

**Senate File 2341 - Introduced**

SENATE FILE 2341

BY GRONSTAL and BEHN

**A BILL FOR**

1 An Act making changes to the controlled substance schedules,  
2 providing for penalties, and including effective date  
3 provisions.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION I

RECLASSIFICATION OF SUBSTANCES AND CONTROLLED SUBSTANCES

Section 1. Section 124.204, subsection 9, Code Supplement 2011, is amended by striking the subsection.

Sec. 2. Section 124.206, subsection 6, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP).

Sec. 3. Section 124.208, subsection 6, Code 2011, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *bh.* Boldione (androsta-1,4-diene-3,17-dione).

NEW PARAGRAPH. *bi.* Desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol); also known as madol.

NEW PARAGRAPH. *bj.* 19-nor-4,9(10)-androstadienedione (estra-4,9(10)diene-3,17-dione).

Sec. 4. Section 124.210, subsection 3, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *oe.* Carisoprodol.

Sec. 5. Section 124.212, subsection 5, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *oa.* Ezogabine [N-[2-amino-4(4-fluorobenzylamino)-phenyl]carbamic acid ethyl ester].

Sec. 6. Section 124B.2, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *aa.* Ergocristine and its salts.

DIVISION II

SCHEDULE I CONTROLLED SUBSTANCES

Sec. 7. Section 124.201, subsection 4, Code 2011, is amended to read as follows:

4. If any new substance is designated as a controlled substance under federal law and notice of the designation is given to the board, the board shall similarly designate as

1 controlled the new substance under this chapter after the  
2 expiration of thirty days from publication in the Federal  
3 Register of a final order designating a new substance as a  
4 controlled substance, unless within that thirty-day period  
5 the board objects to the new designation. In that case the  
6 board shall publish the reasons for objection and afford  
7 all interested parties an opportunity to be heard. At  
8 the conclusion of the hearing the board shall announce its  
9 decision. Upon publication of objection to a new substance  
10 being designated as a controlled substance under this chapter  
11 by the board, control under this chapter is stayed until the  
12 board publishes its decision. If a substance is designated  
13 as controlled by the board under this ~~paragraph~~ subsection  
14 the control shall be temporary and if within sixty days after  
15 the next regular session of the general assembly convenes it  
16 has not made the corresponding changes in this chapter, the  
17 temporary designation of control of the substance by the board  
18 shall be nullified.

19 Sec. 8. Section 124.204, subsection 4, paragraph ai, Code  
20 Supplement 2011, is amended by striking the paragraph and  
21 inserting in lieu thereof the following:

22 *ai.* (1) Salvia divinorum.

23 (2) Salvinorin A.

24 (3) HU-210. [(6aR,10aR)-9-(hydroxymethyl)-6,6-  
25 dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c]  
26 chromen-1-ol)].

27 (4) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-  
28 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
29 chromen-1-ol).

30 (5) Unless specifically exempted or unless listed in  
31 another schedule, any material, compound, mixture, or  
32 preparation which contains any quantity of cannabimimetic  
33 agents, or which contains their salts, isomers, and salts of  
34 isomers whenever the existence of such salts, isomers, and  
35 salts of isomers is possible within the specific chemical

1 designation.

2 (a) The term "*cannabimimetic agents*" means any substance  
3 that is a cannabinoid receptor type 1 (CB1 receptor) agonist as  
4 demonstrated by binding studies and functional assays within  
5 any of the following structural classes:

6 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the  
7 5-position of the phenolic ring by alkyl or alkenyl, whether or  
8 not substituted on the cyclohexyl ring to any extent.

9 (ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole  
10 by substitution at the nitrogen atom of the indole ring,  
11 whether or not further substituted on the indole ring to any  
12 extent, whether or not substituted on the naphthoyl or naphthyl  
13 ring to any extent.

14 (iii) 3-(1-naphthoyl)pyrrole by substitution at the  
15 nitrogen atom of the pyrrole ring, whether or not further  
16 substituted in the pyrrole ring to any extent, whether or not  
17 substituted on the naphthoyl ring to any extent.

18 (iv) 1-(1-naphthylmethylene)indene by substitution of  
19 the 3-position of the indene ring, whether or not further  
20 substituted in the indene ring to any extent, whether or not  
21 substituted on the naphthyl ring to any extent.

