

House Study Bill 19

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH/BOARD OF
PHARMACY EXAMINERS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the classification and regulation of
2 controlled substances and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1091DP 82
5 nh/gg/14

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1 1 Section 1. Section 124.101, subsection 17, Code 2007, is
1 2 amended to read as follows:
1 3 17. "Isomer" means the optical isomer, except as used in
1 4 section 124.204, subsection 4, ~~section 124.204, subsection 9,~~
~~1 5 paragraph "b", and section 124.206, subsection 2, paragraph~~
1 6 "d". As used in section 124.204, subsection 4, ~~and section~~
~~1 7 124.204, subsection 9, paragraph "b", "isomer" means the~~
1 8 optical, positional, or geometric isomer. As used in section
1 9 124.206, subsection 2, paragraph "d", "isomer" means the
1 10 optical or geometric isomer.

1 11 Sec. 2. Section 124.204, subsection 2, unnumbered
1 12 paragraph 1, Code 2007, is amended to read as follows:
1 13 Unless specifically excepted or unless listed in another
1 14 schedule, any of the following opiates, including their
1 15 isomers, esters, ethers, salts, and salts of isomers, esters,
1 16 and ethers, whenever the existence of ~~these~~ such isomers,
1 17 esters, ethers, and salts is possible within the specific
1 18 chemical designation:

1 19 Sec. 3. Section 124.204, subsection 2, paragraph ax, Code
1 20 2007, is amended to read as follows:
1 21 ax. 3-Methylfentanyl (N=[3=methyl-1=(2-phenylethyl)-
1 22 4-piperidyl]-N-phenylpropanamide). For purposes of this
~~1 23 opiate, "isomers" include optical and geometric isomers.~~

1 24 Sec. 4. Section 124.204, subsection 4, paragraph u, Code
1 25 2007, is amended to read as follows:
1 26 u. Tetrahydrocannabinols, except as otherwise provided by
1 27 rules of the board of pharmacy examiners for medicinal
1 28 purposes. ~~Synthetic, meaning tetrahydrocannabinols naturally~~
~~1 29 contained in a plant of the genus Cannabis (Cannabis plant) as~~
~~1 30 well as synthetic~~ equivalents of the substances contained in
1 31 the Cannabis plant, or in the resinous extractives of ~~Cannabis~~
~~1 32 sp. such plant~~, and synthetic substances, derivatives, and
1 33 their isomers with similar chemical structure and
1 34 pharmacological activity ~~to those substances contained in the~~
~~1 35 plant~~, such as the following:

2 1 (1) 1 cis or trans tetrahydrocannabinol, and their optical
2 2 isomers, ~~excluding dronabinol in sesame oil and encapsulated~~
~~2 3 in a soft gelatin capsule in a drug product approved by the~~
~~2 4 United States food and drug administration.~~

2 5 (2) 6 cis or trans tetrahydrocannabinol, and their optical
2 6 isomers.

2 7 (3) 3,4 cis or trans tetrahydrocannabinol, and their
2 8 optical isomers. (Since nomenclature of these substances is
2 9 not internationally standardized, compounds of these
2 10 structures, regardless of numerical designation of atomic
2 11 positions covered.)

2 12 Sec. 5. Section 124.204, subsection 4, Code 2007, is
2 13 amended by adding the following new paragraphs:

2 14 NEW PARAGRAPH. af. 2,5-dimethoxy-4=(n)=propylthiophen-
2 15 ethylamine. Other name: 2C=T=7.

2 16 NEW PARAGRAPH. ag. Alpha=methyltryptamine. Other name:
2 17 AMT.

2 18 NEW PARAGRAPH. ah. 5-methoxy=N,N-diisopropyltryptamine.

2 19 Other name: 5=MeO=DIPT.

