

See 2/14 D. Pass 2/13 (p. 414)

HOUSE FILE 2229

Judiciary  
Horn. Chair  
Drake  
Welsh

FEB 3 1984

HOUSE FILE 2229

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

Place On Calendar

(Formerly Study Bill 615)

Passed House, Date 2-7-84 (p. 307) Passed Senate, Date 2-16-84 (p. 465)

Vote: Ayes 96 Nays 0 Vote: Ayes 45 Nays 0

Approved March 6, 1984 (p. 755)

## A BILL FOR

1 An Act modifying the definitions and schedules of controlled  
2 substances and providing a penalty.

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

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HF 2229

1 Section 1. Section 204.101, Code 1983, is amended by  
2 adding the following new subsection as subsection 15, and  
3 renumbering the subsequent subsections:

4 NEW SUBSECTION. 15. "Isomer" means, except as otherwise  
5 designated, the optical isomer.

6 Sec. 2. Section 204.101, subsection 16, Code 1983, is  
7 amended by striking the subsection and inserting in lieu  
8 thereof the following:

9 16. "Marijuana" means all parts of the plants of the genus  
10 cannabis, whether growing or not; the seeds thereof; the resin  
11 extracted from any part of the plant; and every compound,  
12 manufacture, salt derivative, mixture or preparation of the  
13 plant, its seeds or resin, including tetrahydrocannabinols.  
14 It does not include the mature stalks of the plant, fiber  
15 produced from the stalks, oil or cake made from the seeds  
16 of the plant, any other compound, manufacture, salt,  
17 derivative, mixture, or preparation of the mature stalks  
18 (except the resin extracted therefrom), fiber, oil or cake  
19 or the sterilized seed of the plant which is incapable of  
20 germination.

21 Sec. 3. Section 204.101, subsection 17, paragraph d, Code  
22 1983, is amended by striking the paragraph.

23 Sec. 4. Section 204.204, subsection 2, unnumbered para-  
24 graph 1, Code 1983, is amended to read as follows:

25 Any OPIATES. Unless specifically excepted or unless listed  
26 in another schedule, any of the following opiates, including  
27 their isomers, esters, ethers, salts, and salts of isomers,  
28 esters, and ethers, ~~unless specifically excepted,~~ whenever  
29 the existence of these isomers, esters, ethers and salts is  
30 possible within the specific chemical designation:

31 Sec. 5. Section 204.204, subsection 3, unnumbered para-  
32 graph 1, Code 1983, is amended to read as follows:

33 Any OPIUM DERIVATIVES. Unless specifically excepted or  
34 unless listed in another schedule, any of the following opium  
35 derivatives, their salts, isomers and salts of isomers, ~~unless~~

1 specifically-excepted, whenever the existence of these salts,  
2 isomers and salts of isomers is possible within the specific  
3 chemical designation:

4 Sec. 6. Section 204.204, subsection 3, paragraph i, Code  
5 1983, is amended to read as follows:

6 i. Etorphine (except hydrochloride salt).

7 Sec. 7. Section 204.204, subsection 4, Code 1983, is  
8 amended by striking the subsection and inserting in lieu  
9 thereof the following:

10 4. HALLUCINOGENIC SUBSTANCES. Unless specifically excepted  
11 or unless listed in another schedule, any material, compound,  
12 mixture, or preparation, which contains any quantity of the  
13 following hallucinogenic substances, or which contains any  
14 of its salts, isomers, and salts of isomers whenever the  
15 existence of such salts, isomers, and salts of isomers is  
16 possible within the specific chemical designation (for pur-  
17 poses of this paragraph only, the term "isomer" includes the  
18 optical, position and geometric isomers):

19 a. 4-bromo-2,5-dimethoxy-amphetamine. Some trade or other  
20 names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-  
21 2,5-DMA.

22 b. 2,5-dimethoxyamphetamine. Some trade or other names:  
23 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA.

24 c. 4-methoxyamphetamine. Some trade or other names:  
25 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine,  
26 PMA.

27 d. 5-methoxy-3,4-methylenedioxy-amphetamine.

28 e. 4-methyl-2,5-dimethoxyl-amphetamine. Some trade or  
29 other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine;  
30 "DOM"; and "STP".

31 f. 3,4-methylenedioxy amphetamine, also known as MDA.

32 g. 3,4,5-trimethoxy amphetamine.

33 h. Bufotenine. Some trade or other names: 3-(B-  
34 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-  
35 5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-