22 (v) 3-phenylacetylindole or 3-benzoylindole by substitution  
23 at the nitrogen atom of the indole ring, whether or not further  
24 substituted in the indole ring to any extent, whether or not  
25 substituted on the phenyl ring to any extent.

26 (b) Such terms include:

27 (i) CP 47,497 and homologues 5-(1,1-dimethylheptyl)-  
28 2-[(1R,3S)-3-hydroxycyclohexyl]phenol.

29 (ii) JWH-018 and AM678 1-Pentyl-3-(1-naphthoyl)indole.

30 (iii) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

31 (iv) JWH-200[1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-  
32 naphthalenyl-methanone.

33 (v) JWH-19 1-hexyl-3-(1-naphthoyl)indole.

34 (vi) JWH-81 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.

35 (vii) JWH-122 1-pentyl-3-(4-methyl-1-naphthoyl)indole.

- 1 (viii) JWH-250 1-pentyl-3-  
2 (2-methoxyphenylacetyl)indole.  
3 (ix) RCS-4 and SR-19 1-pentyl-3-[(4methoxy)-benzoyl]indole.  
4 (x) RCS-8 and SR 18 1-cyclohexylethyl-3-  
5 (2-methoxyphenylacetyl)indole.  
6 (xi) AM2201 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.  
7 (xii) JWH-203 1-pentyl-3-(2-chlorophenylacetyl)indole.  
8 (xiii) JWH-398 1-pentyl-3-(4-chloro-1-naphthoyl)indole.  
9 (xiv) AM694 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.  
10 (xv) Cannabicyclohexanol or CP-47,497 C8-homolog  
11 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.  
12 (6) *Mitragyna speciosa*.  
13 (7) *Mitragynine*.  
14 Sec. 9. Section 124.204, subsection 6, Code Supplement  
15 2011, is amended by adding the following new paragraph:  
16 NEW PARAGRAPH. *i*. Any substance, compound, mixture or  
17 preparation which contains any quantity of any synthetic  
18 cathinone that is not approved as a pharmaceutical, including  
19 but not limited to the following:  
20 (1) Mephedrone, also known as 4-methylmethcathinone, (RS)-2-  
21 methylamino-1-(4-methylphenyl) propan-1-one.  
22 (2) 3,4-methylenedioxyprovalerone  
23 (MDPV)[(1-(1,3- Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-  
24 1-pentanone)].  
25 (3) Methylone, also known as  
26 3,4-methylenedioxyethcathinone.  
27 (4) Naphthylpyrovalerone (naphyrone).  
28 (5) 4-fluoromethcathinone(flephedrone) or a positional  
29 isomer of 4-fluoromethcathinone.  
30 (6) 4-methoxymethcathinone (methedrone;Bk-PMMA).  
31 (7) Ethcathinone.  
32 (8) 3,4-methylenedioxyethcathinone(ethylone).  
33 (9) Beta-keto-N-methyl-3,4-benzodioxolybutanamine  
34 (butylone).  
35 (10) N,N-dimethylcathinone(metamfepramone).

- 1 (11) Alpha-pyrrolidinopropiophenone (alpha-PPP).
- 2 (12) 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 3 (13) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone
- 4 (MDPPP).
- 5 (14) Alpha-pyrrolidinovalerophenone (alpha-PVP).
- 6 (15) 6,7-dihydro-5H-indeno-
- 7 (5,6-d)-1,3-dioxol-6-amine) (MDAI).
- 8 (16) 3-fluoromethcathinone.
- 9 (17) 4'-Methyl-alpha-pyrrolidinobutiophenone (MPBP).
- 10 (18) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- 11 (19) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- 12 (20) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- 13 (21) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- 14 (22) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine
- 15 (2C-T-2).
- 16 (23) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
- 17 (2C-T-4).
- 18 (24) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- 19 (25) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).
- 20 (26) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- 21 Sec. 10. Section 124.401, subsection 1, paragraph d, Code
- 22 Supplement 2011, is amended to read as follows:

23 *d.* Violation of this subsection, with respect to any other  
24 controlled substances, counterfeit substances, or simulated  
25 controlled substances classified in section 124.204, subsection  
26 4, paragraph "ai", section 124.204, subsection 6, paragraph "i",  
27 or classified in schedule IV or V is an aggravated misdemeanor.  
28 However, violation of this subsection involving fifty kilograms  
29 or less of marijuana or involving flunitrazepam is a class "D"  
30 felony.

31 Sec. 11. EFFECTIVE UPON ENACTMENT. This division of this  
32 Act, being deemed of immediate importance, takes effect upon  
33 enactment.

34 EXPLANATION

35 This bill makes changes to the controlled substance

1 schedules.

2 DIVISION I. The bill removes two controlled substances  
3 (benzylfentanyl and thenylfentanyl) from the schedule I  
4 classification of controlled substances to conform with action  
5 undertaken by the federal drug enforcement administration.

6 The bill classifies ANPP, a precursor substance for  
7 fentanyl, as a schedule II controlled substance.

8 The bill classifies three anabolic steroids as schedule III  
9 controlled substances.

10 The bill classifies the depressant carisoprodol also  
11 known as "soma" as a schedule IV controlled substance to  
12 conform with action undertaken by the federal drug enforcement  
13 administration.

14 The bill classifies the depressant ezogabine as a schedule V  
15 controlled substance to conform with action undertaken by the  
16 federal drug enforcement administration. The drug is used to  
17 treat epilepsy.

18 The bill classifies ergocristine and its salts as a  
19 precursor substance for lysergic acid diethylamide (LSD).  
20 The classification results in new control and reporting  
21 requirements.

22 It is a class "C" felony pursuant to Code section  
23 124.401(1)(c)(8), for any unauthorized person to violate a  
24 provision of Code section 124.401, involving a classified  
25 substance placed on schedule I, II, or III pursuant to the  
26 bill. A class "C" felony for this particular offense is  
27 punishable by confinement for no more than 10 years and a fine  
28 of at least \$1,000 but not more than \$50,000.

29 If a person possesses a controlled substance in violation of  
30 Code section 124.401(5) as a first offense, the person commits  
31 a serious misdemeanor. A serious misdemeanor is punishable by  
32 confinement for no more than one year and a fine of at least  
33 \$315 but not more than \$1,875.

34 DIVISION II. The bill adds numerous synthetic cannabinoids,  
35 also known as "K2", to the list of schedule I controlled

1 substances in Code section 124.204(4)(ai).

2 The bill also adds numerous substances containing any  
3 quantity of any synthetic cathinone that are not approved  
4 pharmaceuticals to the list of schedule I controlled substances  
5 in Code section 124.204(6).

6 A schedule I controlled substance is considered to have a  
7 high potential for abuse and no medical purpose in treatment in  
8 the United States or lacks accepted safety standards for use  
9 in treatment.

10 Under the bill, it is an aggravated misdemeanor pursuant  
11 to Code section 124.401(1)(d) for any unauthorized person to  
12 manufacture, deliver, or possess with the intent to manufacture  
13 or deliver a synthetic cannabinoid classified as a schedule I  
14 controlled substance in Code section 124.204(4)(ai) including  
15 its counterfeit or simulated form, or to act with, enter into  
16 a common scheme or design with, or conspire with one or more  
17 persons to manufacture, deliver, or possess with the intent to  
18 manufacture or deliver such a schedule I controlled substance.

19 It is also an aggravated misdemeanor pursuant to Code  
20 section 124.401(1)(d) under the bill for any unauthorized  
21 person to manufacture, deliver, or possess with the intent to  
22 manufacture or deliver a synthetic cathinone classified as a  
23 schedule I controlled substance in Code section 124.204(6)(i)  
24 including its counterfeit or simulated form, or to act with,  
25 enter into a common scheme or design with, or conspire with one  
26 or more persons to manufacture, deliver, or possess with the  
27 intent to manufacture or deliver such a schedule I controlled  
28 substance.

29 It is also a serious misdemeanor for a first offense  
30 violation of Code section 124.401(5) for any unauthorized  
31 person to possess a controlled substance classified as a  
32 schedule I controlled substance.

33 An aggravated misdemeanor is punishable by confinement for  
34 no more than two years and a fine of at least \$625 but not  
35 more than \$6,250. A serious misdemeanor is punishable by



S.F. 2341

1 confinement for no more than one year and a fine of at least  
2 \$315 but not more than \$1,875.

3 Division II takes effect upon enactment.