. Ensure that the medical cannabidiol registration
9 card program operates on a self-sustaining basis.

10 c. Review and publicly report the existing medical
11 and scientific literature regarding the range of
12 recommended dosages for each debilitating medical
13 condition and the range of chemical compositions of
14 any plant of the genus cannabis that will likely be
15 medically beneficial for each of the debilitating
16 medical conditions. The department shall make this
17 information available to patients with debilitating
18 medical conditions beginning December 1, 2016, and
19 update the information annually.

20 Sec. 7. NEW SECTION. 124E.6 Use of medical
21 cannabidiol — affirmative defenses.

22 1. A health care practitioner, including any
23 authorized agent or employee thereof, shall not be
24 subject to prosecution for the unlawful certification,
25 possession, or administration of marijuana under the
26 laws of this state for activities arising directly
27 out of or directly related to the certification or
28 use of medical cannabidiol or medical cannabidiol
29 products in the treatment of a patient diagnosed with
30 a debilitating medical condition as authorized by this
31 chapter.

32 2. a. In a prosecution for the unlawful possession
33 of marijuana under the laws of this state, including
34 but not limited to chapters 124 and 453B, it is an
35 affirmative and complete defense to the prosecution

1 that the patient has been diagnosed with a debilitating
2 medical condition, used or possessed medical
3 cannabidiol or medical cannabidiol products pursuant
4 to a certification by a health care practitioner as
5 authorized under this chapter, and, for a patient
6 eighteen years of age or older, is in possession of
7 a valid medical cannabidiol registration card issued
8 pursuant to this chapter.

9 *b.* In a prosecution for the unlawful possession
10 of marijuana under the laws of this state, including
11 but not limited to chapters 124 and 453B, it is an
12 affirmative and complete defense to the prosecution
13 that the person possessed medical cannabidiol or
14 medical cannabidiol products because the person is a
15 primary caregiver of a patient who has been diagnosed
16 with a debilitating medical condition and is in
17 possession of a valid medical cannabidiol registration
18 card issued pursuant to this chapter, and where
19 the primary caregiver's possession of the medical
20 cannabidiol or medical cannabidiol products is on
21 behalf of the patient and for the patient's use only as
22 authorized under this chapter.

23 *c.* If a patient or primary caregiver is charged
24 with the unlawful possession of marijuana under the
25 laws of this state, including but not limited to
26 chapters 124 and 453B, and is not in possession of
27 the person's medical cannabidiol registration card,
28 any charge or charges filed against the person shall
29 be dismissed by the court if the person produces to
30 the court prior to or at the person's trial a medical
31 cannabidiol registration card issued to that person and
32 valid at the time the person was charged.

33 3. An agency of this state or a political
34 subdivision thereof, including any law enforcement
35 agency, shall not remove or initiate proceedings to

1 remove a patient under the age of eighteen from the
2 home of a parent based solely upon the parent's or
3 patient's possession or use of medical cannabidiol or
4 medical cannabidiol products as authorized under this
5 chapter.

6 4. The department, the department of
7 transportation, and any health care practitioner,
8 including any authorized agent or employee thereof, are
9 not subject to any civil or disciplinary penalties by
10 the board of medicine or any business, occupational,
11 or professional licensing board or entity, solely for
12 activities conducted relating to a patient's possession
13 or use of medical cannabidiol or medical cannabidiol
14 products as authorized under this chapter. Nothing in
15 this section affects a professional licensing board
16 from taking action in response to violations of any
17 other section of law.

18 5. Notwithstanding any law to the contrary, the
19 department, the department of transportation, the
20 governor, or any employee of any state agency shall not
21 be held civilly or criminally liable for any injury,
22 loss of property, personal injury, or death caused by
23 any act or omission while acting within the scope of
24 office or employment as authorized under this chapter.

25 6. An attorney shall not be subject to disciplinary
26 action by the Iowa supreme court or attorney
27 disciplinary board for providing legal assistance to
28 a patient, primary caregiver, or others based upon a
29 patient's or primary caregiver's possession or use of
30 medical cannabidiol as authorized under this chapter.