2 20 Sec. 6. Section 124.204, subsection 5, unnumbered

2 21 paragraph 1, Code 2007, is amended to read as follows:

2 22 Unless specifically ~~exempted~~ excepted or unless listed in

2 23 another schedule, any material, compound, mixture, or

2 24 preparation which contains any quantity of the following

2 25 substances having a depressant effect on the central nervous

2 26 system, their salts, isomers, and salts of isomers, whenever

2 27 the existence of these salts, isomers, and salts of isomers is

2 28 possible within the specific chemical designation:

2 29 Sec. 7. Section 124.204, subsection 6, Code 2007, is

2 30 amended by adding the following new paragraph:

2 31 NEW PARAGRAPH. h. N=benzylpiperazine. Some other names:

2 32 BZP, 1=benzylpiperazine.

2 33 Sec. 8. Section 124.206, subsection 2, paragraphs a and d,

2 34 Code 2007, are amended to read as follows:

2 35 a. Opium and opiate, and any salt, compound, derivative,

3 1 or preparation of opium or opiate, excluding apomorphine,

3 2 thebaine-derived butorphanol, dextrophan, nalbuphine,

3 3 nalmefene, naloxone, and naltrexone, and their respective

3 4 salts, but including the following:

3 5 (1) Raw opium.

3 6 (2) Opium extracts.

3 7 (3) Opium fluid ~~extracts~~.

3 8 (4) Powdered opium.

3 9 (5) Granulated opium.

3 10 (6) Tincture of opium.

3 11 (7) Codeine.

3 12 (8) Ethylmorphine.

3 13 (9) Etorphine hydrochloride.

3 14 (10) Hydrocodone, also known as dihydrocodeinone.

3 15 (11) Hydromorphone, also known as dihydromorphinone.

3 16 (12) Metopon.

3 17 (13) Morphine.

3 18 (14) Oxycodone.

3 19 (15) Oxymorphone.

3 20 (16) Thebaine.

3 21 (17) Dihydroetorphine.

3 22 d. Coca leaves and any salt, compound, derivative, or

3 23 preparation of coca leaves. Decocainized coca leaves or

3 24 extractions of coca leaves, which extractions do not contain

3 25 cocaine or ecgonine, are excluded from this paragraph. The

3 26 following substances and their salts, optical and geometric

3 27 isomers, derivatives, and salts of isomers and derivatives and

~~3 28 optical and geometric isomers, if salts, isomers, derivatives,~~

~~3 29 or salts of isomers and derivatives exist under the specific~~

~~3 30 chemical designation and any salt, compound, derivative, or~~

~~3 31 preparation thereof that is chemically equivalent or identical~~

~~3 32 to any of such substances~~, are included in this paragraph:

3 33 (1) Cocaine.

3 34 (2) Ecgonine.

3 35 Sec. 9. Section 124.206, subsection 6, paragraph a, Code

4 1 2007, is amended to read as follows:

4 2 a. ~~Immediate~~ Phenylacetone, an immediate precursor to

4 3 amphetamine and methamphetamine+

4 4 ~~(1) Phenylacetone~~. Some trade or other names:

4 5 phenyl-2=propanone; P2P; benzyl methyl ketone; methyl benzyl

4 6 ketone.

4 7 Sec. 10. Section 124.208, subsection 5, paragraph a,

4 8 subparagraph (5), Code 2007, is amended to read as follows:

4 9 (5) Not more than one point eight grams of dihydrocodeine

4 10 ~~(another name: hydrocodone)~~ per one hundred milliliters or

4 11 not more than ninety milligrams per dosage unit, with one or

4 12 more active, nonnarcotic ingredients in recognized therapeutic

4 13 amounts.

4 14 Sec. 11. Section 124.208, subsection 6, Code 2007, is

4 15 amended by striking the subsection and inserting in lieu

4 16 thereof the following:

4 17 6. ANABOLIC STEROIDS. Unless specifically excepted in

4 18 subsection 6A or unless listed in another schedule, any

4 19 material, compound, mixture, or preparation containing any

4 20 quantity of the following substances, including their salts,

4 21 esters, and ethers:

4 22 a. 3[beta],17=dihydroxy=5[alpha]=androstane.

4 23 b. 3[alpha],17[beta]=dihydroxy=5[alpha]=androstane.