- 1 dimethyltryptamine; mappine.
- 2 i. Diethyltryptamine. Some trade and other names: N,
- 3 N-Diethyltryptamine; DET.
- 4 j. Dimethyltryptamine. Some trade or other names: DMT.
- 5 k. Ibogaine. Some trade or other names: 7-Ethyl-
- 6 6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido
- 7 (1', 2':1,2) azepino (5,4-b) indole; Tabernanthe iboga.
- 8 l. Lysergic acid diethylamide.
- 9 m. Marijuana, except as otherwise provided by rules of
- 10 the board of pharmacy examiners for medicinal purposes.
- 11 n. Mescaline.
- 12 o. Parahexyl. Some trade or other names: 3-Hexyl-1-
- 13 hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo (b,d)
- 14 pyran; synhexyl.
- 15 p. Peyote, except as otherwise provided in subsection
- 16 8. Meaning all parts of the plant presently classified
- 17 botanically as *Lophophora williamsii* Lemaire, whether growing
- 18 or not, the seeds thereof, any extract from any part of such
- 19 plant, and every compound, manufacture, salts, derivative,
- 20 mixture, or preparations of such plant, its seeds or extracts.
- 21 q. N-ethyl-3-piperidyl benzilate.
- 22 r. N-methyl-3-piperidyl benzilate.
- 23 s. Psilocybin.
- 24 t. Psilocyn.
- 25 u. Tetrahydrocannabinols, except as otherwise provided
- 26 by rules of the board of pharmacy examiners for medicinal
- 27 purposes. Synthetic equivalents of the substances contained
- 28 in the plant, or in the resinous extractives of Cannabis,
- 29 and synthetic substances, derivatives, and their isomers with
- 30 similar chemical structure and pharmacological activity such
- 31 as the following: 1 cis or trans tetrahydrocannabinol, and
- 32 their optical isomers 6 cis or trans tetrahydrocannabinol,
- 33 and their optical isomers 3,4 cis or trans
- 34 tetrahydrocannabinol, and their optical isomers. (Since
- 35 nomenclature of these substances is not internationally

1 standardized, compounds of these structures, regardless of  
2 numerical designation of atomic positions covered.)

3 v. Ethylamine analog of phencyclidine. Some trade or  
4 other names: N-ethyl-1-phenylcyclohexylamine, (1-  
5 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)  
6 ethylamine, cyclohexamine, PCE.

7 w. Pyrrolidine analog of phencyclidine. Some trade or  
8 other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.

9 x. Thiophene analog of phencyclidine. Some trade or other  
10 names: 1-(1-(2-thienyl)-cyclohexyl)-piperidine, 2-  
11 thienylanalog of phencyclidine, TPCP, TCP.

12 Sec. 8. Section 204.204, subsection 6, Code 1983, is  
13 amended by adding the following new lettered paragraph:

14 NEW LETTERED PARAGRAPH. b. N-ethylamphetamine.

15 Sec. 9. Section 204.206, Code 1983, is amended by striking  
16 the section and inserting in lieu thereof the following:

17 204.206 SCHEDULE II--SUBSTANCES INCLUDED.

18 1. Schedule II consists of the drugs and other substances,  
19 by whatever official name, common or usual name, chemical  
20 name, or brand name designated, listed in this section.

21 2. SUBSTANCES, VEGETABLE ORIGIN OR CHEMICAL SYNTHESIS.  
22 Unless specifically excepted or unless listed in another  
23 schedule, any of the following substances whether produced  
24 directly or indirectly by extraction from substances of  
25 vegetable origin, or independently by means of chemical  
26 synthesis, or by a combination of extraction and chemical  
27 synthesis:

28 a. Opium and opiate, and any salt, compound, derivative,  
29 or preparation of opium or opiate, excluding apomorphine,  
30 dextrophan, nalbuphine, naloxone, and naltrexone, and their  
31 respective salts, but including the following:

- 32 (1) Raw opium.
- 33 (2) Opium extracts.
- 34 (3) Opium fluid extracts.
- 35 (4) Powdered opium.

- 1 (5) Granulated opium.
- 2 (6) Tincture of opium.
- 3 (7) Codeine.
- 4 (8) Ethylmorphine.
- 5 (9) Etorphine hydrochloride.
- 6 (10) Hydrocodone, also known as dihydrocodeinone.
- 7 (11) Hydromorphone, also known as dihydromorphinone.
- 8 (12) Metopon.
- 9 (13) Morphine.
- 10 (14) Oxycodone.
- 11 (15) Oxymorphone.
- 12 (16) Thebaine.
- 13 b. Any salt, compound, derivative or preparation thereof
- 14 which is chemically equivalent or identical with any of the
- 15 substances referred to in paragraph "a", subparagraph (1),
- 16 except that these substances shall not include the isoquinoline
- 17 alkaloids of opium.
- 18 c. Opium poppy and poppy straw.
- 19 d. Coca leaves and any salt, compound, derivative or pre-
- 20 paration of coca leaves. Decocainized coca leaves or ex-
- 21 tractions which do not contain cocaine or ecgonine are ex-
- 22 cluded from this paragraph. The following substances and
- 23 their salts, isomers and salts of isomers, if salts, isomers
- 24 or salts of isomers exist under the specific chemical designa-
- 25 tion, are included in this paragraph:
- 26 (1) Cocaine.
- 27 (2) Ecgonine.
- 28 e. Concentrate of poppy straw (the crude extract of poppy
- 29 straw in either liquid, solid or powder form which contains
- 30 the phenanthrene alkaloids of the opium poppy).
- 31 3. OPIATES. Unless specifically excepted or unless listed
- 32 in another schedule any of the following opiates, including
- 33 its isomers, esters, ethers, salts and salts of isomers,
- 34 esters and ethers whenever the existence of such isomers,
- 35 esters, ethers, and salts is possible within the specific