31 7. Possession of a medical cannabidiol registration
32 card or an application for a medical cannabidiol
33 registration card by a person entitled to possess or
34 apply for a medical cannabidiol registration card shall
35 not constitute probable cause or reasonable suspicion,

1 and shall not be used to support a search of the person
2 or property of the person possessing or applying for
3 the medical cannabidiol registration card, or otherwise
4 subject the person or property of the person to
5 inspection by any governmental agency.

6 Sec. 8. NEW SECTION. **124E.7 Medical cannabidiol**
7 **source.**

8 Medical cannabidiol provided exclusively pursuant to
9 a written certification of a health care practitioner
10 shall be obtained from an out-of-state source.

11 Sec. 9. NEW SECTION. **124E.8 Penalties.**

12 A person who knowingly or intentionally possesses
13 or uses medical cannabidiol in violation of the
14 requirements of this chapter is subject to the
15 penalties provided under chapters 124 and 453B.

16 Sec. 10. NEW SECTION. **124E.9 Use of medical**
17 **cannabidiol — smoking prohibited.**

18 A patient shall not consume medical cannabidiol
19 possessed or used as authorized under this chapter by
20 smoking medical cannabidiol.

21 Sec. 11. NEW SECTION. **124E.10 Medical cannabidiol**
22 **therapeutic research impact assessment task force.**

23 1. A medical cannabidiol therapeutic research
24 impact assessment task force is created within the
25 department. The task force shall consist of the
26 following members:

27 a. Four members of the general assembly who shall
28 serve as ex officio, nonvoting members to be appointed
29 as follows:

30 (1) Two members of the house of representatives,
31 one selected by the speaker of the house of
32 representatives, the other selected by the minority
33 leader of the house of representatives.

34 (2) Two members of the senate, one selected by the
35 majority leader of the senate, the other selected by

1 the minority leader of the senate.

2 *b.* Eighteen voting members as follows:

3 (1) Two members who are primary caregivers who are
4 patients with a valid medical cannabidiol registration
5 card.

6 (2) Two members who are primary caregivers who are
7 parents of patients under age eighteen.

8 (3) Four members representing health care
9 providers, including one licensed pharmacist.

10 (4) Four members representing law enforcement, one
11 from the Iowa police chiefs association, one from the
12 Iowa state sheriffs' and deputies' association, one
13 from the Iowa peace officers association, and one from
14 the Iowa county attorneys association.

15 (5) Four members representing substance use
16 disorder treatment providers.

17 (6) One member representing the department of
18 public health.

19 (7) One member representing the department of
20 public safety.

21 2. Task force members shall be appointed by July
22 15, 2016, and shall meet annually.

23 3. Two co-chairpersons of the task force shall be
24 chosen from the members. One co-chairperson shall be
25 selected by the speaker of the house of representatives
26 and the other co-chairperson shall be selected by the
27 majority leader of the senate.

28 4. The task force shall review and evaluate the
29 impact of the use of medical cannabidiol, including
30 Iowa's experience and the experience of other states
31 involving medical cannabidiol, on all of the following:

32 *a.* Program design and implementation.

33 *b.* The impact on the health care provider
34 community.

35 *c.* Patient experiences.

1 d. The impact on the incidence of substance abuse.
2 e. Access to and quality of medical cannabidiol and
3 medical cannabidiol products.
4 f. The impact on law enforcement and prosecutions.
5 g. Public awareness and perception.
6 h. Any unintended consequences.
7 5. The task force shall submit its recommendations
8 to the governor and the general assembly no later than
9 December 15 in each year the task force is required to
10 meet.

11 6. This section is repealed July 1, 2021.

12 Sec. 12. Section 730.5, subsection 11, Code 2016,
13 is amended by adding the following new paragraph:

14 NEW PARAGRAPH. f. Testing or taking action against
15 an individual with a confirmed positive test result due
16 to the individual's use of cannabidiol as authorized
17 under chapter 124E.

18 Sec. 13. TRANSITION PROVISIONS. A medical
19 cannabidiol registration card issued under chapter
20 124D prior to the effective date of this division of
21 this Act, remains effective and continues in effect
22 as issued for the twelve-month period following its
23 issuance. This division of this Act does not preclude
24 the medical cannabidiol cardholder from seeking to
25 renew the holder's medical cannabidiol registration
26 card under this division of this Act prior to the
27 expiration of the twelve-month period.

