A BILL FOR

1 An Act making changes to the controlled substance schedules,
2 modifying the regulation of precursor substances, and
3 providing penalties, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
DIVISION I
CONTROLLED SUBSTANCES

Section 1. Section 124.204, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. bd. AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide.

Sec. 2. Section 124.204, subsection 9, Code 2017, is amended by adding the following new paragraphs:


NEW PARAGRAPH. q. N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: Butyryl fentanyl.

NEW PARAGRAPH. r. N-[1-[(2-hydroxy-2-(thiophen-2-yl)ethyl)piperidin-4-yl]-N-phenylpropionamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: beta-hydroxythiofentanyl.

NEW PARAGRAPH. s. 3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: U-47700.

Sec. 3. Section 124.206, subsection 2, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextorphan, nalbuphine, nalmefene, naloxegol, naloxone, and naltrexone, and their respective salts, but including the following:

Sec. 4. Section 124.206, subsection 2, paragraph d, Code 2017, is amended to read as follows:

d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves. Decocainized coca leaves or
extractions of coca leaves, which extractions do not contain cocaine or ecgonine, are excluded from this paragraph. The following substances and their salts, optical and geometric isomers, derivatives, and salts of derivatives and optical and geometric isomers including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives, and any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical to any of such substances, are included in this paragraph except that the substances shall not include:

(1) Cocaine Decocainized coca leaves or extractions of coca leaves, which extractions do not contain cocaine or ecgonine.

(2) Ecgonine [\123\I]ioflupane.

Sec. 5. Section 124.206, subsection 3, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. ac. Thiafentanil.

Sec. 6. Section 124.208, subsection 5, paragraph a, subparagraphs (3) and (4), Code 2017, are amended by striking the subparagraphs.

Sec. 7. Section 124.210, subsection 2, Code 2017, is amended by adding the following new paragraph:

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

Sec. 8. Section 124.210, subsection 3, Code 2017, is amended by adding the following new paragraphs:

NEW PARAGRAPH. bb. Alfaxalone.

NEW PARAGRAPH. bc. Suvorexant.

Sec. 9. Section 124.210, subsection 7, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl]([1S]-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino)methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers.
Sec. 10. Section 124.212, subsection 5, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide), including its salts. Other names: BRV, UCB-34714, Briviact.

DIVISION II

CODE CHAPTER 124B (PRECURSOR SUBSTANCES) REPEAL

Sec. 11. Section 124.401, subsection 5, unnumbered paragraph 1, Code 2017, is amended to read as follows:

It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor for a first offense. A person who commits a violation of this subsection and who has previously been convicted of violating this chapter or chapter 124A, 124B, or 453B, or chapter 124B as it existed prior to the effective date of this Act, is guilty of an aggravated misdemeanor. A person who commits a violation of this subsection and has previously been convicted two or more times of violating this chapter or chapter 124A, 124B, or 453B, or chapter 124B as it existed prior to the effective date of this Act, is guilty of a class "D" felony.

Sec. 12. Section 155A.6, subsection 3, Code 2017, is amended to read as follows:

3. The board shall establish standards for pharmacist-intern registration and may deny, suspend, or revoke a pharmacist-intern registration for failure to meet the standards or for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, 124A, 124B, 126, 147, or 205, or any rule of the board.
Sec. 13. Section 155A.6A, subsection 5, Code 2017, is amended to read as follows:

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

Sec. 14. Section 155A.6B, subsection 5, Code 2017, is amended to read as follows:

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

Sec. 15. Section 155A.13A, subsection 5, paragraph d, Code 2017, is amended to read as follows:

d. Any violation of this chapter or chapter 124, 124A, 124B, 126, or 205, or rule of the board.

Sec. 16. Section 155A.13C, subsection 5, paragraph d, Code 2017, is amended to read as follows:

d. Any violation of this chapter or chapter 124, 124A, 124B, 126, or 205, or rule of the board.

Sec. 17. Section 155A.17, subsection 2, Code 2017, is amended to read as follows:

