

**House File 567 - Introduced**

HOUSE FILE 567

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 279)

**A BILL FOR**

1 An Act relating to controlled substances, including by  
2 enhancing the penalties for imitation controlled substances,  
3 modifying the controlled substances listed in schedules  
4 I, III, and IV, and temporarily designating substances as  
5 controlled substances, and providing penalties.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.101, Code 2015, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 15A. *"Imitation controlled substance"* means  
4 a substance which is not a controlled substance but which by  
5 color, shape, size, markings, and other aspects of dosage unit  
6 appearance, and packaging or other factors, appears to be or  
7 resembles a controlled substance. The board of pharmacy may  
8 designate a substance as an imitation controlled substance  
9 pursuant to the board's rulemaking authority and in accordance  
10 with chapter 17A. *"Imitation controlled substance"* also  
11 means any substance determined to be an imitation controlled  
12 substance pursuant to section 124.101B.

13 Sec. 2. NEW SECTION. 124.101B **Factors indicating an**  
14 **imitation controlled substance.**

15 If a substance has not been designated as an imitation  
16 controlled substance by the board of pharmacy and if dosage  
17 unit appearance alone does not establish that a substance is an  
18 imitation controlled substance, the following factors may be  
19 considered in determining whether the substance is an imitation  
20 controlled substance:

21 1. The person in control of the substance expressly or  
22 impliedly represents that the substance has the effect of a  
23 controlled substance.

24 2. The person in control of the substance expressly  
25 or impliedly represents that the substance because of its  
26 nature or appearance can be sold or delivered as a controlled  
27 substance or as a substitute for a controlled substance.

28 3. The person in control of the substance either demands or  
29 receives money or other property having a value substantially  
30 greater than the actual value of the substance as consideration  
31 for delivery of the substance.

32 Sec. 3. Section 124.201, subsection 4, Code 2015, is amended  
33 to read as follows:

34 4. If any new substance is designated as a controlled  
35 substance under federal law and notice of the designation is

1 given to the board, the board shall similarly designate as  
2 controlled the new substance under this chapter after the  
3 expiration of thirty days from publication in the federal  
4 register of a final order designating a new substance as a  
5 controlled substance, unless within that thirty-day period  
6 the board objects to the new designation. In that case the  
7 board shall publish the reasons for objection and afford  
8 all interested parties an opportunity to be heard. At  
9 the conclusion of the hearing the board shall announce its  
10 decision. Upon publication of objection to a new substance  
11 being designated as a controlled substance under this chapter  
12 by the board, control under this chapter is stayed until the  
13 board publishes its decision. If a substance is designated  
14 as controlled by the board under this subsection the control  
15 shall be considered a temporary and if, within sixty days after  
16 ~~the next regular session of the general assembly convenes,~~  
17 ~~the general assembly has not made the corresponding changes~~  
18 ~~in this chapter, the temporary designation of control of~~  
19 ~~the substance by the board shall be nullified~~ amendment to  
20 the schedules of controlled substances in this chapter. If  
21 the board so designates a substance as controlled, which  
22 is considered a temporary amendment to the schedules of  
23 controlled substances in this chapter, and if the general  
24 assembly does not amend this chapter to enact the temporary  
25 amendment and make the enactment effective within two years  
26 from the date the temporary amendment first became effective,  
27 the temporary amendment is repealed by operation of law two  
28 years from the effective date of the temporary amendment. A  
29 temporary amendment repealed by operation of law is subject to  
30 section 4.13 relating to the construction of statutes and the  
31 application of a general savings provision.

32     Sec. 4. Section 124.204, subsection 4, paragraph ai,  
33 subparagraphs (3), (4), and (5), Code 2015, are amended by  
34 striking the subparagraphs.

35     Sec. 5. Section 124.204, subsection 4, paragraph aj, Code

1 2015, is amended by striking the paragraph and inserting in  
2 lieu thereof the following:

3 *aj.* 5-methoxy-N,N-dimethyltryptamine. Some trade or other  
4 names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT.

5 Sec. 6. Section 124.204, subsection 4, paragraph ak, Code  
6 2015, is amended by striking the paragraph and inserting in  
7 lieu thereof the following:

8 *ak.* 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).

9 Sec. 7. Section 124.204, subsection 4, Code 2015, is amended  
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. *al.* 2-(2,5-Dimethoxy-4-  
12 methylphenyl)ethanamine (2C-D).

