

House File 29 - Introduced

HOUSE FILE 29

BY M. SMITH

A BILL FOR

1 An Act relating to the temporary designation of controlled
2 substances by the board of pharmacy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.201, subsection 4, Code 2011, is
2 amended to read as follows:

3 4. a. If any new substance is designated as a controlled
4 substance under federal law and notice of the designation is
5 given to the board, the board shall similarly designate as
6 controlled the new substance under this chapter after the
7 expiration of thirty days from publication in the Federal
8 Register of a final order designating a new substance as a
9 controlled substance, unless within that thirty-day period
10 the board objects to the new designation. In that case the
11 board shall publish the reasons for objection and afford
12 all interested parties an opportunity to be heard. At
13 the conclusion of the hearing the board shall announce its
14 decision. Upon publication of objection to a new substance
15 being designated as a controlled substance under this chapter
16 by the board, control under this chapter is stayed until the
17 board publishes its decision.

18 b. (1) The board may by rule designate a new substance as a
19 controlled substance if, in the board's opinion, the substance
20 poses a threat to the public health, safety, or welfare. In
21 making this determination the board shall consider the factors
22 set out in subsection 1.

23 (2) Prior to such a designation, the board shall publish a
24 notice of intended action and provide an opportunity for oral
25 presentation as provided in section 17A.4.

26 c. If a substance is designated as controlled by the board
27 under this ~~paragraph~~ subsection the control shall be temporary
28 and if within sixty days after the next regular session of the
29 general assembly convenes it has not made the corresponding
30 changes in this chapter, the temporary designation of control
31 of the substance by the board shall be nullified.

32 EXPLANATION

33 Under current law the board of pharmacy may designate a new
34 substance as a controlled substance, by administrative rule and
35 without the general assembly amending Code chapter 124, only

1 if the substance is designated as a controlled substance under
2 federal law.

3 This bill would allow the board to designate a new substance
4 as a controlled substance if, in the board's opinion, the
5 substance poses a threat to the public health, safety, or
6 welfare. This designation would be made by rule, with not less
7 than 35 days public notice and a public hearing.

8 All such designations made by administrative rule alone are
9 temporary and will terminate in accordance with Code section
10 124.201 if the general assembly does not enact the designations
11 by statute.