4 24 c. 5[alpha]=androstane=3,17=dione.

4 25 d. 1=androstenediol(3[beta],17[beta]=dihydroxy=5[alpha]=

4 26 androst=1=ene).

4 27 e. 1=androstenediol (3[alpha],17[beta]=dihydroxy=5[alpha]=

4 28 androst=1=ene).

4 29 f. 4=androstenediol (3[beta],17[beta]=dihydroxy=androst=

4 30 4=ene).

4 31 g. 5=androstenediol (3[beta],17[beta]=dihydroxy=androst=

4 32 5=ene).

4 33 h. 1=androstenedione ([5[alpha]]=androst=1=en=3,17=dione).

4 34 i. 4=androstenedione (androst=4=en=3,17=dione).

4 35 j. 5=androstenedione (androst=5=en=3,17=dione).

5 1 k. Bolasterone (7[alpha],17[alpha]=dimethyl=17[beta]=

5 2 hydroxyandrost=4=en=3=one).

5 3 l. Boldenone (17[beta]=hydroxyandrost=1,4=diene=3=one).

5 4 m. Calusterone (7[beta],17[alpha]=dimethyl=17[beta]=hydroxy-

5 5 androst=4=en=3=one).

5 6 n. Clostebol (4=chloro=17[beta]=hydroxyandrost=4=en=3=one).

5 7 o. Dehydrochloromethyltestosterone (4=chloro=17[beta]=

5 8 hydroxy=17[alpha]=methylandrost=1,4=dien=3=one).

5 9 p. [Delta]1=dihydrotestosterone (a.k.a. 1=testosterone)

5 10 (17[beta]=hydroxy=5[alpha]=androst=1=en=3=one).

5 11 q. 4=dihydrotestosterone (17[beta]=hydroxy=androstan=3=one).

5 12 r. Drostanolone (17[beta]=hydroxy=2[alpha]=methyl=5[alpha]=

5 13 androstan=3=one).

5 14 s. Ethylestrenol (17[alpha]=ethyl=17[beta]=hydroxyestr=

5 15 4=ene).

5 16 t. Fluoxymesterone (9=fluoro=17[alpha]=methyl=11[beta],

5 17 17[beta]=dihydroxyandrost=4=en=3=one).

5 18 u. Formebolone (2=formyl=17[alpha]=methyl=11[alpha],

5 19 17[beta]=dihydroxyandrost=1,4=dien=3=one).

5 20 v. Furazabol (17[alpha]=methyl=17[beta]=hydroxy-

5 21 androstano[2,3=c]=furazan).

5 22 w. 13[beta]=ethyl=17[beta]=hydroxygon=4=en=3=one.

5 23 x. 4=hydroxytestosterone (4,17[beta]=dihydroxy=androst=

5 24 4=en=3=one).

5 25 y. 4=hydroxy=19=nortestosterone (4,17[beta]=dihydroxy=estr=

5 26 4=en=3=one).

5 27 z. Mestanolone (17[alpha]=methyl=17[beta]=hydroxy=5[alpha]=

5 28 androstan=3=one).

5 29 aa. Mesterolone (1[alpha]methyl=17[beta]=hydroxy=[5[alpha]]=

5 30 androstan=3=one).

5 31 ab. Methandienone (17[alpha]=methyl=17[beta]=hydroxyandrost=

5 32 1,4=dien=3=one).

5 33 ac. Methandriol (17[alpha]=methyl=3[beta],17[beta]=dihydroxy-

5 34 androst=5=ene).

5 35 ad. Methenolone (1=methyl=17[beta]=hydroxy=5[alpha]=androst=

6 1 1=en=3=one).

6 2 ae. 17[alpha]=methyl=3[beta],17[beta]=dihydroxy=5[alpha]=

6 3 androstane.

6 4 af. 17[alpha]=methyl=3[alpha],17[beta]=dihydroxy=5[alpha]=

6 5 androstane.

6 6 ag. 17[alpha]=methyl=3[beta],17[beta]=dihydroxyandrost=4=ene.