13 NEW PARAGRAPH. *am.* 2-(4-Chloro-2,5-  
14 dimethoxyphenyl)ethanamine (2C-C).

15 NEW PARAGRAPH. *an.* 2-(4-Iodo-2,5-  
16 dimethoxyphenyl)ethanamine (2C-I).

17 NEW PARAGRAPH. *ao.* 2-[4-(Ethylthio)-2,5-  
18 dimethoxyphenyl]ethanamine (2C-T-2).

19 NEW PARAGRAPH. *ap.* 2-[4-(Isopropylthio)-2,5-  
20 dimethoxyphenyl]ethanamine (2C-T-4).

21 NEW PARAGRAPH. *aq.* 2-(2,5-Dimethoxyphenyl)  
22 ethanamine (2C-H).

23 NEW PARAGRAPH. *ar.* 2-(2,5-Dimethoxy-4-  
24 nitrophenyl)ethanamine (2C-N).

25 NEW PARAGRAPH. *as.* 2-(2,5-Dimethoxy-4-(n)-  
26 propylphenyl)ethanamine (2C-P).

27 Sec. 8. Section 124.204, subsection 6, paragraph i,  
28 subparagraph (3), Code 2015, is amended by striking the  
29 subparagraph and inserting in lieu thereof the following:

30 (3) 3,4-Methylenedioxy-N-methylcathinone (methylone).

31 Sec. 9. Section 124.204, subsection 6, paragraph i,  
32 subparagraphs (18), (19), (20), (21), and (22), Code 2015, are  
33 amended by striking the subparagraphs and inserting in lieu  
34 thereof the following:

35 (18) 4-methyl-N-ethylcathinone. Other names: 4-MEC,

1 2-(ethylamino)-1-(4-methylphenyl)propan-1-one.  
2 (19) 4-methyl-alpha6 pyrrolidinopropiophenone.  
3 Other names: 4-MePPP, MePPP,  
4 4-methyl-[alpha]-pyrrolidinopropiophenone, 8  
5 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one.  
6 (20) Pentedrone. Other names:  
7 [alpha]-methylaminovalerophenone,  
8 2-(methylamino)-1-phenylpentan-1-one.  
9 (21) Pentylone. Other names: bk-MBDP,  
10 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one.  
11 (22) Alpha-pyrrolidinobutiophenone. Other names:  
12 [alpha]-PBP, 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one.  
13 Sec. 10. Section 124.204, subsection 6, paragraph i,  
14 subparagraphs (23), (24), (25), and (26), Code 2015, are  
15 amended by striking the subparagraphs.  
16 Sec. 11. Section 124.204, subsection 9, Code 2015, is  
17 amended by adding the following new paragraphs:  
18 NEW PARAGRAPH. *0a*. HU-210. [(6aR,10aR)-9-(hydroxymethyl)-  
19 6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-  
20 tetrahydrobenzo[c] chromen-1-ol)].  
21 NEW PARAGRAPH. *00a*. HU-211(dexanabinol,  
22 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-  
23 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol).  
24 NEW PARAGRAPH. *000a*. Unless specifically exempted or unless  
25 listed in another schedule, any material, compound, mixture,  
26 or preparation which contains any quantity of cannabimimetic  
27 agents, or which contains their salts, isomers, and salts of  
28 isomers whenever the existence of such salts, isomers, and  
29 salts of isomers is possible within the specific chemical  
30 designation.  
31 (1) The term "*cannabimimetic agents*" means any substance  
32 that is a cannabinoid receptor type 1 (CB1 receptor) agonist as  
33 demonstrated by binding studies and functional assays within  
34 any of the following structural classes:  
35 (a) 2-(3-hydroxycyclohexyl)phenol with substitution at the

1 5-position of the phenolic ring by alkyl or alkenyl, whether or  
2 not substituted on the cyclohexyl ring to any extent.

3 (b) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by  
4 substitution at the nitrogen atom of the indole ring, whether  
5 or not further substituted on the indole ring to any extent,  
6 whether or not substituted on the naphthoyl or naphthyl ring  
7 to any extent.

8 (c) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen  
9 atom of the pyrrole ring, whether or not further substituted in  
10 the pyrrole ring to any extent, whether or not substituted on  
11 the naphthoyl ring to any extent.

12 (d) 1-(1-naphthylmethylene)indene by substitution of  
13 the 3-position of the indene ring, whether or not further  
14 substituted in the indene ring to any extent, whether or not  
15 substituted on the naphthyl ring to any extent.

16 (e) 3-phenylacetylindole or 3-benzoylindole by substitution  
17 at the nitrogen atom of the indole ring, whether or not further  
18 substituted in the indole ring to any extent, whether or not  
19 substituted on the phenyl ring to any extent.

20 (2) Such terms include:

21 (a) CP 47,497 and homologues 5-(1,1-dimethylheptyl)-2-  
22 [(1R,3S)-3-hydroxycyclohexyl]phenol.