- 1 chemical designation, dextrorphan and levopropoxyphene  
2 excepted:
- 3 a. Alphaprodine.
  - 4 b. Anileridine.
  - 5 c. Bezitramide.
  - 6 d. Bulk dextropropoxyphene (nondosage forms).
  - 7 e. Dihydrocodeine.
  - 8 f. Diphenoxylate.
  - 9 g. Fentanyl.
  - 10 h. Isomethadone.
  - 11 i. Levomethorphan.
  - 12 j. Levorphanol.
  - 13 k. Metazocine.
  - 14 l. Methadone.
  - 15 m. Methadone--intermediate, 4-cyano-2-dimethylamino-4,4-  
16 diphenyl butane.
  - 17 n. Moramide--intermediate, 2-methyl-3-morpholino-1,1-  
18 diphenylpropane-carboxylic acid.
  - 19 o. Pethidine (meperidine).
  - 20 p. Pethidine intermediate A, 4-cyano-1-methyl-4-  
21 phenylpiperidine.
  - 22 q. Pethidine--intermediate-B, ethyl-4-phenylpiperidine-  
23 4-carboxylate.
  - 24 r. Pethidine--intermediate-C, 1-methyl-4-phenylpiperidine-  
25 4-carboxylic acid.
  - 26 s. Phenazocine.
  - 27 t. Piminodine.
  - 28 u. Racemethorphan.
  - 29 v. Racemorphan.
- 30 4. STIMULANTS. Unless specifically excepted or unless  
31 listed in another schedule, any material, compound, mixture,  
32 or preparation which contains any quantity of the following  
33 substances having a stimulant effect on the central nervous  
34 system:
- 35 a. Amphetamine, its salts, isomers, and salts of its

1 isomers.

2 b. Methamphetamine, its salts, isomers, and salts of its  
3 isomers.

4 c. Phenmetrazine and its salts.

5 d. Methylphenidate and its salts.

6 5. DEPRESSANTS. Unless specifically excepted or unless  
7 listed in another schedule, any material, compound, mixture,  
8 or preparation which contains any quantity of the following  
9 substances having a depressant effect on the central nervous  
10 system, including its salts, isomers, and salts of isomers  
11 whenever the existence of such salts, isomers, and salts of  
12 isomers is possible within the specific chemical designation:

13 a. Amobarbital.

14 b. Methaqualone.

15 c. Pentobarbital.

16 d. Phencyclidine.

17 e. Secobarbital.

18 6. IMMEDIATE PRECURSORS. Unless specifically excepted  
19 or unless listed in another schedule, any material, compound,  
20 mixture, or preparation which contains any quantity of the  
21 following substances:

22 a. Immediate precursor to amphetamine and methamphetamine:

23 (1) Phenylacetone. Some trade or other names: phenyl-  
24 2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

25 b. Immediate precursors to phencyclidine (PCP):

26 (1) 1-phenylcyclohexylamine.

27 (2) 1-piperidinocyclohexanecarbonitrile (PCC).

28 7. Marijuana, tetrahydrocannabinol and chemical deriva-  
29 tives of tetrahydrocannabinol shall be deemed to be schedule  
30 II substances, but only when used for medicinal purposes  
31 pursuant to rules of the board of pharmacy examiners.

32 Sec. 10. Section 204.208, Code 1983, is amended by striking  
33 the section and inserting in lieu thereof the following:

34 204.208 SCHEDULE III--SUBSTANCES INCLUDED.

35 1. The controlled substances listed in this section are

1 included in schedule III.

2 2. STIMULANTS. Unless specifically excepted or unless  
3 listed in another schedule, any material, compound, mixture,  
4 or preparation which contains any quantity of the following  
5 substances having a stimulant effect on the central nervous  
6 system, including its salts, isomers (whether optical, posi-  
7 tion, or geometric), and salts of such isomers whenever the  
8 existence of such salts, isomers, and salts of isomers is  
9 possible within the specific chemical designation:

- 10 a. Benzphetamine.
- 11 b. Chlorphentermine.
- 12 c. Clortermine.
- 13 d. Phendimetrazine.

14 3. DEPRESSANTS. Unless specifically excepted or unless  
15 listed in another schedule, any material, compound, mixture,  
16 or preparation which contains any quantity of the following  
17 substances having a depressant effect on the central nervous  
18 system:

- 19 a. Any compound, mixture or preparation containing  
20 amobarbital, secobarbital, pentobarbital or any salt thereof  
21 and one or more other active medicinal ingredients which are  
22 not listed in any schedules.
- 23 b. Any suppository dosage form containing amobarbital,  
24 secobarbital, pentobarbital or any salt of any of these drugs  
25 and approved by the federal food and drug administration for  
26 marketing only as a suppository.
- 27 c. Any substance which contains any quantity of a deriva-  
28 tive of barbituric acid or any salt thereof.
- 29 d. Chlorhexadol.
- 30 e. Glutethimide.
- 31 f. Lysergic acid.
- 32 g. Lysergic acid amide.
- 33 h. Methyprylon.
- 34 i. Sulfondiethylmethane.
- 35 j. Sulfonethylmethane.

