

NEW SUBSECTION. 5. EPHEDRINE. Unless specifically excepted in paragraph “b” or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts, optical isomers, and salts of such optical isomers:

a. Ephedrine.

b. The following drug products containing ephedrine, its salts, optical isomers, and salts of such optical isomers are excepted from this schedule, if they may lawfully be sold over the counter without a prescription under the federal Food, Drug and Cosmetic Act; are labeled and marketed in a manner consistent with the pertinent over-the-counter tentative final or final monograph; are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and are not marketed, advertised, or labeled for the indication of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy:

(1) Solid oral dosage forms, including soft gelatin capsules, that combine active ingredients in the following range for each dosage unit of not less than twelve and five-tenths milligrams but not more than twenty-five milligrams of ephedrine and not less than four hundred milligrams of guaifenesin packaged in blister packs of not more than two tablets per blister.

(2) Anorectal preparations containing less than five percent ephedrine.

Approved April 23, 1997

CHAPTER 78

SEXUAL ABUSE — CONTROLLED SUBSTANCE PREVENTING CONSENT

H.F. 449

AN ACT to prohibit sex acts when one participant was prevented from consenting by a controlled substance including flunitrazepam, and providing penalties.

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

Section 1. Section 709.4, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The act is performed while the other participant is under the influence of a controlled substance, which may include but is not limited to flunitrazepam, and all of the following are true:

a. The controlled substance which may include but is not limited to flunitrazepam, has been consumed by or administered to the other participant without the other participant's knowledge.

b. The controlled substance, which may include but is not limited to flunitrazepam, prevents the other participant from consenting to the act.

c. The person performing the act knows or reasonably should have known that the other participant was under the influence of the controlled substance, which may include but is not limited to flunitrazepam.

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