28 Sec. 14. REPEAL. Chapter 124D, Code 2016, is
29 repealed.

30 Sec. 15. EFFECTIVE UPON ENACTMENT. This division
31 of this Act, being deemed of immediate importance,
32 takes effect upon enactment.

33 DIVISION II

34 SYNTHETIC DRUGS

35 Sec. 16. Section 124.101, Code 2016, is amended by

1 adding the following new subsection:

2 NEW SUBSECTION. 15A. *“Imitation controlled*
3 *substance”* means a substance which is not a controlled
4 substance but which by color, shape, size, markings,
5 and other aspects of dosage unit appearance, and
6 packaging or other factors, appears to be or resembles
7 a controlled substance. The board of pharmacy may
8 designate a substance as an imitation controlled
9 substance pursuant to the board’s rulemaking authority
10 and in accordance with chapter 17A. *“Imitation*
11 *controlled substance”* also means any substance
12 determined to be an imitation controlled substance
13 pursuant to section 124.101B.

14 Sec. 17. NEW SECTION. 124.101B **Factors indicating**
15 **an imitation controlled substance.**

16 If a substance has not been designated as an
17 imitation controlled substance by the board of pharmacy
18 and if dosage unit appearance alone does not establish
19 that a substance is an imitation controlled substance,
20 the following factors may be considered in determining
21 whether the substance is an imitation controlled
22 substance:

23 1. The person in control of the substance expressly
24 or impliedly represents that the substance has the
25 effect of a controlled substance.

26 2. The person in control of the substance expressly
27 or impliedly represents that the substance because
28 of its nature or appearance can be sold or delivered
29 as a controlled substance or as a substitute for a
30 controlled substance.

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

1 Sec. 18. Section 124.201, subsection 4, Code 2016,
2 is amended to read as follows:

3 4. If any new substance is designated as a
4 controlled substance under federal law and notice of
5 the designation is given to the board, the board shall
6 similarly designate as controlled the new substance
7 under this chapter after the expiration of thirty days
8 from publication in the federal register of a final
9 order designating a new substance as a controlled
10 substance, unless within that thirty-day period the
11 board objects to the new designation. In that case
12 the board shall publish the reasons for objection and
13 afford all interested parties an opportunity to be
14 heard. At the conclusion of the hearing the board
15 shall announce its decision. Upon publication of
16 objection to a new substance being designated as a
17 controlled substance under this chapter by the board,
18 control under this chapter is stayed until the board
19 publishes its decision. If a substance is designated
20 as controlled by the board under this subsection the
21 control shall be considered a temporary and ~~if, within~~
22 ~~sixty days after the next regular session of the~~
23 ~~general assembly convenes, the general assembly has not~~
24 ~~made the corresponding changes in this chapter, the~~
25 ~~temporary designation of control of the substance by~~
26 ~~the board shall be nullified~~ amendment to the schedules
27 of controlled substances in this chapter. If the
28 board so designates a substance as controlled, which
29 is considered a temporary amendment to the schedules
30 of controlled substances in this chapter, and if
31 the general assembly does not amend this chapter to
32 enact the temporary amendment and make the enactment
33 effective within two years from the date the temporary
34 amendment first became effective, the temporary
35 amendment is repealed by operation of law two years

1 from the effective date of the temporary amendment. A
2 temporary amendment repealed by operation of law is
3 subject to section 4.13 relating to the construction
4 of statutes and the application of a general savings
5 provision.

6 Sec. 19. Section 124.204, subsection 4, paragraph
7 ai, subparagraphs (3), (4), and (5), Code 2016, are
8 amended by striking the subparagraphs.

9 Sec. 20. Section 124.204, subsection 4, paragraph
10 aj, Code 2016, is amended by striking the paragraph and
11 inserting in lieu thereof the following:

12 *aj.* 5-methoxy-N,N-dimethyltryptamine.

13 Some trade or other names:

14 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT.

15 Sec. 21. Section 124.204, subsection 4, paragraph
16 ak, Code 2016, is amended by striking the paragraph and
17 inserting in lieu thereof the following:

18 *ak.* 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine
19 (2C-E).