6 7 ah. 17[alpha]=methyl=4=hydroxynandrolone (17[alpha]=methyl=

6 8 4=hydroxy=17[beta]=hydroxyestr=4=en=3=one).

6 9 ai. Methyldienolone (17[alpha]=methyl=17[beta]=hydroxyestra=

6 10 4,9(10)=dien=3=one).

6 11 aj. Methyltrienolone (17[alpha]=methyl=17[beta]=hydroxyestra=

6 12 4,9=11=trien=3=one).

6 13 ak. Methyltestosterone (17[alpha]=methyl=17[beta]=hydroxy-

6 14 androst=4=en=3=one).

6 15 al. Mibolerone (7[alpha],17[alpha]=dimethyl=17[beta]=hydroxy-

6 16 estr=4=en=3=one).

6 17 am. 17[alpha]=methyl=[Delta]1=dihydrotestosterone (17b[beta]=

6 18 hydroxy=17[alpha]=methyl=5[alpha]=androst=1=en=3=one) (a.k.a.

6 19 17=[alpha]=methyl=1=testosterone).

6 20 an. Nandrolone (17[beta]=hydroxyestr=4=en=3=one).

6 21 ao. 19=nor=4=androstenediol (3[beta],17[beta]=dihydroxy-

6 22 estr=4=ene).

6 23 ap. 19=nor=4=androstenediol (3[alpha],17[beta]=dihydroxy-

6 24 estr=4=ene).

6 25 aq. 19=nor=5=androstenediol (3[beta],17[beta]=dihydroxy-

6 26 estr=5=ene).

6 27 ar. 19=nor=5=androstenediol (3[alpha],17[beta]=dihydroxy-

6 28 estr=5=ene).

6 29 as. 19=nor=4=androstenedione (estr=4=en=3,17=dione).

6 30 at. 19=nor=5=androstenedione (estr=5=en=3,17=dione).

6 31 au. Norbolethone (13[beta],17[alpha]=diethyl=17[beta]=

6 32 hydroxygon=4=en=3=one).

6 33 av. Norclostebol (4=chloro=17[beta]=hydroxyestr=4=en=3=one).

6 34 aw. Norethandrolone (17[alpha]=ethyl=17[beta]=hydroxy-

6 35 estr=4=en=3=one).

7 1 ax. Normethandrolone (17[alpha]=methyl=17[beta]=hydroxy-

7 2 estr=4=en=3=one).

7 3 ay. Oxandrolone (17[alpha]=methyl=17[beta]=hydroxy=2=oxa=

7 4 [5[alpha]]=androstan=3=one).

