

S-3148

1 Amend House File 567, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 1, through page 14,
4 line 19, and inserting:

5 <Section 1. Section 124.101, Code 2015, is amended
6 by adding the following new subsection:

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

19 Sec. ____. NEW SECTION. 124.101B Factors indicating
20 an imitation controlled substance.

21 If a substance has not been designated as an
22 imitation controlled substance by the board of pharmacy
23 and if dosage unit appearance alone does not establish
24 that a substance is an imitation controlled substance,
25 the following factors may be considered in determining
26 whether the substance is an imitation controlled
27 substance:

28 1. The person in control of the substance expressly
29 or impliedly represents that the substance has the
30 effect of a controlled substance.

31 2. The person in control of the substance expressly
32 or impliedly represents that the substance because
33 of its nature or appearance can be sold or delivered
34 as a controlled substance or as a substitute for a
35 controlled substance.

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

41 Sec. ____. Section 124.201, subsection 4, Code 2015,
42 is amended to read as follows:

43 4. If any new substance is designated as a
44 controlled substance under federal law and notice of
45 the designation is given to the board, the board shall
46 similarly designate as controlled the new substance
47 under this chapter after the expiration of thirty days
48 from publication in the federal register of a final
49 order designating a new substance as a controlled
50 substance, unless within that thirty-day period the

1 board objects to the new designation. In that case
2 the board shall publish the reasons for objection and
3 afford all interested parties an opportunity to be
4 heard. At the conclusion of the hearing the board
5 shall announce its decision. Upon publication of
6 objection to a new substance being designated as a
7 controlled substance under this chapter by the board,
8 control under this chapter is stayed until the board
9 publishes its decision. If a substance is designated
10 as controlled by the board under this subsection the
11 control shall be considered a temporary and if, within
12 sixty days after the next regular session of the
13 general assembly convenes, the general assembly has not
14 made the corresponding changes in this chapter, the
15 temporary designation of control of the substance by
16 the board shall be nullified amendment to the schedules
17 of controlled substances in this chapter. If the
18 board so designates a substance as controlled, which
19 is considered a temporary amendment to the schedules
20 of controlled substances in this chapter, and if
21 the general assembly does not amend this chapter to
22 enact the temporary amendment and make the enactment
23 effective within two years from the date the temporary
24 amendment first became effective, the temporary
25 amendment is repealed by operation of law two years
26 from the effective date of the temporary amendment. A
27 temporary amendment repealed by operation of law is
28 subject to section 4.13 relating to the construction
29 of statutes and the application of a general savings
30 provision.

31 Sec. _____. Section 124.204, subsection 4, paragraphs
32 m and u, Code 2015, are amended by striking the
33 paragraphs.

34 Sec. _____. Section 124.204, subsection 4, paragraph
35 ai, subparagraphs (3), (4), and (5), Code 2015, are
36 amended by striking the subparagraphs.

37 Sec. _____. Section 124.204, subsection 4, paragraph
38 aj, Code 2015, is amended by striking the paragraph and
39 inserting in lieu thereof the following:

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

41 Some trade or other names:

42 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT.

43 Sec. _____. Section 124.204, subsection 4, paragraph
44 ak, Code 2015, is amended by striking the paragraph and
45 inserting in lieu thereof the following:

46 *ak.* 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine
47 (2C-E).