20 Sec. 22. Section 124.204, subsection 4, Code 2016,
21 is amended by adding the following new paragraphs:

22 NEW PARAGRAPH. *al.* 2-(2,5-Dimethoxy-4-
23 methylphenyl)ethanamine (2C-D).

24 NEW PARAGRAPH. *am.* 2-(4-Chloro-2,5-
25 dimethoxyphenyl)ethanamine (2C-C).

26 NEW PARAGRAPH. *an.* 2-(4-Iodo-2,5-
27 dimethoxyphenyl)ethanamine (2C-I).

28 NEW PARAGRAPH. *ao.* 2-[4-(Ethylthio)-2,5-
29 dimethoxyphenyl]ethanamine (2C-T-2).

30 NEW PARAGRAPH. *ap.* 2-[4-(Isopropylthio)-2,5-
31 dimethoxyphenyl]ethanamine (2C-T-4).

32 NEW PARAGRAPH. *aq.* 2-(2,5-Dimethoxyphenyl)
33 ethanamine (2C-H).

34 NEW PARAGRAPH. *ar.* 2-(2,5-Dimethoxy-4-
35 nitrophenyl)ethanamine (2C-N).

1 NEW PARAGRAPH. *as.* 2-(2,5-Dimethoxy-4-(n)-
2 propylphenyl)ethanamine (2C-P).

3 Sec. 23. Section 124.204, subsection 6, paragraph
4 i, subparagraph (3), Code 2016, is amended by striking
5 the subparagraph and inserting in lieu thereof the
6 following:

7 (3) 3,4-Methylenedioxy-N-methylcathinone
8 (methylone).

9 Sec. 24. Section 124.204, subsection 6, paragraph
10 i, subparagraphs (23), (24), (25), and (26), Code 2016,
11 are amended by striking the subparagraphs.

12 Sec. 25. Section 124.204, subsection 9, Code 2016,
13 is amended by adding the following new paragraphs:

14 NEW PARAGRAPH. *0a.* HU-210.
15 [(6aR,10aR)-9-(hydroxymethyl)-
16 6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-
17 tetrahydrobenzo[c] chromen-1-ol)].

18 NEW PARAGRAPH. *00a.* HU-211(dexanabinol,
19 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
20 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
21 chromen-1-ol).

22 NEW PARAGRAPH. *000a.* Unless specifically exempted
23 or unless listed in another schedule, any material,
24 compound, mixture, or preparation which contains any
25 quantity of cannabimimetic agents, or which contains
26 their salts, isomers, and salts of isomers whenever the
27 existence of such salts, isomers, and salts of isomers
28 is possible within the specific chemical designation.

29 (1) The term "*cannabimimetic agents*" means any
30 substance that is a cannabinoid receptor type 1 (CB1
31 receptor) agonist as demonstrated by binding studies
32 and functional assays within any of the following
33 structural classes:

34 (a) 2-(3-hydroxycyclohexyl)phenol with substitution
35 at the 5-position of the phenolic ring by alkyl or

1 alkenyl, whether or not substituted on the cyclohexyl
2 ring to any extent.

3 (b) 3-(1-naphthoyl)indole or
4 3-(1-naphthylmethane)indole by substitution at the
5 nitrogen atom of the indole ring, whether or not
6 further substituted on the indole ring to any extent,
7 whether or not substituted on the naphthoyl or naphthyl
8 ring to any extent.

9 (c) 3-(1-naphthoyl)pyrrole by substitution at the
10 nitrogen atom of the pyrrole ring, whether or not
11 further substituted in the pyrrole ring to any extent,
12 whether or not substituted on the naphthoyl ring to any
13 extent.

14 (d) 1-(1-naphthylmethylene)indene by substitution
15 of the 3-position of the indene ring, whether or not
16 further substituted in the indene ring to any extent,
17 whether or not substituted on the naphthyl ring to any
18 extent.

19 (e) 3-phenylacetylindole or 3-benzoylindole by
20 substitution at the nitrogen atom of the indole ring,
21 whether or not further substituted in the indole ring
22 to any extent, whether or not substituted on the phenyl
23 ring to any extent.

24 (2) Such terms include:

25 (a) CP 47,497 and homologues
26 5-(1,1-dimethylheptyl)-2-
27 [(1R,3S)-3-hydroxycyclohexyl]phenol.

28 (b) JWH-018 and AM678
29 1-Pentyl-3-(1-naphthoyl)indole.