7 5 az. Oxymesterone (17[alpha]=methyl=4,17[beta]=dihydroxy-

7 6 androst=4=en=3=one).
7 7 ba. Oxymetholone (17[alpha]=methyl=2=hydroxymethylene=
7 8 17[beta]=hydroxy=[5[alpha]]=androstan=3=one).
7 9 bb. Stanozolol (17[alpha]=methyl=17[beta]=hydroxy=[5[alpha]]=
7 10 androst=2=eno[3,2=c]=pyrazole).
7 11 bc. Stenbolone (17[beta]=hydroxy=2=methyl=[5[alpha]]=
7 12 androst=1=en=3=one).
7 13 bd. Testolactone (13=hydroxy=3=oxo=13,17=secoandrosta=1,4=
7 14 dien=17=oic acid lactone).
7 15 be. Testosterone (17[beta]=hydroxyandrost=4=en=3=one).
7 16 bf. Tetrahydrogestrinone (13[beta],
7 17 17[alpha]=diethyl=17[beta]=hydroxygon=4,9,11=trien=3=one).
7 18 bg. Trenbolone (17[beta]=hydroxyestr=4,9,11=trien=3=one).
7 19 Sec. 12. Section 124.208, Code 2007, is amended by adding
7 20 the following new subsection:
7 21 NEW SUBSECTION. 6A. EXCLUSIONS == ANABOLIC STEROIDS.
7 22 This section shall not apply to an anabolic steroid that is
7 23 expressly intended for administration through implants to
7 24 cattle or other nonhuman species and that has been approved
7 25 for such administration. A person who prescribes, dispenses,
7 26 or distributes such steroid for human use shall be considered
7 27 to have prescribed, dispensed, or distributed an anabolic
7 28 steroid subject to this section. This section shall not apply
7 29 to estrogens, progestins, corticosteroids, or
7 30 dehydroepiandrosterone.
7 31 Sec. 13. Section 124.210, subsection 3, Code 2007, is
7 32 amended by adding the following new paragraph:
7 33 NEW PARAGRAPH. ay. Zopiclone.
7 34 Sec. 14. Section 124.210, subsection 4, Code 2007, is
7 35 amended to read as follows:
8 1 4. FENFLURAMINE. Any material, compound, mixture, or
8 2 preparation which contains any quantity of ~~the following~~
8 3 ~~substances fenfluramine~~, including its salts, isomers (whether
8 4 optical, position, or geometric), and salts of such isomers,
8 5 whenever the existence of such salts, isomers, and salts of
8 6 isomers is possible+
8 7 a. Fenfluramine.
8 8 Sec. 15. Section 124.212, subsection 3, Code 2007, is
8 9 amended to read as follows:
8 10 3. STIMULANTS. Unless specifically ~~excepted~~ ~~exempted~~ or
8 11 ~~excluded~~ or ~~unless~~ listed in another schedule, any material,
8 12 compound, mixture, or preparation which contains any quantity
8 13 of pyrovalerone, including its salts, isomers, and salts of
8 14 isomers.
8 15 Sec. 16. Section 124.212, Code 2007, is amended by adding
8 16 the following new subsection:
8 17 NEW SUBSECTION. 5. DEPRESSANTS. Unless specifically
8 18 exempted or excluded or unless listed in another schedule, any
8 19 material, compound, mixture, or preparation that contains any
8 20 quantity of the following substance having a depressant effect
8 21 on the central nervous system, including its salts:
8 22 pregabalin [(S)=3=(aminomethyl)=5=methylhexanoic acid].
8 23 Sec. 17. Section 124.308, subsection 3, Code 2007, is
8 24 amended to read as follows:
8 25 3. In emergency situations, as defined by rule of the
8 26 board, schedule II drugs may be dispensed upon electronic,
8 27 facsimile, or oral prescription of a practitioner, reduced
8 28 promptly to writing and filed by the pharmacy. Prescriptions
8 29 shall be retained in conformity with the requirements of
8 30 section 124.306. No prescription for a schedule II substance
8 31 may be refilled.
8 32 Sec. 18. Section 124.401, subsection 1, paragraph b,
8 33 subparagraph (2), subparagraph subdivisions (a), (b), and (c),
8 34 Code 2007, are amended to read as follows:
8 35 (a) Coca leaves, except coca leaves and extracts of coca
9 1 leaves from which cocaine, ecgonine, and derivatives of
9 2 ecgonine ~~or~~ and their salts have been removed.
9 3 (b) Cocaine, its salts, optical and geometric isomers, ~~and~~
9 4 or salts of isomers.
9 5 (c) Ecgonine, its derivatives, their salts, isomers, ~~and~~
9 6 or salts of isomers.
9 7 Sec. 19. Section 124.553, subsection 3, Code 2007, is
9 8 amended to read as follows:
9 9 3. Information contained in the program and any
9 10 information obtained from it, and information contained in the
9 11 records of requests for information from the program, is
9 12 privileged and strictly confidential information. Such
9 13 information is ~~not~~ a confidential public record pursuant to
9 14 ~~chapter 22 section 22.7~~, and is not subject to discovery,
9 15 subpoena, or other means of legal compulsion for release
9 16 except as provided in this division. Information from the

