

House Study Bill 609 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF PHARMACY
BILL)

A BILL FOR

1 An Act relating to controlled substances, including amending
2 the controlled substance schedules, removing certain
3 references to marijuana, making penalties applicable, and
4 including effective date provisions.

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

1 Section 1. Section 124.201A, Code 2020, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 **124.201A Cannabis-derived products — rules.**

5 1. If a cannabis-derived investigational product approved
6 as a prescription drug medication by the United States food
7 and drug administration is added to the federal schedule
8 of controlled substances by the federal drug enforcement
9 administration and notice of the addition is given to the
10 board, the board shall similarly add the prescription drug
11 medication in the schedule of controlled substances under this
12 chapter.

13 2. If a cannabis-derived product approved as a
14 prescription drug medication by the United States food and
15 drug administration is eliminated from or revised in the
16 federal schedule of controlled substances by the federal drug
17 enforcement administration and notice of the elimination or
18 revision is given to the board, the board shall similarly
19 eliminate or revise the prescription drug medication in the
20 schedule of controlled substances under this chapter.

21 3. The board shall adopt rules pursuant to chapter 17A
22 to administer this section. The board may adopt rules on an
23 emergency basis as provided in section 17A.4, subsection 3, and
24 section 17A.5, subsection 2, to administer this section, and
25 the rules shall be effective immediately upon filing unless
26 a later date is specified in the rules. Any emergency rules
27 adopted in accordance with this section shall also be published
28 as a notice of intended action as provided in section 17A.4,
29 subsection 1.

30 4. Any cannabis-derived investigational product or
31 cannabis-derived product approved as a prescription drug
32 medication by the United States food and drug administration
33 shall not be considered marijuana or cannabimimetic agents,
34 both as defined in section 124.204, tetrahydrocannabinols
35 as used in section 124.204, subsection 4, paragraph "u",

1 unnumbered paragraph 1, or hemp as defined in section 204.2.

2 Sec. 2. Section 124.204, subsection 2, Code 2020, is amended
3 by adding the following new paragraph:

4 NEW PARAGRAPH. *be.* MT-45 (1-cyclohexyl-4-(1,2-
5 diphenylethyl)piperazine).

6 Sec. 3. Section 124.204, subsection 4, paragraph m, Code
7 2020, is amended to read as follows:

8 *m.* ~~Marijuana, except as otherwise provided by rules of the~~
9 ~~board for medicinal purposes.~~

10 Sec. 4. Section 124.204, subsection 4, paragraph u,
11 unnumbered paragraph 1, Code 2020, is amended to read as
12 follows:

13 ~~Tetrahydrocannabinols, except as otherwise provided~~
14 ~~by rules of the board for medicinal purposes,~~ meaning
15 tetrahydrocannabinols naturally contained in a plant of
16 the genus Cannabis (Cannabis plant) as well as synthetic
17 equivalents of the substances contained in the Cannabis plant,
18 or in the resinous extractives of such plant, and synthetic
19 substances, derivatives, and their isomers with similar
20 chemical structure and pharmacological activity to those
21 substances contained in the plant, such as the following:

22 Sec. 5. Section 124.204, subsection 6, paragraph i, Code
23 2020, is amended by adding the following new subparagraphs:

24 NEW SUBPARAGRAPH. (27) 1-(1,3-benzodioxol-5-yl)-2-
25 (ethylamino)-pentan-1-one. Other names: N-ethylpentylone or
26 ephylone.

27 NEW SUBPARAGRAPH. (28) N-Ethylhexedrone, its optical,
28 positional, and geometric isomers, salts and salts of isomers
29 (Other name: 2-(ethylamino)-1-phenylhexan-1-one).

30 NEW SUBPARAGRAPH. (29) alpha-Pyrrolidinohexanophenone, its
31 optical, positional, and geometric isomers, salts and salts of
32 isomers (Other names: α -PHP; alpha-pyrrolidinohexiophenone;
33 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one).

34 NEW SUBPARAGRAPH. (30) 4-Methyl-alpha-
35 ethylaminopentiophenone, its optical, positional, and geometric

1 isomers, salts and salts of isomers (Other names: 4-MEAP;
2 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one).

3 NEW SUBPARAGRAPH. (31) 4'-Methyl-alpha-
4 pyrrolidinohexiophenone, its optical, positional, and
5 geometric isomers, salts and salts of isomers (Other
6 names: MPHP; 4'-methyl-alpha-pyrrolidinohexanophenone;
7 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one).

8 NEW SUBPARAGRAPH. (32) alpha-Pyrrolidinoheptaphenone,
9 its optical, positional, and geometric isomers,
10 salts and salts of isomers (Other names: PV8;
11 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one).