48 Sec. _____. Section 124.204, subsection 4, Code 2015,
49 is amended by adding the following new paragraphs:

50 NEW PARAGRAPH. *a1.* 2-(2,5-Dimethoxy-4-

1 methylphenyl)ethanamine (2C-D).
2 NEW PARAGRAPH. *am.* 2-(4-Chloro-2,5-
3 dimethoxyphenyl)ethanamine (2C-C).
4 NEW PARAGRAPH. *an.* 2-(4-Iodo-2,5-
5 dimethoxyphenyl)ethanamine (2C-I).
6 NEW PARAGRAPH. *ao.* 2-[4-(Ethylthio)-2,5-
7 dimethoxyphenyl]ethanamine (2C-T-2).
8 NEW PARAGRAPH. *ap.* 2-[4-(Isopropylthio)-2,5-
9 dimethoxyphenyl]ethanamine (2C-T-4).
10 NEW PARAGRAPH. *aq.* 2-(2,5-Dimethoxyphenyl)
11 ethanamine (2C-H).
12 NEW PARAGRAPH. *ar.* 2-(2,5-Dimethoxy-4-
13 nitrophenyl)ethanamine (2C-N).
14 NEW PARAGRAPH. *as.* 2-(2,5-Dimethoxy-4-(n)-
15 propylphenyl)ethanamine (2C-P).
16 Sec. ____. Section 124.204, subsection 6, paragraph
17 i, subparagraph (3), Code 2015, is amended by striking
18 the subparagraph and inserting in lieu thereof the
19 following:
20 (3) 3,4-Methylenedioxy-N-methylcathinone
21 (methylone).
22 Sec. ____. Section 124.204, subsection 6, paragraph
23 i, subparagraphs (18), (19), (20), (21), and (22), Code
24 2015, are amended by striking the subparagraphs and
25 inserting in lieu thereof the following:
26 (18) 4-methyl-N-ethylcathinone. Other names:
27 4-MEC, 2-(ethylamino)-1-(4-methylphenyl)propan-1-one.
28 (19) 4-methyl-alpha6 pyrrolidinopropiophenone.
29 Other names: 4-MePPP, MePPP,
30 4-methyl-[alpha]-pyrrolidinopropiophenone, 8
31 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one.
32 (20) Pentedrone. Other names:
33 [alpha]-methylaminovalerophenone,
34 2-(methylamino)-1-phenylpentan-1-one.
35 (21) Pentylone. Other names: bk-MBDP,
36 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one.
37 (22) Alpha-pyrrolidinobutiophenone. Other names:
38 [alpha]-PBP, 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one.
39 Sec. ____. Section 124.204, subsection 6, paragraph
40 i, subparagraphs (23), (24), (25), and (26), Code 2015,
41 are amended by striking the subparagraphs.
42 Sec. ____. Section 124.204, subsection 7, Code 2015,
43 is amended by striking the subsection.
44 Sec. ____. Section 124.204, subsection 9, Code 2015,
45 is amended by adding the following new paragraphs:
46 NEW PARAGRAPH. *0a.* HU-210.
47 [(6aR,10aR)-9-(hydroxymethyl)-
48 6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-
49 tetrahydrobenzo[c] chromen-1-ol)].
50 NEW PARAGRAPH. *00a.* HU-211(dexanabinol,

1 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
2 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
3 chromen-1-ol).

4 NEW PARAGRAPH. 000a. Unless specifically exempted
5 or unless listed in another schedule, any material,
6 compound, mixture, or preparation which contains any
7 quantity of cannabimimetic agents, or which contains
8 their salts, isomers, and salts of isomers whenever the
9 existence of such salts, isomers, and salts of isomers
10 is possible within the specific chemical designation.

11 (1) The term "*cannabimimetic agents*" means any
12 substance that is a cannabinoid receptor type 1 (CB1
13 receptor) agonist as demonstrated by binding studies
14 and functional assays within any of the following
15 structural classes:

16 (a) 2-(3-hydroxycyclohexyl)phenol with substitution
17 at the 5-position of the phenolic ring by alkyl or
18 alkenyl, whether or not substituted on the cyclohexyl
19 ring to any extent.

20 (b) 3-(1-naphthoyl)indole or
21 3-(1-naphthylmethane)indole by substitution at the
22 nitrogen atom of the indole ring, whether or not
23 further substituted on the indole ring to any extent,
24 whether or not substituted on the naphthoyl or naphthyl
25 ring to any extent.