9 17 program shall not be released, shared with an agency or
9 18 institution, or made public except as provided in this
9 19 division.
9 20 Sec. 20. Section 126.2, subsection 2, Code 2007, is
9 21 amended to read as follows:
9 22 2. "Anabolic steroid" means any ~~anabolic steroid,~~
9 23 ~~including, but not limited to oxymetholone, oxandrolone,~~
9 24 ~~ethylestrenol, methandrostenolone, stanozolol, nandrolone~~
9 25 ~~phenpropionate, nandrolone decanoate, drug or hormonal~~
9 26 ~~substance, chemically and pharmacologically related to~~
9 27 ~~testosterone, other than estrogens, progestins,~~
9 28 ~~corticosteroids, or dehydroepiandrosterone, which substance is~~
9 29 ~~identified as an anabolic steroid in section 124.208,~~
9 30 ~~subsection 6, and includes any other substance designated by~~
9 31 the board as an anabolic steroid through the adoption of rules
9 32 pursuant to chapter 17A.

9 33 EXPLANATION

9 34 This bill makes various changes relating to controlled
9 35 substances to correspond with recent amendments to federal
10 1 controlled substances laws and regulations and to make
10 2 technical and corresponding corrections.

10 3 The bill amends the definition of "isomer" for purposes of
10 4 the schedule I controlled substance thenylfentanyl to include
10 5 only optical isomers rather than optical, positional, and
10 6 geometric isomers. The bill also provides that the use of the
10 7 term "isomer" in reference to the schedule I controlled
10 8 substance 3-methylfentanyl includes optical and geometric
10 9 isomers.

10 10 The bill modifies the description of the schedule I
10 11 controlled substance tetrahydrocannabinol (a hallucinogenic
10 12 substance) to clarify that both natural and synthetic
10 13 substances are included and to make other changes in accord
10 14 with federal law. The bill also adds three other
10 15 hallucinogenic substances to the list of schedule I controlled
10 16 substances: 2C-T-7; AMT; and 5-MeO-DIPT. In addition, the
10 17 bill adds the stimulant BZP to the list of schedule I
10 18 controlled substances.

10 19 The bill amends the list of schedule II controlled
10 20 substances to include in the list of opiates dihydroetorphine
10 21 and a modified description of coca leaves; salts, compounds,
10 22 derivatives, and preparations of coca leaves; and the
10 23 substances cocaine and ecgonine or their equivalents.

10 24 The bill expands the list of anabolic steroids regulated as
10 25 schedule III controlled substances in Code chapter 124 and
10 26 amends the definition of "anabolic steroid" in Code chapter
10 27 126, the "Iowa Drug, Device, and Cosmetic Act".

10 28 The bill adds the depressant zopiclone to the list of
10 29 schedule IV controlled substances and the depressant
10 30 pregabalin to the list of schedule V controlled substances.

10 31 In addition, the bill provides that in emergency
10 32 situations, schedule II drugs may be dispensed upon electronic
10 33 or facsimile prescription of a practitioner. The prescription
10 34 must be reduced to writing and filed by the pharmacy and
10 35 retained in conformity with the requirements of Code section
11 1 124.306. Current law provides for emergency dispensing upon
11 2 oral prescription if promptly reduced to writing and filed by
11 3 the pharmacy. Current law also allows electronic and
11 4 facsimile prescriptions provided that the original signed
11 5 prescription is presented to the pharmacist prior to the
11 6 dispensing of the schedule II controlled substance or, if
11 7 permitted by federal law, the electronic or facsimile
11 8 prescription may serve as the original signed prescription.

11 9 The bill also makes a change in provisions enacted in 2006
11 10 relating to the information program for drug prescribing and
11 11 dispensing to be established and maintained by the board of
11 12 pharmacy examiners. The bill conforms the language in Code
11 13 section 124.553, relating to the status of information
11 14 contained in the program, obtained from the program, and
11 15 contained in the records of requests for information from the
11 16 program, to language in Code section 22.7 making such
11 17 information a confidential public record.

11 18 All penalties applicable to the manufacture, delivery, or
11 19 possession of controlled substances under Code chapter 124 are
11 20 applicable to the controlled substances added to the various
11 21 schedules of controlled substances pursuant to the bill.

11 22 LSB 1091DP 82
11 23 nh:rj/gg/14.1