

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF PHARMACY
BILL)

A BILL FOR

1 An Act relating to controlled substances, including amending
2 information collection and reporting requirements under
3 the Iowa prescription monitoring program, amending the
4 controlled substance schedules, removing certain references
5 to marijuana, making penalties applicable, and including
6 effective date provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1

DIVISION I

2 IOWA PRESCRIPTION MONITORING PROGRAM INFORMATION

3 Section 1. Section 124.554, subsection 1, paragraph g, Code
4 2019, is amended to read as follows:

5 g. Including all schedule II, III, and IV
6 controlled substances, ~~those substances in schedules III and IV~~
7 ~~that the advisory council and board determine can be addictive~~
8 ~~or fatal if not taken under the proper care and direction~~
9 ~~of a prescribing practitioner, and schedule V controlled~~
10 ~~substances including when dispensed by a pharmacist without~~
11 ~~a prescription, except for sales of pseudoephedrine which~~
12 ~~are reported to the real-time electronic repository, opioid~~
13 ~~antagonists, and other prescription substances that the board~~
14 ~~and advisory council determine can be addictive or fatal if~~
15 ~~not taken under the proper care and direction of a prescribing~~
16 ~~practitioner.~~

17 Sec. 2. Section 124.554, subsection 2, unnumbered paragraph
18 1, Code 2019, is amended to read as follows:

19 Beginning January February 1, 2007 2020, and annually by
20 January February 1 thereafter, the board and advisory council
21 shall present to the general assembly and the governor a
22 report prepared consistent with section 124.555, subsection 3,
23 paragraph "d", which shall include but not be limited to the
24 following:

25

DIVISION II

26 CONTROLLED SUBSTANCE SCHEDULES

27 Sec. 3. Section 124.204, subsection 2, Code 2019, is amended
28 by adding the following new paragraph:

29 NEW PARAGRAPH. *be.* MT-45 (1-cyclohexyl-4-(1,2-
30 diphenylethyl)piperazine).

31 Sec. 4. Section 124.204, subsection 4, paragraph m, Code
32 2019, is amended to read as follows:

33 *m.* Marijuana, ~~except as otherwise provided by rules of the~~
34 ~~board for medicinal purposes.~~

35 Sec. 5. Section 124.204, subsection 4, paragraph u,

1 unnumbered paragraph 1, Code 2019, is amended to read as
2 follows:

3 Tetrahydrocannabinols, ~~except as otherwise provided~~
4 ~~by rules of the board for medicinal purposes,~~ meaning
5 tetrahydrocannabinols naturally contained in a plant of
6 the genus Cannabis (Cannabis plant) as well as synthetic
7 equivalents of the substances contained in the Cannabis plant,
8 or in the resinous extractives of such plant, and synthetic
9 substances, derivatives, and their isomers with similar
10 chemical structure and pharmacological activity to those
11 substances contained in the plant, such as the following:

12 Sec. 6. Section 124.204, subsection 6, paragraph i, Code
13 2019, is amended by adding the following new subparagraph:

14 NEW SUBPARAGRAPH. (27) 1-(1,3-benzodioxol-5-yl)-2-
15 (ethylamino)-pentan-1-one. Other names: N-ethylpentylone or
16 ephylone.

17 Sec. 7. Section 124.204, subsection 7, Code 2019, is amended
18 by striking the subsection.

19 Sec. 8. Section 124.204, subsection 9, Code 2019, is amended
20 by adding the following new paragraphs:

21 NEW PARAGRAPH. *af.* N-(1-phenethylpiperidin-4-yl)-N-
22 phenylcyclopropanecarboxamide, its isomers, esters, ethers,
23 salts and salts of isomers, esters, and ethers. Other name:
24 cyclopropyl fentanyl.

25 NEW PARAGRAPH. *ag.* N-(1-phenethylpiperidin-4-yl)-N-
26 phenylpentanamide, its isomers, esters, ethers, salts and salts
27 of isomers, esters and ethers. Other name: valeryl fentanyl.

28 NEW PARAGRAPH. *ah.* N-(4-fluorophenyl)-N-(1-
29 phenethylpiperidin-4-yl)butyramide, its isomers, esters,
30 ethers, salts and salts of isomers, esters, and ethers. Other
31 name: para-fluorobutyryl fentanyl.

32 NEW PARAGRAPH. *ai.* N-(4-methoxyphenyl)-N-
33 (1-phenethylpiperidin-4-yl)butyramide, its isomers, esters,
34 ethers, salts and salts of isomers, esters, and ethers. Other
35 name: para-methoxybutyryl fentanyl.

1 NEW PARAGRAPH. *aj.* N-(4-chlorophenyl)-N-(1-
2 phenethylpiperidin-4-yl)isobutyramide, its isomers, esters,
3 ethers, salts and salts of isomers, esters, and ethers. Other
4 name: para-chloroisobutyryl fentanyl.

5 NEW PARAGRAPH. *ak.* N-(1-phenethylpiperidin-4-yl)-
6 N-phenylisobutyramide, its isomers, esters, ethers, salts and
7 salts of isomers, esters, and ethers. Other name: isobutyryl
8 fentanyl.

