

**CHAPTER 1105**  
**PENALTIES REGARDING CONTROLLED SUBSTANCES**  
*S.F. 2304*

**AN ACT** relating to penalties for fraudulently obtaining, manufacturing, delivering, or possessing with intent to manufacture or deliver, a controlled substance.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 155.30, unnumbered paragraph 2, Code 1983, is amended to read as follows:

If Except as otherwise provided in this paragraph, if the prescription drug is a controlled substance as defined in section 204.101, subsection 6, the person shall be punished pursuant to section 204.401, subsection 1, and section 204.411. If the person violates section 155.29, subsection 1, and the prescription drug is a controlled substance, the person shall be punished pursuant to section 204.403 and section 204.411.

PARAGRAPH DIVIDED. If the prescription drug is not a controlled substance, the person ~~shall~~ is upon conviction of a first offense ~~be~~ is guilty of a serious misdemeanor. For a second offense, or if in case of a first conviction of violation of any provision of section 155.29 or of violation of any provision of this section, the offender ~~shall~~ has previously ~~have~~ has been convicted of any violation of the laws of the United States or of any state, territory, or district thereof relating to prescription drugs, the offender ~~shall~~ is guilty of an aggravated misdemeanor. For a third or subsequent offense in violation of this section or in violation of section 155.29, or if the offender ~~shall~~ has previously ~~have~~ has been convicted two or more times in the aggregate of any violation of the laws of the United States or of any state, territory, or district thereof relating to prescription drugs, the offender ~~shall~~ is guilty of a class "D" felony.

Sec. 2. Section 204.401, subsection 1, paragraph c, Code 1983, is amended to read as follows:

c. A substance classified in schedule IV or V, is guilty of a serious misdemeanor.

Sec. 3. Section 204.401, subsection 1, paragraph d, Code 1983, is amended by striking the paragraph.

Approved April 17, 1984