23 (b) JWH-018 and AM678 1-Pentyl-3-(1-naphthoyl)indole.

24 (c) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

25 (d) JWH-200[1-[2-(4-morpholinyl)ethyl]-1H-  
26 indol-3-yl]-1-naphthalenyl-methanone.

27 (e) JWH-19 1-hexyl-3-(1-naphthoyl)indole.

28 (f) JWH-81 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.

29 (g) JWH-122 1-pentyl-3-(4-methyl-1-naphthoyl)indole.

30 (h) JWH-250 1-pentyl-3-(2-methoxyphenylacetyl)indole.

31 (i) RCS-4 and SR-19 1-pentyl-3-[(4methoxy)-benzoyl]indole.

32 (j) RCS-8 and SR 18 1-cyclohexylethyl-3-  
33 (2-methoxyphenylacetyl)indole.

34 (k) AM2201 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.

35 (l) JWH-203 1-pentyl-3-(2-chlorophenylacetyl)indole.

1 (m) JWH-398 1-pentyl-3-(4-chloro-1-naphthoyl)indole.  
 2 (n) AM694 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.  
 3 (o) Cannabicyclohexanol or CP-47,497 C8-homolog 5-  
 4 (1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.  
 5 NEW PARAGRAPH. *od.* N-(1-amino-3-methyl-1-oxobutan-2-  
 6 yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide. Other  
 7 names: AB-FUBINACA.

8 NEW PARAGRAPH. *ood.* N-(1-amino-  
 9 3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-  
 10 1H-indazole-3-carboxamide. Other names: ADB-PINACA.

11 NEW PARAGRAPH. *ood.* Quinolin-8-yl  
 12 1-pentyl-1H-indole-3-carboxylate.  
 13 Other names: PB-22, QUPIC.

14 NEW PARAGRAPH. *ooooo.* Quinolin-8-yl  
 15 1-(5-fluoropentyl)-1H-indole-3-carboxylate. Other names:  
 16 5-fluoro-PB-22, 5F-PB-22.

17 NEW PARAGRAPH. *oooooo.* N-(1-amino-3-methyl-1-oxobutan-  
 18 2-yl)-1-pentyl-1H-indazole-3-carboxamide. Other names:  
 19 AB-PINACA.

20 NEW PARAGRAPH. *ooooooo.* N-(1-amino-3-methyl-1-oxobutan-  
 21 2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide. Other  
 22 names: AB-CHMINACA.

23 NEW PARAGRAPH. *oooooooo.* [1-(5-fluoropentyl)-1H-indazol-  
 24 3-yl](naphthalen-1-yl)methanone. Other names: THJ-2201.

25 Sec. 12. Section 124.208, subsection 5, paragraph a,  
 26 subparagraphs (3) and (4), Code 2015, are amended by striking  
 27 the subparagraphs.

28 Sec. 13. Section 124.210, subsection 2, Code 2015, is  
 29 amended by adding the following new paragraph:

30 NEW PARAGRAPH. *c.* 2-[(dimethylamino)methyl]-1-  
 31 (3-methoxyphenyl)cyclohexanol, its salts, optical and geometric  
 32 isomers, and salts of these isomers (including tramadol).

33 Sec. 14. Section 124.210, subsection 3, Code 2015, is  
 34 amended by adding the following new paragraphs:

35 NEW PARAGRAPH. *bb.* Alfaxalone.

1 NEW PARAGRAPH. *bc.* Suvorexant.

2 Sec. 15. Section 124.401, subsection 1, unnumbered  
3 paragraph 1, Code 2015, is amended to read as follows:

4 Except as authorized by this chapter, it is unlawful for any  
5 person to manufacture, deliver, or possess with the intent to  
6 manufacture or deliver, a controlled substance, a counterfeit  
7 substance, ~~or~~ a simulated controlled substance, or an imitation  
8 controlled substance, or to act with, enter into a common  
9 scheme or design with, or conspire with one or more other  
10 persons to manufacture, deliver, or possess with the intent to  
11 manufacture or deliver a controlled substance, a counterfeit  
12 substance, ~~or~~ a simulated controlled substance, or an imitation  
13 controlled substance.

14 Sec. 16. Section 124.401, subsection 1, paragraph a,  
15 unnumbered paragraph 1, Code 2015, is amended to read as  
16 follows:

17 Violation of this subsection, with respect to the following  
18 controlled substances, counterfeit substances, ~~or~~ simulated  
19 controlled substances, or imitation controlled substances, is a  
20 class "B" felony, and notwithstanding section 902.9, subsection  
21 1, paragraph "b", shall be punished by confinement for no  
22 more than fifty years and a fine of not more than one million  
23 dollars:

24 Sec. 17. Section 124.401, subsection 1, paragraph a, Code  
25 2015, is amended by adding the following new subparagraph:

26 NEW SUBPARAGRAPH. (8) More than ten kilograms of a  
27 mixture or substance containing any detectable amount of those  
28 substances identified in section 124.204, subsection 9.

29 Sec. 18. Section 124.401, subsection 1, paragraph b,  
30 unnumbered paragraph 1, Code 2015, is amended to read as  
31 follows:

32 Violation of this subsection with respect to the following  
33 controlled substances, counterfeit substances, ~~or~~ simulated  
34 controlled substances, or imitation controlled substances is a  
35 class "B" felony, and in addition to the provisions of section



1 902.9, subsection 1, paragraph "b", shall be punished by a  
2 fine of not less than five thousand dollars nor more than one  
3 hundred thousand dollars:

4 Sec. 19. Section 124.401, subsection 1, paragraph b, Code  
5 2015, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (9) More than five kilograms but not  
7 more than ten kilograms of a mixture or substance containing  
8 any detectable amount of those substances identified in section  
9 124.204, subsection 9.

10 Sec. 20. Section 124.401, subsection 1, paragraph c,  
11 unnumbered paragraph 1, Code 2015, is amended to read as  
12 follows:

13 Violation of this subsection with respect to the following  
14 controlled substances, counterfeit substances, ~~or~~ simulated  
15 controlled substances, or imitation controlled substances is a  
16 class "C" felony, and in addition to the provisions of section  
17 902.9, subsection 1, paragraph "d", shall be punished by a  
18 fine of not less than one thousand dollars nor more than fifty  
19 thousand dollars:

20 Sec. 21. Section 124.401, subsection 1, paragraph c, Code  
21 2015, is amended by adding the following new subparagraph:

22 NEW SUBPARAGRAPH. (8) Five kilograms or less of a mixture  
23 or substance containing any detectable amount of those  
24 substances identified in section 124.204, subsection 9.

25 Sec. 22. Section 124.401, subsection 1, paragraph c,  
26 subparagraph (8), Code 2015, is amended to read as follows:

27 ~~(8)~~ (9) Any other controlled substance, counterfeit  
28 substance, ~~or~~ simulated controlled substance, or imitation  
29 substance classified in schedule I, II, or III, except as  
30 provided in paragraph "d".

31 Sec. 23. Section 124.401, subsection 1, paragraph d, Code  
32 2015, is amended to read as follows:

33 d. Violation of this subsection, with respect to any other  
34 controlled substances, counterfeit substances, ~~or~~ simulated  
35 controlled substances ~~classified in section 124.204, subsection~~

1 ~~4, paragraph "ai", or section 124.204, subsection 6, paragraph~~  
2 ~~"i", or, or imitation controlled substances~~ classified in  
3 schedule IV or V is an aggravated misdemeanor. However,  
4 violation of this subsection involving fifty kilograms or less  
5 of marijuana or involving flunitrazepam is a class "D" felony.

6 Sec. 24. Section 124.401, subsection 2, Code 2015, is  
7 amended to read as follows:

8 2. If the same person commits two or more acts which are in  
9 violation of subsection 1 and the acts occur in approximately  
10 the same location or time period so that the acts can be  
11 attributed to a single scheme, plan, or conspiracy, the acts  
12 may be considered a single violation and the weight of the  
13 controlled substances, counterfeit substances, ~~or~~ simulated  
14 controlled substances, or imitation controlled substances  
15 involved may be combined for purposes of charging the offender.

16 Sec. 25. Section 124.401, subsection 5, unnumbered  
17 paragraph 1, Code 2015, is amended to read as follows:

18 It is unlawful for any person knowingly or intentionally  
19 to possess a controlled substance unless such substance was  
20 obtained directly from, or pursuant to, a valid prescription  
21 or order of a practitioner while acting in the course of the  
22 practitioner's professional practice, or except as otherwise  
23 authorized by this chapter. Any person who violates this  
24 subsection is guilty of a serious misdemeanor for a first  
25 offense. A person who commits a violation of this subsection  
26 and who has previously been convicted of violating this chapter  
27 or chapter ~~124A, 124B, or 453B, or chapter 124A as it existed~~  
28 prior to July 1, 2015, is guilty of an aggravated misdemeanor.  
29 A person who commits a violation of this subsection and has  
30 previously been convicted two or more times of violating this  
31 chapter or chapter ~~124A, 124B, or 453B~~ is guilty of a class "D"  
32 felony.

33 Sec. 26. Section 124.401A, Code 2015, is amended to read as  
34 follows:

35 **124.401A Enhanced penalty for manufacture or distribution to**

1 **persons on certain real property.**

2 In addition to any other penalties provided in this chapter,  
3 a person who is eighteen years of age or older who unlawfully  
4 manufactures with intent to distribute, distributes, or  
5 possesses with intent to distribute a substance or counterfeit  
6 substance listed in schedule I, II, or III, or a simulated or  
7 imitation controlled substance represented to be a controlled  
8 substance classified in schedule I, II, or III, to another  
9 person who is eighteen years of age or older in or on, or within  
10 one thousand feet of the real property comprising a public or  
11 private elementary or secondary school, public park, public  
12 swimming pool, public recreation center, or on a marked school  
13 bus, may be sentenced up to an additional term of confinement  
14 of five years.

15 Sec. 27. Section 124.401B, Code 2015, is amended to read as  
16 follows:

17 **124.401B Possession of controlled substances on certain real**  
18 **property — additional penalty.**

19 In addition to any other penalties provided in this chapter  
20 or another chapter, a person who unlawfully possesses a  
21 substance listed in schedule I, II, or III, or a simulated or  
22 imitation controlled substance represented to be a controlled  
23 substance classified in schedule I, II, or III, in or on, or  
24 within one thousand feet of the real property comprising a  
25 public or private elementary or secondary school, public park,  
26 public swimming pool, public recreation center, or on a marked  
27 school bus, may be sentenced to one hundred hours of community  
28 service work for a public agency or a nonprofit charitable  
29 organization. The court shall provide the offender with a  
30 written statement of the terms and monitoring provisions of the  
31 community service.

32 Sec. 28. Section 124.406, subsection 2, Code 2015, is  
33 amended to read as follows:

34 2. A person who is eighteen years of age or older who:

35 a. Unlawfully distributes or possesses with the intent to

1 distribute a counterfeit substance listed in schedule I or II,  
2 or a simulated or imitation controlled substance represented  
3 to be a substance classified in schedule I or II, to a person  
4 under eighteen years of age commits a class "B" felony.

5 However, if the substance was distributed in or on, or within  
6 one thousand feet of, the real property comprising a public or  
7 private elementary or secondary school, public park, public  
8 swimming pool, public recreation center, or on a marked school  
9 bus, the person shall serve a minimum term of confinement of  
10 ten years.

11 *b.* Unlawfully distributes or possesses with intent to  
12 distribute a counterfeit substance listed in schedule III, or  
13 a simulated or imitation controlled substance represented to  
14 be any substance listed in schedule III, to a person under  
15 eighteen years of age who is at least three years younger than  
16 the violator commits a class "C" felony.

17 *c.* Unlawfully distributes a counterfeit substance listed  
18 in schedule IV or V, or a simulated or imitation controlled  
19 substance represented to be a substance listed in schedule IV  
20 or V, to a person under eighteen years of age who is at least  
21 three years younger than the violator commits an aggravated  
22 misdemeanor.

23 Sec. 29. Section 124.415, Code 2015, is amended to read as  
24 follows:

25 **124.415 Parental and school notification — persons under**  
26 **eighteen years of age.**

27 A peace officer shall make a reasonable effort to identify a  
28 person under the age of eighteen discovered to be in possession  
29 of a controlled substance, counterfeit substance, ~~or simulated~~  
30 controlled substance, or imitation controlled substance in  
31 violation of this chapter, and if the person is not referred  
32 to juvenile court, the law enforcement agency of which the  
33 peace officer is an employee shall make a reasonable attempt  
34 to notify the person's custodial parent or legal guardian  
35 of such possession, whether or not the person is arrested,

1 unless the officer has reasonable grounds to believe that such  
2 notification is not in the best interests of the person or will  
3 endanger that person. If the person is taken into custody,  
4 the peace officer shall notify a juvenile court officer who  
5 shall make a reasonable effort to identify the elementary or  
6 secondary school the person attends, if any, and to notify the  
7 superintendent of the school district, the superintendent's  
8 designee, or the authorities in charge of the nonpublic school  
9 of the taking into custody. A reasonable attempt to notify  
10 the person includes but is not limited to a telephone call or  
11 notice by first-class mail.

12 Sec. 30. NEW SECTION. 124.417 Imitation controlled  
13 substances — exceptions.

14 It is not unlawful under this chapter for a person registered  
15 under section 124.302, to manufacture, deliver, or possess with  
16 the intent to manufacture or deliver, or to act with, one or  
17 more other persons to manufacture, deliver, or possess with  
18 the intent to manufacture or deliver an imitation controlled  
19 substance for use as a placebo by a registered practitioner in  
20 the course of professional practice or research.

21 Sec. 31. Section 124.502, subsection 1, paragraph a, Code  
22 2015, is amended to read as follows:

23 a. A district judge or district associate judge, within  
24 the court's jurisdiction, and upon proper oath or affirmation  
25 showing probable cause, may issue warrants for the purpose of  
26 conducting administrative inspections under this chapter or  
27 a related rule ~~or under chapter 124A~~. The warrant may also  
28 permit seizures of property appropriate to the inspections.  
29 For purposes of the issuance of administrative inspection  
30 warrants, probable cause exists upon showing a valid public  
31 interest in the effective enforcement of the statute or related  
32 rules, sufficient to justify administrative inspection of the  
33 area, premises, building, or conveyance in the circumstances  
34 specified in the application for the warrant.

35 Sec. 32. Section 155A.6, subsection 3, Code 2015, is amended

1 to read as follows:

2 3. The board shall establish standards for  
3 pharmacist-intern registration and may deny, suspend,  
4 or revoke a pharmacist-intern registration for failure to meet  
5 the standards or for any violation of the laws of this state,  
6 another state, or the United States relating to prescription  
7 drugs, controlled substances, or nonprescription drugs, or for  
8 any violation of this chapter or chapter 124, ~~124A~~, 124B, 126,  
9 147, or 205, or any rule of the board.

10 Sec. 33. Section 155A.6A, subsection 5, Code 2015, is  
11 amended to read as follows:

12 5. The board may deny, suspend, or revoke the registration  
13 of, or otherwise discipline, a registered pharmacy technician  
14 for any violation of the laws of this state, another state, or  
15 the United States relating to prescription drugs, controlled  
16 substances, or nonprescription drugs, or for any violation of  
17 this chapter or chapter 124, ~~124A~~, 124B, 126, 147, 205, or  
18 272C, or any rule of the board.

19 Sec. 34. Section 155A.6B, subsection 5, Code 2015, is  
20 amended to read as follows:

21 5. The board may deny, suspend, or revoke the registration  
22 of a pharmacy support person or otherwise discipline the  
23 pharmacy support person for any violation of the laws of  
24 this state, another state, or the United States relating to  
25 prescription drugs, controlled substances, or nonprescription  
26 drugs, or for any violation of this chapter or chapter 124,  
27 ~~124A~~, 124B, 126, 147, 205, or 272C, or any rule of the board.

28 Sec. 35. Section 155A.13A, subsection 3, Code 2015, is  
29 amended to read as follows:

30 3. *Discipline.* The board may deny, suspend, or revoke a  
31 nonresident pharmacy license for any violation of this section,  
32 section 155A.15, subsection 2, paragraph "a", "b", "d", "e",  
33 "f", "g", "h", or "i", chapter 124, ~~124A~~, 124B, 126, or 205, or  
34 a rule of the board.

35 Sec. 36. Section 155A.17, subsection 2, Code 2015, is

1 amended to read as follows:

2 2. The board shall establish standards for drug wholesaler  
3 licensure and may define specific types of wholesaler licenses.  
4 The board may deny, suspend, or revoke a drug wholesale license  
5 for failure to meet the applicable standards or for a violation  
6 of the laws of this state, another state, or the United  
7 States relating to prescription drugs, devices, or controlled  
8 substances, or for a violation of this chapter, chapter 124,  
9 ~~124A~~, 124B, 126, or 205, or a rule of the board.

10 Sec. 37. Section 155A.42, subsection 4, Code 2015, is  
11 amended to read as follows:

12 4. The board may deny, suspend, or revoke a limited drug and  
13 device distributor's license for failure to meet the applicable  
14 standards or for a violation of the laws of this state, another  
15 state, or the United States relating to prescription drugs or  
16 controlled substances, or for a violation of this chapter,  
17 chapter 124, ~~124A~~, 124B, 126, 205, or 272C, or a rule of the  
18 board.

19 Sec. 38. REPEAL. Chapter 124A, Code 2015, is repealed.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill relates to controlled substances, including by  
24 enhancing the penalties for imitation controlled substances,  
25 modifying the controlled substances listed in schedules I,  
26 III, IV, and temporarily designating substances as controlled  
27 substances.

28 TEMPORARY CONTROLLED SUBSTANCE DESIGNATION. Under current  
29 law and in the bill, the board of pharmacy may designate a new  
30 substance as a controlled substance, by administrative rule,  
31 without the general assembly amending Code chapter 124, only  
32 if the substance is designated as a controlled substance under  
33 federal law.

34 If the board of pharmacy designates a substance as  
35 controlled, the bill specifies that the temporary designation

1 is considered a temporary amendment to the schedules of  
2 controlled substances in Code chapter 124, and if the general  
3 assembly does not amend Code chapter 124 to enact the temporary  
4 amendment and make the enactment effective within two years  
5 from the date the temporary amendment first became effective,  
6 the temporary amendment is repealed by operation of law two  
7 years from the effective date of the temporary amendment. A  
8 temporary amendment repealed by operation of law is subject to  
9 Code section 4.13 relating to the construction of statutes and  
10 the application of a general savings provision.

11 Current law provides that if within 60 days after the next  
12 general assembly convenes the general assembly has not made  
13 the corresponding changes in Code chapter 124, the temporary  
14 designation that the substance is a controlled substance is  
15 nullified.

16 IMITATION CONTROLLED SUBSTANCES. Under current law  
17 imitation controlled substances are regulated under Code  
18 chapter 124A. The bill repeals Code chapter 124A and transfers  
19 the regulation of imitation controlled substances to Code  
20 chapter 124. The definition and designation of an imitation  
21 controlled substance in Code chapter 124 remains identical  
22 to the definition and designation of an imitation controlled  
23 substance under current law in Code chapter 124A.

24 Under the bill and in current law, an imitation controlled  
25 substance means a substance which is not a controlled substance  
26 but by color, shape, size, markings, and other aspects of  
27 dosage unit appearance, and packaging or other factors, appears  
28 to be or resembles a controlled substance. The board of  
29 pharmacy may designate a substance as an imitation controlled  
30 substance pursuant to the board's rulemaking authority and in  
31 accordance with Code chapter 17A.

32 In addition, under current law and in the bill, if a  
33 substance has not been designated as an imitation controlled  
34 substance by the board of pharmacy and when dosage unit  
35 appearance alone does not establish that a substance is an



1 imitation controlled substance, the following factors may  
2 be considered in determining whether the substance is an  
3 imitation controlled substance: the substance is represented  
4 as having the effect of a controlled substance; the substance  
5 is represented as a controlled substance or as a substitute for  
6 a controlled substance because of its nature or appearance;  
7 or a person receives money or other property having a value  
8 substantially greater than the actual value of the substance  
9 when sold.

10 Under the bill, if a person unlawfully manufactures,  
11 delivers, or possesses with the intent to deliver an imitation  
12 controlled substance containing any detectable amount of those  
13 substances identified in Code section 124.204(9), or unlawfully  
14 acts with, enters into a common scheme or design with, or  
15 conspires with one or more persons to manufacture, deliver,  
16 or possess such imitation controlled substances, the person  
17 commits the following offense: a class "B" felony punishable  
18 by confinement of no more than 50 years and a fine of not more  
19 than \$1 million if the imitation controlled substance is more  
20 than 10 kilograms; a class "B" felony punishable by confinement  
21 of no more than 25 years and a fine of not less than \$5,000 but  
22 not more than \$100,000 if the imitation controlled substance  
23 is more than five kilograms but not more than 10 kilograms; a  
24 class "C" felony punishable by a fine of not less than \$1,000  
25 but not more than \$50,000 if the imitation controlled substance  
26 is five kilograms or less; or an aggravated misdemeanor if the  
27 imitation controlled substance is classified in schedule IV  
28 or V. Current law in Code section 124A.4 provides that if a  
29 person unlawfully manufactures, delivers, or possesses with  
30 intent to deliver an imitation controlled substance, the person  
31 commits an aggravated misdemeanor, or if the person delivers  
32 to a person under 18 years of age who is at least three years  
33 younger than the violator, the person commits a class "D"  
34 felony. In addition, under current law, if a person unlawfully  
35 and knowingly publishes an advertisement or distributes in a

1 public place a promotion for an imitation controlled substance  
2 the person commits a serious misdemeanor.

3 The bill enhances the criminal penalties for controlled  
4 substances classified in Code sections 124.204(4)(ai) and  
5 124.204(6)(i) from an aggravated misdemeanor to a class "C"  
6 felony punishable pursuant to Code section 124.401(1)(c)(8).  
7 This change equalizes the criminal penalties with violations  
8 involving other schedule I controlled substances.

9 The bill provides that if the same person commits two or  
10 more acts which are in violation of Code section 124.401(1)  
11 and the acts occur in the same location or time period so the  
12 acts are attributable to a single scheme, the acts may be  
13 considered a single violation and the weights of the imitation  
14 controlled substance may be combined for purposes of charging  
15 the offender.

16 The amendment to Code section 124.401A provides that  
17 a person who is 18 years of age or older who unlawfully  
18 manufactures with the intent to distribute, distributes,  
19 or possesses with the intent to distribute an imitation  
20 controlled substance to another person 18 years of age or older  
21 within 1,000 feet of the real property comprising a public or  
22 nonpublic school, may be sentenced up to an additional term of  
23 confinement of five years in addition to any other penalty.

24 The amendment to Code section 124.401B provides that  
25 a person who unlawfully possesses an imitation controlled  
26 substance within 1,000 feet of the real property comprising a  
27 school, public park, public pool, public recreation center, or  
28 marked school bus may be sentenced up to 100 hours of community  
29 service.

30 The amendments to Code section 124.406 relate to the  
31 distribution or possession with the intent to distribute an  
32 imitation controlled substance to a person under 18 years of  
33 age. A person who distributes or possesses with the intent to  
34 distribute an imitation controlled substance, represented to  
35 be a substance listed in schedule I or schedule II, to a person

1 under 18 years of age commits a class "B" felony. The required  
2 penalty for such a violation is a minimum term of confinement  
3 of 10 years if the substance was distributed within 1,000  
4 feet of the real property comprising a public or nonpublic  
5 school, public park, public pool, or public recreation center.  
6 A person who distributes or possesses with the intent to  
7 distribute an imitation controlled substance, represented to be  
8 a substance listed in schedule III, to a person under 18 years  
9 of age, who is at least three years younger than the violator,  
10 commits a class "C" felony. A person who distributes or  
11 possesses with the intent to distribute an imitation controlled  
12 substance, represented to be a substance listed in schedule  
13 IV or schedule V, to a person under 18 years of age, who is  
14 at least three years younger than the violator, commits an  
15 aggravated misdemeanor.

16 The amendment to Code section 124.415 requires that a peace  
17 officer make a reasonable effort to identify a person under 18  
18 years of age discovered to be in possession of an imitation  
19 controlled substance, and if the person is not referred to  
20 juvenile court, the peace officer shall make a reasonable  
21 effort to notify the person's custodial parent of the  
22 possession unless the officer has reasonable grounds to believe  
23 such notification is not in the best interests of the person.  
24 The bill specifies that if the person is taken into custody  
25 the juvenile court officer shall make a reasonable effort to  
26 identify the school of attendance and to notify the school or  
27 nonpublic school of the taking into custody of the person.

28 The bill creates Code section 124.417, which is similar to  
29 Code section 124A.5 repealed by the bill. A person registered  
30 under Code section 124.302 does not violate the bill if the  
31 person manufactures, delivers, possesses, or possesses with the  
32 intent to manufacture or deliver, or acts with others to do  
33 such activities, if the person uses the imitation controlled  
34 substance for use as a placebo by a registered practitioner in  
35 the court of professional practice or research.

1 SCHEDULE I, III, AND IV CONTROLLED SUBSTANCES. The bill  
2 transfers numerous substances classified as "hallucinogenic  
3 substances" under schedule I and reclassifies the substances  
4 as "other substances" under schedule I. By transferring the  
5 substances to "other substances", a person commits a class "C"  
6 felony under Code section 124.401(1)(c)(8) if the violation  
7 involves such a substance. Under current law, a person commits  
8 an aggravated misdemeanor under Code section 124.401(1)(d) when  
9 committing such violations.

10 The bill adds new substances as "hallucinogenic substances"  
11 under schedule I. A person commits a class "C" felony under  
12 Code section 124.401(1)(c)(8) if the violation involves the new  
13 hallucinogenic substances.

14 The bill adds new substances as "stimulants" under schedule  
15 I. A person commits a class "C" felony under Code section  
16 124.401(1)(c)(8) if the violation involves the new stimulant  
17 substances.

18 The bill also adds new substances to the classification of  
19 "other substances" under schedule I. A person commits a class  
20 "C" felony under Code section 124.401(1)(c)(8) for a violation  
21 involving the new substances.

22 The bill strikes one substance classified as a  
23 "hallucinogenic substance" under schedule I and reclassifies  
24 the substance as a "stimulant" containing a synthetic cathinone  
25 under schedule I. The transfer of the substance within  
26 schedule I also changes the criminal penalty for a violation  
27 involving the substance from a class "C" felony under Code  
28 section 124.401(1)(c)(8) to an aggravated misdemeanor under  
29 Code section 124.401(1)(d). The bill also strikes a substance  
30 in Code section 124.204(6)(i)(3) from schedule I and does not  
31 reclassify the substance in any other substance schedule.

32 The bill also removes numerous substances from schedule I  
33 which are currently classified as "stimulants" in Code section  
34 124.204(6)(i).

35 The bill also strikes two narcotic substances from schedule

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1 III and adds three substances to schedule IV. A violation  
2 involving a schedule IV controlled substance is punishable as  
3 an aggravated misdemeanor in Code section 124.401(1)(d).