12 NEW SUBPARAGRAPH. (33) 4'-Chloro-alpha-
13 pyrrolidinovalerophenone, its optical, positional, and
14 geometric isomers, salts and salts of isomers (Other names:
15 4-chloro- α -PVP; 4'-chloro-alpha-pyrrolidinopentiophenone;
16 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one).

17 Sec. 6. Section 124.204, subsection 7, Code 2020, is amended
18 by striking the subsection.

19 Sec. 7. Section 124.204, subsection 9, Code 2020, is amended
20 by adding the following new paragraphs:

21 NEW PARAGRAPH. *af.* N-(1-phenethylpiperidin-4-yl)-N-
22 phenylcyclopropanecarboxamide, its isomers, esters, ethers,
23 salts and salts of isomers, esters, and ethers. Other name:
24 cyclopropyl fentanyl.

25 NEW PARAGRAPH. *ag.* N-(1-phenethylpiperidin-4-yl)-N-
26 phenylpentanamide, its isomers, esters, ethers, salts and salts
27 of isomers, esters and ethers. Other name: valeryl fentanyl.

28 NEW PARAGRAPH. *ah.* N-(4-fluorophenyl)-N-(1-
29 phenethylpiperidin-4-yl)butyramide, its isomers, esters,
30 ethers, salts and salts of isomers, esters, and ethers. Other
31 name: para-fluorobutyryl fentanyl.

32 NEW PARAGRAPH. *ai.* N-(4-methoxyphenyl)-N-
33 (1-phenethylpiperidin-4-yl)butryamide, its isomers, esters,
34 ethers, salts and salts of isomers, esters, and ethers. Other
35 name: para-methoxybutyryl fentanyl.

1 NEW PARAGRAPH. *aj.* N-(4-chlorophenyl)-N-(1-
2 phenethylpiperidin-4-yl)isobutyrylamide, its isomers, esters,
3 ethers, salts and salts of isomers, esters, and ethers. Other
4 name: para-chloroisobutyryl fentanyl.

5 NEW PARAGRAPH. *ak.* N-(1-phenethylpiperidin-4-yl)-
6 N-phenylisobutyrylamide, its isomers, esters, ethers, salts and
7 salts of isomers, esters, and ethers. Other name: isobutyryl
8 fentanyl.

9 NEW PARAGRAPH. *al.* N-(1-phenethylpiperidin-4-yl)-
10 N-phenylcyclopentanecarboxamide, its isomers, esters, ethers,
11 salts and salts of isomers, esters, and ethers. Other name:
12 cyclopentyl fentanyl.

13 NEW PARAGRAPH. *am.* N-(2-fluorophenyl)-2-methoxy-N-
14 (1-phenethylpiperidin-4-yl)acetamide, its isomers, esters,
15 ethers, salts and salts of isomers, esters, and ethers. Other
16 name: ocfentanil.

17 NEW PARAGRAPH. *an.* Fentanyl-related substances, their
18 isomers, esters, ethers, salts and salts of isomers, esters
19 and ethers. "*Fentanyl-related substance*" means any substance
20 not otherwise listed under this schedule or another schedule,
21 and for which no exemption or approval is in effect under
22 section 505 of the federal Food, Drug, and Cosmetic Act that
23 is structurally related to fentanyl by one or more of the
24 following modifications:

25 (1) Replacement of the phenyl portion of the phenethyl group
26 by any monocycle, whether or not further substituted in or on
27 the monocycle.

28 (2) Substitution in or on the phenethyl group with alkyl,
29 alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro
30 groups.

31 (3) Substitution in or on the piperidine ring with alkyl,
32 alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl,
33 amino, or nitro groups.

34 (4) Replacement of the aniline ring with any aromatic
35 monocycle whether or not further substituted in or on the

1 aromatic monocycle.

2 (5) Replacement of the *N*-propionyl group by another acyl
3 group.

4 NEW PARAGRAPH. *ao.* Naphthalen-1-yl 1-(5-fluoropentyl)-
5 *lH*-indole-3-carboxylate. Other names: NM2201 or CBL2201.

6 NEW PARAGRAPH. *ap.* *N*-(1-amino-3-methyl-1-oxobutan-
7 2-yl)-1-(5-fluoropentyl)-*lH*-indazole-3-carboxamide. Other
8 name: 5F-AB-PINACA.

9 NEW PARAGRAPH. *aq.* 1-(4-cyanobutyl)-*N*-(2-phenylpropan-
10 2-yl)-*lH*-indazole-3-carboxamide. Other names:
11 4-CN-CUMYL-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL
12 BINACA, CUMYL-4CN-BINACA, or SGT-78.