- 1 k. Sulphonmethane.  
2 4. NALORPHINE.  
3 5. NARCOTIC DRUGS. Unless specifically excepted or unless  
4 listed in another schedule, any material, compound, mixture,  
5 or preparation containing any of the following narcotic drugs,  
6 or their salts calculated as the free anhydrous base or  
7 alkaloid, in limited quantities as set forth below:  
8 a. Not more than one point eight grams of codeine per  
9 one hundred milliliters or not more than ninety milligrams  
10 per dosage unit, with an equal or greater quantity of an  
11 isoquinoline alkaloid of opium.  
12 b. Not more than one point eight grams of codeine per  
13 one hundred milliliters or not more than ninety milligrams  
14 per dosage unit, with one or more active, nonnarcotic  
15 ingredients in recognized therapeutic amounts.  
16 c. Not more than three hundred milligrams of dihydro-  
17 codeinone per one hundred milliliters or not more than fifteen  
18 milligrams per dosage unit, with a fourfold or greater quan-  
19 tity of an isoquinoline alkaloid of opium.  
20 d. Not more than three hundred milligrams of dihydro-  
21 codeinone per one hundred milliliters or not more than fifteen  
22 milligrams per dosage unit, with one or more active nonnarcotic  
23 ingredients in recognized therapeutic amounts.  
24 e. Not more than one point eight grams of dihydrocodeine  
25 per one hundred milliliters or not more than ninety milligrams  
26 per dosage unit, with one or more active nonnarcotic  
27 ingredients in recognized therapeutic amounts.  
28 f. Not more than three hundred milligrams of ethylmorphine  
29 per one hundred milliliters or not more than fifteen milligrams  
30 per dosage unit, with one or more active, nonnarcotic  
31 ingredients in recognized therapeutic amounts.  
32 g. Not more than five hundred milligrams of opium per  
33 one hundred milliliters or per one hundred grams or not more  
34 than twenty-five milligrams per dosage unit, with one or more  
35 active, nonnarcotic ingredients in recognized therapeutic

1 amounts.

2 h. Not more than fifty milligrams of morphine per one  
3 hundred milliliters or per one hundred grams, with one or  
4 more active, nonnarcotic ingredients in recognized therapeutic  
5 amounts.

6 6. The board by rule may except any compound, mixture,  
7 or preparation containing any stimulant or depressant sub-  
8 stance listed in subsections 2 and 3 of this section from  
9 the application of all or any part of this chapter if the  
10 compound, mixture, or preparation contains one or more active  
11 medicinal ingredients not having a stimulant or depressant  
12 effect on the central nervous system, and if the admixtures  
13 are included therein in such combinations, quantity,  
14 proportion, or concentration as to vitiate the potential for  
15 abuse of the substances which have a stimulant or depressant  
16 effect on the central nervous system.

17 Sec. 11. Section 204.210, Code 1983, is amended by striking  
18 the section and inserting in lieu thereof the following:

19 204.210 SCHEDULE IV--SUBSTANCES INCLUDED.

20 1. The controlled substances listed in this section are  
21 included in schedule IV.

22 2. NARCOTIC DRUGS. Unless specifically excepted or unless  
23 listed in another schedule, any material, compound, mixture,  
24 or preparation containing any of the following narcotic drugs,  
25 or their salts calculated as the free anhydrous base or  
26 alkaloid, in limited quantities as set forth below:

27 a. Not more than one milligram of difenoxin and not less  
28 than twenty-five micrograms of atropine sulfate per dosage  
29 unit.

30 b. Dextropropoxyphene (alpha-(+)-4-dimethylamino-1-2-  
31 diphenyl-3-methyl-2-propionoxybutane).

32 3. DEPRESSANTS. Unless specifically excepted or unless  
33 listed in another schedule, any material, compound, mixture,  
34 or preparation which contains any quantity of the following  
35 substances, including its salts, isomers, and salts of isomers

1 whenever the existence of such salts, isomers, and salts of  
2 isomers is possible within the specific chemical designation:

- 3 a. Alprazolam.
- 4 b. Barbital.
- 5 c. Chloral betaine.
- 6 d. Chloral hydrate.
- 7 e. Chlordiazepoxide.
- 8 f. Clonazepam.
- 9 g. Clorazepate.
- 10 h. Diazepam.
- 11 i. Ethchlorvynol.
- 12 j. Ethinamate.
- 13 k. Flurazepam.
- 14 l. Halazepam.
- 15 m. Lorazepam.
- 16 n. Mebutamate.
- 17 o. Meprobamate.
- 18 p. Methohexital.
- 19 q. Methylphenobarbital (mephobarbital).
- 20 r. Oxazepam.
- 21 s. Paraldehyde.
- 22 t. Petrichloral.
- 23 u. Phenobarbital.
- 24 v. Prazepam.
- 25 w. Temazepam.
- 26 x. Triazolam.

27 4. FENFLURAMINE. Any material, compound, mixture, or  
28 preparation which contains any quantity of the following  
29 substances, including its salts, isomers (whether optical,  
30 position, or geometric), and salts of such isomers, whenever  
31 the existence of such salts, isomers, and salts of isomers  
32 is possible:

- 33 a. Fenfluramine.