2. The board shall establish standards for drug wholesaler licensure and may define specific types of wholesaler licenses. The board may deny, suspend, or revoke a drug wholesale license for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States relating to prescription drugs, devices, or controlled substances, or for a violation of this chapter, chapter 124,
1 124A, 124B, 126, or 205, or a rule of the board.
2 Sec. 18. Section 155A.42, subsection 4, Code 2017, is
3 amended to read as follows:
4 4. The board may deny, suspend, or revoke a limited drug and
5 device distributor's license for failure to meet the applicable
6 standards or for a violation of the laws of this state, another
7 state, or the United States relating to prescription drugs or
8 controlled substances, or for a violation of this chapter,
9 chapter 124, 124A, 124B, 126, 205, or 272C, or a rule of the
10 board.
11 Sec. 19. REPEAL. Chapter 124B, Code 2017, is repealed.
12 DIVISION III
13 EFFECTIVE DATE
14 Sec. 20. EFFECTIVE UPON ENACTMENT. This Act, being deemed
15 of immediate importance, takes effect upon enactment.
16 EXPLANATION
17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.
19 This bill makes changes to the controlled substance
20 schedules and modifies the regulation of precursor substances.
21 DIVISION I — CONTROLLED SUBSTANCES. The bill classifies
22 four synthetic opioids as schedule I controlled substances in
23 conformance with scheduling actions taken by the United States
24 department of justice, drug enforcement administration. The
25 bill also classifies as a schedule I controlled substance a
26 micro-opioid receptor agonist with analgesic activity similar
27 to morphine.
28 The bill classifies thiafentanil, an opioid and analogue of
29 fentanyl, as a schedule II controlled substance.
30 The bill removes hydrocodone-combination products from
31 the list of substances classified as schedule III controlled
32 substances. Currently, hydrocodone, as a single-entity
33 substance, is classified as a schedule II controlled
34 substance. The change under the bill effectively makes all
35 hydrocodone-containing products subject to the controls,
security, reporting, and penalty provisions for schedule II controlled substances.

The bill removes naloxegol, a new molecular entity and derivative of naloxone, from control as a schedule III controlled substance. The federal food and drug administration approved naloxegol for the treatment of opioid-induced constipation in adults with chronic non-cancer pain.

The bill also removes ioflupane from control as a schedule II controlled substance. This substance is a new molecular entity and is the active pharmaceutical ingredient in the drug DaTscan, approved by the federal food and drug administration for use in diagnosis of patients suspected of having Parkinson’s disease.

The bill classifies the substance commonly known as tramadol, a centrally acting opioid analgesic, as a schedule IV controlled substance. This substance was previously marketed and distributed as a noncontrolled prescription drug. Effective August 18, 2014, the federal drug enforcement administration classified tramadol as a schedule IV controlled substance under federal law.

The bill classifies alfaxalone, a neurosteroid with central nervous system depressant properties, as a schedule IV controlled substance. The federal food and drug administration approved this intravenous injectable anesthetic for use by or on the order of a licensed veterinarian. Alfaxalone is not available by prescription and is approved for use in veterinary practice.

The bill classifies suvorexant, an insomnia treatment approved by the federal food and drug administration, as a schedule IV controlled substance. This is a novel, first-in-class, chemical substance and information on actual abuse data is not available. However, data from clinical studies supports the classification in schedule IV.

The bill classifies eluxadoline, a new entity with central nervous system opioid properties approved by the federal food
and drug administration for the treatment of irritable bowel syndrome with diarrhea, as a schedule IV controlled substance.

The bill classifies brivaracetam, also known as briviact or BRV, as a schedule V controlled substance. Briviact is a new molecular entity with central nervous system depressant properties and has been approved as an add-on treatment to other medications to treat partial onset seizures in patients age 16 years and older with epilepsy.

It is a class "C" felony pursuant to Code section 124.401(1)(c)(8) for any unauthorized person to violate a provision of Code section 124.401 involving a classified substance placed on schedule I, II, or III pursuant to the bill. A class "C" felony for this particular offense is punishable by confinement for no more than 10 years and a fine of at least $1,000 but not more than $50,000.

It is an aggravated misdemeanor pursuant to Code section 124.401(1)(d) for any unauthorized person to violate a provision of Code section 124.401 involving a classified substance placed on schedule IV pursuant to the bill. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least $625 but not more than $6,250.

If a person possesses a controlled substance in violation of Code section 124.401(5) as a first offense, the person commits a serious misdemeanor. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $315 but not more than $1,875.

DIVISION II — PRECURSOR SUBSTANCES. The bill repeals Code chapter 124B relating to the regulation of precursor substances. Code section 124B.1 defines "precursor substance" to mean a substance which may be used as a precursor in the illegal production of a controlled substance and is specified in Code section 124B.2. Under Code section 124B.2, a manufacturer, retailer, or other person who sells, transfers, or otherwise furnishes to any person in this state a substance
1 listed in Code section 124B.2 is required to file a report with
2 the board of pharmacy unless certain exceptions apply under
3 Code section 124B.6. A person who commits a violation of Code
4 chapter 124B is subject to criminal penalties ranging from a
5 simple misdemeanor to a class "C" felony.
6 DIVISION III — EFFECTIVE DATE. The bill takes effect upon
7 enactment.