13 NEW PARAGRAPH. *ar.* Methyl 2-(1-(cyclohexylmethyl)-*lH*-
14 indole-3-carboxamido)-3-methylbutanoate. Other names:
15 MMB-CHMICA or AMB-CHMICA.

16 NEW PARAGRAPH. *as.* 1-(5-fluoropentyl)-*N*-(2-
17 phenylpropan-2-yl)-*lH*-pyrrolo[2,3-*b*]pyridine-3-carboxamide.
18 Other name: 5F-CUMYL-P7AICA.

19 NEW PARAGRAPH. *at.* Ethyl 2-(1-(5-fluoropentyl)-*lH*-
20 indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical,
21 positional, and geometric isomers, salts and salts of isomers
22 (other name: 5F-EDMB-PINACA).

23 NEW PARAGRAPH. *au.* Methyl 2-(1-(5-fluoropentyl)-*lH*-indole-
24 3-carboxamido)-3,3-dimethylbutanoate, its optical, positional,
25 and geometric isomers, salts and salts of isomers (other name:
26 5F-MDMB-PICA).

27 NEW PARAGRAPH. *av.* *N*-(adamantan-1-yl)-1-(4-fluorobenzyl)-
28 *lH*-indazole-3-carboxamide, its optical, positional, and
29 geometric isomers, salts and salts of isomers (other names:
30 FUB-AKB48, FUB-APINACA, AKB48 *N*-(4-FLUOROBENZYL)).

31 NEW PARAGRAPH. *aw.* 1-(5-fluoropentyl)-*N*-(2-
32 phenylpropan-2-yl)-*lH*-indazole-3-carboxamide, its optical,
33 positional, and geometric isomers, salts and salts of isomers
34 (other names: 5F-CUMYL-PINACA, SGT-25).

35 NEW PARAGRAPH. *ax.* (1-(4-fluorobenzyl)-*lH*-

1 indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone, its
2 optical, positional, and geometric isomers, salts and salts of
3 isomers (other name: FUB-144).

4 Sec. 8. Section 124.206, subsection 7, paragraph a, Code
5 2020, is amended by striking the paragraph.

6 Sec. 9. Section 124.208, subsection 3, paragraph c, Code
7 2020, is amended to read as follows:

8 c. Any substance which contains any quantity of a derivative
9 of barbituric acid or any salt thereof including but not
10 limited to Fioricet.

11 Sec. 10. Section 124.210, subsection 3, Code 2020, is
12 amended by adding the following new paragraph:

13 NEW PARAGRAPH. *bd.* Brexanolone.

14 Sec. 11. Section 124.210, subsection 6, Code 2020, is
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. *m.* Solriamfetol (2-amino-3-phenylpropyl
17 carbamate; benzenepropanol, beta-amino-, carbamate (ester)).

18 Sec. 12. Section 124.212, Code 2020, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 6. *Approved cannabidiol drugs.* A
21 drug product in finished dosage formulation that
22 has been approved by the United States food and
23 drug administration that contains cannabidiol
24 (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-
25 pentyl-1,3-benzenediol) derived from cannabis and no more than
26 0.1 percent (w/w) residual tetrahydrocannabinols.

27 Sec. 13. EFFECTIVE DATE. This Act, being deemed of
28 immediate importance, takes effect upon enactment.

29

EXPLANATION

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

32 This bill relates to controlled substances.

33 The bill allows the board of pharmacy to change the scheduled
34 status of cannabis-derived products and cannabis-derived
35 investigational products based on scheduling decisions of the

1 United States food and drug administration and the federal
2 drug enforcement administration in the federal schedule of
3 controlled substances.

4 The bill classifies nine synthetic opioids, one opioid
5 analgesic, ten synthetic cannabinoids, and seven synthetic
6 cathinones as schedule I controlled substances under the Iowa
7 uniform controlled substances Act (Act). The bill classifies
8 all products which contain derivatives of barbituric acid
9 (butalbital) as schedule III controlled substances under the
10 Act, subject to reporting to the prescription monitoring
11 program, and classifies one central nervous system depressant
12 and one central nervous system stimulant as schedule IV
13 controlled substances under the Act. The bill classifies any
14 United States food and drug administration-approved product
15 containing cannabidiol that contains no more than 0.1 percent
16 tetrahydrocannabinols as a schedule V controlled substance
17 under the Act.

18 The bill strikes language referring to medical marijuana
19 programs of the board of pharmacy.

20 The bill is effective upon enactment.