34 5. STIMULANTS. Unless specifically excepted or unless  
35 listed in another schedule, any material, compound, mixture,

1 or preparation which contains any quantity of the following  
2 substances having a stimulant effect on the central nervous  
3 system, including its salts, isomers and salts of isomers:

- 4 a. Diethylpropion.
- 5 b. Mazindol.
- 6 c. Pemoline (including organometallic complexes and  
7 chelates thereof).
- 8 d. Phentermine.
- 9 e. Pipradrol.
- 10 f. SPA ((-)-1-dimethylamino-1,2-diphenylethane).

11 6. OTHER SUBSTANCES. Unless specifically excepted or  
12 unless listed in another schedule, any material, compound,  
13 mixture or preparation which contains any quantity of the  
14 following substances, including its salts:

- 15 a. Pentazocine.

16 . Sec. 12. Section 204.212, Code 1983, is amended by striking  
17 the section and inserting in lieu thereof the following:

18 204.212 SCHEDULE V--SUBSTANCES INCLUDED.

19 1. The controlled substances listed in this section are  
20 included in schedule V.

21 2. Narcotic drugs containing nonnarcotic active medicinal  
22 ingredients. Any compound, mixture, or preparation containing  
23 any of the following narcotic drugs, or their salts calculated  
24 as the free anhydrous base or alkaloid, in limited quantities  
25 as set forth below, which shall include one or more nonnarcotic  
26 active medicinal ingredients in sufficient proportion to  
27 confer upon the compound, mixture, or preparation valuable  
28 medicinal qualities other than those possessed by narcotic  
29 drugs alone:

- 30 a. Not more than two hundred milligrams of codeine per  
31 one hundred milliliters or per one hundred grams.
- 32 b. Not more than one hundred milligrams of dihydrocodeine  
33 per one hundred milliliters or per one hundred grams.
- 34 c. Not more than one hundred milligrams of ethylmorphine  
35 per one hundred milliliters or per one hundred grams.

1 d. Not more than two point five milligrams of diphenoxylate  
2 and not less than twenty-five micrograms of atropine sulfate  
3 per dosage unit.

4 e. Not more than one hundred milligrams of opium per one  
5 hundred milliliters or per one hundred grams.

6 f. Not more than point five milligram of difenoxin and  
7 not less than twenty-five micrograms of atropine sulfate per  
8 dosage unit.

9 Sec. 13. Section 204.401, subsection 1, paragraph a, Code  
10 1983, is amended to read as follows:

11 a. A substance classified in schedule I or II which is  
12 a narcotic drug or cocaine, is guilty of a class "C" felony.

13 Sec. 14. Section 204.401, subsection 2, paragraph a, Code  
14 1983, is amended to read as follows:

15 a. A counterfeit substance classified in schedule I or  
16 II which is a narcotic drug or cocaine, or a simulated  
17 controlled substance represented to be a narcotic drug or  
18 cocaine classified in schedule I or II, is guilty of a class  
19 "C" felony.

20 Sec. 15. Section 204.406, Code 1983, is amended to read  
21 as follows:

22 204.406 DISTRIBUTION TO PERSON UNDER AGE EIGHTEEN.

23 1. A person who is eighteen years of age or over who  
24 violates section 204.401, subsection 1, by distributing a  
25 substance listed in schedule I or II, which is a narcotic  
26 drug or cocaine, to a person under eighteen years of age,  
27 is guilty of a class "B" felony; however the minimum time  
28 to be served before parole may be granted is five years.  
29 A person who is eighteen years of age or over who violates  
30 section 204.401, subsection 1, by distributing any other  
31 controlled substance listed in schedule I, II, or III to a  
32 person under eighteen years of age who is at least three years  
33 younger than the violator is guilty of a class "C" felony.  
34 A person who is eighteen years of age or over who violates  
35 section 204.401, subsection 1 by distributing a controlled

1 substance listed in schedule IV or V to a person under eighteen  
2 years of age who is at least three years younger than the  
3 violator is guilty of an aggravated misdemeanor.

4 2. A person who is eighteen years of age or over who  
5 violates section 204.401, subsection 2 by distributing a  
6 counterfeit substance listed in schedule I or II which is  
7 a narcotic drug or cocaine, or a simulated controlled substance  
8 represented to be a narcotic drug or cocaine classified in  
9 schedule I or II, to a person under eighteen years of age  
10 is guilty of a class "B" felony. A person who is eighteen  
11 years of age or over who violates section 204.401, subsection  
12 2, by distributing any other counterfeit substance listed  
13 in schedule I, II, or III or a simulated controlled substance  
14 represented to be any substance listed in schedule I, II,  
15 or III, to a person under eighteen years of age who is at  
16 least three years younger than the violator is guilty of a  
17 class "C" felony. A person who is eighteen years of age or  
18 over who violates section 204.401, subsection 2, by  
19 distributing a counterfeit substance listed in schedule IV  
20 or V or a simulated controlled substance represented to be  
21 a substance listed in schedule IV or V to a person under  
22 eighteen years of age who is at least three years younger  
23 than the violator is guilty of an aggravated misdemeanor.