26 (c) 3-(1-naphthoyl)pyrrole by substitution at the
27 nitrogen atom of the pyrrole ring, whether or not
28 further substituted in the pyrrole ring to any extent,
29 whether or not substituted on the naphthoyl ring to any
30 extent.

31 (d) 1-(1-naphthylmethylene)indene by substitution
32 of the 3-position of the indene ring, whether or not
33 further substituted in the indene ring to any extent,
34 whether or not substituted on the naphthyl ring to any
35 extent.

36 (e) 3-phenylacetylindole or 3-benzoylindole by
37 substitution at the nitrogen atom of the indole ring,
38 whether or not further substituted in the indole ring
39 to any extent, whether or not substituted on the phenyl
40 ring to any extent.

41 (2) Such terms include:

42 (a) CP 47,497 and homologues
43 5-(1,1-dimethylheptyl)-2-
44 [(1R,3S)-3-hydroxycyclohexyl]phenol.

45 (b) JWH-018 and AM678
46 1-Pentyl-3-(1-naphthoyl)indole.

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

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

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

1 (f) JWH-81
2 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.
3 (g) JWH-122
4 1-pentyl-3-(4-methyl-1-naphthoyl)indole.
5 (h) JWH-250
6 1-pentyl-3-(2-methoxyphenylacetyl)indole.
7 (i) RCS-4 and SR-19
8 1-pentyl-3-[(4methoxy)-benzoyl]indole.
9 (j) RCS-8 and SR 18 1-cyclohexylethyl-3-
10 (2-methoxyphenylacetyl)indole.
11 (k) AM2201
12 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.
13 (l) JWH-203
14 1-pentyl-3-(2-chlorophenylacetyl)indole.
15 (m) JWH-398
16 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
17 (n) AM694
18 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
19 (o) Cannabicyclohexanol or CP-47,497 C8-homolog 5-
20 (1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
21 NEW
22 PARAGRAPH. 0d. N-(1-amino-3-methyl-1-oxobutan-2-
23 yl)-1-(4- fluorobenzyl)-1H-indazole-3-carboxamide.
24 Other names: AB-FUBINACA.
25 NEW PARAGRAPH. 00d. N-(1-amino-
26 3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-
27 1 H-indazole-3-carboxamide. Other names: ADB-PINACA.
28 NEW PARAGRAPH. 000d. Quinolin-8-yl
29 1-pentyl-1H-indole-3-carboxylate.
30 Other names: PB-22, QUPIC.
31 NEW PARAGRAPH. 0000d. Quinolin-8-yl
32 1-(5-fluoropentyl)-1H-indole-3-carboxylate. Other
33 names: 5-fluoro-PB-22, 5F-PB-22.
34 NEW
35 PARAGRAPH. 00000d. N-(1-amino-3-methyl-1-oxobutan-
36 2-yl)-1-pentyl-1H-indazole-3-carboxamide. Other names:
37 AB-PINACA.
38 NEW
39 PARAGRAPH. 000000d. N-(1-amino-3-methyl-1-oxobutan-
40 2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide.
41 Other names: AB-CHMINACA.
42 NEW
43 PARAGRAPH. 0000000d. [1-(5-fluoropentyl)-1H-indazol-
44 3-yl](naphthalen-1-yl)methanone. Other names:
45 THJ-2201.
46 Sec. ____. Section 124.206, subsection 7, Code 2015,
47 is amended to read as follows:
48 7. *Hallucinogenic substances.* Unless specifically
49 excepted or unless listed in another schedule, any
50 material, compound, mixture, or preparation which

1 contains any quantity of the following substances,
2 or, for purposes of paragraphs "a" and "b", which
3 contains any of its salts, isomers, or salts of isomers
4 whenever the existence of such salts, isomers, or salts
5 of isomers is possible within the specific chemical
6 designation (for purposes of this paragraph only, the
7 term "isomer" includes the optical, positional, and
8 geometric isomers):

9 ~~a. Marijuana when used for medicinal purposes~~
10 ~~pursuant to rules of the board.~~

11 b. Tetrahydrocannabinols, meaning
12 tetrahydrocannabinols naturally contained in a
13 plant of the genus Cannabis (Cannabis plant) as well
14 as synthetic equivalents of the substances contained
15 in the Cannabis plant, or in the resinous extractives
16 of such plant, and synthetic substances, derivatives,
17 and their isomers with similar chemical structure and
18 pharmacological activity to those substances contained
19 in the plant, such as the following:

20 (1) 1 cis or trans tetrahydrocannabinol, and their
21 optical isomers.