30 (c) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

31 (d) JWH-200[1-[2-(4-morpholinyl)ethyl]-1H-
32 indol-3-yl]-1-naphthalenyl-methanone.

33 (e) JWH-19 1-hexyl-3-(1-naphthoyl)indole.

34 (f) JWH-81
35 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.

1 (g) JWH-122
2 1-pentyl-3-(4-methyl-1-naphthoyl)indole.
3 (h) JWH-250
4 1-pentyl-3-(2-methoxyphenylacetyl)indole.
5 (i) RCS-4 and SR-19
6 1-pentyl-3-[(4-methoxy)-benzoyl]indole.
7 (j) RCS-8 and SR 18 1-cyclohexylethyl-3-
8 (2-methoxyphenylacetyl)indole.
9 (k) AM2201
10 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.
11 (l) JWH-203
12 1-pentyl-3-(2-chlorophenylacetyl)indole.
13 (m) JWH-398
14 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
15 (n) AM694
16 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
17 (o) Cannabicyclohexanol or CP-47,497 C8-homolog 5-
18 (1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
19 Sec. 26. Section 124.208, subsection 5, paragraph
20 a, subparagraphs (3) and (4), Code 2016, are amended by
21 striking the subparagraphs.
22 Sec. 27. Section 124.210, subsection 2, Code 2016,
23 is amended by adding the following new paragraph:
24 NEW PARAGRAPH. *c.* 2-[(dimethylamino)methyl]-1-
25 (3-methoxyphenyl)cyclohexanol, its salts, optical
26 and geometric isomers, and salts of these isomers
27 (including tramadol).
28 Sec. 28. Section 124.210, subsection 3, Code 2016,
29 is amended by adding the following new paragraphs:
30 NEW PARAGRAPH. *bb.* Alfaxalone.
31 NEW PARAGRAPH. *bc.* Suvorexant.
32 Sec. 29. Section 124.401, subsection 1, unnumbered
33 paragraph 1, Code 2016, is amended to read as follows:
34 Except as authorized by [this chapter](#), it is unlawful
35 for any person to manufacture, deliver, or possess with

1 the intent to manufacture or deliver, a controlled
2 substance, a counterfeit substance, ~~or~~ a simulated
3 controlled substance, or an imitation controlled
4 substance, or to act with, enter into a common scheme
5 or design with, or conspire with one or more other
6 persons to manufacture, deliver, or possess with
7 the intent to manufacture or deliver a controlled
8 substance, a counterfeit substance, ~~or~~ a simulated
9 controlled substance, or an imitation controlled
10 substance.

11 Sec. 30. Section 124.401, subsection 1, paragraph
12 a, unnumbered paragraph 1, Code 2016, is amended to
13 read as follows:

14 Violation of [this subsection](#), with respect to
15 the following controlled substances, counterfeit
16 substances, ~~or~~ simulated controlled substances, or
17 imitation controlled substances, is a class "B" felony,
18 and notwithstanding [section 902.9, subsection 1](#),
19 paragraph "b", shall be punished by confinement for no
20 more than fifty years and a fine of not more than one
21 million dollars:

22 Sec. 31. Section 124.401, subsection 1, paragraph
23 a, Code 2016, is amended by adding the following new
24 subparagraph:

25 NEW SUBPARAGRAPH. (8) More than ten kilograms of a
26 mixture or substance containing any detectable amount
27 of those substances identified in section 124.204,
28 subsection 9.

29 Sec. 32. Section 124.401, subsection 1, paragraph
30 b, unnumbered paragraph 1, Code 2016, is amended to
31 read as follows:

32 Violation of [this subsection](#) with respect to
33 the following controlled substances, counterfeit
34 substances, ~~or~~ simulated controlled substances, or
35 imitation controlled substances is a class "B" felony,

1 and in addition to the provisions of section 902.9,
2 subsection 1, paragraph "b", shall be punished by a
3 fine of not less than five thousand dollars nor more
4 than one hundred thousand dollars:

5 Sec. 33. Section 124.401, subsection 1, paragraph
6 b, Code 2016, is amended by adding the following new
7 subparagraph:

8 NEW SUBPARAGRAPH. (9) More than five kilograms but
9 not more than ten kilograms of a mixture or substance
10 containing any detectable amount of those substances
11 identified in section 124.204, subsection 9.