24 Sec. 16. Section 204.409, subsection 1, Code 1983, is  
25 amended to read as follows:

26 1. Whenever any a person who has not previously been  
27 convicted of any an offense under this chapter or any an  
28 offense under any a state or federal statute relating to  
29 narcotic drugs or cocaine, marijuana, or stimulant, depressant,  
30 or hallucinogenic drugs, pleads guilty to or is found guilty  
31 of possession of a controlled substance under section 204.401,  
32 subsection 3, or is sentenced pursuant to section 204.410,  
33 the court, without entering a judgment of guilt and with the  
34 consent of the accused, may defer further proceedings and  
35 place ~~him~~ the accused on probation upon terms and conditions

1 as it requires. When a person is placed on probation under  
2 this subsection, ~~his~~ the person's appearance bond may be  
3 discharged at the discretion of the court. Upon violation  
4 of a term or condition, the court may enter an adjudication  
5 of guilt and proceed as otherwise provided. Upon fulfillment  
6 of the terms and conditions, the court shall discharge the  
7 person and dismiss the proceedings against ~~him~~ the person.  
8 Discharge and dismissal under this section shall be without  
9 court adjudication of guilt and is not a conviction for  
10 purposes of this section or for purposes of disqualifications  
11 or disabilities imposed by law upon conviction of a crime,  
12 including the additional penalties imposed for second or  
13 subsequent convictions under section 204.410. Discharge and  
14 dismissal under this section may occur only once with respect  
15 to any person.

16 Sec. 17. Section 204.411, subsection 2, Code 1983, is  
17 amended to read as follows:

18 2. For purposes of this section, an offense is considered  
19 a second or subsequent offense, if, prior to ~~his~~ the person's  
20 having been convicted of the offense, the offender has ever  
21 been convicted under this chapter or under any state or federal  
22 statute relating to narcotic drugs or cocaine, marijuana,  
23 depressant, stimulant, or hallucinogenic drugs.

24 EXPLANATION

25 Sections 1 through 12 of this bill modify the definitions  
26 and schedules in chapter 204, the uniform controlled substances  
27 chapter.

28 Sections 12 through 17 of this bill provide for the treat-  
29 ment of cocaine as a narcotic drug for the purpose of penalties  
30 under chapter 204.

31 This bill takes effect July 1 following its enactment.

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HOUSE FILE 2229

AN ACT

MODIFYING THE DEFINITIONS AND SCHEDULES OF CONTROLLED SUBSTANCES AND PROVIDING A PENALTY.

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

Section 1. Section 204.101, Code 1983, is amended by adding the following new subsection as subsection 15, and renumbering the subsequent subsections:

NEW SUBSECTION. 15. "Isomer" means, except as otherwise designated, the optical isomer.

Sec. 2. Section 204.101, subsection 16, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

16. "Marijuana" means all parts of the plants of the genus cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

Sec. 3. Section 204.101, subsection 17, paragraph d, Code 1983, is amended by striking the paragraph.

Sec. 4. Section 204.204, subsection 2, unnumbered paragraph 1, Code 1983, is amended to read as follows:

ANY OPIATES. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, ~~unless specifically excepted,~~ whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Sec. 5. Section 204.204, subsection 3, unnumbered paragraph 1, Code 1983, is amended to read as follows:

ANY OPIUM DERIVATIVES. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers and salts of isomers, ~~unless specifically excepted,~~ whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Sec. 6. Section 204.204, subsection 3, paragraph i, Code 1983, is amended to read as follows:

i. Etorphine (except hydrochloride salt).

Sec. 7. Section 204.204, subsection 4, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

4. HALLUCINOGENIC SUBSTANCES. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

a. 4-bromo-2,5-dimethoxy-amphetamine. Some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA.

- b. 2,5-dimethoxyamphetamine. Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA.
- c. 4-methoxyamphetamine. Some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine, PMA.
- d. 5-methoxy-3,4-methylenedioxy-amphetamine.
- e. 4-methyl-2,5-dimethoxy-amphetamine. Some trade or other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and "STP".
- f. 3,4-methylenedioxy amphetamine, also known as MDA.
- g. 3,4,5-trimethoxy amphetamine.
- h. Bufotenine. Some trade or other names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.
- i. Diethyltryptamine. Some trade and other names: N, N-Diethyltryptamine; DET.
- j. Dimethyltryptamine. Some trade or other names: DMT.
- k. Ibogaine. Some trade or other names: 7-Ethyl-6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido (1', 2':1,2) azepino (5,4-b) indole; Tabernanthe iboga.
- l. Lysergic acid diethylamide.
- m. Marijuana, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes.
- n. Mescaline.
- o. Parahexyl. Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo (b,d) pyran; synhexyl.
- p. Peyote, except as otherwise provided in subsection 8. Meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparations of such plant, its seeds or extracts.
- q. N-ethyl-3-piperidyl benzilate.
- r. N-methyl-3-piperidyl benzilate.