9 NEW PARAGRAPH. *al.* N-(1-phenethylpiperidin-4-yl)-
10 N-phenylcyclopentanecarboxamide, its isomers, esters, ethers,
11 salts and salts of isomers, esters, and ethers. Other name:
12 cyclopentyl fentanyl.

13 NEW PARAGRAPH. *am.* N-(2-fluorophenyl)-2-methoxy-N-
14 (1-phenethylpiperidin-4-yl)acetamide, its isomers, esters,
15 ethers, salts and salts of isomers, esters, and ethers. Other
16 name: ocfentanil.

17 NEW PARAGRAPH. *an.* Fentanyl-related substances, their
18 isomers, esters, ethers, salts and salts of isomers, esters
19 and ethers. "Fentanyl-related substance" means any substance
20 not otherwise listed under this schedule or another schedule,
21 and for which no exemption or approval is in effect under
22 section 505 of the federal Food, Drug, and Cosmetic Act that
23 is structurally related to fentanyl by one or more of the
24 following modifications:

25 (1) Replacement of the phenyl portion of the phenethyl group
26 by any monocycle, whether or not further substituted in or on
27 the monocycle.

28 (2) Substitution in or on the phenethyl group with alkyl,
29 alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro
30 groups.

31 (3) Substitution in or on the piperidine ring with alkyl,
32 alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl,
33 amino, or nitro groups.

34 (4) Replacement of the aniline ring with any aromatic
35 monocycle whether or not further substituted in or on the

1 aromatic monocycle.

2 (5) Replacement of the *N*-propionyl group by another acyl
3 group.

4 NEW PARAGRAPH. *ao.* Naphthalen-1-yl 1-(5-fluoropentyl)-
5 1*H*-indole-3-carboxylate. Other names: NM2201 or CBL2201.

6 NEW PARAGRAPH. *ap.* *N*-(1-amino-3-methyl-1-oxobutan-
7 2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide. Other
8 name: 5F-AB-PINACA.

9 NEW PARAGRAPH. *aq.* 1-(4-cyanobutyl)-*N*-(2-phenylpropan-
10 2-yl)-1*H*-indazole-3-carboxamide. Other names:

11 4-CN-CUMYL-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL
12 BINACA, CUMYL-4CN-BINACA, or SGT-78.

13 NEW PARAGRAPH. *ar.* Methyl 2-(1-(cyclohexylmethyl)-1*H*-
14 indole-3-carboxamido)-3-methylbutanoate. Other names:
15 MMB-CHMICA or AMB-CHMICA.

16 NEW PARAGRAPH. *as.* 1-(5-fluoropentyl)-*N*-(2-
17 phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide.
18 Other name: 5F-CUMYL-P7AICA.

19 Sec. 9. Section 124.206, subsection 7, paragraph a, Code
20 2019, is amended by striking the paragraph.

21 Sec. 10. Section 124.208, subsection 3, paragraph c, Code
22 2019, is amended to read as follows:

23 *c.* Any substance which contains any quantity of a derivative
24 of barbituric acid or any salt thereof including but not
25 limited to Fioricet.

26 Sec. 11. Section 124.212, Code 2019, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 6. *Approved cannabidiol drugs.* A drug
29 product in finished dosage formulation that
30 has been approved by the United States food and
31 drug administration that contains cannabidiol
32 (2-[1*R*-3-methyl-6*R*-(1-methylethenyl)-2-cyclohexen-1-yl]-5-
33 pentyl-1,3-benzenediol) derived from cannabis and no more than
34 0.1 percent (w/w) residual tetrahydrocannabinols.

35 Sec. 12. EFFECTIVE DATE. This division of this Act, being

1 deemed of immediate importance, takes effect upon enactment.

2

EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 DIVISION I — IOWA PRESCRIPTION MONITORING PROGRAM
6 INFORMATION REPORTING. This division expands reporting to
7 the Iowa prescription monitoring program (PMP) to include
8 those controlled substances in schedules III, IV, and V
9 under the Iowa uniform controlled substances Act (Act)
10 which are dispensed to patients in Iowa. This bill requires
11 all dispensations of schedules III, IV, and V controlled
12 substances, including those that do not require a prescription
13 to be dispensed by a pharmacist, to be reported to the PMP,
14 except for dispensations of pseudoephedrine, which are reported
15 to the real-time electronic repository. The division also
16 extends the reporting requirement to other prescription
17 substances that the board of pharmacy and the PMP advisory
18 council determine could be addictive or fatal if not taken
19 under the care and direction of a prescribing practitioner.

20 The division also changes the due date for annual reports to
21 the governor and legislature regarding the PMP from January 1
22 to February 1.

23 DIVISION II — CONTROLLED SUBSTANCE SCHEDULES. This
24 division adds one opioid analgesic, one synthetic cathinone,
25 five synthetic cannabinoids, and nine synthetic opioids
26 to schedule I of the Act, and any FDA-approved products
27 containing cannabidiol that contain no more than 0.1 percent
28 tetrahydrocannabinols to schedule V of the Act.

29 The division designates all products which contain
30 derivatives of barbituric acid (butalbital) as schedule III
31 controlled substances under the Act, subject to reporting to
32 the PMP.

33 The division strikes language referring to medical marijuana
34 programs of the board of pharmacy.

35 The division becomes effective upon enactment.