22 (2) 6 cis or trans tetrahydrocannabinol, and their
23 optical isomers.

24 (3) 3,4 cis or trans tetrahydrocannabinol, and
25 their optical isomers. (Since nomenclature of these
26 substances is not internationally standardized,
27 compounds of these structures, regardless of numerical
28 designation of atomic positions covered.)

29 ~~b. c. Nabilone [another name for~~
30 ~~nabilone: (+-) -~~
31 ~~trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-~~
32 ~~hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].~~

33 Sec. _____. Section 124.208, subsection 5, paragraph
34 a, subparagraphs (3) and (4), Code 2015, are amended by
35 striking the subparagraphs.

36 Sec. _____. Section 124.210, subsection 2, Code 2015,
37 is amended by adding the following new paragraph:

38 NEW PARAGRAPH. c. 2-[(dimethylamino)methyl]-1-
39 (3-methoxyphenyl)cyclohexanol, its salts, optical
40 and geometric isomers, and salts of these isomers
41 (including tramadol).

42 Sec. _____. Section 124.210, subsection 3, Code 2015,
43 is amended by adding the following new paragraphs:

44 NEW PARAGRAPH. bb. Alfaxalone.

45 NEW PARAGRAPH. bc. Suvorexant.

46 Sec. _____. Section 124.401, subsection 1, unnumbered
47 paragraph 1, Code 2015, is amended to read as follows:

48 Except as authorized by this chapter, it is unlawful
49 for any person to manufacture, deliver, or possess with
50 the intent to manufacture or deliver, a controlled

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

10 Sec. _____. Section 124.401, subsection 1, paragraph
11 a, unnumbered paragraph 1, Code 2015, is amended to
12 read as follows:

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

21 Sec. _____. Section 124.401, subsection 1, paragraph
22 a, subparagraph (3), Code 2015, is amended to read as
23 follows:

24 (3) More than ~~fifty~~ one hundred twenty-five grams
25 of a mixture or substance described in subparagraph (2)
26 which contains cocaine base.

27 Sec. _____. Section 124.401, subsection 1, paragraph
28 a, Code 2015, is amended by adding the following new
29 subparagraph:

30 **NEW SUBPARAGRAPH.** (8) More than ten kilograms of a
31 mixture or substance containing any detectable amount
32 of those substances identified in section 124.204,
33 subsection 9.

34 Sec. _____. Section 124.401, subsection 1, paragraph
35 b, unnumbered paragraph 1, Code 2015, is amended to
36 read as follows:

37 Violation of this subsection with respect to
38 the following controlled substances, counterfeit
39 substances, ~~or~~ simulated controlled substances, or
40 imitation controlled substances is a class "B" felony,
41 and in addition to the provisions of section 902.9,
42 subsection 1, paragraph "b", shall be punished by a
43 fine of not less than five thousand dollars nor more
44 than one hundred thousand dollars:

45 Sec. _____. Section 124.401, subsection 1, paragraph
46 b, subparagraph (3), Code 2015, is amended to read as
47 follows:

48 (3) More than ~~ten~~ thirty-five grams but not more
49 than ~~fifty~~ one hundred twenty-five grams of a mixture
50 or substance described in subparagraph (2) which

1 contains cocaine base.