- s. Psilocybin.
- t. Psilocyn.
- u. Tetrahydrocannabinols, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes. Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Δ1 cis or trans tetrahydrocannabinol, and their optical isomers Δ6 cis or trans tetrahydrocannabinol, and their optical isomers Δ3,4 cis or trans tetrahydrocannabinol, and their optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)
- v. Ethylamine analog of phencyclidine. Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE.
- w. Pyrrolidine analog of phencyclidine. Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.
- x. Thiophene analog of phencyclidine. Some trade or other names: 1-(1-(2-thienyl)-cyclohexyl)-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP.
- Sec. 8. Section 204.204, subsection 6, Code 1983, is amended by adding the following new lettered paragraph:  
NEW LETTERED PARAGRAPH. b. N-ethylamphetamine.
- Sec. 9. Section 204.206, Code 1983, is amended by striking the section and inserting in lieu thereof the following:  
204.206 SCHEDULE II--SUBSTANCES INCLUDED.
- Schedule II consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
  - SUBSTANCES, VEGETABLE ORIGIN OR CHEMICAL SYNTHESIS. Unless specifically excepted or unless listed in another

schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

a. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrophan, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:

- (1) Raw opium.
- (2) Opium extracts.
- (3) Opium fluid extracts.
- (4) Powdered opium.
- (5) Granulated opium.
- (6) Tincture of opium.
- (7) Codeine.
- (8) Ethylmorphine.
- (9) Etorphine hydrochloride.
- (10) Hydrocodone, also known as dihydrocodeinone.
- (11) Hydromorphone, also known as dihydromorphinone.
- (12) Metopon.
- (13) Morphine.
- (14) Oxycodone.
- (15) Oxymorphone.
- (16) Thebaine.

b. Any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph "a", subparagraph (1), except that these substances shall not include the isoquinoline alkaloids of opium.

c. Opium poppy and poppy straw.

d. Coca leaves and any salt, compound, derivative or preparation of coca leaves. Decocainized coca leaves or extractions which do not contain cocaine or ecgonine are excluded from this paragraph. The following substances and

their salts, isomers and salts of isomers, if salts, isomers or salts of isomers exist under the specific chemical designation, are included in this paragraph:

- (1) Cocaine.
- (2) Ecgonine.

e. Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy).

3. OPIATES. Unless specifically excepted or unless listed in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

- a. Alphaprodine.
- b. Anileridine.
- c. Bezitramide.
- d. Bulk dextropropoxyphene (nondosage forms).
- e. Dihydrocodeine.
- f. Diphenoxylate.
- g. Fentanyl.
- h. Isomethadone.
- i. Levomethorphan.
- j. Levorphanol.
- k. Metazocine.
- l. Methadone.
- m. Methadone--intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.
- n. Moramide--intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid.
- o. Pethidine (meperidine).
- p. Pethidine intermediate A, 4-cyano-1-methyl-4-phenylpiperidine.

- g. Pethidine--intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
- h. Pethidine--intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- i. Ethenazocine.
- t. Piminodine.
- u. Racemorphan.
- v. Racemorphan.
4. STIMULANTS. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:
- Amphetamine, its salts, isomers, and salts of its isomers.
  - Methamphetamine, its salts, isomers, and salts of its isomers.
  - Phenmetrazine and its salts.
  - Methylphenidate and its salts.
5. DEPRESSANTS. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- Amobarbital.
  - Methaqualone.
  - Pentobarbital.
  - Phencyclidine.
  - Secobarbital.
6. IMMEDIATE PRECURSORS. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:
- Immediate precursor to amphetamine and methamphetamine:

- Phenylacetone. Some trade or other names: phenyl-2-propanone; P2K; benzyl ethyl ketone; ethyl benzyl ketone.
- b. Immediate precursors to pencyclidine (PCP):
- 1-phenylcyclohexylamine
  - 1-piperidinocyclohexanecarbonitrile (PCCl).
7. Marijuana, tetrahydrocannabinol and chemical derivatives of tetrahydrocannabinol shall be deemed to be schedule II substances, but only when used for medicinal purposes pursuant to rules of the board of pharmacy examiners.
- Sec. 10. Section 204.208, Code 1983, is amended by striking the section and inserting in lieu thereof the following:
- 204.208 SCHEDULE III--SUBSTANCES INCLUDED.
- The controlled substances listed in this section are included in schedule III.
  - STIMULANTS. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
    - Benzphetamine.
    - Chlorphentermine.
    - Clortermine.
    - Phendimetrazine.
  - DEPRESSANTS. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:
    - Any compound, mixture or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedules.

b. Any suppository dosage form containing amobarbital, secobarbital, pentobarbital or any salt of any of these drugs and approved by the federal food and drug administration for marketing only as a suppository.

c. Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof.

d. Chlorhexadol.

e. Glutethimide.

f. Lysergic acid.

g. Lysergic acid amide.

h. Methyprylon.

i. Sulfondiethylmethane.

j. Sulfonethylmethane.

k. Sulfonmethane.

4. NALORPHINE.

5. NARCOTIC DRUGS. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

a. Not more than one point eight grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

b. Not more than one point eight grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

c. Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

d. Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

e. Not more than one point eight grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

f. Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

g. Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

h. Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

6. The board by rule may except any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections 2 and 3 of this section from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

Sec. 11. Section 204.210, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

204.210 SCHEDULE IV--SUBSTANCES INCLUDED.

1. The controlled substances listed in this section are included in schedule IV.

2. NARCOTIC DRUGS. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,

or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

a. Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

b. Dextropropoxyphene (alpha-(+)-4-dimethylamino-1-2-diphenyl-3-methyl-2-propionoxybutane).