12 Sec. 34. Section 124.401, subsection 1, paragraph
13 c, unnumbered paragraph 1, Code 2016, is amended to
14 read as follows:

15 Violation of this subsection with respect to
16 the following controlled substances, counterfeit
17 substances, ~~or~~ simulated controlled substances, or
18 imitation controlled substances is a class "C" felony,
19 and in addition to the provisions of section 902.9,
20 subsection 1, paragraph "d", shall be punished by a
21 fine of not less than one thousand dollars nor more
22 than fifty thousand dollars:

23 Sec. 35. Section 124.401, subsection 1, paragraph
24 c, Code 2016, is amended by adding the following new
25 subparagraph:

26 NEW SUBPARAGRAPH. (7A) Five kilograms or less of a
27 mixture or substance containing any detectable amount
28 of those substances identified in section 124.204,
29 subsection 9.

30 Sec. 36. Section 124.401, subsection 1, paragraph
31 c, subparagraph (8), Code 2016, is amended to read as
32 follows:

33 (8) Any other controlled substance, counterfeit
34 substance, ~~or~~ simulated controlled substance, or
35 imitation controlled substance classified in schedule

1 I, II, or III, except as provided in paragraph "d".

2 Sec. 37. Section 124.401, subsection 1, paragraph
3 d, Code 2016, is amended to read as follows:

4 d. Violation of this subsection, with respect
5 to any other controlled substances, counterfeit
6 substances, ~~or simulated controlled substances~~
7 ~~classified in section 124.204, subsection 4, paragraph~~
8 ~~"ai", or section 124.204, subsection 6, paragraph "i",~~
9 ~~or, or imitation controlled substances~~ classified
10 in schedule IV or V is an aggravated misdemeanor.
11 However, violation of this subsection involving
12 fifty kilograms or less of marijuana or involving
13 flunitrazepam is a class "D" felony.

14 Sec. 38. Section 124.401, subsection 2, Code 2016,
15 is amended to read as follows:

16 2. If the same person commits two or more acts
17 which are in violation of subsection 1 and the acts
18 occur in approximately the same location or time
19 period so that the acts can be attributed to a single
20 scheme, plan, or conspiracy, the acts may be considered
21 a single violation and the weight of the controlled
22 substances, counterfeit substances, ~~or simulated~~
23 controlled substances, or imitation controlled
24 substances involved may be combined for purposes of
25 charging the offender.

26 Sec. 39. Section 124.401, subsection 5, unnumbered
27 paragraph 1, Code 2016, is amended to read as follows:

28 It is unlawful for any person knowingly or
29 intentionally to possess a controlled substance unless
30 such substance was obtained directly from, or pursuant
31 to, a valid prescription or order of a practitioner
32 while acting in the course of the practitioner's
33 professional practice, or except as otherwise
34 authorized by this chapter. Any person who violates
35 this subsection is guilty of a serious misdemeanor for

1 a first offense. A person who commits a violation of
2 this subsection and who has previously been convicted
3 of violating this chapter or chapter ~~124A~~, ~~124B~~, or
4 453B, or chapter 124A as it existed prior to July
5 1, 2016, is guilty of an aggravated misdemeanor. A
6 person who commits a violation of this subsection and
7 has previously been convicted two or more times of
8 violating this chapter or chapter ~~124A~~, ~~124B~~, or 453B,
9 or chapter 124A as it existed prior to July 1, 2016, is
10 guilty of a class "D" felony.

11 Sec. 40. Section 124.401A, Code 2016, is amended to
12 read as follows:

13 **124.401A Enhanced penalty for manufacture or**
14 **distribution to persons on certain real property.**

15 In addition to any other penalties provided in
16 this chapter, a person who is eighteen years of age
17 or older who unlawfully manufactures with intent to
18 distribute, distributes, or possesses with intent to
19 distribute a substance or counterfeit substance listed
20 in schedule I, II, or III, or a simulated or imitation
21 controlled substance represented to be a controlled
22 substance classified in schedule I, II, or III, to
23 another person who is eighteen years of age or older in
24 or on, or within one thousand feet of the real property
25 comprising a public or private elementary or secondary
26 school, public park, public swimming pool, public
27 recreation center, or on a marked school bus, may be
28 sentenced up to an additional term of confinement of
29 five years.

30 Sec. 41. Section 124.401B, Code 2016, is amended to
31 read as follows:

32 **124.401B Possession of controlled substances on**
33 **certain real property — additional penalty.**

34 In addition to any other penalties provided in this
35 chapter or another chapter, a person who unlawfully

1 possesses a substance listed in schedule I, II, or
2 III, or a simulated or imitation controlled substance
3 represented to be a controlled substance classified
4 in schedule I, II, or III, in or on, or within one
5 thousand feet of the real property comprising a public
6 or private elementary or secondary school, public park,
7 public swimming pool, public recreation center, or on
8 a marked school bus, may be sentenced to one hundred
9 hours of community service work for a public agency
10 or a nonprofit charitable organization. The court
11 shall provide the offender with a written statement of
12 the terms and monitoring provisions of the community
13 service.

14 Sec. 42. Section 124.406, subsection 2, Code 2016,
15 is amended to read as follows:

16 2. A person who is eighteen years of age or older
17 who:

18 a. Unlawfully distributes or possesses with the
19 intent to distribute a counterfeit substance listed
20 in schedule I or II, or a simulated or imitation
21 controlled substance represented to be a substance
22 classified in schedule I or II, to a person under
23 eighteen years of age commits a class "B" felony.
24 However, if the substance was distributed in or on,
25 or within one thousand feet of, the real property
26 comprising a public or private elementary or secondary
27 school, public park, public swimming pool, public
28 recreation center, or on a marked school bus, the
29 person shall serve a minimum term of confinement of ten
30 years.

31 b. Unlawfully distributes or possesses with intent
32 to distribute a counterfeit substance listed in
33 schedule III, or a simulated or imitation controlled
34 substance represented to be any substance listed in
35 schedule III, to a person under eighteen years of age

1 who is at least three years younger than the violator
2 commits a class "C" felony.

3 c. Unlawfully distributes a counterfeit substance
4 listed in schedule IV or V, or a simulated or imitation
5 controlled substance represented to be a substance
6 listed in schedule IV or V, to a person under eighteen
7 years of age who is at least three years younger than
8 the violator commits an aggravated misdemeanor.

9 Sec. 43. Section 124.415, Code 2016, is amended to
10 read as follows:

11 **124.415 Parental and school notification — persons**
12 **under eighteen years of age.**

13 A peace officer shall make a reasonable effort to
14 identify a person under the age of eighteen discovered
15 to be in possession of a controlled substance,
16 counterfeit substance, ~~or~~ simulated controlled
17 substance, or imitation controlled substance in
18 violation of [this chapter](#), and if the person is not
19 referred to juvenile court, the law enforcement agency
20 of which the peace officer is an employee shall make
21 a reasonable attempt to notify the person's custodial
22 parent or legal guardian of such possession, whether
23 or not the person is arrested, unless the officer has
24 reasonable grounds to believe that such notification
25 is not in the best interests of the person or will
26 endanger that person. If the person is taken into
27 custody, the peace officer shall notify a juvenile
28 court officer who shall make a reasonable effort to
29 identify the elementary or secondary school the person
30 attends, if any, and to notify the superintendent of
31 the school district, the superintendent's designee,
32 or the authorities in charge of the nonpublic school
33 of the taking into custody. A reasonable attempt to
34 notify the person includes but is not limited to a
35 telephone call or notice by first-class mail.

1 Sec. 44. NEW SECTION. 124.417 Imitation controlled
2 substances — exceptions.

3 It is not unlawful under this chapter for a person
4 registered under section 124.302, to manufacture,
5 deliver, or possess with the intent to manufacture or
6 deliver, or to act with, one or more other persons
7 to manufacture, deliver, or possess with the intent
8 to manufacture or deliver an imitation controlled
9 substance for use as a placebo by a registered
10 practitioner in the course of professional practice or
11 research.

12 Sec. 45. Section 124.502, subsection 1, paragraph
13 a, Code 2016, is amended to read as follows:

14 a. A district judge or district associate judge,
15 within the court's jurisdiction, and upon proper
16 oath or affirmation showing probable cause, may issue
17 warrants for the purpose of conducting administrative
18 inspections under [this chapter](#) or a related rule
19 ~~or under [chapter 124A](#)~~. The warrant may also permit
20 seizures of property appropriate to the inspections.
21 For purposes of the issuance of administrative
22 inspection warrants, probable cause exists upon showing
23 a valid public interest in the effective enforcement
24 of the statute or related rules, sufficient to justify
25 administrative inspection of the area, premises,
26 building, or conveyance in the circumstances specified
27 in the application for the warrant.

28 Sec. 46. Section 155A.6, subsection 3, Code 2016,
29 is amended to read as follows:

30 3. The board shall establish standards for
31 pharmacist-intern registration and may deny, suspend,
32 or revoke a pharmacist-intern registration for failure
33 to meet the standards or for any violation of the laws
34 of this state, another state, or the United States
35 relating to prescription drugs, controlled substances,

1 or nonprescription drugs, or for any violation of this
2 chapter or [chapter 124](#), ~~[124A](#)~~, [124B](#), [126](#), [147](#), or [205](#),
3 or any rule of the board.

4 Sec. 47. Section 155A.6A, subsection 5, Code 2016,
5 is amended to read as follows:

6 5. The board may deny, suspend, or revoke the
7 registration of, or otherwise discipline, a registered
8 pharmacy technician for any violation of the laws
9 of this state, another state, or the United States
10 relating to prescription drugs, controlled substances,
11 or nonprescription drugs, or for any violation of this
12 chapter or [chapter 124](#), ~~[124A](#)~~, [124B](#), [126](#), [147](#), [205](#), or
13 [272C](#), or any rule of the board.

14 Sec. 48. Section 155A.6B, subsection 5, Code 2016,
15 is amended to read as follows:

16 5. The board may deny, suspend, or revoke the
17 registration of a pharmacy support person or otherwise
18 discipline the pharmacy support person for any
19 violation of the laws of this state, another state,
20 or the United States relating to prescription drugs,
21 controlled substances, or nonprescription drugs, or for
22 any violation of [this chapter](#) or [chapter 124](#), ~~[124A](#)~~,
23 [124B](#), [126](#), [147](#), [205](#), or [272C](#), or any rule of the board.

24 Sec. 49. Section 155A.13A, subsection 3, Code 2016,
25 is amended to read as follows:

26 3. *Discipline.* The board may deny, suspend, or
27 revoke a nonresident pharmacy license for any violation
28 of [this section](#), [section 155A.15](#), [subsection 2](#),
29 paragraph ["a"](#), ["b"](#), ["d"](#), ["e"](#), ["f"](#), ["g"](#), ["h"](#), or ["i"](#),
30 [chapter 124](#), ~~[124A](#)~~, [124B](#), [126](#), or [205](#), or a rule of the
31 board.

32 Sec. 50. Section 155A.17, subsection 2, Code 2016,
33 is amended to read as follows:

34 2. The board shall establish standards for drug
35 wholesaler licensure and may define specific types of

1 wholesaler licenses. The board may deny, suspend, or
2 revoke a drug wholesale license for failure to meet the
3 applicable standards or for a violation of the laws
4 of this state, another state, or the United States
5 relating to prescription drugs, devices, or controlled
6 substances, or for a violation of [this chapter](#), chapter
7 124, ~~124A~~, [124B](#), [126](#), or [205](#), or a rule of the board.

8 Sec. 51. Section 155A.42, subsection 4, Code 2016,
9 is amended to read as follows:

10 4. The board may deny, suspend, or revoke a limited
11 drug and device distributor's license for failure to
12 meet the applicable standards or for a violation of
13 the laws of this state, another state, or the United
14 States relating to prescription drugs or controlled
15 substances, or for a violation of [this chapter](#), chapter
16 124, ~~124A~~, [124B](#), [126](#), [205](#), or [272C](#), or a rule of the
17 board.

18 Sec. 52. REPEAL. Chapter 124A, Code 2016, is
19 repealed.>

20 2. Title page, by striking lines 1 through 5 and
21 inserting <An Act relating to controlled substances
22 and the medical cannabidiol Act, including imitation
23 controlled substances, temporarily designating
24 substances as controlled substances, including
25 effective date provisions, and providing criminal
26 penalties.>>>

NUNN of Polk