2 Sec. _____. Section 124.401, subsection 1, paragraph
3 b, Code 2015, is amended by adding the following new
4 subparagraph:

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

9 Sec. _____. Section 124.401, subsection 1, paragraph
10 c, unnumbered paragraph 1, Code 2015, is amended to
11 read as follows:

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

20 Sec. _____. Section 124.401, subsection 1, paragraph
21 c, subparagraph (3), Code 2015, is amended to read as
22 follows:

23 (3) ~~Ten~~ Thirty-five grams or less of a mixture or
24 substance described in subparagraph (2) which contains
25 cocaine base.

26 Sec. _____. Section 124.401, subsection 1, paragraph
27 c, Code 2015, is amended by adding the following new
28 subparagraph:

29 NEW SUBPARAGRAPH. (8) Five kilograms or less of a
30 mixture or substance containing any detectable amount
31 of those substances identified in section 124.204,
32 subsection 9.

33 Sec. _____. Section 124.401, subsection 1, paragraph
34 c, subparagraph (8), Code 2015, is amended to read as
35 follows:

36 ~~(8)~~ (9) Any other controlled substance,
37 counterfeit substance, ~~or simulated controlled~~
38 substance, or imitation substance classified in
39 schedule I, II, or III, except as provided in paragraph
40 "d".

41 Sec. _____. Section 124.401, subsection 1, paragraph
42 d, Code 2015, is amended to read as follows:

43 d. Violation of this subsection, with respect
44 to any other controlled substances, counterfeit
45 substances, ~~or simulated controlled substances~~
46 ~~classified in section 124.204, subsection 4, paragraph~~
47 ~~"ai", or section 124.204, subsection 6, paragraph "i",~~
48 or, or imitation controlled substances classified
49 in schedule IV or V is an aggravated misdemeanor.
50 However, violation of this subsection involving

1 fifty kilograms or less of marijuana or involving
2 flunitrazepam is a class "D" felony.

3 Sec. _____. Section 124.401, subsection 2, Code 2015,
4 is amended to read as follows:

5 2. If the same person commits two or more acts
6 which are in violation of subsection 1 and the acts
7 occur in approximately the same location or time
8 period so that the acts can be attributed to a single
9 scheme, plan, or conspiracy, the acts may be considered
10 a single violation and the weight of the controlled
11 substances, counterfeit substances, ~~or~~ simulated
12 controlled substances, or imitation controlled
13 substances involved may be combined for purposes of
14 charging the offender.

15 Sec. _____. Section 124.401, subsection 5, Code 2015,
16 is amended to read as follows:

17 5. It is unlawful for any person knowingly or
18 intentionally to possess a controlled substance unless
19 such substance was obtained directly from, or pursuant
20 to, a valid prescription or order of a practitioner
21 while acting in the course of the practitioner's
22 professional practice, or except as otherwise
23 authorized by this chapter. Any Except as otherwise
24 provided in this subsection, any person who violates
25 this subsection is guilty of a serious misdemeanor for
26 a first offense. A person who commits a violation of
27 this subsection and who has previously been convicted
28 of violating this chapter or chapter ~~124A~~, 124B, or
29 453B, or chapter 124A as it existed prior to July
30 1, 2015, is guilty of an aggravated misdemeanor. A
31 person who commits a violation of this subsection and
32 has previously been convicted two or more times of
33 violating this chapter or chapter ~~124A~~, 124B, or 453B,
34 or chapter 124A as it existed prior to July 1, 2015, is
35 guilty of a class "D" felony.

36 a. (1) If Except as provided in subparagraph
37 (4), if the controlled substance is marijuana, the
38 punishment shall be by imprisonment in the county jail
39 for not more than six months or by a fine of not more
40 than one thousand dollars, or by both such fine and
41 imprisonment for a first offense.

42 (2) If the controlled substance is marijuana and
43 the person has been previously convicted of a violation
44 of this subsection in which the controlled substance
45 was marijuana, the punishment shall be as provided in
46 section 903.1, subsection 1, paragraph "b".

47 (3) If the controlled substance is marijuana and
48 the person has been previously convicted two or more
49 times of a violation of this subsection in which the
50 controlled substance was marijuana, the person is

1 guilty of an aggravated misdemeanor.

2 (4) If the controlled substance is five grams or
3 less of marijuana and subparagraphs (2) and (3) do not
4 apply, the person is guilty of a simple misdemeanor.

5 (5) A person may knowingly or intentionally
6 recommend, possess, use, dispense, deliver, transport,
7 or administer cannabidiol if the recommendation,
8 possession, use, dispensing, delivery, transporting,
9 or administering is in accordance with the provisions
10 of chapter 124D. For purposes of this paragraph
11 subparagraph, "cannabidiol" means the same as defined
12 in section 124D.2.

13 b. All or any part of a sentence imposed pursuant
14 to this subsection may be suspended and the person
15 placed upon probation upon such terms and conditions as
16 the court may impose including the active participation
17 by such person in a drug treatment, rehabilitation or
18 education program approved by the court.

19 c. If a person commits a violation of this
20 subsection, the court shall order the person to serve
21 a term of imprisonment of not less than forty-eight
22 hours. Any sentence imposed may be suspended, and
23 the court shall place the person on probation upon
24 such terms and conditions as the court may impose.
25 If the person is not sentenced to confinement under
26 the custody of the director of the department of
27 corrections, the terms and conditions of probation
28 shall require submission to random drug testing. If
29 the person fails a drug test, the court may transfer
30 the person's placement to any appropriate placement
31 permissible under the court order.

32 d. If the controlled substance is amphetamine,
33 its salts, isomers, or salts of its isomers, or
34 methamphetamine, its salts, isomers, or salts of its
35 isomers, the court shall order the person to serve
36 a term of imprisonment of not less than forty-eight
37 hours. Any sentence imposed may be suspended, and the
38 court shall place the person on probation upon such
39 terms and conditions as the court may impose. The
40 court may place the person on intensive probation.
41 However, the terms and conditions of probation shall
42 require submission to random drug testing. If the
43 person fails a drug test, the court may transfer
44 the person's placement to any appropriate placement
45 permissible under the court order.

46 Sec. ____. Section 124.401A, Code 2015, is amended
47 to read as follows:

48 **124.401A Enhanced penalty for manufacture or**
49 **distribution to persons on certain real property.**

50 In addition to any other penalties provided in this

1 chapter, a person who is eighteen years of age or older
2 who unlawfully manufactures with intent to distribute,
3 distributes, or possesses with intent to distribute a
4 substance or counterfeit substance listed in schedule
5 I, II, or III, or a simulated controlled substance
6 or an imitation controlled substance represented to
7 be a controlled substance classified in schedule I,
8 II, or III, to another person who is eighteen years
9 of age or older in or on, or within one thousand feet
10 of the real property comprising a public or private
11 elementary or secondary school, public park, public
12 swimming pool, public recreation center, or on a marked
13 school bus, may be sentenced up to an additional term
14 of confinement of five years.

15 Sec. _____. Section 124.401B, Code 2015, is amended
16 to read as follows:

17 **124.401B Possession of controlled substances on**
18 **certain real property — additional penalty.**

19 In addition to any other penalties provided in this
20 chapter or another chapter, a person who unlawfully
21 possesses a substance listed in schedule I, II, or III,
22 or a simulated controlled substance or an imitation
23 controlled substance represented to be a controlled
24 substance classified in schedule I, II, or III, in or
25 on, 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, may be
29 sentenced to one hundred hours of community service
30 work for a public agency or a nonprofit charitable
31 organization. The court shall provide the offender
32 with a written statement of the terms and monitoring
33 provisions of the community service.

34 Sec. _____. Section 124.406, subsection 2, Code 2015,
35 is amended to read as follows:

36 2. A person who is eighteen years of age or older
37 who:

38 a. Unlawfully distributes or possesses with the
39 intent to distribute a counterfeit substance listed in
40 schedule I or II, or a simulated controlled substance
41 or an imitation controlled substance represented to
42 be a substance classified in schedule I or II, to a
43 person under eighteen years of age commits a class "B"
44 felony. However, if the substance was distributed
45 in or on, or within one thousand feet of, the real
46 property comprising a public or private elementary or
47 secondary school, public park, public swimming pool,
48 public recreation center, or on a marked school bus,
49 the person shall serve a minimum term of confinement
50 of ten years.

1 **b.** Unlawfully distributes or possesses with
2 intent to distribute a counterfeit substance listed
3 in schedule III, or a simulated controlled substance
4 or an imitation controlled substance represented to
5 be any substance listed in schedule III, to a person
6 under eighteen years of age who is at least three years
7 younger than the violator commits a class "C" felony.

8 **c.** Unlawfully distributes a counterfeit substance
9 listed in schedule IV or V, or a simulated controlled
10 substance or an imitation controlled substance
11 represented to be a substance listed in schedule IV or
12 V, to a person under eighteen years of age who is at
13 least three years younger than the violator commits an
14 aggravated misdemeanor.

15 Sec. _____. Section 124.415, Code 2015, is amended to
16 read as follows:

17 **124.415 Parental and school notification — persons**
18 **under eighteen years of age.**

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

42 Sec. _____. **NEW SECTION. 124.417 Imitation**
43 **controlled substances — exceptions.**

44 It is not unlawful under this chapter for a person
45 registered under section 124.302, to manufacture,
46 deliver, or possess with the intent to manufacture or
47 deliver, or to act with, one or more other persons
48 to manufacture, deliver, or possess with the intent
49 to manufacture or deliver an imitation controlled
50 substance for use as a placebo by a registered

1 practitioner in the course of professional practice or
2 research.

3 Sec. _____. Section 124.502, subsection 1, paragraph
4 a, Code 2015, is amended to read as follows:

5 a. A district judge or district associate judge,
6 within the court's jurisdiction, and upon proper
7 oath or affirmation showing probable cause, may issue
8 warrants for the purpose of conducting administrative
9 inspections under this chapter or a related rule
10 ~~or under chapter 124A~~. The warrant may also permit
11 seizures of property appropriate to the inspections.
12 For purposes of the issuance of administrative
13 inspection warrants, probable cause exists upon showing
14 a valid public interest in the effective enforcement
15 of the statute or related rules, sufficient to justify
16 administrative inspection of the area, premises,
17 building, or conveyance in the circumstances specified
18 in the application for the warrant.

19 Sec. _____. Section 155A.6, subsection 3, Code 2015,
20 is amended to read as follows:

21 3. The board shall establish standards for
22 pharmacist-intern registration and may deny, suspend,
23 or revoke a pharmacist-intern registration for failure
24 to meet the standards or for any violation of the laws
25 of this state, another state, or the United States
26 relating to prescription drugs, controlled substances,
27 or nonprescription drugs, or for any violation of this
28 chapter or chapter 124, ~~124A~~, 124B, 126, 147, or 205,
29 or any rule of the board.

30 Sec. _____. Section 155A.6A, subsection 5, Code 2015,
31 is amended to read as follows:

32 5. The board may deny, suspend, or revoke the
33 registration of, or otherwise discipline, a registered
34 pharmacy technician for any violation of the laws
35 of this state, another state, or the United States
36 relating to prescription drugs, controlled substances,
37 or nonprescription drugs, or for any violation of this
38 chapter or chapter 124, ~~124A~~, 124B, 126, 147, 205, or
39 272C, or any rule of the board.

40 Sec. _____. Section 155A.6B, subsection 5, Code 2015,
41 is amended to read as follows:

42 5. The board may deny, suspend, or revoke the
43 registration of a pharmacy support person or otherwise
44 discipline the pharmacy support person for any
45 violation of the laws of this state, another state,
46 or the United States relating to prescription drugs,
47 controlled substances, or nonprescription drugs, or for
48 any violation of this chapter or chapter 124, ~~124A~~,
49 124B, 126, 147, 205, or 272C, or any rule of the board.

50 Sec. _____. Section 155A.13A, subsection 3, Code

1 2015, is amended to read as follows:

2 3. *Discipline.* The board may deny, suspend, or
3 revoke a nonresident pharmacy license for any violation
4 of this section, section 155A.15, subsection 2,
5 paragraph "a", "b", "d", "e", "f", "g", "h", or "i",
6 chapter 124, ~~124A~~, 124B, 126, or 205, or a rule of the
7 board.

8 Sec. _____. Section 155A.17, subsection 2, Code 2015,
9 is amended to read as follows:

10 2. The board shall establish standards for drug
11 wholesaler licensure and may define specific types of
12 wholesaler licenses. The board may deny, suspend, or
13 revoke a drug wholesale license for failure to meet the
14 applicable standards or for a violation of the laws
15 of this state, another state, or the United States
16 relating to prescription drugs, devices, or controlled
17 substances, or for a violation of this chapter, chapter
18 124, ~~124A~~, 124B, 126, or 205, or a rule of the board.

19 Sec. _____. Section 155A.42, subsection 4, Code 2015,
20 is amended to read as follows:

21 4. The board may deny, suspend, or revoke a limited
22 drug and device distributor's license for failure to
23 meet the applicable standards or for a violation of
24 the laws of this state, another state, or the United
25 States relating to prescription drugs or controlled
26 substances, or for a violation of this chapter, chapter
27 124, ~~124A~~, 124B, 126, 205, or 272C, or a rule of the
28 board.

29 Sec. _____. Section 901.10, subsection 1, Code 2015,
30 is amended to read as follows:

31 1. A court sentencing a person for the person's
32 first conviction under section 124.406, ~~124.413~~, or
33 902.7 may, at its discretion, sentence the person to a
34 term less than provided by the statute if mitigating
35 circumstances exist and those circumstances are stated
36 specifically in the record.

37 Sec. _____. Section 901.10, subsection 2, Code 2015,
38 is amended to read as follows:

39 2. *a.* Except as provided in paragraph "b", a
40 court sentencing a person where section 124.413 is
41 applicable may, at its discretion, waive the mandatory
42 minimum sentence in section 124.413, if the person
43 is classified as a low or low to moderate risk to
44 reoffend.

45 *b.* (1) Notwithstanding subsection 1 paragraph
46 "a", if the sentence under a court sentencing a person
47 where section 124.413 is applicable that involves
48 an amphetamine or methamphetamine offense under
49 section 124.401, subsection 1, paragraph "a" or "b",
50 the court shall not grant any reduction of sentence

1 unless the defendant pleads guilty or the person
2 is classified as a low or low to moderate risk to
3 reoffend. If the defendant pleads guilty or the person
4 is classified as a low or low to moderate risk to
5 reoffend, the court may, at its discretion, reduce the
6 mandatory minimum sentence by up to one-third. If the
7 defendant additionally cooperates in the prosecution
8 of other persons involved in the sale or use of
9 controlled substances, and if the prosecutor requests
10 an additional reduction in the defendant's sentence
11 because of such cooperation, the court may grant a
12 further reduction in the defendant's mandatory minimum
13 sentence, up to one-half of the remaining mandatory
14 minimum sentence.

15 (2) Subparagraph (1) only applies to a person's
16 first conviction that involves an amphetamine or
17 methamphetamine offense under section 124.401,
18 subsection 1, paragraph "a" or "b". Upon a second or
19 subsequent conviction that involves such an offense
20 under section 124.401, the person is not eligible for a
21 reduction of sentence.

22 Sec. _____. REPEAL. Chapter 124A, Code 2015, is
23 repealed.>

24 2. Title page, line 2, by striking <enhancing the
25 penalties for imitation> and inserting <modifying the
26 penalties for>

STEVEN J. SODDERS