3. DEPRESSANTS. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- a. Alprazolam.
- b. Barbitol.
- c. Chloral betaine.
- d. Chloral hydrate.
- e. Chlordiazepoxide.
- f. Clonazepam.
- g. Clorazepate.
- h. Diazepam.
- i. Ethchlorvynol.
- j. Ethinamate.
- k. Flurazepam.
- l. Halazepam.
- m. Lorazepam.
- n. Mebutamate.
- o. Meprobamate.
- p. Methohexital.
- q. Methylphenobarbital (mephobarbital).
- r. Oxazepam.
- s. Paraldehyde.
- t. Petrichloral.

- u. Phenobarbital.
- v. Prazepam.
- w. Temazepam.
- x. Triazolam.

4. FENFLURAMINE. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- a. Fenfluramine.

5. STIMULANTS. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- a. Diethylpropion.
- b. Mazindol.
- c. Pemcline (including organometallic complexes and chelates thereof).
- d. Phentermine.
- e. Pipradrol.
- f. SPA ((-)-1-dimethylamino-1,2-diphenylethane).

6. OTHER SUBSTANCES. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

- a. Pentazocine.

Sec. 12. Section 204.212, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

204.212 SCHEDULE V--SUBSTANCES INCLUDED.

1. The controlled substances listed in this section are included in schedule V.

2. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing

any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

- a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams.
- b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams.
- c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams.
- d. Not more than two point five milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit.
- e. Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams.
- f. Not more than point five milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

Sec. 13. Section 204.401, subsection 1, paragraph a, Code 1983, is amended to read as follows:

- a. A substance classified in schedule I or II which is a narcotic drug or cocaine, is guilty of a class "C" felony.

Sec. 14. Section 204.401, subsection 2, paragraph a, Code 1983, is amended to read as follows:

- a. A counterfeit substance classified in schedule I or II which is a narcotic drug or cocaine, or a simulated controlled substance represented to be a narcotic drug or cocaine classified in schedule I or II, is guilty of a class "C" felony.

Sec. 15. Section 204.406, Code 1983, is amended to read as follows:

#### 204.406 DISTRIBUTION TO PERSON UNDER AGE EIGHTEEN.

1. A person who is eighteen years of age or over who violates section 204.401, subsection 1, by distributing a substance listed in schedule I or II, which is a narcotic drug or cocaine, to a person under eighteen years of age, is guilty of a class "B" felony; however the minimum time to be served before parole may be granted is five years. A person who is eighteen years of age or over who violates section 204.401, subsection 1, by distributing any other controlled substance listed in schedule I, II, or III to a person under eighteen years of age who is at least three years younger than the violator is guilty of a class "C" felony. A person who is eighteen years of age or over who violates section 204.401, subsection 1 by distributing a controlled substance listed in schedule IV or V to a person under eighteen years of age who is at least three years younger than the violator is guilty of an aggravated misdemeanor.

2. A person who is eighteen years of age or over who violates section 204.401, subsection 2 by distributing a counterfeit substance listed in schedule I or II which is a narcotic drug or cocaine, or a simulated controlled substance represented to be a narcotic drug or cocaine classified in schedule I or II, to a person under eighteen years of age is guilty of a class "B" felony. A person who is eighteen years of age or over who violates section 204.401, subsection 2, by distributing any other counterfeit substance listed in schedule I, II, or III or a simulated controlled substance represented to be any substance listed in schedule I, II, or III, to a person under eighteen years of age who is at least three years younger than the violator is guilty of a class "C" felony. A person who is eighteen years of age or over who violates section 204.401, subsection 2, by distributing a counterfeit substance listed in schedule IV or V or a simulated controlled substance represented to be a substance listed in schedule IV or V to a person under

eighteen years of age who is at least three years younger than the violator is guilty of an aggravated misdemeanor

Sec. 16. Section 204.409, subsection 1, Code 1983, is amended to read as follows:

1. Whenever ~~any~~ a person who has not previously been convicted of ~~any~~ an offense under this chapter or ~~any~~ an offense under ~~any~~ a state or federal statute relating to narcotic drugs or cocaine, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under section 204.401, subsection 3, or is sentenced pursuant to section 204.410, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place ~~him~~ the accused on probation upon terms and conditions as it requires. When a person is placed on probation under this subsection, ~~his~~ the person's appearance bond may be discharged at the discretion of the court. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against ~~him~~ the person. Discharge and dismissal under this section shall be without court adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under section 204.410. Discharge and dismissal under this section may occur only once with respect to any person.

Sec. 17. Section 204.411, subsection 2, Code 1983, is amended to read as follows:

2. For purposes of this section, an offense is considered a second or subsequent offense, if, prior to ~~his~~ the person's having been convicted of the offense, the offender has ever been convicted under this chapter or under any state or federal

statute relating to narcotic drugs or cocaine, marijuana, depressant, stimulant, or hallucinogenic drugs.

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

\_\_\_\_\_  
ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2229, Seventieth General Assembly.

\_\_\_\_\_  
JOSEPH O'HEARN  
Chief Clerk of the House

Approved 3/6 1984

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor