

**House File 296 - Introduced**

HOUSE FILE 296

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 61)

**A BILL FOR**

1 An Act relating to controlled substances, including by  
2 temporarily designating substances as controlled substances,  
3 modifying the penalties for imitation controlled substances  
4 and certain controlled substances, modifying the controlled  
5 substances listed in schedules I, III, and IV, and providing  
6 penalties.

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

DIVISION I

TEMPORARY CONTROLLED SUBSTANCES

1  
2  
3 Section 1. Section 124.201, subsection 4, Code 2017, is  
4 amended to read as follows:

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33 the temporary amendment is repealed by operation of law two  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

1 section 4.13 relating to the construction of statutes and the  
2 application of a general savings provision.

3 DIVISION II

4 IMITATION CONTROLLED SUBSTANCES

5 Sec. 2. Section 124.101, Code 2017, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 15A. "*Imitation controlled substance*" means  
8 a substance which is not a controlled substance but which by  
9 color, shape, size, markings, and other aspects of dosage unit  
10 appearance, and packaging or other factors, appears to be or  
11 resembles a controlled substance. The board may designate a  
12 substance as an imitation controlled substance pursuant to the  
13 board's rulemaking authority and in accordance with chapter  
14 17A. "*Imitation controlled substance*" also means any substance  
15 determined to be an imitation controlled substance pursuant to  
16 section 124.101B.

17 Sec. 3. NEW SECTION. 124.101B **Factors indicating an**  
18 **imitation controlled substance.**

19 If a substance has not been designated as an imitation  
20 controlled substance by the board and if dosage unit appearance  
21 alone does not establish that a substance is an imitation  
22 controlled substance, the following factors may be considered  
23 in determining whether the substance is an imitation controlled  
24 substance:

25 1. The person in control of the substance expressly or  
26 impliedly represents that the substance has the effect of a  
27 controlled substance.

28 2. The person in control of the substance expressly  
29 or impliedly represents that the substance because of its  
30 nature or appearance can be sold or delivered as a controlled  
31 substance or as a substitute for a controlled substance.

32 3. The person in control of the substance either demands or  
33 receives money or other property having a value substantially  
34 greater than the actual value of the substance as consideration  
35 for delivery of the substance.

1     Sec. 4. Section 124.401, subsection 1, unnumbered paragraph  
2 1, Code 2017, is amended to read as follows:

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

13     Sec. 5. Section 124.401, subsection 1, paragraph a,  
14 unnumbered paragraph 1, Code 2017, is amended to read as  
15 follows:

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

23     Sec. 6. Section 124.401, subsection 1, paragraph b,  
24 unnumbered paragraph 1, Code 2017, is amended to read as  
25 follows:

26     Violation of **this subsection** with respect to the following  
27 controlled substances, counterfeit substances, ~~or simulated~~  
28 controlled substances, or imitation controlled substances is a  
29 class "B" felony, and in addition to the provisions of section  
30 902.9, subsection 1, paragraph "b", shall be punished by a  
31 fine of not less than five thousand dollars nor more than one  
32 hundred thousand dollars:

33     Sec. 7. Section 124.401, subsection 1, paragraph c,  
34 unnumbered paragraph 1, Code 2017, is amended to read as  
35 follows:

1 Violation of this subsection with respect to the following  
2 controlled substances, counterfeit substances, ~~or~~ simulated  
3 controlled substances, or imitation controlled substances is a  
4 class "C" felony, and in addition to the provisions of section  
5 902.9, subsection 1, paragraph "d", shall be punished by a  
6 fine of not less than one thousand dollars nor more than fifty  
7 thousand dollars:

8 Sec. 8. Section 124.401, subsection 1, paragraph c,  
9 subparagraph (8), Code 2017, is amended to read as follows:

10 (8) Any other controlled substance, counterfeit substance,  
11 ~~or~~ simulated controlled substance, or imitation controlled  
12 substance classified in schedule I, II, or III, except as  
13 provided in paragraph "d".

14 Sec. 9. Section 124.401, subsection 2, Code 2017, is amended  
15 to read as follows:

16 2. If the same person commits two or more acts which are in  
17 violation of subsection 1 and the acts occur in approximately  
18 the same location or time period so that the acts can be  
19 attributed to a single scheme, plan, or conspiracy, the acts  
20 may be considered a single violation and the weight of the  
21 controlled substances, counterfeit substances, ~~or~~ simulated  
22 controlled substances, or imitation controlled substances  
23 involved may be combined for purposes of charging the offender.

24 Sec. 10. Section 124.401, subsection 5, unnumbered  
25 paragraph 1, Code 2017, is amended to read as follows:

26 It is unlawful for any person knowingly or intentionally  
27 to possess a controlled substance unless such substance was  
28 obtained directly from, or pursuant to, a valid prescription  
29 or order of a practitioner while acting in the course of the  
30 practitioner's professional practice, or except as otherwise  
31 authorized by this chapter. Any person who violates this  
32 subsection is guilty of a serious misdemeanor for a first  
33 offense. A person who commits a violation of this subsection  
34 and who has previously been convicted of violating this chapter  
35 or chapter ~~124A~~, ~~124B~~, or 453B, or chapter 124A as it existed

1 prior to July 1, 2017, is guilty of an aggravated misdemeanor.  
2 A person who commits a violation of **this subsection** and has  
3 previously been convicted two or more times of violating this  
4 chapter or **chapter ~~124A~~, ~~124B~~, or ~~453B~~**, or chapter 124A as it  
5 existed prior to July 1, 2017, is guilty of a class "D" felony.

6 Sec. 11. Section 124.401A, Code 2017, is amended to read as  
7 follows:

8 **124.401A Enhanced penalty for manufacture or distribution to**  
9 **persons on certain real property.**

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

23 Sec. 12. Section 124.401B, Code 2017, is amended to read as  
24 follows:

25 **124.401B Possession of controlled substances on certain real**  
26 **property — additional penalty.**

27 In addition to any other penalties provided in **this chapter**  
28 or another chapter, a person who unlawfully possesses a  
29 substance listed in schedule I, II, or III, or a simulated or  
30 imitation controlled substance represented to be a controlled  
31 substance classified in schedule I, II, or III, in or on, or  
32 within one thousand feet of the real property comprising a  
33 public or private elementary or secondary school, public park,  
34 public swimming pool, public recreation center, or on a marked  
35 school bus, may be sentenced to one hundred hours of community

1 service work for a public agency or a nonprofit charitable  
2 organization. The court shall provide the offender with a  
3 written statement of the terms and monitoring provisions of the  
4 community service.

5 Sec. 13. Section 124.406, subsection 2, Code 2017, is  
6 amended to read as follows:

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

8 a. Unlawfully distributes or possesses with the intent to  
9 distribute a counterfeit substance listed in schedule I or II,  
10 or a simulated or imitation controlled substance represented  
11 to be a substance classified in schedule I or II, to a person  
12 under eighteen years of age commits a class "B" felony.

13 However, if the substance was distributed in or on, or within  
14 one thousand feet of, the real property comprising a public or  
15 private elementary or secondary school, public park, public  
16 swimming pool, public recreation center, or on a marked school  
17 bus, the person shall serve a minimum term of confinement of  
18 ten years.

19 b. Unlawfully distributes or possesses with intent to  
20 distribute a counterfeit substance listed in schedule III, or  
21 a simulated or imitation controlled substance represented to  
22 be any substance listed in schedule III, to a person under  
23 eighteen years of age who is at least three years younger than  
24 the violator commits a class "C" felony.

25 c. Unlawfully distributes a counterfeit substance listed  
26 in schedule IV or V, or a simulated or imitation controlled  
27 substance represented to be a substance listed in schedule IV  
28 or V, to a person under eighteen years of age who is at least  
29 three years younger than the violator commits an aggravated  
30 misdemeanor.

31 Sec. 14. Section 124.415, Code 2017, is amended to read as  
32 follows:

33 **124.415 Parental and school notification — persons under**  
34 **eighteen years of age.**

35 A peace officer shall make a reasonable effort to identify a

1 person under the age of eighteen discovered to be in possession  
 2 of a controlled substance, counterfeit substance, ~~or simulated~~  
 3 controlled substance, or imitation controlled substance in  
 4 violation of this chapter, and if the person is not referred  
 5 to juvenile court, the law enforcement agency of which the  
 6 peace officer is an employee shall make a reasonable attempt  
 7 to notify the person's custodial parent or legal guardian  
 8 of such possession, whether or not the person is arrested,  
 9 unless the officer has reasonable grounds to believe that such  
 10 notification is not in the best interests of the person or will  
 11 endanger that person. If the person is taken into custody,  
 12 the peace officer shall notify a juvenile court officer who  
 13 shall make a reasonable effort to identify the elementary or  
 14 secondary school the person attends, if any, and to notify the  
 15 superintendent of the school district, the superintendent's  
 16 designee, or the authorities in charge of the nonpublic school  
 17 of the taking into custody. A reasonable attempt to notify  
 18 the person includes but is not limited to a telephone call or  
 19 notice by first-class mail.

20 Sec. 15. NEW SECTION. **124.417 Imitation controlled**  
 21 **substances — exceptions.**

22 It is not unlawful under this chapter for a person registered  
 23 under section 124.302, to manufacture, deliver, or possess with  
 24 the intent to manufacture or deliver, or to act with, one or  
 25 more other persons to manufacture, deliver, or possess with  
 26 the intent to manufacture or deliver an imitation controlled  
 27 substance for use as a placebo by a registered practitioner in  
 28 the course of professional practice or research.

29 Sec. 16. Section 124.502, subsection 1, paragraph a, Code  
 30 2017, is amended to read as follows:

31 a. A district judge or district associate judge, within  
 32 the court's jurisdiction, and upon proper oath or affirmation  
 33 showing probable cause, may issue warrants for the purpose of  
 34 conducting administrative inspections under this chapter or  
 35 a related rule ~~or under chapter 124A~~. The warrant may also



1 permit seizures of property appropriate to the inspections.  
2 For purposes of the issuance of administrative inspection  
3 warrants, probable cause exists upon showing a valid public  
4 interest in the effective enforcement of the statute or related  
5 rules, sufficient to justify administrative inspection of the  
6 area, premises, building, or conveyance in the circumstances  
7 specified in the application for the warrant.

8 Sec. 17. Section 155A.6, subsection 3, Code 2017, is amended  
9 to read as follows:

10 3. The board shall establish standards for  
11 pharmacist-intern registration and may deny, suspend,  
12 or revoke a pharmacist-intern registration for failure to meet  
13 the standards or for any violation of the laws of this state,  
14 another state, or the United States relating to prescription  
15 drugs, controlled substances, or nonprescription drugs, or for  
16 any violation of [this chapter](#) or [chapter 124](#), ~~[124A](#)~~, [124B](#), [126](#),  
17 [147](#), or [205](#), or any rule of the board.

18 Sec. 18. Section 155A.6A, subsection 5, Code 2017, is  
19 amended to read as follows:

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

27 Sec. 19. Section 155A.6B, subsection 5, Code 2017, is  
28 amended to read as follows:

29 5. The board may deny, suspend, or revoke the registration  
30 of a pharmacy support person or otherwise discipline the  
31 pharmacy support person for any violation of the laws of  
32 this state, another state, or the United States relating to  
33 prescription drugs, controlled substances, or nonprescription  
34 drugs, or for any violation of [this chapter](#) or [chapter 124](#),  
35 ~~[124A](#)~~, [124B](#), [126](#), [147](#), [205](#), or [272C](#), or any rule of the board.

1 Sec. 20. Section 155A.13A, subsection 5, paragraph d, Code  
2 2017, is amended to read as follows:

3 d. Any violation of [this chapter](#) or [chapter 124](#), ~~[124A](#)~~, [124B](#),  
4 [126](#), or [205](#), or rule of the board.

5 Sec. 21. Section 155A.17, subsection 2, Code 2017, is  
6 amended to read as follows:

7 2. The board shall establish standards for drug wholesaler  
8 licensure and may define specific types of wholesaler licenses.  
9 The board may deny, suspend, or revoke a drug wholesale license  
10 for failure to meet the applicable standards or for a violation  
11 of the laws of this state, another state, or the United  
12 States relating to prescription drugs, devices, or controlled  
13 substances, or for a violation of [this chapter](#), [chapter 124](#),  
14 ~~[124A](#)~~, [124B](#), [126](#), or [205](#), or a rule of the board.

15 Sec. 22. Section 155A.42, subsection 4, Code 2017, is  
16 amended to read as follows:

17 4. The board may deny, suspend, or revoke a limited drug and  
18 device distributor's license for failure to meet the applicable  
19 standards or for a violation of the laws of this state, another  
20 state, or the United States relating to prescription drugs or  
21 controlled substances, or for a violation of [this chapter](#),  
22 [chapter 124](#), ~~[124A](#)~~, [124B](#), [126](#), [205](#), or [272C](#), or a rule of the  
23 board.

24 Sec. 23. REPEAL. Chapter 124A, Code 2017, is repealed.

25 DIVISION III

26 CONTROLLED SUBSTANCES — PENALTIES

27 Sec. 24. Section 124.401, subsection 1, paragraph a, Code  
28 2017, is amended by adding the following new subparagraph:

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

32 Sec. 25. Section 124.401, subsection 1, paragraph b, Code  
33 2017, is amended by adding the following new subparagraph:

34 NEW SUBPARAGRAPH. (9) More than five kilograms but not  
35 more than ten kilograms of a mixture or substance containing

1 any detectable amount of those substances identified in section  
2 124.204, subsection 9.

3 Sec. 26. Section 124.401, subsection 1, paragraph c, Code  
4 2017, is amended by adding the following new subparagraph:

5 NEW SUBPARAGRAPH. (7A) Five kilograms or less of a  
6 mixture or substance containing any detectable amount of those  
7 substances identified in section 124.204, subsection 9.

8 Sec. 27. Section 124.401, subsection 1, paragraph d, Code  
9 2017, is amended to read as follows:

10 *d.* Violation of **this subsection**, with respect to any other  
11 controlled substances, counterfeit substances, ~~or simulated~~  
12 ~~controlled substances classified in section 124.204, subsection~~  
13 ~~4, paragraph "a", or section 124.204, subsection 6, paragraph~~  
14 ~~"i", or, or imitation controlled substances classified in~~  
15 schedule IV or V is an aggravated misdemeanor. However,  
16 violation of **this subsection** involving fifty kilograms or less  
17 of marijuana or involving flunitrazepam is a class "D" felony.

18 EXPLANATION

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

21 This bill relates to controlled substances, including by  
22 modifying procedures relating to the temporary designation  
23 of substances as controlled substances, and modifying the  
24 penalties for imitation controlled substances and certain  
25 controlled substances.

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

32 If the board of pharmacy designates a substance as  
33 controlled, the bill specifies that the temporary designation  
34 is considered a temporary amendment to the schedules of  
35 controlled substances in Code chapter 124, and if the general

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

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

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

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

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

1 imitation controlled substance: the substance is represented  
2 as having the effect of a controlled substance; the substance  
3 is represented as a controlled substance or as a substitute for  
4 a controlled substance because of its nature or appearance;  
5 or a person receives money or other property having a value  
6 substantially greater than the actual value of the substance  
7 when sold.

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

1 and knowingly publishes an advertisement or distributes in a  
2 public place a promotion for an imitation controlled substance  
3 the person commits a serious misdemeanor.

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

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

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

25 The amendments to Code section 124.406 relate to the  
26 distribution or possession with the intent to distribute an  
27 imitation controlled substance to a person under 18 years of  
28 age. A person who distributes or possesses with the intent to  
29 distribute an imitation controlled substance, represented to  
30 be a substance listed in schedule I or schedule II, to a person  
31 under 18 years of age commits a class "B" felony. The required  
32 penalty for such a violation is a minimum term of confinement  
33 of 10 years if the substance was distributed within 1,000  
34 feet of the real property comprising a public or nonpublic  
35 school, public park, public pool, or public recreation center.

1 A person who distributes or possesses with the intent to  
2 distribute an imitation controlled substance, represented to be  
3 a substance listed in schedule III, to a person under 18 years  
4 of age, who is at least three years younger than the violator,  
5 commits a class "C" felony. A person who distributes or  
6 possesses with the intent to distribute an imitation controlled  
7 substance, represented to be a substance listed in schedule  
8 IV or schedule V, to a person under 18 years of age, who is  
9 at least three years younger than the violator, commits an  
10 aggravated misdemeanor.

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

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

31 CONTROLLED SUBSTANCES — PENALTIES. The bill enhances the  
32 criminal penalties for controlled substances classified in Code  
33 sections 124.204(4)(ai) and 124.204(6)(i) from an aggravated  
34 misdemeanor to a class "C" felony punishable pursuant to Code  
35 section 124.401(1)(c)(8). This change equalizes the criminal

1 penalties with violations involving other schedule I controlled  
2 substances.

3 The bill enhances the criminal penalties for a schedule I  
4 controlled substance identified in Code section 124.204(9).  
5 Under the bill, a person commits a class "B" felony punishable  
6 by confinement for no more than 50 years and a fine of not more  
7 than \$1 million for a violation of Code section 124.401(1)(a)  
8 involving more than 10 kilograms of a mixture or substance  
9 containing any detectable amount of those substances identified  
10 in Code section 124.204(9). A person commits a class "B"  
11 felony punishable by confinement for no more than 25 years and  
12 a fine of not less than \$5,000 but not more than \$100,000 for  
13 a violation of Code section 124.401(1)(b) involving more than  
14 five kilograms but not more than 10 kilograms of a mixture or  
15 substance containing any detectable amount of those substances  
16 identified in Code section 124.204(9). A person commits a  
17 class "C" felony punishable by confinement for no more than  
18 10 years and a fine of not less than \$1,000 but not more than  
19 \$50,000 for a violation of Code section 124.401(1)(c) involving  
20 five kilograms or less of a mixture or substance containing  
21 any detectable amount of those substances identified in Code  
22 section 124.204(9). Currently, all violations involving a  
23 schedule I controlled substance identified in Code section  
24 124.204(9) are punishable under Code section 124.401(1)(c)(8)  
25 as a class "C" felony by confinement for no more than 10 years  
26 and a fine of at least \$1,000 but not more than \$10,000,  
27 regardless of the amount of the controlled substance involved.

28 A person who illegally possesses a controlled substance  
29 commits a criminal violation which ranges in punishment from a  
30 serious misdemeanor to a class "D" felony under Code section  
31 124.401(5).